

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

40th Legislative Day

April 6, 1995

Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor Charles Dake of the Glenview Evangelical Free Church in Glenview, Illinois. Pastor Dake is the guest of Representative Kevin Hanrahan. Guests in the gallery may wish to rise for the invocation."

Pastor Dake: "I warmly invite you to join me in prayer. It's a great joy, our God, to come together with these fellow servants of Yours, into Your very presence this day. Oh, our God, we come before You with humility, for You are the Almighty God, the Creator of the ends of the earth before whom the nations are but dust on the scales. We also come before You with thanksgiving in our hearts this morning for what You are doing in our lives and as we think of the grace and the mercy and the love that You poured out through Your Son, whose passion, death, and resurrection we remember so clearly in the week that lies ahead. We give You thanks and I thank you this morning as well, our God, for each of these servants of Yours, Members of the House of Representatives of Illinois. Oh God, I know they're very busy people. They're very stretched people. I pray that You would multiply their time and their energy today, strengthen them and encourage them in all their endeavors. I pray, particularly, for their families, for their wives, for their husbands, for their other family members, that You'd give them quality time together and encourage those family bonds with one another. I pray, also, that You would fill each Member of this House with the knowledge of Your will through all spiritual wisdom and understanding. I would ask, Lord, that prayer would not simply be a starting gun this morning that would fire a blank and get things going, but that throughout this day and throughout

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the remainder of this Session, each Member here would seek counsel, not only from one another and from their staffs, but from You. Oh Father, from Your Word as they pray, may they understand Your wisdom and Your direction. Help them to make laws, our God, that will strengthen the families of our state. Help them to pass legislation that will reach out to the poor and the disenfranchised and the discouraged, and most of all, our God, I would ask as Bobby Richardson, that great Yankee theologian, once prayed, I would ask that it would be Your will that would be done, nothing more, nothing less and nothing else. In Christ's name, Amen."

Speaker Churchill: "We will be led in the Pledge of Allegiance this morning by Representative Balthis."

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

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez is absent today."

Speaker Churchill: "Representative Cross is recognized to report any excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. Absolutely no one absent on the Republican side of the aisle. Thank you, absolutely no one."

Speaker Churchill: "Thank you. The Journal will so indicate. Mr. Clerk, take the record. There are 117 Members answering the roll and a quorum is present. The House will come to order. Committee Reports, Mr. Clerk."

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Clerk McLennand: "Committee Report offered by Representative Stephens, Chairman from the Committee on Executive, to which the following Bills and Amendments were referred, action taken on April 5th, 1995, reported the same back with the following recommendations: 'do approve for consideration' Amendment 3 to House Bill 892."

Speaker Churchill: "Mr. Clerk, what is the status of House Bill 258?"

Clerk McLennand: "House Bill 258, a Bill for an Act that amends the State Finance Act. Third Reading of this House Bill."

Speaker McLennand: "Return it to Second, please. What is the status of House Bill 435?"

Clerk McLennand: "House Bill 435, a Bill for an Act that amends the Property Tax Acts Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to Second. What is the status of House Bill 741?"

Clerk McLennand: "House Bill 741, a Bill for an Act that amends the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Churchill: "Return it to Second. What is the status of House Bill 811?"

Clerk McLennand: "House Bill 811, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what is the status of House Bill 991?"

Clerk McLennand: "House Bill 991, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to Second. Mr. Clerk, what is the status of House Bill 1055?"

Clerk McLennand: "House Bill 1055, a Bill for an Act concerning

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property tax assessments. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what is the status of House Bill 1147?"

Clerk McLennand: "House Bill 1147, a Bill for an Act that amends the Illinois Pesticide Act. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what is the status of House Bill 1153?"

Clerk McLennand: "House Bill 1153, a Bill for an Act that amends the Motor Vehicle Franchise Act. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what is the status of House Bill 1325?"

Clerk McLennand: "House Bill 1325, a Bill for an Act that amends the Wildlife Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 1384?"

Clerk McLennand: "House Bill 1384, a Bill for an Act in relation of regimented juvenile training. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 1662?"

Clerk McLennand: "House Bill 1662, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 1709?"

Clerk McLennand: "House Bill 1709, a Bill for an Act in relation to the penalties for criminal sexual assault and aggravated criminal sexual assault. Third Reading of this House Bill."

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Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 1787?"

Clerk McLennand: "House Bill 1787, a Bill for an Act in relation to gambling. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 2038?"

Clerk McLennand: "House Bill 2038, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 2076?"

Clerk McLennand: "House Bill 2076, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 2247?"

Clerk McLennand: "House Bill 2247, a Bill for an Act that amends the State Finance Act. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, what's the status of House Bill 2317?"

Clerk McLennand: "House Bill 2317, a Bill for an Act the amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Churchill: "Return it to Second Reading. The Chair now recognizes the Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. The House Republicans would like to request a conference for approximately one hour."

Speaker Churchill: "There will be a House Republican conference in Room 114 for approximately one hour. Mr. Brunsvold, do the Democrats wish a conference? Mr. Brunsvold indicates that the Democrats do not wish a conference, so we will now go to a House Republican conference in Room 114 and the House will stand in recess until the return of the

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Republicans."

Speaker Wennlund: "The House will come to order. Members will be in their seats. All unauthorized persons will please recede to the back of the chamber. We'll now proceed to the Order of House Bills Third Reading. Mr. Clerk, read House Bill 5."

Clerk McLennand: "House Bill 5, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to propose this legislation today as part of what welfare reform should be about. I understand that we as Legislators and House Members are driven by the trends and issues of the day. We are too often reactive, rather than being proactive, especially when and if we recognize there is a need for reform. I believe it is our responsibility as Representatives of our districts to lead in reform, even before it is popular to do so, if we have the information and the facts about situations that are affecting the efficiency of government or the waste of the taxpayers' dollars. I bring this proposal before the House today, not because there has been a lot of talk and rhetoric and even action about welfare reform this year, both in the federal and state levels or that's its the political expediency thing to do, but because we must, as public officials, try to correct and improve areas of government that are best or not best utilized in the taxpayers' dollars or that are not allowing our resources to best help those who most deserve the help. I present to you today, House Bill 5, which requires Public Aid to conduct pre-eligibility evaluations of those seeking AFDC

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and food stamp assistance. This Bill will through the pre-eligibility evaluations, will allow the Public Aid staff to conduct face-to-face interviews, even provide opportunities to have home visits if necessary, in order to screen and try to validate the information that an applicant for AFDC or food stamp services has applied for. Twenty-seven other states have either adopted this identical proposal or very similar provisions. The very best way to deal with fraud in the system of providing welfare benefits is to detect it early, identify where our dollars are being abused early on before it even happens. We have not been effective in doing this in this state government and I'm astounded, when I realize too often that we are eager to criticize abuse and fraud, waste of taxpayers' dollars, after it happens, which is supporting what I opened my remarks with in being reactive rather than proactive. We all in this Body well know that when we well intend to put programs in place to utilize our resources best in state government, that many times we know well going in that we have opened the opportunity for abuse, but then perhaps it's political expedient for many politicians to say, oh yeah, we've got to correct these problems, these welfare nightmares that we're talking about now, but we already know going in that this happens. So, I say today, finally by identifying who is abusing the system, will help us use the available resources we already have for the real truly deserving. That's what this Bill is all about and I appreciate your affirmative vote for House Bill 5. Be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

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Speaker Wennlund: "He indicates he will."

Parke: "Thank you. Representative Phelps, I commend the idea. I think it's long overdue that we move in this direction. In the process, did the Illinois Department of Public Aid support this in Committee?"

Speaker Wennlund: "Representative Phelps."

Phelps: "I believe your question was, did Public Aid support this in Committee? Yes, the best of my knowledge, they not only did, but they offered an Amendment that I believe is on the Bill that actually broadened the scope of trying to have the pre-evaluation screening."

Speaker Wennlund: "Representative Parke."

Parke: "I presume that there'll be an initial outlay of expense, initially. I'll make a presumption, will this cost initially more money to establish this because of additional personnel necessary to do this or do they think they can shift personnel to handle this in addition to the regular responsibility and if so, can you explain if in the long run, will it be cost effective?"

Speaker Wennlund: "Representative Phelps."

Phelps: "Without really knowing the exact dollars, I would assume that there would be some impact on the cost, either through more staff or existing staff having to do more overtime work, especially, if we're talking about making home visits or face-to-face interviews that are more long lasting than they are at the present time. So, I assume that it would, but let me tell you this. For every dollar spent in this type of system, which is identical to California law they've had for a few years, for every dollar spent, 46 was saved in particular abuse identification of AFDC and food stamp programs."

Speaker Wennlund: "Representative Parke."

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Parke: "I was a member of the House Republican Welfare Task Force last year and we looked at expanding those people on food stamps or to receive welfare to be able to have IRETNA initiative, where they would be verified that they, in fact, were the party allowed to receive it. Was there any discussion on that initiative to make sure that this is a really solid way of not having fraud because the IRETNA is different in every person and be able to see that this was truly the person that deserved to receive the welfare or the food stamps or whatever?"

Speaker Phelps: "Representative Phelps."

Phelps: "Yes, there has been extensive discussion and I participated in last year's debate, also in task force and we discussed this very item the last two or three years along with what you're saying and if I'm not mistaken, I thought that we passed the legislation of the IRETNA identification already and I don't know if it is part of the law now, which I thought it was, that would identify, cut down on fraud in the specific situation that identifies or validates the person making the application. They could not pretend to be someone else, but what this Bill provision does, it goes beyond that. We're not talking about necessary being the...that is part of fraud, possibly someone pretending to be someone else, which the IRETNA identification would detect and prevent, but this fraud prevention is more of the person that does not claim to be someone else or denies to be themselves, but is giving the correct information about themselves."

Speaker Wennlund: "Representative Parke."

Parke: "Thank you for the discussion. I would just like to commend my Democratic colleague on a piece of legislation that is well thought out and obviously, a good Bill."

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Congratulations and I look forward to supporting it."

Speaker Wennlund: "Representative Phelps. Further discussion?
Representative Schakowsky."

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

Speaker Wennlund: "He indicates he will."

Schakowsky: "I know that as you said, that the Bill was amended
at the behest of the Department of Public Aid. Could you
tell us how...what the Amendment did to change the Bill?"

Speaker Wennlund: "Representative Phelps."

Phelps: "Representative Schakowsky, the best of my knowledge of
what I have, is that it actually broadened the scope from
the Public Aid Department's standpoint from the Inspector
General which replaced some of the more specific details
that were included in the original Bill, now made it more
general...give more general authority to conduct these
investigation, not specifically in the area of which I
wanted was AFDC and the food stamp program, so now the
scope of the investigation will include all categories of
assistance and all applicants for aid."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Thank you. My understanding is that there are some
protections in the Bill to make sure that Public Aid
recipients are not harassed in any way by this legislation
and I wonder if you could enumerate the protections for
Public Aid clients?"

Speaker Wennlund: "Ladies and Gentlemen, let's have some order in
the House. This is an important debate and please give the
Sponsors and the questioners your utmost attention. Thank
you. Representative Phelps."

Phelps: "Thank you, good question. These were concerns going in
that we, under sincere intent of trying to rectify problems

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that we didn't create and intimidate those people who are deserving, that we want to help. So, to answer your question, we have in the legislation that no intimidation, either by referral or threat of referral, could come about for a fraud investigation or no referral for fraud investigation, until the completion of the applicant for assistance was clearly signed and gone through the process. Even with probably some subtle warnings or at least giving some information that some investigations could be followed up, but not to threaten or intimidate in the spirit of which we wouldn't intend. So, no use of uninformed investigations and the application of all confidentiality requirements would be included."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Thank you. Your Bill will allow for investigations, if there are reasonable grounds for making those investigations. What are those things that might trigger an investigation?"

Speaker Wennlund: "Representative Phelps."

Phelps: "We must refer any case for investigation of what we call "reasonable grounds". To believe that fraud does exist would include something like, if there was overpayment or overissuance due to an applicant's, let's say, failure to report any pertinent information or whether there would be a questionable situation that might exist; that there is not cooperation by the applicant to resolve some question in mind or jeopardy of an investigation by Public Aid staff; there's a possible evidence or suspicion of forgery or we may have received an allegation or some type of tip from other members associated with this applicant that fraud may exist; that they're trying to abuse the system or we could received a complaint that would contain facts that

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a fraud is about to occur or in their opinion. Many times we find in this community that perhaps neighbors and people who are family members really actually had the integrity to report matters, even with their own family and friends, that the very best thing is not about to happen. So, we have those warnings and right now, we don't seem to follow up on them in the best way and I think this Bill would help do that."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "What happens if fraud is found under your Bill? What if someone is found to be guilty and they've forged a document or they've misrepresented their income? What is the sanction then? What happens to those people?"

Speaker Wennlund: "Representative Phelps."

Phelps: "Well, for the most part, if the investigations have been to the extent that fraud has been proven, then of course, the department must make decisions whether a formal prosecution or something in the way of litigation may take place for penalties. As far as the immediate response, there would be an automatic cutoff of any course of assistance that would be already made available."

Speaker Wennlund: "Representative Schakowsky, you have a minute and 21 seconds left. Please bring your remarks to a close. Thank you."

Schakowsky: "Thank you. I'm wondering if the department itself has made any estimation on how much money might be saved? I know you had said that California has had a great experience in saving money and I believe that Wisconsin has, too. Has the department made any estimation at all?"

Speaker Wennlund: "Representative Phelps."

Phelps: "It seemed like they did. I can't find it here, unless someone already knows. I know that they were positive in

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thinking that it would have a big savings. I don't have it exactly in front of me here. I mentioned the California saving of \$1 spent for 46 was saved in the general fund for the AFDC grants and administration costs, so that's well worth it now. Minnesota has demonstrated in overall \$4.99 cost benefit ratio as far as a 1993 report in the state of Minnesota. So, I would think those states, especially Minnesota being a midwestern state close to us, we would have very similar, if not exceeding savings that they reflect."

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

Schakowsky: "Yes, to the Bill, Mr. Speaker. Seems like this is a very responsible approach that both can save money and is fair to Public Aid recipients. I urge an 'aye' vote."

Speaker Wennlund: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well, just briefly, to thank Representative Phelps for his work on this. The...As you know, we've done a lot of work on Public Aid this year. We have yet more to come that we'll be talking about one of those Bills later today. Representative Phelps, we stand in support of your legislation. We recognize your work over the years that you've served here in the General Assembly and I urge all Republican Members to support your Bill."

Speaker Wennlund: "Further discussion? Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker. Can I ask the Sponsor a couple of questions? Will he yield for a couple of questions?"

Speaker Wennlund: "He indicates he will."

Blagojevich: "Thank you. Representative Phelps, this attempt to

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prevent fraud, is this something that we are doing in Illinois presently?"

Speaker Wennlund: "Representative Phelps."

Phelps: "I am sure the Public Aid Department puts every effort forward in trying to detect as much as they possibly can. However, I feel an absence of this legislation or something similar to it, that true welfare reform is not really reform. We're addressing one side of the whole equation in trying to bring before the public that we are really trying to get a handle on the problems and yet, we don't have anything in the statute that says this is the process of which we will try to address fraud. I'm sure it's happening on more of a basis that the staff works with everyday and seen a common sense way to...something comes to their mind, I'm sure they don't just ignore it and they follow up and try to report it and deal with it, but I think we need a formal process. We need formal language in the law like we have for every other part of welfare reform."

Speaker Wennlund: "Representative Blagojevich."

Blagojevich: "Representative Phelps, the welfare reform package that passed out of the House about six weeks ago, you've familiar with that Bill, are you not? That package, if I'm not mistaken...Well, let me ask you this, did it have anything in that package relating to the issue of welfare fraud and is this something that would add to that legislation, rather than contradict it?"

Speaker Wennlund: "Representative Phelps."

Phelps: "Yes, I would guess any legislation that we propose on either side of the aisle along this category or dealing with this issue of welfare reform, we could say adds to that legislation that was passed prior to this week. To my

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knowledge, the fraud part of the welfare reform was absent of that legislation. That's not to say the sponsors were not sensitive to what's going on. They probably just fashioned with a different focus in mind. I feel like that we probably should of...if we had more of a bipartisan welfare presentation, that all these items would have been included, but that's not to criticize those who are trying to reform welfare. I'm sure they have their own intentions. I'm a little bit disappointed that it wasn't included, but now we have our chance."

Speaker Wennlund: "Representative Blagojevich."

Blagojevich: "Thank you, Representative Phelps, and to the Bill.

You are a Gentleman, Representative Phelps, for some of the remarks you made about the welfare package that was passed out of the House. I am one of many, I believe, who think that, that intention was again, well intended, but didn't go far enough. We didn't do anything about welfare fraud. You're offering that and I think that's commendable and we ought to do something about preventing welfare fraud and addressing this issue. I also would like to make a suggestion to the Members of the House that we also do something in this Session relating to employers providing incentives to get people who are on welfare, off of welfare and put them into employable situations. Let's get them jobs and why not provide credits and employer incentives so that we can have employers hire people off of welfare. The family transition program, which we were trying to work on together, Representative Phelps, was doing that and so I would urge support of your Bill here to address the issue of fraud which we've not done in this Session and then, of course, I would ask us all to work on trying to do something that fundamentally works to get people off of

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welfare and into employment and there again, would be the idea of providing incentives to employers. So, I urge people to vote 'yes' on this particular Bill and again, I commend Representative Phelps for his efforts. Thank you."

Speaker Wennlund: "The Gentleman from Champaign, Representative Johnson. For what purpose do you seek recognition? The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Wennlund: "Representative Johnson has moved that the previous question be put. All in favor signify by saying 'aye'; opposed say 'nay'. The 'ayes' have it. The previous question shall be put. Representative Phelps is recognized to close."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to take this time, Mr. Speaker, to thank you for the opportunity to present, I think, what's very important legislation and I appreciate the courtesy in presenting this Bill. I know that we are all concerned and have had a lot of talk and action as I opened my statements with, about welfare reform. This is part of the welfare reform that's a very important component. While well intended, in past proposals was left out, but now we have our chance to work in a bipartisan fashion to include this component. I'd rather be one of those public officials that is recognized for trying to prevent something that we know is going to happen, if we don't have something in place to prevent that from happening. Rather than be one who wants to campaign or make glorious public statements about, I'm one of those hardballs that really tried to prevent and now we're going to prosecute and penalize these folks that are in a sad situation to begin with or they wouldn't be tempted to be a part of fraudulent behavior.

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I'd rather address it before it happens going in. This legislation will come near doing that than anything I know about. I urge your 'aye' vote."

Speaker Wennlund: "The question is, 'Shall House Bill 5 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. 116 voting in favor, 0 against, 0 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 318."

Clerk McLennand: "House Bill 318, a Bill for an Act in relation to ethanol. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker and Members of the House. House Bill 318 creates the Ethanol Conversion Act and the Ethanol Conversion Advisory Council. The Bill requires the Council to review applications for projects relating to production of ethanol and the conversion of vehicles and facilities to ethanol use and advise the IDFA on financing such projects. The Bill provides that the Illinois Department of Financing Authority may issue state guarantees for ethanol conversion debt held by a lender. The Bill establishes the Illinois Ethanol Conversion Loan Guarantee Fund, which is to receive an annual appropriation equal to 10% of the amount by which the unanticipated revenues of the Illinois estate and generations skipped transfer tax exceeds \$20 million, until the fund can support the loan guarantee issue. The Bill specifies that the authority shall not have outstanding, at any time, state guarantees in an aggregated principal amount exceeding \$20 million. This Bill was presented before with just a slight variance in what it was two years

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ago. It passed the House. I ask that we pass it this time. It's a good Bill that will help business and help development of ethanol production and I'd be open for any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke yields to Representative Hoffman."

Hoffman: "Thank you, Representative Hartke. Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Hoffman: "Representative, it's my understanding that this Bill would cost somewhere in the neighborhood of \$20 million. Is that correct?"

Speaker Wennlund: "Representative Bost."

Bost: "Not necessarily. The Bill itself creates the loan guarantees and unless someone cannot pay the loans and we have to pay it back, there's no debt."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "To what extent must an appointee have experience with investment finance in order to serve on this board that you are creating?"

Speaker Wennlund: "Representative Bost."

Bost: "Can you repeat the question?"

Speaker Wennlund: "Representative Hoffman."

Hoffman: "This Bill, it's my understanding, would create an advisory council of nine members. Is that right? My question is, to serve on that advisory council, what experience must the appointee have with investment finances in order to serve on that council?"

Speaker Wennlund: "Representative Bost."

Bost: "Well, the Treasurer of the State of Illinois serves on it will be one. Lieutenant Governor, the Director of

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Agriculture and six appointees by the Governor."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "The question is, is the six appointees by the Governor, what type of experience are required in investment finance in order to serve on this board?"

Speaker Wennlund: "Representative Bost."

Bost: "That would be up to the Governor and the Treasurer and everyone that is involved with getting those other six members."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Now, the money, it's my understanding that the money to be used is going to be excess money. Is that right? Excess from what? Where's the money exactly going to come from?"

Speaker Wennlund: "Representative Bost."

Bost: "That's correct. It will be excess money of the general skipping transfer tax, anything in excess of the \$120 million. Now, since 1991, that fund has increased up and over that and so it would be the excess money above that."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "What presently would the excess money be used for? If there's over 120 million dollars today, what is the money used for?"

Speaker Wennlund: "Representative Bost."

Bost: "Ninety-four percent of that money goes to GRF."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So what we're doing then, is we're taking this excess money from GRF and we're putting it into this new program. Is that right?"

Speaker Wennlund: "Representative Bost."

Bost: "No, no, what we're doing is, we're allowing that money to backup these loans so that we would have it in case that

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these loans would defraud."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "But what I'm saying, Representative, is the excess money would now be used for something else. You say, 94% of the excess goes into the GRF and I guess because...right now, a lot of that money would go to downstate schools because out of GRF, that's how we pay for downstate schools, but what you have to do, is you have to put this excess money into a fund in order to backup the loans. So you can't utilize it for other purposes because it has to remain in this fund. Isn't that right?"

Speaker Wennlund: "Representative Bost."

Bost: "According to the Bill, there would only be 10% of the excess, okay, so there would be no drain on the fund."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So 10% of the excess would be how much money? As of last year, how much money over a \$120 million would be put in there last year?"

Speaker Wennlund: "Representative Bost."

Bost: "According to the '93 figures, it would be 5 million, just a little over 5 million."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So \$5 million, according to '93 figures, would have to be put into and not used for other purposes. Correct?"

Speaker Wennlund: "Representative Bost."

Bost: "Ninety-four percent would still go into GRF."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "How much money, bottom line, needs to be put into this fund or would have had to be put into this fund, if this Bill would have been effective in 1993? That's the question I'm asking."

Speaker Wennlund: "Representative Bost."

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Bost: "Five million would have been put into it."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So, 5 million a year could not be used for other purposes, that's my point. If you're going to put 5 million into this fund, 5 million a year could not be used to go into the general school aid funding formula to be potentially used for downstate schools. Five million per year couldn't be put into possible health care for teachers to possibly be used for them because this 5 million will have to be kept to ensure these loans. Is that correct?"

Speaker Wennlund: "Representative Bost."

Bost: "No, that's not correct."

Speaker Wennlund: "Representative Hoffman to close."

Hoffman: "Well, Mr. Speaker, I believe I'm using Representative Hartke's five minutes and I'd like to use my five minutes, if that's okay with you."

Speaker Wennlund: "Wait, Representative Hoffman, you were not given Representative Hartke's five minutes. This is your five minutes. If somebody else wishes to yield additional time, they're free to do so. Representative Hoffman."

Hoffman: "I believe Representative Flowers would like to give me the five minutes."

Speaker Wennlund: "You still have 16 seconds left. I'll recognize, though there are many ahead of you in line wishing to speak on this issue."

Hoffman: "Well, now, Representative Hartke specifically pointed and said he'd give me the five minutes. Now, if you want to play these silly games, we can do that. Give me the five ... "

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

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Brunsvold: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Hoffman."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Thank you, Speaker. Mr. Speaker, I just wish that...I mean, it would be a lot easier if we could just all listen. I know that Representative Hartke and you know it, too, that he gave us the five minutes. What happens to the excess money in the newly created Illinois Ethanol Conversion Loan Guarantee Fund if it's not needed to pay fees? What would happen to the excess money?"

Speaker Wennlund: "Representative Bost."

Bost: "Okay, 94% goes to the general revenue fund. Six percent to a state tax collection distributive fund for distribution to the county of residents of the descendants of who that fund was collected from."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So you keep saying 94% goes to the general revenue fund. How much money in 1993 terms has to be held aside in order to guarantee these loans? You say 5 million. Then I say, well 5 million has to be held aside and you say no. How much money has to be held aside and not spent on general revenue, through general revenue funds, in order to guarantee these loans? How much?"

Speaker Wennlund: "Representative Bost."

Bost: "The amount to be held aside is that excess above that 120 million, so in 1993, it was 5 million. In 1992, it was 200,000. Before that time, we did not exceed that amount, so if it does not exceed that amount, we do not hold any amount."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Well, that was my understanding and that's my point about in 1993, that 5 million would have to be in excess

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would be then utilized in order to guarantee these loans. Right now, you said that 94% of that money would have went to GRF and that's the concern. By what standards will lenders be chosen to participate in this program? Are there any standards?"

Speaker Wennlund: "Representative Bost."

Bost: "Im sorry, what was the question? I was having trouble hearing."

Speaker Wennlund: "Representative Hoffman, would you repeat the question please?"

Hoffman: "Yes, what standards would be used by the lenders to be chosen to participate in the program? On what standards will lenders be chosen by to participate? Are there any standards in the Bill?"

Speaker Wennlund: "Ladies and Gentlemen, let's give the Representatives your attention, please, and have a little decorum in the House. Representative Bost."

Bost: "First, they'd have to be approved by their individual bank or loan person that's giving them the loan and then, by the Ethanol Conversion Advisory Council that we're creating here."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "Real quickly. With respect to the advisory council, this would be a nine member council. It would be new, wouldn't it? This would be nine members that would be set up. Six of them would be appointed by the Governor and then the other four that you previously mentioned, so we're creating a new advisory council in the state of Illinois for ethanol conversion in order to implement this Act? Is that right?"

Speaker Wennlund: "Representative Hoffman (sic-Representative Bost)."

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Bost: "That's correct."

Speaker Wennlund: "Representative Hoffman."

Hoffman: "So this nine member new council would be something new in the state of Illinois and as you know, our side of the aisle here, although I think that I voted for this in the past, probably going to vote for it again, our side of the aisle has seen fit and attempted to downsize government. With that, Representative, you're the proud recipient of a grow award that we'll be bringing over to you for creating this new nine member council. Here we go once again, Republicans making government grow, making government expand. Although this is a good idea, when are we going to start talking about the \$2 billion we have back bills for Medicaid. When are we going to talk about the TRS system not being funded and when are we going to talk about truth in sentencing in this state?"

Speaker Wennlund: "Further discussion? Representative Black. The Gentleman from Vermillion, Representative Black."

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

Speaker Wennlund: "He indicates he will."

Black: "Representative, so your intention under this Bill to try to move Illinois into the forefront of the alternative fuels era that more or less is being mandated upon us by the Clean Air Act out of Washington?"

Speaker Wennlund: "Representative Bost."

Bost: "That's correct."

Speaker Wennlund: "Representative Black."

Black: "Is it not a fact that Illinois being one of the leading corn-producing states, should, in fact, be one of the leading ethanol conversion producing states in the country?"

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Speaker Wennlund: "Representative Bost."

Bost: "With Illinois being a corn producer the way they are, sure, that's the main idea of this Bill."

Speaker Wennlund: "Representative Black."

Black: "Thank you very much, Representative, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. This Bill is practically identical to a Bill that passed out of this chamber last year with 88 votes. Eighty-eight votes last year, the Bill is almost identical. Now for those of you who keep up on the alternative fuels measures and the reformulated gasoline that's being required in the urban areas of our state, as we speak and that reformulation is making people literally physically ill. You know, this is gonna have to happen. Now the Gentleman has changed a few things in the Bill. Obviously, there's no seed money in it and that may not come to pass, but sooner or later, we're all going to be using alternative fuels and it only makes good sense to put your vote where your conscience is for the economy of the state of Illinois. I think ethanol can and if we put our minds to it, will be the fuel of the future. So I intend to support the Gentleman's Bill. Illinois should be a leader in ethanol conversion. It's a good Bill economically. It's a Bill that makes imminent good sense, whether you live north, south, east, or west. The Bill passed last year with 88 votes. I urge an 'aye' vote."

Speaker Wennlund: "The Gentleman from Champaign, Representative Johnson. For what purpose do you seek recognition?"

Johnson: "I move the previous question."

Speaker Wennlund: "Representative Johnson has moved that the previous question be put. All those in favor say 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes'

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have it. The previous question is now put and Representative Bost is called upon to close."

Bost: "Thank you, Mr. Speaker. Thank you, Members of the House. This Bill very clearly will help ethanol production. Ethanol, the production of it, and the spinoff jobs that come from it will help generate new revenues to the state of Illinois. It will help create more jobs. It will benefit many of the areas of Illinois that need help in creating those jobs. I ask for your up vote on this, a 'yes' vote and I appreciate it. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 318 pass?' All those in favor vote 'aye'; all 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 99 voting 'yes', 17 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 320. What's the status of House Bill 320, Mr. Clerk?"

Clerk Rossi: "House Bill 320, a Bill for an Act in relation to the Child Care Development Council Act. Third Reading of this House Bill."

Speaker Wennlund: "Please return the Bill to the Order of Second Reading, Mr. Clerk. Mr. Clerk, please read House Bill 760."

Clerk Rossi: "House Bill 760, a Bill for an Act to amend the Clerks of Court Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the Assembly. I ask for your favorable approval of House Bill 760. This is a Bill by the Clerks of the Circuit Court and it includes the word, penalties, in and among the words, fees and costs

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and also, it raises the amount that a Clerk of the Circuit Court in any county, except Cook, can charge for the use of a credit card from \$3 to \$5. At this point in time, the Cook County Clerk of the Circuit Court is allowed to charge 5 additional dollars, if the person uses a credit card to pay the fees, fines and penalties that they might be assessed in court. In the rest of the counties in the state, they're only allowed to charge \$3 for that privilege and this brings the rest of the state into compliance with Cook County and makes it an equal \$5 across the state. I ask for your favorable approval of House Bill 760."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Mr. Speaker, I would like to yield my time to Representative Louis Lang."

Speaker Wennlund: "Representative Lang."

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

Speaker Wennlund: "She indicates she will."

Lang: "Representative, this looks vaguely familiar to me, like a Bill I had last year. Was it a good Bill then?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Representative Lang, it's the exact Bill that I had last year."

Speaker Wennlund: "Representative Lang."

Lang: "I guess there were two Bills last year that looked the same then. Let me just ask you some questions about it, if I might. What court cost and fees may be paid by credit card under this Bill?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Any of them."

Speaker Wennlund: "Representative Lang."

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Lang: "And are penalties as well and...how do we define penalties in this Act?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Penalties is added because since the original passage of this, you had DUI's and also Domestic Violence charges and those charges have been technically called penalties when they've been assigned, so now to include those and be able to pay for those by a credit card, you need to have fees, penalties and costs."

Speaker Wennlund: "Representative Lang."

Lang: "So is this a mandate on county courts to accept credit cards? Must they do this?"

Speaker Wennlund: "Representative Pankau."

Pankau: "No, this is purely permissive on the part of the court system."

Speaker Wennlund: "Representative Lang."

Lang: "What costs are involved in counties gearing up for this system?"

Speaker Wennlund: "Representative Pankau."

Pankau: "There would be the initial costs of the actual negotiation with a credit card company to use a credit card in their particular county, but after the first number of transactions, that cost is absorbed and after that there is no additional cost."

Speaker Wennlund: "Representative Lang."

Lang: "How much will be generated by this proposal?"

Speaker Wennlund: "Representative Pankau."

Pankau: "I don't know the answer to that."

Speaker Wennlund: "Representative Lang."

Lang: "Would you expect that certain fees or costs or penalties would be paid because credit cards would be available that wouldn't be paid otherwise? Will this help the collection

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process?"

Speaker Wennlund: "Representative Pankau."

Pankau: "I don't think there'll be any more use of it than there are right now. It will allow for more things to be included in that credit card and if you're going to have a bad credit card, I guess you're gonna have it for \$50 or \$500, whatever the fee would be. It's going to be bad, no matter which way you go."

Speaker Wennlund: "Representative Lang."

Lang: "Well, relative to the fee increase and of course there is a fee increase in here, is it estimated how many such people will be paying this fee increase? How many people will be responsible for it, county by county, is there some estimate on that?"

Speaker Wennlund: "Representative Pankau."

Pankau: "I don't have any numbers at my fingertips. It would be the number of people that are paying the \$3 right now, would be paying the \$5 and also, it's permissive on the clerk of the circuit court's part, he does not have to charge the full \$5. It would be in consultation with the chief judge of that particular circuit as to how they would put it in place, but they could not go over the \$5."

Speaker Wennlund: "Representative Lang."

Lang: "Do we have estimates on how many people are paying the \$3 now? Do we know how many times this \$3 has been paid, county by county?"

Speaker Wennlund: "Representative Pankau."

Pankau: "No, I don't have that."

Speaker Wennlund: "Representative Lang."

Lang: "Well, so maybe I'm missing the point on why we need this additional \$2 increase. What's the purpose of the increase? Is \$3 not covering the fees to the county clerks

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now?"

Speaker Wennlund: "Representative Pankau."

Pankau: "In some instances, yes, depending on where they are accepting the credit card and also, it'd be an equity issue, so anywhere in the state, it will be \$5."

Speaker Wennlund: "Representative Lang."

Lang: "Bear with me a moment. Well, I have nothing further. Thank you, Representative."

Speaker Wennlund: "The Chair recognizes Representative Cross."

Cross: "Thank you, Mr. Speaker. If the record could please reflect to the Journal as well, that Representative Zickus on the last two Bills, House Bill 5 and House Bill 318, the record should reflect that she was excused on both of those Bills, on votes on both those Bills and that she should be excused for the rest of the day, due to a family emergency."

Speaker Wennlund: "Thank you. The record will so reflect."

Cross: "Thank you, Mr. Speaker."

Speaker Wennlund: "The Lady from Cook, Representative Flowers. For what purpose do you seek recognition. Representative Flowers, are you seeking recognition? The Gentleman from Clinton, Representative Granberg."

Granberg: "Will the Lady yield?"

Speaker Wennlund: "She indicates she will."

Granberg: "Representative, I just want to make sure I understood this correctly for some of our Members. This would be technically a fee increase by the clerks in the various counties?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Yes, it'll be a fee increase for the clerks of the circuit court in counties other than Cook because this will equalize the high limit that they could charge for a credit

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card use in paying your fines, your penalties, and your costs."

Speaker Wennlund: "Representative Granberg."

Granberg: "And I believe you mentioned though, this is strictly permissive. It is not mandated by the state on these county clerks, so the county board, in each of these counties, could authorize the increase in the county clerk's fee. Is that correct?"

Speaker Wennlund: "Representative Pankau."

Pankau: "Yes, it is, Representative, and also, working with the chief judge of that circuit court."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, I couldn't remember with your Bill last year or Representative Lang's Bill, was this the initiative of the Supreme Court or the court system or was this the county clerks' idea? Do you remember?"

Speaker Wennlund: "Representative Pankau."

Pankau: "This was an initiative of the clerks of the circuit court."

Speaker Wennlund: "Representative Granberg."

Granberg: "If this fee was enacted, Representative, does that mean then that with the credit cards, they can use the Affinity credit card of Representative Frias, from yesterday?"

Speaker Wennlund: "Representative Pankau."

Pankau: "If it's an accepted credit card in that circuit court, I guess you could."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, thank you for your time in answering those questions."

Speaker Wennlund: "With there being no further discussion, Representative Pankau now to close."

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Pankau: "I ask your favorable approval of House Bill 760, to make it equitable across the state to charge a fee for clerks of the circuit court when people come in and use a credit card in paying their fees and fines and penalties for the particular offense that they are charged with. I ask for your favorable approval."

Speaker Wennlund: "The question is, 'Shall House Bill 760 pass?' All those in favor vote 'aye'; all those opposed '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 63 'ayes', 43 'noes', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 781."

Clerk Rossi: "House Bill 781, a Bill for an Act amending the Residential Mortgage and License Act of 1987. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 781 is a culmination of negotiations over the last two and a half years with consumer groups, the commissioner of Savings and Residential Finance, Jack Shaefer, and the Illinois Association of Mortgage Brokers to come up with some cleanup language to put in some consumer protection into the present Act and also to make it more equitable and...and easier for mortgage brokers to do business in the State of Illinois. Some of the key points to the Bill are that it established language that requires licensees to have residential finance experience or to obtain that experience within the first nine months of opening their business. The experience requires ethics training for the protection of the consumer. We have...we changed the

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office exam process so the state examiners can spend more time on...on the street and following up consumer complaints and not spending two days examining the books of a broker who has maintained perfect records for the past five years. There's...there's a number of just cleanup language in here, it's an Agreed Bill. It passed out at committee at 11 to nothing and it's in cooperation with the commissioner on savings and loan and the mortgage brokers. I would ask for a favorable vote."

Speaker Wennlund: "Is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, I'm joined by my fellow colleagues to remove this Bill from Short Debate, please?"

Speaker Wennlund: "The Bill will be removed."

Granberg: "And would the Gentleman yield?"

Speaker Wennlund: "He indicates he will."

Granberg: "Representative Saviano, you mentioned that this was an Agreed Bill. Who were the parties that made the agreements?"

Speaker Wennlund: "Representative Saviano."

Saviano: "As...as I stated, the groups that were involved in negotiations was the commissioner of Savings and Residential Finance, the Illinois Association of Mortgage Brokers and various consumer groups who participated in a process over the last two and a half years."

Speaker Wennlund: "Representative Granberg."

Granberg: "And who are the various consumer groups, Representative?"

Speaker Wennlund: "Representative Saviano."

Saviano: "I...I would suggest that you talk to the commissioner on Savings and Residential Finance because he's the one

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that dealt with the consumer groups on a regular basis."

Speaker Wennlund: "Representative Granberg."

Granberg: "Well, you had indicated that there is an agreement among the consumer groups and since the commissioner is not here today, can...can we find out what consumer groups were involved in the negotiations?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Yes, Representative, I've been informed that it was IPAC that participated in the negotiations."

Speaker Wennlund: "Representative Granberg."

Granberg: "So...for the record the Illinois Public Action Council were active participants in the negotiations and...and they agreed to the legislation that is currently in your Bill?"

Speaker Wennlund: "Representative Saviano."

Saviano: "That is my understanding, Representative."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, you said this makes some technical changes, could you please walk through the technical changes in the legislation? Doesn't it change the number of the members on the board and the ability to increase fees for various mortgage bankers, is that true?"

Speaker Wennlund: "Representative Saviano."

Saviano: "It doesn't change the number of people on the board, but it does change the composition of the board. Additionally, one of the main points currently the state mandates that a mortgage broker maintain a minimum net worth of \$35,000. To prove they have this net worth, we have in the past, required a broker to spend between 5,000 and \$7,000 on an audited financial statement. It's somewhat ridiculous to ask a small business man to spend \$7,000 to prove that he or she is worth \$35,000. This legislation simply allows a broker to submit a compilation,

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financial statement at a cost of approximately \$1,500 to \$2,000. But we have increased the penalties for submitting false documentation."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, we're deleting the audit requirement for a residential mortgage broker?"

Speaker Wennlund: "Representative Saviano."

Saviano: "We haven't...we haven't eliminated the audit requirement. All we simply did was take and change it from a audit or financial statement to a compilation financial statement in order to save the business men money that would...you know, it seems somewhat ridiculous to spend that kind of money for an audit when they're just proving that their worth \$35,000. But we're keeping in place that they have to provide those documents."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, Representative, could you explain then the difference between what is currently required and the requirements that will modified by your legislation?"

Speaker Wennlund: "Representative Saviano."

Saviano: "The...I guess what your question is, is what the difference between a...an audited financial statement is to a compilation financial statement. I think the compilation financial statement is a simplified method that actually shows in...in a simplified manner what the net worth of the business man is. It's...it's a more simple way of doing it and to put in additional protection for that, we have increased any penalty...all the penalties to avoid or deter any...any submission of false documentation."

Speaker Wennlund: "Representative Granberg."

Granberg: "I don't...I'm really not trying to belabor this point but I'm not sure if I understand the difference

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Representative. So if you could, what are they actually required to do now in this..."

Speaker Wennlund: "Representative Granberg please bring your remarks to a close. Representative Granberg."

Granberg: "Mr. Speaker I believe, if the time is proper, Representative Lang wanted to allow me his five minutes."

Speaker Wennlund: "If he's recognized for that purpose, he can do that. Representative Pugh has had his light on before yours even. So, if you...one more minute please. Representative Granberg."

Granberg: "Mr. Speaker, thank you. That's fine because I certainly want to hear Representative Kubik's comments, we'll...Representative Pugh. Oh, did Representative Pugh just..."

Speaker Wennlund: "Representative Pugh's light has been on even before yours was, Representative Granberg. The Chair recognizes Representative Pugh, the Gentleman from Cook."

Pugh: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Granberg."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Thank you, Representative. I'm sorry Representative Saviano, exactly what are they required to do with this audit currently and what is the actual...what is the material in the audit?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, let me get back to the audit financial statement versus the compilation financial statement. What...what the reasoning behind this was, was that to save the business man the money on filing and audit financial statement, being that the compilation financial statement is one degree less than an audit...audited financial statement we're putting more burden on the commissioners

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office to analyze those...that net worth. So, in order to save that...that businessman the money, the commissioner has agreed to...to except additional responsibility in reviewing the compilation financial statement and really it does the same thing. It's just that the commissioners office will have to do a closer monitoring of...of the situation."

Speaker Wennlund: "Representative Granberg."

Granberg: "Again though, Representative, I understand the intent and I agree with the intent but there must be...there is no significant difference between the required audit function currently and the compilation of information that would...that would change the law under your legislation?"

Speaker Wennlund: "Representative Saviano."

Saviano: "I...and...I...your...you're...I know what you're getting at and you're exactly right. It is a lower degree of...of requirement, but that is part of the agreement with the commissioner's office that he will ensure, even though your lowering that degree of audit, the commissioner's office has agreed to...to take on that responsibility to make sure that everything is...is legit."

Speaker Wennlund: "Representative Granberg."

Granberg: "So the commissioner's office has agreed to do this additional...undertake this additional responsibility, which will lessen the responsibility on the mortgage broker, him or herself, and they want to take that function. Is it going to cost them anymore money to...to undertake that responsibility, anymore staff time? Anymore auditors?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Representative, apparently it wasn't because it wasn't a major concern of his."

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Speaker Wennlund: "Representative Granberg."

Granberg: "And so again, with the cost, and I understand the rationale to save the cost of these mortgage bankers. We're those costs normally passed on to the consumer? So, if the mortgage banker had to pay \$3,000 for the audit, under the existing law, were those fees then passed on to the consumer or whomever the participant was in the purchase?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Okay, first of all, their not changing a licensee fee, that's staying the same. Second of all, we have our fiscal note here, it shows no additional monies are going to be required to be expended. I think they could just absorb it into their current operation. I assume from my conversations with the commissioner that they're well equipped to do that additional work and it's not that much more additional work."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, as part of the rationale for this then, to save the costs that would of been incurred normally by the mortgage banker which would of been passed on to the participant, is that part of the reason, Representative?"

Speaker Wennlund: "Representative Saviano."

Saviano: "You're exactly right."

Speaker Wennlund: "Representative Granberg."

Granberg: "That's certainly uncommon. So, when...when we say these fees, they will no longer be passed on to the participants. Correct?"

Speaker Wennlund: "Representative Saviano."

Saviano: "It is...it is the intention and it is the method of...of avoiding any carry over of...of additional costs to the consumer."

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Speaker Wennlund: "Representative Granberg."

Granberg: "Now, Representative, is your legislation also change why on what manner a mortgage banker can be investigated?"

Speaker Wennlund: "Representative Saviano."

Saviano: "The current...the current law shows that the, they do field exams on a regular basis every 36 months, okay. What we are changing is that the mortgage brokers who have, impeccably clean record in operation, that will allow the commissioner to use his discretion on how he administers those routine exams. It gives him some discretion under the Act."

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

Granberg: "Is...Representative, is there a provision in the Bill that currently, in the current legislation, I'm sorry, that states how a mortgage broker can be investigated that they can be investigated at any point and does your legislation now change that to say they can only...can only be investigated for cause. Is that in your legislation, and if it is, what is the difference and what are the different standards that would then be applied and would be...would we be lowering those standards for mortgage brokers?"

Speaker Wennlund: "Representative Saviano."

Saviano: "Existing law says, they have to be exambed...examined at least once within every 36 month period. The four...the four cause language has been amended out, under this Bill."

Speaker Wennlund: "Further discussion? Representative Tim Johnson."

Johnson, Tim: "Mr. Speaker I move the previous question."

Speaker Wennlund: "Representative Johnson has moved that the previous question be put. All those in favor say 'aye', opposed say 'no'. The previous...the 'ayes' have it and

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the previous question is now put. Representative Saviano to close."

Saviano: "Again, I would just like to reiterate. This is a Bill that's been worked on for two and a half years. There's been a lot of hard work put into this Bill to make sure that the consumer costs are reduced; and also, that the cost through...through the relief that we're providing to the mortgage broker; and also, that we allow them to work...work better for us in the State of Illinois. I would ask for a favorable vote? Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 781 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 110 'ayes', 1 'nay', 4 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1200."

Clerk Rossi: "House Bill 1200, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Kubik, the Gentleman from Cook."

Kubik: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 1200 is a very simple Bill. What it essentially does is, it prohibits the cashing of any public aid checks at any race track, intertrack wagering facility, intertrack wagering location, or on a riverboat, where a gambling operation is conducted. The genesis of this Bill is that the riverboat, I'm sorry, the gambling...the gaming board does have a prohibition against the cashing of these sorts of checks on riverboats. The racing board does not. I felt that it was important that the legislature go on

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record as indicating that this is an important matter of public policy and I think that it's a very simple Bill and I'd appreciate your support. I'd be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Gentleman from Cook, Representative Harold Murphy."

Murphy, H.: "Mr. Speaker, I would give my time to Representative Lang."

Speaker Wennlund: "Representative Lang."

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

Speaker Wennlund: "He indicates he will."

Lang: "Thank you. Representative, I'm a little unclear about one part of this. I think I would understand if you didn't want public aid checks cashed at these facilities, but the Bill seems to indicate that no one who's a public aid recipient can have one of their checks cashed at one of these facilities. We do have some people on public aid who do have some other jobs and it would seem to me that we would want to make this distinction. Can you clear this up for me?"

Speaker Wennlund: "Representative Kubik."

Kubik: "Well, Representative, I'm not quite sure what you're referring to. It says that this would not permit the cashing of a check or other instrument representing financial aid paid under the Illinois Public Aid Code."

Speaker Wennlund: "Representative Lang."

Lang: "On page 2 of the Bill, Section 11-3.4, it talks about a recipient of financial aid not being able to cash a check or other instrument. Do we want to prohibit any public aid recipient from exercising their right to cash a check that is not a public aid check at these facilities or you just want to keep public aid checks from being cashed at these

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facilities?"

Speaker Wennlund: "Representative Kubik."

Kubik: "I think the intent, Representative Lang, is public aid checks, not recipients. Frankly, I don't think there's any way that you can prohibit somebody who is on public aid from gambling. I mean, but I think as a matter of policy what we need to do is to make sure that somebody doesn't cash the check at the facility. I can't stop them from gambling. That's impossible."

Speaker Wennlund: "Representative Lang."

Lang: "Well, the fact is, that this Bill says that any recipient of financial aid would be prohibited from cashing any instrument. What if they're on Social Security and also, on public aid, would they not be able to cash a social security check on a riverboat? And so the way the Bill is written, despite what I believe your intention to be, I think this needs to be cleaned up and I would invite you to move the Bill back to Second Reading and do that."

Speaker Wennlund: "Representative Kubik."

Kubik: "Well, Representative, I'm reading the Bill and I understand what your point is. What I would like to let you know is that we focused on public aid checks. The gaming board has a prohibition against any third party checks which would include social security checks. That is not what I plan to do, but I understand the point that you're making. I think that your point is a fair point and I would be happy to amend the Bill because I think my intention is just to prohibit public aid checks from being cashed at that facility."

Speaker Wennlund: "Representative Lang."

Lang: "Well, so are you telling me, Representative, that you will take it out of the record and move it back to Second

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Reading and limit this only to public aid checks?"

Speaker Wennlund: "Representative Kubik."

Kubik: "Yes, I'd do that."

Speaker Wennlund: "Representative Kubik, do you wish this Bill withdrawn from the record?"

Kubik: "Yes."

Speaker Wennlund: "Out of the record. Mr. Clerk, read House Bill 1198."

Clerk Rossi: "House Bill 1198, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 1198 is based upon the Grassly Amendment, which is part of federal law. Passed overwhelmingly by Congress last year as part of goals 2000. The Educate America Act, it was added to goals 2000 because of the fears of using education testing to invade privacy in students and their families. Only four Members of the combined House and Senate voted against it. Because it is a federal law it only deals with federal fundings. State funded, locally funded and privately funded invasions of privacy can still be perpetrated in the schools of Illinois. Utah recently passed House Bill 57, which is the substance of this Bill. Zero 'no' votes in either the House or the Senate. The details of the legislation were worked out with the State Board of Education to minimize litigation. Well, this Bill also passed the House Committee with no, 'no' votes. I welcome any questions, Members may have."

Speaker Wennlund: "Is there any discussion? The Gentleman from Madison, Representative Steve Davis."

Davis, S.: "Thank you, Mr. Speaker. I yield my time to

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Representative Lou Lang."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you, Mr. Davis and thank you Mr. Speaker. Will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Lang: "Representative, no one over here understood what you said when you explained the Bill. Could you take us through this and tell us what it does, please?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Yes, the Bill prohibits any of the State Board of Education policies must prohibit any psychological or psychiatric examination test or treatment or any survey analysis or evaluation without the prior written consent of the student's parent or legal guardian in which the purpose of...or evident intended affect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the students or any family members. And here's a group of categories of questions that would not be permitted to be asked of a child in school, under this Bill. Political affiliations or philosophies of the student or his families. Mental or psychological problems of the student or her families. Sexual behavior orientation or attitudes. Illegal antisocial, self-incriminating or demeaning behavior. Critical appraisals of individuals with whom the student or family member has close family relationships. The students or families individual religious affiliations or beliefs. Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel or ministers, or questions regarding income, except as required by law."

Speaker Wennlund: "Representative. Lang."

Lang: "Thank you. So, this Bill prohibits the school from

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testing or treating any student without advance written parental consent. Would that even include student volunteers?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Did not hear the end of the question, Sir?"

Speaker Wennlund: "Representative Lang."

Lang: "Would the prohibition also go to...to student volunteers?"

Speaker Wennlund: "Representative Biggins."

Biggins: "It includes all students in the State of Illinois's public schools."

Speaker Wennlund: "Representative Lang."

Biggins: "If the volunteer was not a member of the school, it would not apply."

Speaker Wennlund: "Representative Lang."

Lang: "And the Bill pro...requires advanced written parental consent for any survey or evaluation even if it' nike...not psychiatric or psychological?"

Speaker Wennlund: "Representative Biggins."

Biggins: "If it reveals information that is deemed of a personal nature or invasion of privacy as defined in the Bill, would not be permitted to be asked. If I may, Representative, the...a child recently came home from school and was very upset because he couldn't answer a question they were asked on a test. The test was, what is your family income? And that was...happened to be the child of a woman that works with my wife in the public school in the south suburbs of Cook County. In Southern Illinois, on February 24th, 1995, a young girl came home from her high school and told her mom, mom I took this test today in gym class and I knew while I was filling it out that I shouldn't be doing it. She knew it was an invasion of privacy, but took the test rather than saying no. The question dealt with her

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personal, very personal activities and the question began with, when did you last do something...it was asked of a 14 year old high school sophomore. And the tragedy of that question being asked is, not only was that girl victimized by having that question asked, but somewhere in that school district's records, it's not only her response, but the response of her fellow classmates. An absolute invasion of privacy."

Speaker Wennlund: "Representative Lang."

Lang: "Doesn't your Bill, Sir, go way beyond federal law? Doesn't it interfere with far more school activities; and isn't it more intrusive than the federal law and isn't it less sensitive to students rights?"

Speaker Wennlund: "Ladies and Gentlemen, let's have some Order in the House. Give these Gentleman your attention, please. Representative Biggins."

Biggins: "No, Sir, it does not. It mirrors the federal law."

Speaker Wennlund: "Representative Lang."

Lang: "Well, then what about this Section where the federal statute covers only the probing of mental and psychological problems which are quote, 'potentially embarrassing to the student or his family', end quote. Your Bill covers all mental or psychological problems. Why do you cut out that other phrase?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Would you...would you repeat the phrase that we're cutting out please?"

Speaker Wennlund: "Representative Lang."

Lang: "Sure I will and Mr. Speaker I'll be using my five minutes when this five minutes is completed. The federal statute covers only the probing of mental or psychological problems which are quote, 'potentially embarrassing to the student

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or his family'. Your Bill cuts out that provision regarding potentially embarrassing to the student or the family. You should say, all mental or psychological problems, why do you do that?"

Speaker Wennlund: "Representative Biggins."

Biggins: "The intent...the intent of the legislation is to protect the student in his right to privacy, as the federal law so currently does."

Speaker Wennlund: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis. The Chair recognizes Representative Davis."

Davis, M: "I give my time to Representative Lang."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you, and then I'm going to use my five minutes. I'm entitled to my five minutes, Sir."

Speaker Wennlund: "When your recognized for that purpose only. You may proceed."

Lang: "Let's try this again, Representative. You've said that your Bill mirrors federal law. I've indicated in several instances where it does not mirror federal law. So, which is it? In the section regarding the probing of mental or psychological problems, the federal law limits that probe only to matters potentially embarrassing to the student or the family. Your Bill covers all mental or psychological problems with no limitations to whether it might be embarrassing to the family or not. Therefore, your Bill is more intrusive. The question is, since this does not mirror federal law as you indicated it did, the question is, why have you made this change?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, the Bill mirrors to Federal legislation. Some of the questions that are asked of

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students these days in our public schools: how often do you use the following drugs, 1) daily 2) once or twice a week. 3) once or twice a month. 4) once or twice a year. 5) never. Representative, do you think those are the questions you want school children in Illinois being asked and be asked to answer?"

Speaker Wennlund: "Representative Lang."

Lang: "Well Representative, I don't answer the questions when it's your Bill, I ask the questions. You supposed to be answering the questions and apparently you want to continue to tell this Body..."

Speaker Wennlund: "Representative Lang...Representative Lang, please confine your comments to the Bill."

Lang: "Well, he's asked me a question, Sir, so I'm trying to respond to the question. Apparently you want to tell this Body that you mirror the federal law and this a merely Bill. We're merely taking the federal law and applying it to Illinois. I'm trying to point out to the Body right or wrong, perhaps people will like what you've done. But, right or wrong, Sir, you do not mirror the federal law in this case. And in several other cases you've made some substantial changes. It seems to me that your Bill is more intrusive into the lives of the students. Let me ask you another question. On page 3 of your Bill, subsection (f), lines 22-24, I don't understand what that section does regarding the rights of free speech of students. Can you explain that to me?"

Speaker Wennlund: "Representative Biggins."

Biggins: "I'm sorry you don't understand that. It reads very clear to me, I don't think it's necessary for me to read it."

Speaker Wennlund: "Representative. Lang."

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Lang: "Representative, I didn't ask you to read it to me, I asked you to explain it to me. Perhaps I'm too dense to understand your Bill, but I don't understand this section and I think some of the people on this side of the aisle would like to know what it means, because we're very concerned about the rights of free speech over on this side of the aisle, as I'm sure you are, Sir. And perhaps this section promotes free speech, I just don't simply understand it. So, can you explain it to me?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Well, then I've... Representative, I have some good news for you. This section of the Bill emphasizes the rights of free speech. I'll read it to you and the rest of the Body. This section does not limit the ability of a student to spontaneously express sentiments or opinions otherwise protected against disclosure under this section. It means, Sir, that if a student wants to say, my parent is a Republican Legislator or a Democratic Legislator, the student has the right to say that. It does not permit the school to ask if their parents vote Republican or vote Democratic."

Speaker Wennlund: "Representative Lang."

Lang: "Well, despite the fact that's in... this is in your Bill, that won't students, if this Bill passes, believe that they cannot express their sentiments unless they get parental authority to do so?"

Speaker Wennlund: "Is that a question, Representative Lang?"

Lang: "Yes, Sir."

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, I can't speak for what the students will think, but the Bill allows them to spontaneously and mention personal things that they want about their lives."

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It specifically prohibits the schools from asking the following questions. Have you ever attempted suicide? Have you ever been physically abused? Have you ever been sexually abused? Have you been in trouble with the police two or more times in the last 12 months? On written questions throughout our state, questionnaires are being asked of our school children, that are non-curricular related, that are not related to academics, they are related to personal situations in these childrens lives. It's an invasion of the childs privacy."

Speaker Wennlund: "Representative Lang."

Lang: "Well, we're of course very concerned with the child's privacy rights and if that's all this Bill did, I don't think I'd be asking these questions. I'm concerned with the child's free...free speech rights. And so the concern I have here, Sir, is that whether or not you put this in the Bill. If these students don't know they have free speech rights, they will probably assume they do not have free speech rights, thus, chilling their right to free speech. Do you have an opinion on that?"

Speaker Wennlund: "Representative Lang, please bring your remarks to a close. Representative Biggins."

Biggins: "The Bill protects free speech, Sir. It's evident..."

Speaker Wennlund: "Further discussion? Representative Klingler."

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

Speaker Wennlund: "He indicates he will."

Klingler: "Representative Biggins, I have a question concerning the notification as it impacts on curriculum. And I'm referring to section C on page 5 of the Bill. The Bill states that the prohibition regarding activities undertaken to cause a student to reveal information under subsection B shall also apply to the curriculum and other school

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activities unless prior written consent of the student's parent or legal guardian has been obtained, and then at the bottom of that page it refers to...the parent must be given at least two weeks notice before...regarding this information. Would this mean that parental consent would have to be obtained regarding a change in curriculum?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, it's not the intent of this legislation to change the curriculum. The intent of the legislation is to protect the rights of the privacy of the child and the child's family. For instance, the provision about adding two weeks notice, I think if a...if a school wants to ask the family incomes of all the students in that school, the child should have a reasonable period of time at which they can acquire the information and get permission from the parent to disclose it. Two weeks is picked because that was what was in the other previous legislation at the federal level and also in the Bill in Utah."

Speaker Wennlund: "Representative Klingler."

Klingler: "For the purpose of legislative intent. Parental consent is not required for changes in curriculum?"

Speaker Wennlund: "Representative Biggins."

Biggins: "That's correct, Representative."

Speaker Wennlund: "Representative Klingler."

Klingler: "Thank you very much."

Speaker Wennlund: "Further discussion? Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to Representative Lang."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you, Mr. Speaker. One moment. Representative, you just seemed to indicate that the parental consent does not apply to curriculum, but I refer you to page 2, subsection

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(c), lines 13 to 17 of your Bill and this refers specifically to curriculum, if I'm reading it correctly. Can you take a look at that with your staff member, your able staff member and tell me if you want to revise what you have said to us?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, this does not deal with any normal curriculum topics such as reading, writing, or arithmetic. This pertains to personal information. It does not apply under the curriculum about non-school activities unless they have the prior consent of the students parent or legal guardian. Then the child can release such information."

Speaker Wennlund: "Representative Lang."

Lang: "Well, Representative I...I don't really don't want to be argumentative, but I just don't read this section that way. This section talks about curriculum and it says, 'shall also apply to curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained'. Now, how much more clearer can it be. I don't understand. It seems to me to be very clear that you were in error. Why don't you just simply say you were in error and let's go on to the next question."

Speaker Wennlund: "Representative Biggins."

Biggins: "If I was in error, I would say it was an error."

Speaker Wennlund: "Representative Lang, next question."

Lang: "Well, thank you. You were clearly in error. This clearly applies to curriculum and this Bill would be very dangerous in area of curriculum. Let me ask you this question, Representative, if there are eight or ten or twelve or fifteen or a thousand different activities going on in this school, would we need a separate parental consent form for

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each of those things?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, yes. If you wanted to have a certain activity go on in your school that ask questions about the children's mental or psychological problems, you would need a consent form. If you wanted to ask their...your children in your school about their sexual behavior, orientation or attitudes, you need the parents consent before you could find out what those children's sexual behavior, orientations or attitudes were. If you wanted to ask about any social things that go on at their home. If you wanted to ask how often their parents hugged during the week, you need to have the parent's permission. I don't think that's unreasonable. In fact, I think that's definitely an invasion of the students and the families privacy."

Speaker Wennlund: "Representative Lang."

Lang: "However, Sir, if we're going to talk about those kinds of numbers of forms, aren't we talking about a serious mandate here on schools. Listen carefully people, mandate. Aren't we talking...all this paperwork, isn't that a mandate on schools. For one child, 8, 10, 12, 15, 30, 50 forms to be filled out to be put in the childs file, aren't we talking about a serious paperwork mandate?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, a fiscal note was filed, I believe, by you...at your request and the state indicated there would little or no cost added to the state. I also would point out that the recently enacted school reform measure that we passed earlier this year, which allows local school districts to waive certain requirements or go around with our current curriculum if they get approval from their own district, then their own district an approval from the

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state resulted in the State Board of Education mailing a form, a one page form, to waive current school laws. One page, the state consolidated it in less government fashion and I think the same would be true of these type of waivers. This has not been a problem with federal funding anywhere in this country, has been the cost of those forms or how they are collected."

Speaker Wennlund: "Representative Lang."

Lang: "So, now you're telling us that this is a mandate, but it can be waived under the law we recently passed that the Governor signs. So, if this can be waived, why is it so God awful important to pass? Why...what's so good about this Bill if it's one of those mandates that can be waived?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, it's important to protect the privacy of the students. The only reason this creates a mandate by the way, Representative, is if you want to ask the religious beliefs of your students in your school. If you want to ask about...if their family has ever retained any lawyers. What the health is of their mother or the father, or who their minister is. If you want to ask that, Sir, and you're a school principal or teacher and put into their curriculum, it is going to cost you the cost of that paper to get the parent to approve the asking of that question."

Speaker Wennlund: "Representative Lang."

Lang: "What's the penalty if somebody doesn't follow these provisions?"

Speaker Wennlund: "Representative Biggins."

Biggins: "The Bill does not specify any penalties. I would think, however, that school districts would want to conform to the law."

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Speaker Wennlund: "Further discussion? Representative Hoeft."

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

Speaker Wennlund: "He indicates he will."

Hoeft: "I believe that I am going to be voting for this Bill, but I have a difficult time in terms of the actual classroom curriculum. I know that we require in the General Assembly that a child have a government class and while teaching government, I can see where a teacher would sit there and say, are you a believer in the Democrat or the Republican principals and talking in generalities. This Bill is for legislative intent. This Bill is focusing on issues dealing with questionnaires, research, and this sort of thing. Is it not?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, yes, if the school wants to teach does $2+2=4$, they don't need to get the parent's permission, that's built in their curriculum. But if they want to ask personal things about the child, they have to get the approval of the child's parent."

Speaker Wennlund: "Representative Hoeft."

Hoeft: "Sir, if I was talking in terms of belief in a supreme being, and I was a teacher talking about world cultures and world religions, and I said...ask the class do you believe in a single God or in God. Would this be a violation in terms of this law?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Yes, it would Sir."

Speaker Wennlund: "Representative Hoeft."

Hoeft: "If I asked in government class, are you generally lining up as a Republican or a Democrat and I asked this generally to the whole class, would this be a violation?"

Speaker Wennlund: "Representative Biggins."

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Biggins: "Yes, it would."

Speaker Wennlund: "Representative Hoeft."

Hoeft: "I think that that's going to restrict many of the appropriate questions that are necessary in the social studies areas to get students to understand positions in government and...understand positions dealing with their community, their cultural background. I see where this would create an enormously difficult time for the teachers of the State of Illinois enter a fear factor. The answer to your question in terms of the punishment, the punishment would be that the State Board of Education has a...a inspection in which they look at each one of the...the laws in the State of Illinois and during that inspection, this would be checked as a no, if in fact there was a violation. So, it would go their recognitions status. If in fact the questions were answered as I saw them answered, I think this would restrict teachers considerably in the State of Illinois and would again shackle the efforts of individuals to explore the various ideas curricularly and I will be voting 'no'."

Speaker Wennlund: "Further discussion? Representative Persico."

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

Speaker Wennlund: "He indicates he will."

Persico: "Representative, if a school social worker would ask a question like, 'have you ever contemplated suicide or are you contemplating suicide now', would this be in violation if this became a law?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Yes, it would. No, excuse me. No, a student's permitted to volunteer any information that they want. They can participate in any kind of discussion within the classroom that they want to participate in, voluntarily."

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But, they can't disclose personal information, particularly information about things that occur outside the school, without getting the consent of the parent."

Speaker Wennlund: "Representative Persico."

Persico: "But, Representative, I'm asking if the school social worker can ask that question or have you ever used drugs or are you using drugs now, and in order to make some sort of an assessment of what this child is going through, or what kind of problems they are having. If the school social worker or the school counselor or the...a teacher in the classroom who is dealing on a...with a child on a one to one basis would ask any one of these types of questions, would they be in violation of this Bill if it became a law?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Okay, I'm sorry. What was the question, Sir?"

Speaker Wennlund: "Representative Persico."

Persico: "Let me try this again. If I'm the school social worker, or the school counselor or even a teacher working one on one, on a one to one basis with a child whose having difficulties or some problems emotionally of some sort and I would ask, 'have you ever contemplated suicide or have you used drugs or are you using drugs now'. If I'm trying to get a...a better assessment of the child, am I in violation of this Bill if it became law?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative...the student can talk to the school social worker about anything that the student wants to talk about. Their already protected under the abused and Neglected Child Reporting Act. That does not change any provision of that Act."

Speaker Wennlund: "Representative Persico."

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Persico: "Let's say that I'm a teacher working...the child comes to me with a personal problem on a one to one basis and I would ask the same questions, would then I be in violation if I'm not the social worker or if I'm not the school counselor, but just a concerned teacher?"

Speaker Wennlund: "Representative Biggins."

Biggins: "...the students permitted to discuss anything the student wants to discuss with you. If your asking questions that he doesn't want to discuss, I would doubt the student would answer them anyway."

Speaker Wennlund: "Representative Persico."

Persico: "Last question, then. So what you're saying your Bill then does, is if we do it as...with a whole classroom at one time and maybe half of the classroom has no problems voluntarily answering these questions and another half may have some concerns, what then happens according to this Bill if it became law?"

Speaker Wennlund: "Representative Biggins."

Biggins: "The classroom is still the place of freedom of discussion. Topics can be brought up for discussion freely. They will be, they are now. They will be continued to be allowed to be brought up and discussed freely, but to specifically ask a student about personal...items of a personal nature, which I read a couple of times here, that would not be permitted, individual questions asking them to respond, to disclose information about their private family lives."

Speaker Wennlund: "Representative Persico."

Persico: "Thank you, Mr. Speaker. No further questions."

Speaker Wennlund: "Further discussion? Representative Granberg."

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

Speaker Wennlund: "He indicates he will."

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Granberg: "Representative Biggins, one hypothetic was Representative Persico is on this issue...if I'm a teacher in a grade school and I see one of my students come to the classroom, obviously with cigarette burns, scars, and would I then be prohibited from asking that student if he's been the subject of physical abuse outside of the classroom?"

Speaker Wennlund: "Representative Biggins."

Biggins: "May I read the following, Sir. The policies adopted by the State Board of Education provide that if a school district believes that a situation exists that present a serious threat to the well being of a student, the parent or guardian shall be notified without delay. The only exception would be if the matter was reported to the Department of Children and Family Services and the department has asked that disclosure not be given. So, certainly a teacher may respond to such physical signs and report such things. In fact, they must."

Speaker Wennlund: "Representative Granberg."

Granberg: "Well, that's the key. So, would a teacher be prohibited if the report is not filed with DCFS? So, if that teacher observes these physical manifestations of child abuse, would that teacher be prohibited or would that teacher be subject to penalty if in fact it is not later reported to DCFS?"

Speaker Wennlund: "Representative Biggins."

Biggins: "No...no penalties."

Speaker Wennlund: "Representative Granberg."

Granberg: "Is that because there is no penalty in the Bill...in the provisions in the Bill, or would that be because the teacher could not ask?"

Speaker Wennlund: "Representative Biggins."

Biggins: "The language in the Bill, Sir, doesn't deal with how

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are you feeling today, it...the Bill deals with psychological or psychiatric examination tests, treatments, surveys, analysis, or evaluations without the prior written consent of the student's parent or legal guardian in which the purpose or evident intended affect is to cause the student to reveal information. Whether the information is personally identifiable or not, concerning the students or any family member."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you. One last question. Are any of the teacher's groups opposed to this legislation, Representative?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Right now, the only group that's publicly opposed to it is the ACLU, the teachers are not taking a position. The State Board of Education is not taking a position."

Speaker Wennlund: "Representative Granberg."

Biggins: "Well, the State School Management Alliance has concerns about the Bill."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, now it's...it's my understanding that the Illinois Federation of Teachers and the Illinois Education Association are opposed to this Bill. You're telling me that's not the case. I see Members of the Teachers organizations up there saying...indicating that they're absolutely opposed to this Bill. So, to your knowledge they are not oppose, or are they opposed?"

Speaker Wennlund: "Representative Biggins."

Biggins: "Representative, I have not heard from any teachers organization that they are in opposition to the Bill. We had open committee hearing on the Bill. We had...no...no votes in committee on the Bill. The Bill has about 30

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Sponsors I believe on both sides of the aisle, and normally legislation doesn't proceed by order of the...those in attendance in the gallery, Sir."

Speaker Wennlund: "Representative Granberg."

Granberg: "Was this...Representative, was this legislation rolled into another Bill and testimony was not allowed in committee. Could that be the reason why the teachers groups were not allowed to oppose your legislation?"

Speaker Wennlund: "Representative Biggins."

Biggins: "The Bill was heard in committee, there was plenty of time for debate, it was by itself as it is right now. House Bill 1198 mirrors the federal law, it's been around quite a while, Sir."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, isn't this the case where testimony was not allowed in committee and the Democrats walked out because witnesses were not allowed to testify on the legislation?"

Speaker Wennlund: "Representative Granberg (sic-Biggins)."

Biggins: "Sir, I don't know if one group of people walks out of a committee hearing, I don't know what that does to the hearing, but I'll tell you this Bill came through the Executive Committee, Sir. For your information, it says that on several of the pages there."

Speaker Wennlund: "Representative Granberg."

Granberg: "To the Bill, Mr. Speaker. Thank you, Representative. Ladies and Gentlemen of the House, the teacher's groups are opposed to this legislation, it goes too far. You would restrict counselors from reporting child abuse, you would restrict social workers from dealing with the problems of kids. You would restrict historians from asking pertinent questions as Representative Hoeft indicated. This is not a

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good Bill. The intent might of been good, but it is not drafted properly. There are substantial opposition and, Mr. Speaker, if this gets the requisite number of votes, I request a verification."

Speaker Wennlund: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Speaker, I move the previous question."

Speaker Wennlund: "Representative Johnson has moved that the previous question be put. The question is, 'Shall the previous question be put?' All those in favor, vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. There being...on the Motion there are 62 voting 'yes', 54 voting 'no', zero voting 'present'. The Motion carries and Representative Biggins is recognized to close."

Biggins: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I urge an 'aye' vote on House Bill 1198. Nothing is more sacred than our privacy. Every family deserves these rights of privacy. This Bill is sensitive to the rights of privacy of children and their families, and not only...but also teachers...it protects teachers and administrators who may be placed in the uncomfortable position of administering such tests, such analysis or evaluations or surveys against their better judgment. If you vote against this Bill, you're voting to continue these practices. No teacher's group has told me they were opposed to the Bill. I've expressed and told you those that are in support of the Bill already. I urge an 'aye' vote."

Speaker Wennlund: "Ladies and Gentlemen of the House, let's give the Sponsor the courtesy of listening to his closing."

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Representative Biggins, are you finished? Thank you. The question is, 'Shall House Bill 1198 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? The Clerk shall take the record. On this question there are 14 voting 'yes', 99 voting 'no', 3 voting 'present', and the Bill, having failed to receive the Constitutional Majority, is hereby declared lost. On the Order of House Bills Third Reading. House Bill 1473, Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1473, a Bill for an Act relating to General Obligation Bonds. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the annual vehicle for GO bonds. The Bill decreases the value of the General Obligation Bonds by \$2, solely a vehicle Bill."

Speaker Wennlund: "Representative Churchill? Discussion? Representative Deering."

Deering: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

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

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

Speaker Wennlund: "He indicates he will."

Lang: "Representative, what plans do you have for this Bill when it hits the Senate?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I have no plans at this point. This is solely a vehicle Bill."

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Speaker Wennlund: "Representative Lang."

Lang: "Well, why do we need this vehicle Bill?"

Speaker Wennlund: "Representative Churchill."

Churchill: "This is a historical thing. You may recall in everyone of the past years when you've been here in the Session, Representative McPike, the Majority Leader, had a similar Bill. It is for the main purpose of keeping a Bill alive in this process in the event that we ever have to do anything with GO Bonds. It is solely a vehicle that is supposed to be here...be available in the event that we need anything."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I seem to recall Representative McPike in the dark recesses in my brain, but he's a historical figure around here. He's no longer here. We've got a different group of people here. This group of people may not be willing to let you have this vehicle. Let me ask you this, don't you have other Bills that you can use for this purpose at some later date, should you need the GO Bonds?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I do not."

Speaker Wennlund: "Representative Lang."

Lang: "Isn't there a Senate Bill that does the same thing that your Bill does, which is nothing?"

Speaker Wennlund: "Representative Churchill."

Churchill: "If there is, I haven't seen it come to the House. I haven't seen it go through the Rules Committee for assignment and therefore, at this point I really do not know."

Speaker Wennlund: "Representative Lang."

Lang: "Representative, when did we last issue GO Bonds?"

Speaker Wennlund: "Representative Churchill."

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Churchill: "I don't know the answer to that, Representative Lang."

Speaker Wennlund: "Representative Lang."

Lang: "I heard there was a sale in March. Let me ask you this, when we passed this vehicle last year, what happened to it?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I don't recall what that historical figure, Representative McPike, did with that. Perhaps you have that in your notes and you can enlighten the Body."

Speaker Wennlund: "Representative Lang."

Lang: "Well, doesn't it seem logical to you, Representative, that if you're gonna say we need to pass this vehicle Bill because we've always done it, to give the Body some benefit of your knowledge as to what we've always done when we've always done it. Have there been years we just sent this Bill to the Senate as a vehicle and nothing happened? Does it always come back with a figure in it? Is there always a negotiated figure? Do we always issue the bonds? What's the story here?"

Speaker Wennlund: "Representative Churchill, if you know what the question is."

Churchill: "For the history of this process at this point in the process, the history is that we passed this Bill out of the House and we don't really worry about how it comes back, where it comes back, when it comes back, and if it comes back, we just want to keep a Bill alive in the process. So for this point in history, we would be doing the same thing that we've done in each of the past Sessions."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you. Are you suggesting that all these targets, these political targets, these freshmen on both sides of

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the aisle, vote for what could potentially be hundreds of millions of dollars in bonding authority on a vehicle Bill?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I'm suggesting that everybody in the House vote for a decrease in bonding authority by \$2."

Speaker Wennlund: "Representative Lang."

Lang: "So, do GO Bonds have anything to do or could they have anything to do with filling in the hole in the Medicaid budget?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I'm not sure if that's ever been used for that purpose. Maybe there's someone around here that does Medicaid funding that could tell you that or maybe you could tell us, Representative Lang."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I'm not carrying the Bill, you are. So, perhaps some Members would like to know what GO Bonds are used for. We don't want to just send a Bill to the Senate, not even...not only having it be a vehicle, but not knowing what the heck GO Bonds are. I think the Members ought to know. Can you tell us?"

Speaker Wennlund: "Representative Churchill."

Churchill: "Representative Lang, that question is speculative because we could change the law in this Session of legislature and allow GO Bonds for any purpose. So I guess I have to answer that they could be used for any purpose that the statutes allow us to use them for."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I'm sure with your 60 votes here, if you choose to do that, you will. You don't have any plans to do that, do you?"

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Speaker Wennlund: "Representative Churchill."

Churchill: "I have no current plans to do anything with this, except keep it alive as a vehicle."

Speaker Wennlund: "Representative Lang."

Lang: "Well so, I'll go back where I started. What do GO Bonds do today?"

Speaker Wennlund: "Representative Churchill."

Churchill: "Representative Lang, I don't have a laundry list of all the things that GO Bonds do, but in the event that we require a GO Bond issuance, we'll require...we'll need a Bill to be able to do that and this is the vehicle that would put us in a position to be able to issue those bonds. It may be something for a past purpose. It may be something for a future purpose that we have not even decided yet. So it would be pure speculation on my part to even begin to tell you what we could use this for."

Speaker Wennlund: "Representative Lang."

Lang: "Well, presumably, GO Bonds do put us in a position that we can borrow more money though, is that correct? Purpose is to borrow money, correct?"

Speaker Wennlund: "Representative Churchill."

Churchill: "That is correct."

Speaker Wennlund: "Representative Lang."

Lang: "Well, Sir, don't you think we have enough debt in this state now or are we just going to continue...do you think we can borrow our way out of debt? What's the point of all this?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I don't think I've ever heard of anybody borrowing their way out of debt. Do you want to explain that concept to me?"

Speaker Wennlund: "Representative Lang."

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Lang: "Well, you seem to indicate that this is further borrowing. Can we afford to do further borrowing?"

Speaker Wennlund: "Representative Churchill."

Churchill: "That would be a point to discuss at the time that we come back, if this Bill is ever used for the purpose of issuing GO Bonds. That will be a very appropriate question to ask, whether we can afford to do whatever it is we seek to do. At this point, we have solely a vehicle Bill, so we're decreasing the bonding by \$2. I think we can afford to decrease it by \$2."

Speaker Wennlund: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well, Mr. Speaker, just to say that I think the Members on the other side of the aisle are being dilatory. I would ask that we move the previous question."

Speaker Wennlund: "Representative Stephens, you were not recognized for that purpose. Representative Fantin. Further discussion?"

Fantin: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Lang."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you, Representative, and thank you, Mr. Speaker. There are more questions for the Sponsor, please, if the Sponsor will yield."

Speaker Wennlund: "The Sponsor indicates he'll yield."

Lang: "Thank you. Mr. Churchill, today the bond rating in the state of Illinois is the lowest it's been since the 1940's. Is this Bill going to help that?"

Speaker Wennlund: "Representative Lang, it that a question?"

Churchill: "Yes, it was a question, Mr. Speaker, and the answer is that if we decrease the bonding by \$2, I would assume that would help, but it would only be a miniscule help."

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Speaker Wennlund: "Representative Lang."

Lang: "Do you think you'll be able to sell any bonds with the dismal performance of bonds in Illinois and our credit problems and the dismal rating we have today? Will we be able to sell any bonds that we issue?"

Speaker Wennlund: "Representative Churchill."

Churchill: "First of all, I disagree with your statement that we have a dismal performance in the state of Illinois. I think the state of Illinois has done fairly well. I think we've been able to...every bond that we've issued has been purchased in the marketplace. It's a very large marketplace. It has a lot of people who come into the marketplace to purchase bonds. Whether or not a bond issue is accepted or not accepted in the marketplace depends on a lot of different factors, but the equalizing factor is one of rate in the event that the marketplace thought that there was some problem with the state of Illinois, that would come back in a way of the rate that was charged. In the other words, the interest rate would be higher on bonds, if the bond buyers thought there was a problem. I don't know of any instance where the marketplace has refused to buy the bonds of the state of Illinois. In fact, as far as I know, the marketplace normally snaps them up."

Speaker Wennlund: "Representative Lang."

Lang: "Well, thank you. The bond rate in the state of Illinois has been lowered three times in three years and yet you say we don't have a dismal performance. I'll repeat it again, I'll be happy to. I said the bond rating in the state of Illinois has been lowered three times in the last three years, but you indicate there is not a dismal performance. What has caused the bond rating in the state of Illinois to

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be lowered three times in the last three years?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I think it's all the expenses that were passed by your party when you were in control."

Speaker Wennlund: "Representative Lang."

Lang: "You don't think the Medicaid debt that the Governor won't deal with or won't even talk about in his speeches, the fact that we don't pay back providers, you don't think that has anything to do with this problem at all, Sir?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I think that bond buyers look at the whole state of Illinois. They look at its ability to raise revenues. They look at the expenses the state has. They look at the various types of expenses. They look at all the different factors that fund the process. Just as we do in this process, in the state legislative process, we look at our revenues. We look at our expenses and they make a guess as to whether or not those bonds will be paid off. The bond rating has slipped a couple of times in the past few years, but it's still a very good bond rating. There are a lot of corporations. There are a lot of other governmental units around the United States that issue bonds, that have a lesser bond rating than the state of Illinois. I would think if you went to the marketplace and said, do you think that the bonds issued by the state of Illinois are a good investment? I would think the marketplace would come back and say, yes, they are a good investment and we'll snap those bonds up as quick as you can issue them."

Speaker Wennlund: "Representative Lang."

Lang: "Well, you've said that you think the state of Illinois still has a good bond rating. I'm sure it wouldn't surprise you to know we're in the bottom third of states in

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terms of our bond rating. Would that surprise you, Sir?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I guess, though it would surprise me if the marketplace would not buy our bonds and so far, I don't think that's happened and maybe you can cite an instance. Do you know of an instance where the marketplaces refused to buy our bonds?"

Speaker Wennlund: "Representative Lang."

Lang: "It's my turn to ask the questions, not answer them. Let me ask you this, Representative, if our bond rating was higher, wouldn't the debt service on the bonds be less? Wouldn't we have to pay less interest if the bond rating was higher?"

Speaker Wennlund: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker. First to respond to the first part of your answer, I know that you're here to ask questions, but this is debate and it's to get at the truth of these matters. It's to discuss these great issues and sometimes you may have knowledge that you wish to share with the Body, so I see that I have a perfect right to respond to your question with a question and hopefully, you can shed some light on a particular situation. I think that, you know as I said before, the marketplace is the determiner of the interest rates on bonds. It's the determiner of whether the bonds are sold or not. The bonding houses put ratings on the bonds, which is how they get their special niche in the marketplace and so a bonding house may wish to reduce a rating or increase a rating and that may, to some extent, impact the interest rates. But you know, I still think if the marketplace were really strong and there was a great bidding for an Illinois bond that you could get a lesser interest rate regardless of how

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the rating from the bond houses has come."

Speaker Wennlund: "Representative Lang."

Lang: "Sir, wouldn't it be fair to say that our bond rating has been lowered because we have too much debt and because our bond rating has been lowered, the debt service on bonds that are issued by the state is greater than it might be if we had paid our debt off?"

Speaker Wennlund: "Representative Churchill."

Churchill: "I think one of the factors in determining how much interest rate we pay is the amount of our outstanding debt. If we had no debt, then I think the state would have a higher bond rating. I think we'd all like to see the state of Illinois pay off it's debt, philosophically, but as a practical, governmental matter, we do decide just as homeowners decide to put mortgages on their houses and businesses decide to take business loans to make capital improvements, we try to take and create funds of money for capital improvements and such, through our bonding and you know, I think that if we had no debt, we would have no interest payments. We could take that money and put it in the current programs, but then we may miss out on the ability to have a capital improvement today at a lesser cost and we may end up, if we did have a capital improvement down the line, 10 or 15 years, costing a lot more and I think just the history of the state of Illinois as you know, a governmental unit, we don't save for future capital improvements. We bonded today, get the capital improvement and pay that off over time, so all those are factors in what you're talking about."

Speaker Wennlund: "Representative Lang, please bring your remarks to close. Your time has expired."

Lang: "Thank you. Well, to the Bill and I thank the Sponsor for

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his answers. The state of Illinois issues a lot of debt. We have a lot of debt in the state of Illinois. We have a Governor that has ignored the debt. Just the Medicaid hole is probably 2 billion or more dollars, making our bond rating go down. Now there's a proposal in a shell Bill, a vehicle Bill that doesn't do a darned thing to possibly, dramatically increase state debt further, further taking our bond rating down, further not dealing with the problems of debt in the state of Illinois. This is something that must be dealt with. Because we have so much debt, the bond...the very bonds that the Representative wants to issue will have a higher interest rate than they might. What we need here are not vehicle Bills to issue more state debt, but substantive Bills to reduce state debt. This is not a good Bill. Let's not send a vehicle over to the Senate so they can do whatever they want to it, and Mr. Speaker, if this should get the requisite number, I would ask for a verification."

Speaker Wennlund: "Representative Churchill to close."

Churchill: "Yes, this is a Bill that is a standard thing that we do in this process to pass a vehicle for GO Bonds. I remember many, many years, former Majority Leader McPike standing on this Floor with this Bill. Apparently, that's a function of those people who end up being Majority Leaders to carry this type of legislation and so I would ask for your affirmative response with a green vote and let's put this one up on the Board for the memory of Jim McPike. I know he's now in a different land and making a lot more money in the private sector than he was here, but for all those years that he tried to pass a Bill, I'm trying to do the same thing now. Thanks."

Speaker Wennlund: "The question is, 'Shall House Bill 1473 pass?'"

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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? The Clerk shall take the record. On this question, there are 62 'ayes', 52 'nays', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Biggert in the Chair."

Speaker Biggert: "Representative Biggert in the Chair. Mr. Clerk, please read House Bill 1474."

Clerk Rossi: "House Bill 1474, a Bill for an Act to amend the Build Illinois Bond Act. Third Reading of this House Bill."

Speaker Biggert: "Representative Churchill?"

Churchill: "You get your chance again. This is the Build Illinois Bond Bill and it decreases the amount of bonds authorized by \$1, same discussion as last time and I would be happy to answer any questions."

Speaker Biggert: "Is there any discussion? The Representative from Cook, Representative Lang."

Lang: "Madam Speaker, thank you very much. Will you look me in the eyes, Madam Speaker? Do you hear me? Do you hear me? I'm requesting a verification if this should get the requisite number. Will you acknowledge that, please?"

Speaker Biggert: "I heard you, Representative Lang."

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

Speaker Biggert: "He indicates he will."

Lang: "Representative, what do Build Illinois Bonds do?"

Speaker Biggert: "Representative Churchill."

Churchill: "I'm sorry, Ma'am, I didn't hear the question."

Speaker Biggert: "Did you hear the question?"

Churchill: "No, I'm sorry. Just give me one second and I'll be

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right back ... Madam Speaker."

Speaker Biggert: "Representative Churchill."

Churchill: "Thank you. I would like to pull the Bill out of the record for just a minute and maybe come back to it."

Speaker Biggert: "All right the Bill will be taken out of the record. Mr. Clerk, please read House Bill 614."

Clerk Rossi: "House Bill 614, a Bill for an Act in relation to use and occupation taxes. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Hartke."

Hartke: "Thank you. Thank you very much, Madam Speaker, Members of the House. House Bill 614 is an extension of the farm equipment tax, sales tax exemption. Several years ago this House exempted from sales tax, agricultural equipment used in agriculture production. The Department of Revenue, throughout that history, has exempted as well. Those things that were used for aquaculture production. Although, it's never been on the books and so this is purely a technical piece of legislation to put in the statutes, the definition of aquaculture, so that they can legally continue to do what they have been doing and that is exempt the sale of aquaculture equipment from sales tax use. I'd be happy to answer any questions you might have."

Speaker Biggert: "Thank you, Representative. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Murphy."

Murphy, M.: "Thank you. I have a few questions. Representative, was there opposition to this Bill in Committee?"

Speaker Biggert: "Representative Hartke."

Hartke: "I know of absolutely no opposition to this piece of legislation. When it went before your committee, the Department of Revenue indicated that they had been doing

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this now and so it'd be no additional cost in loss of revenues to the state of Illinois because they had been on their own initiative giving exemptions for this type of equipment that are used in aquaculture production."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "At some point after you filed the Bill, the Department of Revenue had been against it, but then at the time of testimony they were neutral? How would you characterize the Department's new position? What time did you get their approval?"

Speaker Biggert: "Representative Hartke."

Hartke: "First, I would like to take it off short debate so we could answer all these questions, but I didn't understand you, Representative. Representative Biggert. Madam Speaker."

Speaker Biggert: "Yes, Representative Hartke."

Hartke: "Did you take it off short debate?"

Speaker Biggert: "I've seen the requisite number of Members. The Bill will be removed from short debate."

Hartke: "Thank you very much. Now, I'd like to ask Representative Murphy if she would repeat her question."

Speaker Biggert: "Representative Murphy, would you repeat your question?"

Murphy, M.: "All right, if I do recall, Representative, at the time of presentation of testimony in committee, the Department of Revenue thought this was sort of like that Bill from two years ago and they were removing their opposition, but at some time before that, they were, like they usually are, in opposition. Is that not true?"

Speaker Biggert: "Representative Hartke."

Hartke: "Yes, they were, but they became neutral when they realized that they had been doing that along anyway, so why

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should they be opposed to something that they had already been doing and so I think their position is still neutral on this piece of legislation."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Basic questions, that's why it's not on short debate. Are you trying to expand state government and create a department of aquaculture? Will there be a downstate aquaculture contingency or is it, aquaculture, Representative?"

Speaker Biggert: "Representative Hartke."

Hartke: "Aquaculture is an occupation where individuals raise fish and no, we're not trying to create a new ..."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "This is not an expansion. There will not be a new department to oversee this aquaculture, but you know, we're wondering. I read in one of the papers yesterday that snakes are on the decrease. Now, are any snakes or worms, part of this for bait and will they be tax-exempt, also?"

Speaker Biggert: "Representative Hartke."

Hartke: "I'm not aware of any business that raises snakes for agriculture production. They may be used for pets and those type of things and I'm not sure that they would fall under the aquaculture definition and so I'm not sure that equipment used to raise snakes would be sales tax-exempt. However, I'll be more than happy to work with you on a piece of legislation next year if you want to write the Snake Protection Act and Sales Tax Exemption Act. I'll be more than happy to work with you, Representative, on such legislation."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Yes, I still want to point out that our old analysis still says that possibly the production agriculture

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machinery exemptions could reduce state sales tax receipt by approximately 31 million dollars, millions and millions and millions of dollars, Representative. Now, has that figure changed substantially and is that just in one year or now that we grant this, what did I used to hear from that side, open sesameing of the state's treasury, will this be added to each year? So, is it the first year it's 31 million or in declining or will we see millions and millions of dollars every year draining from our state budget?"

Speaker Biggert: "Representative Hartke."

Hartke: "Representative Murphy, to answer your question, I think that you ought to look at maybe the date of your analysis. This legislation that has exempted sales tax on farm machinery and equipment, has been in place for many, many years and of course, as the economy increases and the price of machinery increases, naturally that sales tax loss exemption as you're suggesting is in millions and millions and millions and millions of dollars, may be absolutely true, but if you want to reinstitute that tax on farm machinery and equipment, we would chase farm equipment dealers out of the state of Illinois because our neighboring states do not have sales tax on farm machinery and equipment and that was the purpose of the Bill to start with. In the agriculture industry, there has been a consolidation, not only of equipment and manufacturers and so forth, but also a void in some counties completely on machinery equipment dealers, especially near our borders because those individuals have had loss of sales due to the fact that when you buy a combine or a tractor in the 100 to \$150,000 range, they can go across the border of the state of Illinois, go to Indiana and buy that equipment and do

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not have to pay the 6.25% sales tax. We were losing equipment dealers and that's why we put that exemption into place. Now, what was your question?"

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Where is the Department of Agriculture on this? Do they have a position and could you illuminate on that? Thank you."

Speaker Biggert: "Representative Hartke."

Hartke: "Yes, I don't really recall, Representative Murphy, exactly where the Department of Agriculture's position is and I don't recall them putting in a slip for or against this, but I would guess that the Department of Agriculture would do what they could to promote agriculture production and aquaculture in the state of Illinois. It is a viable industry that we can do in Southern Illinois and I would think that their charge would be to promote agriculture and aquaculture, as much as possible."

Speaker Biggert: "Representative Murphy, your time has expired. Representative Wirsing."

Wirsing: "Thank you, Madam Speaker. I would give my five minutes to Representative Murphy."

Speaker Biggert: "Thank you, Representative. Please continue, Representative Murphy."

Murphy, M.: "Thank you. You thought he was going to say something else, I suspect, Representative, but at any rate, fewer snakes are in the grass and I am concerned that the Eastern Massasoga is on the decline in Illinois and on the endangered species list and if you're going to encourage aquaculture near Boggs, I really am quite concerned about this. Has anyone from the Ethical Treatment of Animals contacted you about endangering the snake population of Illinois?"

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Speaker Biggert: "Representative Hartke."

Hartke: "Representative Murphy, you're absolutely correct. I thought Representative Wirsing was going to call the previous question, but I see that Mr. Ackerman is in his chair and so that he was not called on for that purpose. Number two, if those individual snakes are on the endangered species list and if we do have a program to promulgate those snakes, why I think we ought to look at it and if you want to sponsor that Bill, that's fine, but I would think that this piece of legislation deals with sales tax exemption is for aquaculture and that is for the production of those in agriculture for agriculture production. Now, if you can prove to me that these snakes are vital interest to the state of Illinois and that we're going to need those in agriculture production, such as honeybees, why I will be more than happy then to look at that as a future piece of legislation."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Representative, is this only about potential fish or live fish and not about dead fish, so that if you have a fish fry, the machinery you buy to fry up those fish it's not sales tax-exempt, is it?"

Speaker Biggert: "Representative Hartke."

Hartke: "Why I think something is fishy here, but I'm not sure what. Representative Murphy, this is for the production of live fish. I don't think you could produce dead fish, but there's been some around here, but ..."

Speaker Biggert: "Representative Murphy."

Murphy: "Please tell us what types of fish are best bred in Illinois. What kinds of fish are we trying to promote the production?"

Speaker Biggert: "Representative Hartke."

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Hartke: "Well, breaded fish sticks are good, but I think we really don't breed fish. Fish lay eggs and so forth and they're hatched and so I don't think we breed fish, but we produce fish in Illinois and just mainly, catfish."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "What about if my sons want a fish tank and we want to breed guppies, are going to prevent or insist that sales tax be paid by home grown guppies? Will home grown guppy owners have to pay sales tax on all that equipment that they need?"

Speaker Biggert: "Representative Hartke."

Hartke: "I'm not sure that guppies are sold in grocery markets and super markets or fish markets that are edible guppies. I don't know that they are, but if they were, I would imagine that sales tax would be exempt on your fish tank and your fish pumps and everything else that you would use for...even the fish food that you would use for the production of guppies for agriculture production."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Good question to find out. So size of the aquaculture production is not spelled out in this legislation? So you could be raising just a few, a school of fish or hundreds of schools of fish?"

Speaker Biggert: "Representative Hartke."

Hartke: "If you're in the commercial production of fish to be sold as production agriculture, then sales tax would be exempt."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Since it's about schools, has the State Board of Education taken a position on this, Representative?"

Speaker Biggert: "Representative Hartke."

Hartke: "I really don't know if the schools have taken a position

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on this or the State Board of Education, but I really doubt whether they would fund it adequately, anyway and so I really don't know how to answer your question, but the next time I see the superintendent of the schools, I be sure to ask him if it comes to my mind."

Speaker Biggert: "Representative Murphy, there's something fishy here. Would you please draw your remarks to a close?"

Murphy, M.: "Yes. I would like to hear once again, if we're going to be asked to drain the state's treasury of 31 million dollars, show me the up side of this, Representative Hartke. How many aquaculture businesses will be benefiting from this legislation? Why should people on any side of the aisle vote to give a sales exemption to aquaculture? Seriously, that's a serious question, Representative."

Speaker Biggert: "Representative Hartke."

Hartke: "Seriously, I don't have an answer to that question because I've not gotten that figure from the Department of Revenue. You see, the Department of Revenue was granting this sales tax exemption anyway and since they were granting that exemption, they don't really have any records to know what the impact would be, but they said it would be zero because they've been giving it already. Now, you keep throwing this situation about 31 million dollars out, now this is on total agriculture production. All the farm machinery and equipment is the state of Illinois and I hope you understand that and by the way, as I look up here, the IFT is in support of my legislation."

Speaker Biggert: "Thank you. The Gentleman from Kendall, Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

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Cross: "Representative, this appears to be special legislation. Wouldn't you agree?"

Speaker Biggert: "Representative Hartke."

Hartke: "You know, I was going to ask Representative Lang that last night. He's my roommate and I forgot to ask him whether this is special legislation, but thank you for the cross examination."

Speaker Biggert: "Representative Cross."

Cross: "Well, is this special legislation, Representative?"

Speaker Biggert: "Representative Hartke."

Hartke: "This is legislation for the aquaculture industry."

Speaker Biggert: "Representative Cross."

Cross: "Representative, are you being disingenuous with this side of the aisle?"

Speaker Biggert: "Representative Hartke."

Hartke: "Do you want me to answer that in Southern Illinois terms or in Skokie terms?"

Speaker Biggert: "Representative Cross."

Cross: "Well, Representative, you're not answering our questions. I've asked you questions repeatedly, you seem to be ignoring the questions. You're not giving us answers and I don't appreciate that one bit, Representative."

Speaker Biggert: "Representative Hartke, would you like to respond?"

Hartke: "Well, yes, I think I've tried to and I was expecting you to come up and ask me whether this applied to viticulture as well, but it does. So, you know, that is part of agriculture production."

Speaker Biggert: "Representative Cross."

Cross: "You took away one of my questions, Representative, and I assumed it applied to viticulture. Can you tell us what viticulture is, Representative? Will you explain to the

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Body what viticulture is?"

Speaker Biggert: "Representative Hartke."

Hartke: "Viticulture is the operation of vineyards in the state of Illinois, wine production."

Speaker Biggert: "Representative Cross."

Cross: "So, this would apply to viticulture, was that correct?"

Speaker Biggert: "Representative Hartke."

Hartke: "It is applied before, orchards, viticulture, crop production, and livestock production. Now we're adding aquaculture, the production of fish, to the legislation to make sure that the Department of Revenue is properly doing what it has been doing in the past."

Speaker Biggert: "Representative Cross."

Cross: "I'm not sure if you answered this question or if Representative Murphy asked it. Would water snakes apply, like water moccasins, apply under this particular Bill?"

Speaker Biggert: "Representative Hartke."

Hartke: "I'm not sure that there is any water snakes or water moccasins under production in the state of Illinois for agriculture purposes."

Speaker Biggert: "Representative Cross."

Cross: "Representative, I think we need to cut to the chase. This is, you're sponsoring this Bill for the guppy lobby, aren't you? Is that true?"

Speaker Biggert: "Representative Hartke."

Hartke: "I have not had the guppy lobby on this Bill, for this Bill, against this Bill or anything like that."

Speaker Biggert: "Representative Cross."

Cross: "Representative, there are Representatives out in the Rotunda from the guppy lobby that have been calling us out, one by one in support of this Bill. You have not had any conversation with anyone from the guppy lobby at all today

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or any other time?"

Speaker Biggert: "Representative Hartke."

Hartke: "No, I think that they've been doing a wonderful job if they've convinced you to vote for this. If they've been working against this, well then I think it's a different game."

Speaker Biggert: "Representative Cross."

Cross: "Representative, there've been a lot of questions and all good ones that have been asked, but I'm still a little confused about your explanation of the Bill. Could you go over it one more time, briefly and try to explain it so we can understand on this side of the aisle?"

Speaker Biggert: "Representative Hartke."

Hartke: "I'm gonna try to use about two minutes and 10 seconds to answer this question because I know that there's a news conference going on and as long as I'm speaking, we'll not be able to vote on anything else. This piece of legislation plans to extend sales tax exemption on equipment that is used in aquaculture production. Aquaculture is the production of fish for the people in the state of Illinois. Raising fish commercially, so that you and I can enjoy the catfish fillets and so forth in our restaurants in Illinois, right here in Illinois. It will mean a sales tax exemption for those individuals who buy pumps, tanks, netting, and other equipment that they use in the production. It is an extension of what we have done for farm equipment and machineries. An extension for what we've done for livestock production, viticulture production, orchard production, those things used in food production in the state of Illinois. I hope that answers your question."

Speaker Biggert: "Thank you. The Gentleman from Jersey, the

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Representative from Jersey, Representative Ryder."

Ryder: "Before I run out of time, I was wondering if you could reset it and would the Sponsor care to yield? I'd like to use some of the time to discuss this important and weighty issue. Thank you. Representative, would you yield for a few questions?"

Speaker Biggert: "The Representative indicates that he will."

Ryder: "Thank you. Representative Hartke, it's been traditional in the state of Illinois that farm machinery has had exemptions from sales tax. And it's my understanding that it is your wish to further expand that definition to include aquaculture and that's the underlying premise of the Bill. Is that a fair summary, Sir?"

Speaker Biggert: "Representative Hartke."

Hartke: "Yes, it is and this extension and so forth and making sure that it is on the books for the Department of Revenue only makes, I guess, legal what the Department of Revenue has been doing in the past. Only, there was some question whether they legally could do that or not. They have not charged sales tax on that type of equipment that was used in agriculture production, so we're just protecting the Department of Revenue in fact that they have been doing it in the past and so we're authorizing them to do what they always have done. So we're adding the definition of aquaculture to protect the Illinois Department of Revenue and to make sure that those people who do use this type of equipment in aquaculture production are legally given this tax incentive."

Speaker Biggert: "Representative Ryder."

Ryder: "Thank you. Representative, in times past, there's been some problems with other areas of agriculture to determine what equipment might be accurately used in the form of

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agriculture and what equipment may not be. Sometimes, mowers have been improperly categorized as nonagricultural and therefore, sales tax has been charged on them and I'm sure there's some other kinds of equipment in which reasonable people could differ as to the ultimate use of the property since it could be used in various forms of agriculture or personal use. You're aware of those past difficulties, are you not?"

Speaker Biggert: "Representative Hartke."

Hartke: "Yes, I am and I think that's why a couple of years ago, we passed legislation that defined the width of mowers that would be used and for what purposes because we had someone, for example, that may buy an eight foot mower and use it to mow his lawn and it was not sales tax-exempt because it may have been some wealthy individual with an estate. Those types of pieces of equipment were not sales tax-exempt. However, then we found golf courses that were using 12 foot mowers and mowing, but then again, the rule also did not apply because it was not for agriculture production. That was for fun, for people to play on the golf courses. However, any mower that was, say, four foot wide that was used to mow the barnyard, possibly could be, but if it was used as household and personal as well, then sales tax were not applicable and so, there was a verification there that had to take place. So generally, lawn mowers are not sales tax-exempt. However, mowers that are used to mow conservation acres, CRP acres and so forth, was sales tax-exempt, providing that it was over, I do believe the law is an eight foot width, maybe it's a six foot width, to determine whether a bush hog or a mower was used for agriculture production, then it was sales tax-exempt."

Speaker Biggert: "Representative Ryder."

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Ryder: "Thank you, Representative. I should indicate that the way this works is that we're trying to stall. You give short answers, okay, but your long answers are helpful and we do appreciate your cooperation in this event, okay. One of the concerns I have and I realize my time's drawing to an end. One of the concerns I have, is, how do we know that hooks and lines and fishing lines are to be used in the production of aquaculture rather than in pleasure, which is what you usually use them for?"

Speaker Biggert: "Representative Hartke."

Hartke: "To the contrary, I'm not a fisherman. I do not own a fishing pole, corks, hooks, or lines, but that would not be used in agriculture production, but netting would be, seines and so forth, in those individuals who produce fish rurally, outside of buildings on a seasonal basis, but now for those individuals that produce these fish inside of buildings, then the tank and the equipment that are used, the pumps and so forth would be sales tax-exempt. But hooks..."

Speaker Biggert: "Representative Ryder. Sorry, Representative Hartke, did you answer the question?"

Hartke: "Why I cut off hooks, lines, and sinkers, which, there's got to be a line here I can use, would not be sales tax-exempt."

Speaker Biggert: "Representative Ryder."

Ryder: "Speaker, I think you cut his line, was the problem, but he's sinking fast in any event and we'll throw him a flotation device soon. Is this restricted only to indoor use with tanks? I thought that you also wanted to cover catfish ponds, catfish that could be accomplished outside as well and I appreciate the courtesy."

Speaker Biggert: "Representative Hartke."

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Hartke: "No, it would apply to outdoors as well. Some of the aquaculture productions are in ponds, maybe the size of the chamber here and they would pump water from one another and so forth, use automatic fish feeders and so forth. These feeders and equipment costs would be sales tax-exempt, in or outdoor, but no guppy tanks."

Speaker Biggert: "Representative Ryder, your time has expired. Representative Moffitt."

Moffitt: "Thank you, Madam Speaker. I'd like to yield my time to Representative Ryder."

Speaker Biggert: "Representative Ryder."

Ryder: "Thank you. Representative, I have just a few other questions and I suppose, did I say something wrong, already? Such a violent reaction, Representative, you should be careful. We wouldn't want to lose you here. Specifically, I'm wondering if we're talking about the catfish ponds and sometimes it's necessary to catch the fish to examine them, in addition, if we're talking about examining the pond, a boat could be used for that purpose, could it not, and therefore, would the boat be in the same problem of whether it's for pleasure or for production? How do you care to address that issue? In what really ought to be frightening, is, that somebody might actually use this conversation for legislative intent."

Speaker Biggert: "Representative Hartke."

Hartke: "I would think that the Department of Revenue, considering the fact that they have exempted aquaculture production equipment in the past, that common sense would prevail and that I wouldn't think that a yacht on a pond would make any common sense at all. However, maybe a little 12 or 14 foot John boat occasionally may be used in that production and I would imagine if that were put in and

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he could verify that he was truly using it strictly for agriculture production, it may be sales tax-exempt, but if he uses it to fish on weekends in the Illinois River, then it would be not because then he'd be using it for personal use and not for production use. I think that common sense has to prevail there and by the way, oh the news conference must be over with because I see you're on the phone."

Speaker Biggert: "Representative Ryder."

Ryder: "Thank you. That was the Department of Revenue on the phone and they indicated that their experience is such that they would be able to accommodate that, although there is some concern that since sales tax is collected at various points of purchase, that we're actually leaving it to the hands of the merchants to make that decision and they were somewhat concerned about that. I also, in that same conversation, earlier talked with some of the constituents from my district and, Representative Hartke, I know you didn't intentionally mean to do this, but you did insult some of the folks from my district because to them, a 10 foot John boat is a yacht and that's the best that we can afford. So, I know it wasn't intentional, Representative, and I do thank your courtesy, although I should say on behalf of Representative Lang, you haven't answered a question that I've asked you."

Speaker Biggert: "Representative Hartke, have a response?"

Hartke: "Was that a question?"

Speaker Biggert: "Alright. The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Deering: "I noticed here, we're adding aquaculture to the tax code as exemption. Currently, SIU-Carbondale has an

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aquaculture program. Because it is a state facility, is it already exempt? If this Bill passes or not, would sales taxes or use taxes be exempt from that program because it already is used in a state facility?"

Speaker Biggert: "Representative Hartke."

Hartke: "I would think that they would be sales tax-exempt anyway under the current law because they're governmental body."

Speaker Biggert: "Representative Deering."

Deering: "What about the commercial fishermen in Lake Michigan? You know, the Department of Conservation's wanting to cut back the daily take of the perch out of the lake because they say we're depleting the supplies. Would this be an incentive? Would the commercial fishermen be able to use this exemption?"

Speaker Biggert: "Representative Hartke. Ladies and Gentlemen, could we have your attention for this important debate, please? May we have a little order in the House."

Hartke: "Yes, I would like to answer the question for Representative Deering. Representative Deering, if you look at the piece of legislation and read it, this is for agriculture production, not fishing, and the commercial fishermen on Lake Michigan do not grow the perch, the Lake does and that's a public body of water and so, they harvest fish. They don't grow the fish. It's a different ballgame."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative. Just a second. I have Charles Osgood on the line. He wants to know if there's anything in this Bill pertaining to bull semen."

Speaker Biggert: "Representative Hartke."

Hartke: "No, that was done about two years ago when we exempted semen from sales tax."

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Speaker Biggert: "Representative Deering."

Deering: "So, then, because of this fine piece legislation as in the bull semen Bill, you won't be on the Osgood file tomorrow morning?"

Speaker Biggert: "Representative Hartke."

Hartke: "I would answer the phone if it rang tomorrow morning and if Charles Osgood wanted to talk to me, I would be more than happy to talk to him."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative. I appreciate your diligence in this matter."

Speaker Biggert: "Thank you. The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Speaker. I just have a few questions. Would the Sponsor yield?"

Speaker Biggert: "Representative Kubik?"

Kubik: "Would the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Kubik: "Representative Hartke, how many cosponsors do you have on this Bill?"

Speaker Biggert: "Representative Hartke."

Hartke: "Representative Kubik, I really haven't looked, but I don't think any."

Speaker Biggert: "Representative Kubik."

Kubik: "Well, Representative, we've had some interesting debates over the last couple of years regarding animal livestock, et cetera, and as I understand it, we're exempting sales tax on aquaculture in this Bill. Now, I think Representative Woolard had a Bill that had to do with ratites and I think his cosponsor was Representative Ryder, of all people, and those Bills. My Senator, my former Senator was the sponsor ..."

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

Woolard: "Point of Personal Privilege, Madam Speaker. I demand an apology from the previous speaker. You know, he used my name, almost in vain and I think that it's entirely out of hand and should be changed immediately. By the way, Madam Speaker, I don't want this to count as my opportunity to be involved in discussion on this Bill. I'd like to be called on later, but I would really appreciate an apology by the speaker."

Speaker Biggert: "Representative Kubik."

Kubik: "Representative Woolard, I was stating a matter of fact. I did not in any way mean to connect you with ratites of any sort, just that you were a sponsor. You were a sponsor of a Bill concerning ratites and my question is to Representative Hartke, that I would assume that...you're a hog farmer and I assume that in the involvement of the production of hogs, there are certain sales tax exemptions and for ratite production, I would assume that there are certain pieces of equipment that are necessary for production. Would you not agree?"

Speaker Biggert: "Representative Kubik, I think you're straying a little bit from the Bill. Could you address the Bill, please?"

Kubik: "I will."

Speaker Biggert: "Representative Hartke."

Hartke: "Well, yes, I'll try to respond to that. Sales tax exemptions have been given to livestock production and if the ratites would fall under the livestock production, even fowl, and if they're considered fowl, they would be sales tax-exempt under the present provisions. Aquaculture was not mentioned specifically and described in the present

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Act. Although the Department of Revenue has been granting this sales tax exemption already, that is why I have put that into the language so it is there."

Speaker Biggert: "Representative Kubik."

Kubik: "Representative Hartke, I plan to support your Bill. I think it's a fine idea. I really do, but I must say that I'm disappointed that you're the only sponsor, given the fact, we give sales tax exemptions to ... production ratite production, and other sorts of things. I would think that there would be some people who would want to join you in a spirit of cooperativeness in allowing for this particular Bill to pass and I'm disappointed, but I plan to sponsor...to support your Bill and I think it's a good idea."

Speaker Biggert: "Thank you. The Gentleman from Champaign, Tim Johnson."

Johnson, Tim: "I would move the previous question, Madam Speaker."

Speaker Biggert: "All those in favor please say 'aye'; all those opposed please say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Hartke...the motion is carried. Representative Hartke to close."

Hartke: "Well, thank you very much, Madam Speaker, Members of the House. I certainly appreciate all the questions and I hope we're more educated now, than we were before. The present Act that exempts farm machinery and equipment, viticulture, also exempts hydroponics and the new styles and methods of production food in Illinois. Aquaculture, seriously, was not mentioned in the original Act and that sales tax exemption was given anyway, so for the Department of Revenue and for the people of the state of Illinois, that's why I have introduced this piece of legislation and I would

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hope that...would ask for your support for House Bill 614."

Speaker Biggert: "The question is, 'Shall House Bill 614 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 63 ayes, no...there are 116 'ayes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 1109?"

Clerk McLennand: "House Bill 1109, a Bill for an Act that amends the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Biggert: "Mr. Clerk, please return the Bill to Second Reading. Mr. Clerk, what is the status of House Bill 1498?"

Clerk McLennand: "House Bill 1498, a Bill for an Act that amends the Illinois Government Ethics Act. Third Reading of this House Bill."

Speaker Biggert: "Mr. Clerk, please return House Bill 1498 to Second Reading. Mr. Clerk, please read House Bill 878."

Clerk McLennand: "House Bill 878, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 878 is relatively simple Bill and what it does is, it defines the requirements for eye protection for motorcyclists in Illinois. It puts those definitions into the statute so that...that every cyclist, every police officer and every State's Attorney throughout the entire state can actually see what's required of them. What the

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Bill does, is it defines three terms that are exceptable for eye protection, one being what glasses are. Two being what goggles are and three the definition of what constitutes a transparent shield. Currently, these things were determined by a commission which no longer exists, and therefore leaves law abiding citizens in Illinois at the risk of running a foul of some hidden regulation adopted by the Department of Transportation. It's a relatively simple Bill, but it clarifies for Illinois cyclists exactly what constitutes safe eye protection. I ask for your concurrence in this and the adoption of this Bill. I'd be happy to answer any questions."

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

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

Speaker Biggert: "He indicates he will."

Dart: "Representative, where's the...is the Department of Transportation, do they have a position on this Bill? Does the Department of Transportation have a position on this Bill?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "There probably opposed to it."

Speaker Biggert: "Representative Dart."

Dart: "Could you tell me why they're opposed to it?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Because it puts into statutes something that is currently decided by them by the adoption of regulations."

Speaker Biggert: "Representative Dart."

Dart: "Well if the regulations...if your just going to codify the regulations, what's the point of doing this then?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "To clarify the law so that someone can go...the

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average cyclist, a lawyer, the average citizen can go into the statute and determine under motor vehicle laws what is and what is not the acceptable method of eye protection for motorcyclists. It brings about certainty to the entire process so that citizens throughout the state will know exactly what the law is with respect to this and we'll be in compliance with it. To give you an example of that, there are current regulations would prohibit the wearing of certain glasses, even prescription glasses that were tinted in some fashion before sun up or after sun down. As a matter of fact, I wear tinted glasses myself and that are in fact light enhancing. Well, would I want to leave it up to the individual officer who decides to stop the motorcyclist, or the individual State's Attorney to decide what is and what is not tinted and to what extent it's tinted. It puts into statutes some certainty throughout the state so that law abiding citizens know exactly what the law is and that's why it needs to be done. It needs to be codified into statute."

Speaker Biggert: "Representative Dart."

Dart: "Are...are not the police departments and the like, enforcing things based on what the regulations say though. I mean..."

Speaker Biggert: "Representative Wennlund."

Wennlund: "No, they don't know what the regulations are."

Speaker Biggert: "Representative Dart."

Dart: "So...so, basically, IDOT's dropped the ball here and they have...if they do have regulations, they're created in a vacuum in a room where nobody knows about them and so, that IDOT is basically not doing they're job for starters. And by doing that, they are jeopardizing all sorts of people and I would dare say if they're doing it in this instance,

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I would dare say that and more other...more likely than not, in other instances they don't do it either. So, this...is this a problem in here with IDOT then, that they will pass regulations which are supposed to protect people, protect our roads, but yet nobody knows about them?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Well, that really is not the issue. The issue here is, is to put into statutes so there is certainty not everybody and not every police officer on the street carries around the administrative code, the Illinois Administrative Code, which is about 30 volumes, stands about four foot tall, which I have a copy. Very few police officers carry that in a squad car with them and do not know in fact what the law is. But they do in fact carry the Motor Vehicle Code. This puts into the Motor Vehicle Code exactly what is required of every motorcyclist and brings about certainty to what the law is in Illinois as opposed to leaving it to some commission called the VESC commission, which no longer exists."

Speaker Biggert: "Representative Dart."

Dart: "But, I...I guess my problem in dealing with law enforcement officers on a regular basis, I have...not had them pose as problem to me for starters, but secondly, what is the...I mean, what's the point of any of our agencies having rule making authority, ability to make regulations, if, in fact, none of them are being enforced because nobody knows about them. I mean, what...we should basically get rid of that ability to do that then because what we're saying here is that unless their in statutes, nobody knows about them and then we should just abolish them. What's...I don't...what's the difference here?"

Speaker Biggert: "Representative Wennlund."

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Wennlund: "Certainly, Mr. Dart, your not advocating that we repeal the entire Motor Vehicle Code and allow the Department of Transportation or the Illinois State Police and let them decide by regulation what speed limits are, what motor vehicle violations there are and everything else that's contained in the Vehicle Code. That's absolutely ridiculous."

Speaker Biggert: "Representative Dart."

Dart: "That wasn't my question. My question was, what's the point of having these people have the authority to have the ability to make regulations and rules, if what you're saying is that nobody knows about them anyway? What's the point?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "The point is very simple. So that law abiding citizens in Illinois will in fact know what the law is with certainty. Can look it up and determine what is and what is not a safe eye protection for motorcyclists. No different than what the standards are in Illinois or anywhere else for...for having windshields on vehicles. That's in the Motor Vehicle Code, but yet, you question why the regulations that would come from a nonexistent commission should not also be incorporated in the Vehicle Code."

Speaker Biggert: "Representative Dart, could you draw your remarks to a close."

Dart: "Yes. A final...I again, a final question then. If all we're doing is in fact codifying these regulations, why would IDOT oppose that?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Well, to tell you the truth, I think that...that they could see their way clear to support this Bill if they

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really understood it."

Speaker Biggert: "Representative Weaver, the Gentleman from Coles."

Weaver: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Bill. Obviously I'm Co-Sponsor, but I rise as...as a motorcycle rider and I...I think maybe I can help answer some of the previous questions because one of our problems as motorcycle riders is trying to keep up with the current laws. And our problem with DOT making rules and changing the rules from time to time is to know exactly what is the law and what is required under the law. That's why most of the motorcyclists that...that I've talked to and particularly the ABATE organization in this state is in support of this legislation for the very simple reason that is put something in statute that we can rely on, that we know what the law is and we know it's going to a job for us. We do not oppose eye protection devices and...and this puts something in the statute that the motorcyclists in the State of Illinois can live with and prior to this...I...I have a motorcycle windshield on my...on my bike, and I wasn't really sure whether it would be legal after this year or not. It's a considerable investment and it is meant to be a protective device but I want to make sure that my investment is something that is not going to get me pulled over and get a ticket on. I have to tell you, Todd Vandermead, who is the legislative guy for...for ABATE, had a little accident on his motorcycle last night, kind of dumped it over in a parking lot, but he was wearing appropriate eye protection devices and...and I think most motorcyclists in the state understand that that is the law and are willing to abide by the law as long as we know what

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the law is. And so I think the users of the system, the motorcyclists in Illinois, rise in support of this...this Bill simple because it allows us to rely on something in the law. I...I really urge a...an 'aye' vote on this Bill."

Speaker Biggert: "Thank you. The Representative from Cook, Representative Blagojevich. Could we have a little order, please?"

Blagojevich: "Thank you, Madam Speaker. Can I ask the Sponsor a couple of questions, please. Will the Sponsor yield?"

Speaker Biggert: "He says he will."

Blagojevich: "Thank you. Representative Wennlund, can you just again, quickly define what eye protection would be under this Bill?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Yes, what constitutes adequate eye protection under this Bill are glasses, and you all know what the ordinary meaning of glasses are, I'm certain. Goggles. I'm certain you've seen those and transparent windshields attached to the motorcycle. That's what constituted adequate eye care and the Bill specifically excludes from the definition of adequate eye care, people like me who wear contact lenses."

Speaker Biggert: "Representative Blagojevich."

Blagojevich: "Fair enough, Representative, but let me ask this. If you had a transparent shield attached to your motorcycle, then under this Bill you wouldn't have to wear glasses or goggles. Is that right?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "No, a transparent windshield of adequate height constitutes adequate eye protection."

Speaker Biggert: "Representative Blagojevich."

Blagojevich: "The answer is yes. In other words, if you had the

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requisite height of a transparent shield on the motorcycle,
you don't need to wear goggles or glasses. Is that right?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Yes."

Speaker Biggert: "Representative Blagojevich."

Blagojevich: "Couldn't you just change your Bill a little bit and
mandate that you have to wear glasses or goggles with the
windshield? That would be fine because that I could
support, frankly. But based on this particular Bill,
you're saying that a transparent shield is enough, you
don't have to have goggles or eye glasses. Could you
please change your Bill to say that you have to wear
glasses and goggles? Please."

Speaker Biggert: "Representative Wennlund."

Wennlund: "No. Not anymore than I would require those who ride
in convertibles to wear goggles."

Speaker Biggert: "Representative Blagojevich."

Blagojevich: "Can I speak to the Bill then?"

Speaker Biggert: "To the Bill, Representative."

Blagojevich: "Representative Wennlund, you almost had me. I
almost was going to support this Bill and if you change it,
and again, I would ask you to reconsider, to require a
motorcycle...driver to wear goggles or glasses, I could
support your Bill. This isn't a helmet. I understand the
concerns about making somebody wear a helmet who rides a
motorcycle, but this is a public safety issue. The people
who don't have adequate eye care can't see on the public
highways. They can cause other accidents. They can cause
a car or a truck or some other vehicle to create an
accident where they otherwise wouldn't because that guy
driving the motorcycle can't properly see because he's got
something in his eye. Can't you possibly reconsider

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this and put glasses and goggles and make that mandatory. If you can't I can't support it and I would urge everybody to not support it because this is not in the public interest, this is not public safety. We are making moves to make our highways safer. We are going to have a Bill and probably pass it that requires .08. This is not consistent with having .08 blood alcohol level on DUI's. This is going the other way. I understand, again, your concerns about motorcycle helmets. That's a different issue. This is about a motorcycle helmet - deals with the actual person on that motorcycle, but this is going to have consequence that effect other people who use the public highways and that, frankly, is very dangerous. Now, Todd Vandermead works very hard on these issues and I'd like to support him on this particular one, but unfortunately, I can't and I urge everyone to vote no on this because it is a public safety issue. Thank you."

Speaker Biggert: "The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Madam Speaker. Will the Representative yield?"

Speaker Biggert: "He indicates he will."

Spangler: "Representative Wennlund your Bill includes windshields that come above the eyes of the operator. Can you tell me how many other states allow windshields as eye protection?"

Speaker Biggert: "Representative Wennlund."

Wennlund: "Twenty-five other states do not require those who drive convertibles to wear goggles or helmets."

Speaker Biggert: "Representative Spangler."

Spangler: "So this isn't a new concept for Illinois, it just puts the statute the way the law use to interpret it until some bureaucrat thought is should be different?"

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Speaker Biggert: "Representative Wennlund."

Wennlund: "Correct."

Speaker Biggert: "Representative Spangler."

Spangler: "Members of the House, I rise in support of this Bill.

Judges and motorcyclists were happy with the way the previous law worked, but someone in the state office somewhere thought they knew better. If the state allows windshields as eye protection for those people who drive convertibles and jeeps, why not motorcycles? I urge and aye vote."

Speaker Biggert: "The Representative from Champaign, Representative Johnson."

Johnson: "I believe we've had adequate discussion and I would move the previous question."

Speaker Biggert: "The Gentleman moves the previous question. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The Motion is carried. Representative Wennlund to close."

Wennlund: "Thank you very much, Madam Speaker, Ladies and Gentleman of the House. For further edification of Representative Blagojevich, I can tell you that the law is already this. That the operator of a motorcycle, a motor driven cycle, or motorized pedalcycle and every passenger there on, shall be protected by glasses, goggles or transparent shields. That's what the law is already. All this Bill does is clarify and define exactly what are...what constitutes glasses, goggles, or shields. And I ask for your support on the Bill to clarify this for all law abiding citizens of Illinois who may be driving any of those various vehicles, including pedalcycles. Thank you very much, ask for an aye vote."

Speaker Biggert: "The Question is, 'Shall House Bill 878 pass?'

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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 97 'ayes', 12 'nays', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1706."

Clerk McLennand: "House Bill 1706, a Bill for an Act in relation to aggravated battery of a child. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Turner."

Turner: "Thank you, Madam Speaker. House Bill 1706 amends the criminal code. It increases the penalty for aggravated battery of a child from a Class I felony to a Class X felony; permits the State Attorney to seek an order of protection against the defendant who is charged with aggravated battery of child. I would be happy to answer any questions."

Speaker Biggert: "Is there any discussion? The Chair recognizes the Gentleman from Washington, Representative Deering. The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Dart: "Thank you. Representative the provision dealing with an order of protection. Is that already not the law though?"

Speaker Biggert: "Representative Turner."

Turner: "No, Representative, that is not in that particular section you are talking about. However, as you well know, when a criminal charge is filed, a court could make a condition of a bond the equivalent of an order of

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protection, but this does amend the statute in that particular fashion, however."

Speaker Biggert: "Representative Dart."

Dart: "So they could still do it by way of the bond. This isn't messing around with that whatsoever, but now you're changing it in to regards to order of protections. Right now, they are limited and cannot be used in this situation?"

Speaker Biggert: "Representative Turner."

Turner: "That is correct."

Speaker Biggert: "Representative Dart."

Dart: "And just so there's no confusion. If the incident that involved here and the battery of the child was a domestic related one would, that technically under present law, would order of protections be available for that?"

Speaker Biggert: "Representative Turner."

Turner: "Representative Dart I don't believe so, but I'm not positive on that question. It's a very good one."

Speaker Biggert: "Representative Dart."

Dart: "I guess my concern is...in no way were we changing whatsoever, the law in regards to domestic violence right now in the order of protections. It can be issued from a case that's brought in as a domestic case in which there is an order of protection sought. This is in no way impacting that and what it is attempting to do is just expand the number of opportunities in which an order of protection can be given."

Speaker Biggert: "Representative Turner."

Turner: "That is correct."

Speaker Biggert: "Representative Dart."

Dart: "Now, in a separate area, I was wondering if you could explain in regards to the provisions which remove the

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probationable expungable provisions. Could you sort of run through that, because there were some historical reasons for having that provision in there. If you could explain to me, basically, what those were and...removing them and if there is anything that's going to take their place."

Speaker Biggert: "Representative Turner."

Turner: "I don't know if I can give you the entire history, but there was certainly a thought process that perhaps a young parent would become an offender under this section and create a situation of great bodily harm to one of their minor children. And I believe it was thought that in all circumstances it may not be appropriate for that individual to be incarcerated by mandate of the legislature. My response to that, however, would be that when a person does an aggravated battery on a child and when the statute clearly specifies that they have done so willfully, they have caused either great bodily harm or permanent disability to a child who is under 13 years of age, then that person ought to be incarcerated and I frankly don't agree, I guess, with the historical perspective that I have related to you. You've asked me to talk about, so what my Bill would do is mandate that a person who does such harm to a child would go to prison."

Speaker Biggert: "Representative Dart."

Dart: "Could you run by me what the great bodily harm...how that has been defined by the courts?"

Speaker Biggert: "Representative Turner."

Turner: "Representative Dart, I think as a fellow attorney you probably are aware that there is no definition for great bodily harm. It is a fact question in each and every instance. Certainly there are cases that you can look to for guidance which would have substantiated a fining of

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great bodily harm, but for me to give you a definition is not possible, in fact, would be improper inasmuch as a jury in a given case is not even told a definition for great bodily harm."

Speaker Biggert: "Representative Dart."

Dart: "My question though was how the courts have defined it. They have done that through case law, which has basically left it open to the jury. The...obviously, it can range from minor to more severe instances of battery. Correct? Against the child. I mean, the thrust of this is after the 13 and under. If there's great bodily harm done to the child, there's a special nitch cut out for them in this area. Correct?"

Speaker Biggert: "Representative Turner."

Turner: "Representative, I don't believe there's a special nitch cut out, however, there is no question in my mind that a fact finder, whether it be a jury or a court, is going to take into consideration the tender age of a victim. And if you're getting at perhaps an injury to an arm or a foot or something where it may be not great bodily harm to an adult, but might be considered great bodily harm for a minor child, I certainly would agree with you on that. But I know of no nitch. If you know of one you would have to advice me about it because I'm not aware of it."

Speaker Biggert: "Representative Dart your time has expired. Would you like to bring it to a close?"

Dart: "Yeah, just to finish up. I really was just about done anyway. The...what I was saying about the special nitch was that, in fact, this is distinguished from regular aggravated battery. So, in effect it is a special nitch. I mean, it's different. We have distinguished...we had made a special class because we in the State of Illinois

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have made a statement that we do not want people striking people under 13 years of age. So my point was that, and I agree with you that with the harder this Bill is...is going after, is making a clear statement in regards to batteries committed against children, basically, and I think it is a nitch that should be cut out. It should be treated difference and I think it deserved to be treated that way and I appreciate your answers here. Like always you are just like Representative Cross, so full of information. Thanks."

Speaker Biggert: "Thank you. The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Madam Speaker. I would, at the appropriate time, I'd like to yield my time to Representative Dart...Lang."

Speaker Biggert: "I think that Representative Dart was finished. Representative Lang."

Lang: "I thank Representative Novak for the time. Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Lang: "You're raising these to Class X felonies. What does that mean in terms of probational offenses?"

Speaker Biggert: "Representative Turner."

Turner: "Representative Lang, I would indeed have been disappointed had you not asked me some questions. The answer to your first question today, is, that a Class X felony is non-probationable and carries with it a penalty of 6 to 30 years in the Illinois Department of Corrections."

Speaker Biggert: "Representative Lang."

Lang: "Well, how does this differ from some other kind of aggravated battery?"

Speaker Biggert: "Representative Turner."

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Turner: "A typical aggravated battery, Representative Lang, is a Class III felony carrying with it a penalty of two to five years. It is also a class of felony to which a court may grant a sentence of probation along with any conditions that the court would care to impose."

Speaker Biggert: "Representative Lang."

Lang: "Thank you, Representative, and what would the correctional impact of this Bill be should it become law?"

Speaker Biggert: "Representative Turner."

Turner: "I believe there was a fiscal note filed in this case, Representative, and if I'm reading it correctly, the fiscal impact is noted to be \$1,152,900.00."

Speaker Biggert: "Representative Lang."

Lang: "Well, compared to what you are trying to resolve, I don't think that a lot of money. But where will the money come from, Representative?"

Speaker Biggert: "Representative Turner, could you talk a little bit closer to the mic. It's very hard to hear you. Representative Turner."

Turner: "Madam Chairman, I'm doing my best. I'm kind of new at this, but I'll try to speak as close to the mic as I possibly can. Representative Lang, what was your question, again?"

Speaker Biggert: "Representative Lang."

Lang: "I don't know, I think I forgot the question. Where is this money going to come from?"

Speaker Biggert: "Representative Turner."

Turner: "Representative Lang, that is a fair question. The money comes from, obviously, taxes that are assessed and I think you would agree with me that one of the most important considerations that we have as elected officials, is to take care of the public as far as their safety and well

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being. And so this money will come from the same taxes that we assess for any other thing that government does."

Speaker Biggert: "Representative Lang."

Lang: "Well, I wasn't referring to the answer of tax dollars. My real answer was, where else in the budget will this come from. Has the Governor put this \$1.2 million dollars on his budget?"

Speaker Biggert: "Representative Turner."

Turner: "Representative, I know that the Governor, like all of us including you, is very concerned about crime and I think that without his budgetary message in front of me, I believe that there was an increase in spending for DOC and related crime items. Whether or not he had that specifically in his budget though, I would doubt."

Speaker Biggert: "Representative Lang."

Lang: "Is the Department of Corrections in favor of this legislation?"

Speaker Biggert: "Representative Turner."

Turner: "Representative, they have no official position."

Speaker Biggert: "Representative Lang."

Lang: "Do they have an unofficial position?"

Speaker Biggert: "Representative Turner."

Turner: "Representative, not to my knowledge."

Speaker Biggert: "Representative Lang."

Lang: "Well, so let's see if I get this straight. You've got a Bill here that effects the Department of Correction to the tune of \$1.2 million. There is no money in the Governor's budget for it, but you believe corrections will have sufficient money for it. But we don't have any comment from the Department of Corrections as to whether they are willing to support this measure. So whether they think they have the money in the budget for this measure."

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Speaker Biggert: "Representative Turner."

Turner: "I believe the answer to your question, even though it was a compound owned one, is yes."

Speaker Biggert: "Representative Lang."

Lang: "I assume that would be yes to each part of the compound question. Is that right?"

Speaker Biggert: "Representative Turner."

Turner: "Would you repeat it so I can make certain? I believe so."

Speaker Biggert: "Representative Lang, your time is just about expired."

Lang: "I had seven minutes on the board a second ago. Where did go, Madam Speaker..."

Speaker Biggert: "It disappeared. Representative Lang."

Lang: "Thank you. Well, your question to me, Representative, was you commented that you didn't remember all the parts of the question. I just wanted to tell you I don't either, so thank you for your answers to my question."

Speaker Biggert: "Thank you. Representative from... Representative Mautino. Representative from Champaign, Representative Johnson."

Johnson: "I move the previous question."

Speaker Biggert: "The previous question has been moved. All those in favor please vote 'aye'; those opposed please vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 64 'ayes', 51 'nays', 0 voting 'present'. And this Motion carries. Representative Turner to close."

Turner: "I move for passage of House Bill 1706. Thank you."

Speaker Biggert: "The question is, 'Shall House Bill 1706 pass?' All those in favor vote 'aye'; all those opposed vote

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'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 108 'ayes', 3 'nays', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Congratulations. Mr. Clerk, for an announcement."

Clerk McLennand: "The 3 p.m. rules committee meeting has been canceled. Rules will now meet at 3:30 p.m. Rules will meet at 3:30."

Speaker Biggert: "Mr. Clerk, please read House Bill 1707."

Clerk McLennand: "House Bill 1707, a Bill for an Act to create the offensive aggravated domestic battery. Third Reading of this House Bill."

Speaker Biggert: "The Representative from Will, Representative Ciarlo is recognized."

Ciarlo: "Thank you. Thank you, Madam Speaker. House Bill 1707 amends the Criminal Code of 1961. It creates a new offense of aggravated domestic battery. Currently, we have laws dealing with battery victims. This Bill identifies the specific population and targets violent and repeat offenders. In a society where individuals dump babies down garbage chutes and pour scalding water on their girlfriend's child, who allegedly stole \$20 in food stamps, laws need to be in place that allow the courts to deal more harshly with these offenders and to give stiffer penalties for these offenses and to also give the States Attorneys another tool to combat crime. Aggravated domestic battery deals with this issue and I urge an 'aye' vote. I'm prepared to answer some questions."

Speaker Biggert: "Is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Biggert: "She indicates she will."

Hoffman: "Madam Speaker, I would like to...with the requisite number of people remove this from Short Debate, please."

Speaker Biggert: "Seeing the requisite number of hands, this discussion will be removed from Short Debate."

Hoffman: "Thank you, Speaker. Representative, specifically in this Bill you had indicated that this would create the offence of aggravated domestic battery. If an individual commits domestic battery and knowingly and intentionally permanently disables or disfigures an individual, how is that different from regular...regular domestic battery and the criminal sanctions that go along with it?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Representative Hoffman, it increases the penalty, the aggravated domestic battery, from a Class II, I believe, to a Class III felony, which is additional years."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Now you indicated it just...does the offensive aggravated domestic battery already exist in Illinois?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "No, Sir, it does not."

Speaker Biggert: "Representative Hoffman."

Hoffman: "This...this creates a new offense, is that right?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, it does."

Speaker Biggert: "Representative Hoffman."

Hoffman: "And that offense would be a Class II felony, correct?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, it does."

Speaker Biggert: "Representative Hoffman."

Hoffman: "It is my understanding that a Class II felony in

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Illinois carries a sentence of three to seven years unless otherwise specified. Could this still be probational?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, it could."

Speaker Biggert: "Representative Hoffman."

Hoffman: "If probation is not given in this instance and an individual got, for instance, three years. That individual would still be eligible for day for day good time and early release credits, isn't that right?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, that is correct."

Speaker Biggert: "Representative Hoffman."

Hoffman: "An individual who commits aggravated domestic battery in the State of Illinois, which means commits domestic battery and great bodily harm or disfigurement and disability occurs, that person conceivably could, if it gets three years, could only serve, if he gets all the day for day good time, all the earned credit good time would only serve about a year in prison, isn't that right?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Well, Sir, he could also serve seven years."

Speaker Biggert: "Representative Hoffman."

Hoffman: "I understand that, Representative. It's my understanding that there was just a big press conference that was held down in the Blue Room in which a truth and sentencing proposal, put forward by the Republican side of the aisle, was put forward. In that, there was several offenses that were listed that would for sure indicate that individuals would have to serve 85% of their sentences. Is aggravated domestic battery one of those sentences?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Well, let me go back and address the first part of your

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question as to the press conference in the Blue Room. Yes, in fact, Representative, there was a press conference regarding exactly as you had mentioned, truth and sentencing. But I also would like to tell you it is an excellent Bill and it puts teeth in it and it is affordable."

Speaker Biggert: "Representative Hoffman."

Hoffman: "But, Representative, I don't believe that you answered my question. My question was, is this included in that Bill? Is aggravated domestic battery included in that Bill in such a way that individuals who got sentenced under aggravated...sentenced for aggravated domestic battery, in other words, a person who commits great bodily harm committing a domestic battery. Will that person serve 85% of their sentence under your truth and sentencing proposal? You're quoted in their press release, I believe."

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Representative, the question was rather long and I'm sorry if I've taken so long to respond, but as a direct answer to your last question, no, it is not included."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, Representative, I think that I have to say that I think this is a good idea. I think that the Bill is a good idea. I think that creating this offense is a good idea. But I think that what we have to do is, we have to look at the criminal justice system as a whole. Is the practical affect going to be a good idea? Is the practical affect actually going to do what you're intending to do? You're intending to punish people for committing a heinous offense against a loved one, a heinous offense against a spouse, a heinous offense while committing domestic battery and that they do something terrible by creating great bodily harm or

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permanent disability or disfigurement. Yet, what you say, you're...what you say and what the practical affect of this are two different things because you could go, under your Bill, you could be sentenced to three years or you could even get probation. If you would get probation, you wouldn't serve any time in jail. If you're sentenced to three years, under the current sentencing system in Illinois, you could serve less than a year because you would get this hodge podge, a day for day, good time. When you have a press conference downstairs, you talk about truth and sentencing, you talk about reforming the criminal justice system and let me read your quote, let me read your quote from the press release that was just passed out. 'The time for a criminal to think about acceptable social behavior is before the vicious acts of murder and violence are perpetrated on society'. Our Bill is teeth and violent criminals will feel the bite of a full sentence of incarceration. Well, this Bill does not give a full sentence of incarceration. We can..."

Speaker Biggert: "Okay. The Gentleman from Vermilion, Representative Black. The Lady from Cook, Representative Davis."

Davis, M.: "I'd like to yield my time to Representative Hoffman."

Speaker Biggert: "Representative Hoffman."

Hoffman: "I just...I just have a couple more questions. I was just...of the Sponsor. Representative, yesterday we passed a Resolution out of here, I believe it was House Joint Resolution 6. House Resolution 6 that made Illinois a domestic free state. Do we still need this Bill since we passed that Resolution? Or domestic violence free state, I'm sorry."

Speaker Biggert: "Representative Ciarlo."

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Ciarlo: "Yes."

Speaker Biggert: "Representative Hoffman."

Hoffman: "I agree...I agree with you, Representative, and although we voted for that yesterday, it really...I think it was kind of a silly, silly thing to do and silly for us to spend our time on it. Still, in this Bill, it's my understanding that not only in addition does it create the aggravated domestic battery legislation, a Class II felony, but it also has something to do with stalking. Could you...could you please tell us what this has...what this Bill says about stalking?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Ag. battery is just one of the crimes included, when they're considering the stalking."

Speaker Biggert: "Representative Hoffman...I'm sorry. Are you finished, Representative Ciarlo?"

Ciarlo: "It also gives you the extra tool of holding these people."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, it's my understanding that and correct me if I'm wrong, this will permit a court to hold a person charged with stalking without bail if...if he was previously convicted of aggravated domestic battery. So, if a person had previously committed aggravated domestic battery, then is charged with stalking, he could be held without bail. Is that right, is that what this does?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, that is correct."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Representative...Representative, that is just permissive by the court, it doesn't require the court. It would seem to me that if you really want to be tough and

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you want to send a message to these people and say stop the stalking and being able to protect individuals, you should say that if an individual is actually previously convicted of aggravated domestic battery and then is charged with stalking, that he shall be held without bail. Was that really your intent?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "I'm a little confused, Representative. It seems to me that when this was in committee, you voted for it and I thought that you were in support of this Bill."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, Representative, I...I am in support of it and I said that previously. What I'm saying to you, I'm asking your intent. I'm saying, if you want to have a Bill that really does something, puts some teeth into the criminal justice system, then let's, number one, let's make sure it's on your little list of truth and sentencing lists that you just handed out down in the Blue Room and had cameras and everything going. And let's make sure the people are charged and are sentenced to it, actually serve some time. But, number two, if you really want to insure the people do not continually commit stalking, why do you want to give the court the permissive language by saying that bail shall not be...by saying it permits the court to hold a person charged with stalking without bail, it permits a court. Don't you really mean, I would assume it's your intent, to say that the court shall not allow a person out on bail if they have committed aggravated battery previously, aggravated domestic battery previously, and now have been charged with stalking. That's my point."

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Representative, I have faith in the court system. I

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have faith in the system."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, if everybody had faith in the court system, I submit to you that you wouldn't have...you wouldn't need to have truth and sentencing. You wouldn't need to have press conferences, like you just had. You wouldn't need to put out press releases. You wouldn't need to pass continually increased enhanced penalties, but unfortunately you need to. And, unfortunately, we in this Body have to provide guidance in the court system. We have to insure that victims of crime and victims of violent crime and victims of domestic violence and victims of stalking are truly...are truly taken care of and are truly protected. This Bill, I submit to you, although yes I do, I am in favor of it, I think it's a good idea to commit the offensive...to form the offensive of aggravated domestic battery. I think it's a wonderful idea, I commend you on that. What I'm saying is, the practical effect of the Bill is not entirely what I think you intend or what you purport it to be, that's my point. If it was a part of a truth and sentencing proposal, then it would be an even better Bill. If it was saying that you could not have bail, if you're charged with stalking after previously being convicted of aggravated domestic battery, it would be a better Bill. Still, I think we're probably going to...we're going to support it, but I'm just telling you it doesn't do everything you purport it to do."

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

Black: "Thank you. Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Biggert: "She indicates she will."

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Black: "Representative, I think you have a very good Bill, that I'm sure will pass with a significant number of votes. Just let me ask you a question to clear up some misunderstanding on my part. Most of the questions are coming from one individual. Is that individual...does that individual not serve on the committee in which this Bill was heard?"

Speaker Biggert: "Ladies and Gentlemen, could we please have some order in the...Representative Ciarlo."

Ciarlo: "Yes, he serves on the committee and, in fact, I believe he is the Minority Leader."

Speaker Biggert: "Representative Black."

Black: "Yes, I thought so, I wasn't sure, I wanted to make...and it is my understanding that there were...there were no negative votes on this Bill in committee, is that correct?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, that is correct."

Speaker Biggert: "Representative Black."

Black: "So, in other words the Bill passed out of the Judiciary Criminal Law Committee, a committee not known for perfunctory examination of Bills, it's a tough committee, rightfully so. They take a look at every Bill. They, and again, rightfully so, they have that reputation. It's staffed with outstanding people. I don't think they let any Bill slip by them and this Bill came out of the Judiciary Criminal Law Committee on a vote of 16 'aye', 0 'no'. Is that correct?"

Speaker Biggert: "Representative Ciarlo."

Ciarlo: "Yes, Representative, that is absolutely correct."

Speaker Biggert: "Representative Black."

Black: "Well, thank you very much, Representative. I think anyone who wants to stand up here and ask you question

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after question on this Bill, in all due respect to them, probably intend to vote 'yes' on the Bill. You know, I don't think we need to do that. The Criminal Law Committee is known for its thoroughness in getting at any weakness of a Bill that's presented. And when a Bill comes out of that committee 16 to 0 to 0 and put on Short Debate, it is simply dilatory to go after that Bill on the floor when that committee is known to examine every paragraph and sentence, semicolon and comma, in every Bill that comes before it. And I for one am tired of the dilatory tactics, I'm sick and tired of it. If there's anything wrong with this Bill it should have been debated in committee. And I'll guarantee you that if there's anything wrong with a Bill that comes out of the Criminal Law Committee in this House, in my experience, it is found in committee and it doesn't get out of committee. So when it...so when it comes to the floor, to sit here and ask silly question after silly question, is a waste of time and I'm going to do something I don't think I've done in nine years, but I'm tired of it. I move the previous question."

Speaker Biggert: "I'm sorry, Representative Black, your Motion is out of order. The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Biggert: "The previous question has been put. All is favor say 'aye'; all opposed say 'no'. The Motion is carried. Representative Ciarlo to close. Representative Ciarlo."

Ciarlo: "I would just ask for a favorable vote. Thank you very much."

Speaker Biggert: "The question is, 'Shall House Bill 1707 pass?' All those in favor vote 'aye'; all those opposed vote

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'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, please take the record. On this question, there are 114 'ayes', 0 'nays', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk what is the status of House Bill 1200?"

Clerk McLennand: "House Bill 1200, a Bill for an Act concerning Public Aid. Third Reading of this House Bill."

Speaker Biggert: "Mr. Clerk, please move this Bill back to Second Reading. House Bill 1708. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1708, a Bill for an Act in relation to compelling an organization membership. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative O'Connor."

O'Connor: "Thank you, Madam Supervisor...Madam Chairman...Madam Speaker. House Bill 1708 amends the Criminal Code of 1961 and the Unified Code of Correction provides that persons convicted of compelling organization membership of persons shall not be eligible to receive a sentence of probation, conditional discharge or periodic imprisonment. If there's any questions I would be happy to try to answer them."

Speaker Biggert: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Madam Speaker. I first move to take this off of Short Debate if it's on there and I'm joined by the requisite number of colleagues."

Speaker Biggert: "The Bill will be removed from Short Debate. Proceed Representative Dart."

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

Speaker Biggert: "He indicates he will."

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Dart: "Representative, what is this...what is the requirements to prove up this offense?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "To prove up the...say that again, please."

Speaker Biggert: "Representative Dart."

Dart: "What is required to prove this offense in a criminal courtroom?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Representative it's the same existing law. This Bill has exclusively to do with sentencing."

Speaker Biggert: "Representative Dart."

Dart: "I understand that, I read the Bill. What I'm trying to figure out though, is the reason why we are changing the sentence here, usually is a result of the fact that we have found something inherent in the offense merits us changing the sentencing structure. And what I was trying to get at, is, trying to find out what is the basis of this offense cause we have also made some changes recently in this area and I'm trying to make sure that we have nothing that's going to be going across purposes here."

Speaker Biggert: "Representative O'Connor."

O'Connor: "Well, this law is primarily directed at increasing sentences for those that are forcing others to join gangs."

Speaker Biggert: "Representative Dart."

Dart: "This is a law that has been scrutinized before because of how they define gangs. Has that been cleared up in regards to this issue and in this Bill in general?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "I believe it has, Representative."

Speaker Biggert: "Representative Dart."

Dart: "Now, earlier in this session, one of the criminal Bills that we had dealt with organizations and gangs and changes

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the sentencing structure in regards to that. What was that proposal and how does that impact this one?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Are you referring to House Bill 204?"

Speaker Biggert: "Representative Dart."

Dart: "Yes, thank you Representative. I'm pretty confident that was the number and they had provisions in there dealing with compelling organizations in a gang and I was trying to figure...I know it had to deal with compelling organization of gangs, but I wasn't sure if it also impacted other things because it talked about when people want to leave gangs as well as getting...compelling them to get into the gang. Is this impacted by that?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Yes, you're correct, Representative. These penalties would effect both Bills equally. Leaving the gang and being forced to join the gang."

Speaker Biggert: "Representative Dart."

Dart: "So, the changes have been made to make sure it covers both? Do we have a correctional impact on this Bill?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Yes, and it's unknown by the Illinois Department of Corrections."

Speaker Biggert: "Representative Dart."

Dart: "Do we have a number of how many incidents of this occur in the Chicago area, for starters in Chicago and how many are prosecuted."

Speaker Biggert: "Representative O'Connor."

O'Connor: "Representative, the Illinois Department of Corrections does not have that and therefore, I do not have that."

Speaker Biggert: "Representative Dart."

Dart: "Does the Chicago Police Department or any of the other

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authorities have that?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "To my knowledge, no."

Speaker Biggert: "Representative Dart."

Dart: "I guess...the thrust of what I'm getting at here, Representative, is the fact that we have been enhancing penalties all day here and we are continuing to do that and by in large, there's a great deal of agreement on that when we do that. However, at the heart of us enhancing the penalties should be the fact that there is a problem with the existing law that needs to be remedied here. What I'm getting at here though is, there are numerous of these offenses that are charged, not charged, prosecuted, not prosecuted, and if so, have the penalties been in a such an inordinately small amounts that we need to confront this? That's what I'm getting at with the numbers here."

Speaker Biggert: "Representative O'Connor."

O'Connor: "And, Representative, I truly respect that. The logic...some of the logic on this Bill is, if this in fact goes into effect and just say will go to the minimum here. If one person gets sentenced under this new law, as you probably well know, the word will travel out there on the street within the gang bangers who are now compelling people to join their organizations. And I think if one person goes under this new law, I think the word of mouth out there...we would have served our purpose."

Speaker Biggert: "Representative Dart, your time is just about to expire."

Dart: "This is my last question. So then though we don't have the numbers on this as far as how many are prosecuted, how many are not prosecuted. The thrust of what we are getting at here is that..."

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Speaker Biggert: "Representative Dart, continue."

Dart: "Yeah, I just want to finish up. The thrust of what we are getting at here is that there will be some trickle down effect by this law, whereas gang members and other people on the street will hear about it from friends and other gang members who are in the court rooms, that this is now a non-probationable offense and that if you are involved with this offense, you are not going to be getting probation. You won't be seen on the street later that afternoon with your bracelet on and the rest of it. Correct?"

Speaker Biggert: "Thank you, the Lady from Cook, Representative Davis."

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

Speaker Biggert: "He indicates he..."

Davis: "Currently, when a person goes before a judge and he is being accused of intimidation or forcing someone to join a gang. What happens to him or her?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Representative, that's pretty much up to the discretion of the judge. All we are trying to do here, is enhance the penalty and the sentencing."

Speaker Biggert: "Representative Davis."

Davis: "Representative what your Bill wants to do is to take this discretion away from the judge. Is that correct?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Representative, the judge will always have the discretion of guilt or innocence and in sentencing. I'm not...if you're referring to that, no I'm not trying to take anything away from the judge."

Speaker Biggert: "Representative Davis."

Davis: "Representative O'Connor, if the judge today has the ability to look at an offender and say to that offender,

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this is your first offense. What you have done is very bad, it's very serious. However, we are going to give you one year probation or we are going to give you three months and you have to visit a counselor. Your taking that discretion away from the judge with this Bill."

Speaker Biggert: "Representative O'Connor."

O'Connor: "Based on a verdict of guilty yes we are."

Speaker Biggert: "Representative Davis."

Davis: "Can a person get probation or be given what your Bill is denying this criminal if they commit a murder?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Representative, I just missed something there. What are we denying a criminal? Would you repeat that part of it, please."

Speaker Biggert: "Representative Davis."

Davis: "I think what we are denying is a judge's use of his discretion based upon what you perceive to obviously be the worst crime in the world. I mean what you are saying here is, if a person is accused and found guilty of attempting to compel people to join their organization, then this offense can not be the person...the offender can not be given probation on this offense. You are saying this person can not have the judge's discretion of going home, of being on probation. You're saying that this person must be incarceration. Is that correct?"

Speaker Biggert: "Representative O'Connor."

O'Connor: "Yes, after the judge has found this person guilty of a Class II felony, the judge loses the discretion of telling him to go home, yes."

Speaker Biggert: "Representative Davis."

Davis: "To the Bill, Madam Speaker."

Speaker Biggert: "To the Bill."

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Davis: "I know that all of us want to be perceived as those who are tough on crime and it appears that the tougher we get, the more crime increases. The judge has heard the testimony, he knows the differences in the cases and he should be allowed to determine whether this particular offense should be probationable or not. Those of us who sit in the legislature, who don't hear those cases, who don't know what those differences may be should not tie the hands of the judicial system, nor should we fill these prisons up with people who are compelling people to join their organization and, perhaps, without violence. His Bill does not even state that a violent Act had to be created or perpetrated. His Bill is merely saying that if you in some way compel someone to join your organization, then you will be sentenced and without the ability to be paroled. I believe that is this kind of legislation that has our taxes so very high in the State of Illinois and where we don't have money to fund our school system because we want to keep everybody in prison. We want everybody to stay in prison for 20, 30, 40 years and I don't think we are serving anybody any good purpose. Now, the purpose of incarceration should be for those who need to have a remedy to their crimes. In this instant, you may have a person who merely told someone without any violence, that they should particularly join an organization. Could it be...what do you call it, a sorority. Could it be a sorority as well? We are convicting..."

Speaker Biggert: "Please, draw it to a close, Representative."

Davis: "We're in this case, sending people to a sentence without the ability for parole, when we don't have all the facts and I don't think that's what we are here to do. I don't think we want to be the judge, be the jury, and the

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legislatures. Let's just be the legislatures and let the judge have some discretion in sentencing criminals. Thank you."

Speaker Biggert: "Thank you. Representative O'Connor to close."

O'Connor: "Madam Supervisor, I would just ask for a favorable vote on House Bill 1708."

Speaker Biggert: "The question is, 'Shall House Bill 1708 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 99 voting 'aye', 12 voting 'nay', 2 voting 'present'. And this Bill...excuse me, 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We will now go to the Order of House Bill Second Reading. Mr. Clerk please read House Bill 892."

Clerk McLennand: "House Bill 892 has been read a second time previously. Committee Amendment #1 lost. Floor Amendment #2 is in rules. Floor Amendment #3, offered by Representative Krause, has been approved for consideration."

Speaker Biggert: "The Lady from Cook, Representative Krause on the Amendment."

Krause: "Thank you, Madam Speaker. And on the Amendment, which is Amendment #3 to House Bill 892, if I could just briefly, again, on the underlining Bill 892. This is the Bill that works on the area of health care reform. The underlining Bill creates the health care purchasing group Act. It is the Bill that provided for employers to come together for the sole purpose of being able to pull and to purchase health insurance. That is the underlining Bill. Amendment

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#3 brings in two additional provisions in the area a health care reform. The first part of the Amendment brings in the provisions which are commonly called portability. This Amendment adds language to extend preexisting condition coverage. These provisions will address the issue of what is commonly called job lock, which has in many cases precluded individuals from moving forward in the job market because they would lose benefits with a new employer due to a pre-existing medical condition. This Bill requires that if a policy has a coverage waiting period for a pre-existing condition the policy must allow credit toward the waiting period for the time that the employee was covered by a prior base health plan, as long as that coverage has not lapsed for more than 30 days. A policy may have up to a 12 month waiting period for pre-existing conditions. Further, this Amendment provides and requires that the stop loss policy, if there is one, must provide coverage for pre-existing conditions when that coverage is excluded under the self insured health care benefit plan. In addition, the Amendment requires that group policies, HMO's offer a lower cost alternative to the standard continuation or conversion health care coverage that is now currently available to individuals who are terminating employment. That alternative would be covered at what is called the no frills benefit level. The other provision in Amendment #3 is for insurance coverage for children. This section adds the language similar to Representative Wojcik's House Bill 1665, requiring all health insurance policies, including the no frills policies and the excess policies for self-insured, to provide coverage for preventative health care such as immunization for children under the age of 6. The benefits can not be subject to any

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co-pay an excess of \$5. It covers services including at least annual childrens physical. Currently, about 1/2 of insurance policies cover comprehensive primary care for children. I ask your consideration of this Amendment."

Speaker Biggert: "On the Amendment. The Woman from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Would the Sponsor of the Amendment yield for a couple of questions?"

Speaker Biggert: "She indicates she will."

Currie: "Representative, I admire the proposal in your Amendment to provide for affordability to provide well baby coverage for children up to the age of 6. However, I am concerned with two items that are missing from both the portability and the child coverage program that you proposed in Amendment #3 and that is that you..."

Speaker Biggert: "Excuse me, Representative. Ladies and Gentleman could we have some order in the House? This is important legislation. Thank you. Continue, Representative Currie."

Currie: "You limit...thank you, Speaker...you limit coverage to those individuals whose employers have policies that are written in the State of Illinois. Can I ask why you chose not to include employees whose employers might be buying a health insurance policy in Pennsylvania? A K-Mart in some other national corporation for example?"

Speaker Biggert: "The Rules Committee is meeting immediately. Excuse me, Representative Currie. Representative Krause to respond."

Krause: "On the issue of out of state insurance policies and I know that that has been raised in the past, but as I looked at that issue once again and look at the legal memos that was submitted on it, I do believe that the Department of

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Insurance has looked at that subject, has felt that it could not provide for that and that the case law that has been on the subject, provides that the state can not enforce those type of contracts because of those issues that are out there. I believe it would be in the best interest not to attempt to cover that."

Speaker Biggert: "Representative Currie."

Currie: "The other item that is missing from your Amendment, I would say, is, the provision that we have offered that would make the portability program nondiscriminatory. That is to say, under your legislation an employer might be able to cover someone for a pre-existing condition when, under this Bill the clock is run, but there is no requirement that the employer offer that new employee any health coverage at all. That kind of loophole, I think, means that individuals might find themselves unable to take advantage of the proposal that your making today."

Speaker Biggert: "Representative Krause."

Krause: "Representative, what I would bring to your attention and perhaps this addresses it within the Amendment, on what is my page 6 paragraph C, a provision that to the group or Class thereof originally insured shall be added from time to time all new employees of the employer, members of the association, or employee of members eligible to and applying for insurance in such group or class."

Speaker Biggert: "Representative Currie."

Currie: "Could you again tell me exactly where in the Bill you are reading from."

Speaker Biggert: "Representative Krause."

Krause: "That is from the Amendment itself. Amendment #3 and that is on what would be page 6 and that would be paragraph, Section 2, subparagraph C."

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Speaker Biggert: "Representative Currie."

Currie: "Thank you, Representative. I find the language. To the Amendment, Speaker and Members of the House. I find first the argument that we are not permitted under a federal case law to provide this important coverage to all employees whose employers offer health coverage in the State of Illinois. I don't find that argument the least bit compelling. The Department of Insurance referred me to two cases on this point. One case..."

Speaker Biggert: "Ladies and Gentleman, could we have your attention, please. Proceed, Representative."

Currie: "One case, a Louisiana case dates from 1837, the second case was dated 1937. Since that time, this legislature, this state has passed insurance mandates including mammography coverage. Including spousal continuation policy benefits. Mandates infertility coverages, as well, that provide that those...that that requirement will apply wherever the employer bought the policy. So either we have been mis-drafting legislation in the state over the last thirty years or the department's arguments just plain don't hold water. Without that protection, without the protection that says that the K-Mart employee as well as the person who is working for a local firm that buys it's insurance locally, this Bill will not have nearly the kind of impact that it ought. I think it's important, critically important that we provide coverage to people who currently find that a preexisting condition knocks them out of the opportunity to shift jobs. Knocks them out of the opportunity for adequate health care, but we ought to be able to provide that protection to the full range of the employees that the feds permit us to cover in the state of Illinois and if your legislation were drafted properly, we

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would be talking about a much wider range of policies than those you define. The same objection holds true for the child health that coverage you propose..."

Speaker Biggert: "Representative Currie, could you draw your remarks to a close."

Currie: "Thank you, I will. If it was good enough for preventive mammography, if was good enough for spousal continuation health coverage, it's good enough for our children, and it's good enough for our workers with pre-existing conditions. In addition, I don't think the language you referred to, adequately protects against the possibility that an employer might choose to discriminate against a new employee by baring that individual from participation in the company health plan altogether, even though obviously that isn't your intent. I think that it's a loophole in the Bill and I think that it makes this legislation less sound than it ought to be."

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

Brunsvold: "Thank you, Madam Speaker. The Democrats request a conference immediately in Room 118 for approximately an hour."

Speaker Biggert: "Well, the Democrats will conference in Room 118 and we will reconvene at 4:30."

Speaker Daniels: "Mr. Clerk, what is the status of House Bill 892?"

Clerk McLennand: "House Bill 892 has been read a second time previously. We're in debate on Floor Amendment #3, offered by Representative Krause."

Speaker Daniels: "Floor Amendment #2. Is there any discussion? Number 3, excuse me. Floor Amendment #3, any discussion? Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "Representative, do we know how many insurers in the...how many insured people in the state work for companies whose insurance company is out of state? That is, how many people would not be eligible under this Act? I don't expect to have an exact number, but order of magnitude. Are most people insured by State of Illinois Insurance Companies or not?"

Speaker Daniels: "Speaker Daniels in the Chair. The Lady from Cook, Representative Krause."

Krause: "Thank you. I think that when I initially looked at it, Representative...and we are on Amendment #3. The statistics I have and it applied to the pooling part because I was looking at coverage of people who had no insurance and I have that statistic, which is 1,352,000, 13.2%. On your question, as far as those out of state, I do not have that statistic here."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "If I understood Representative Currie's line of questioning, there are other instances where we have mandates for insurance companies that are out of state. What was your response to that? Why can't we do that here?"

Speaker Daniels: "Representative Krause."

Krause: "On that item, I think that and she herself had reference to cases and that is that the case law has indicated that we can not extend the insurance for coverage and that is what I had looked into again. So the issue becomes that that has been presented previously in court on the issue of whether or not those employers can be covered and the case law was, and she reference two cases, is that it can not

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be."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Am I wrong then that the mandates for mammography et cetera can not apply to out of state insurance companies?"

Speaker Daniels: "Representative Krause."

Krause: "It can not apply to out of state employers."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "But doesn't this deal with out of state insurance companies? Isn't there a difference there?"

Speaker Daniels: "Representative Krause."

Krause: "I think that those are two different issues, Representative."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "My understanding, at least then from Representative Currie's line of questioning, is that there is precedence in Illinois for our requiring that even out of state insurance companies do certain things and that this is a major loophole. The other answer I didn't hear, is the issue of mandating...I understand the pre-existing conditions portion, that it has to apply with your new employer, but is that employer under your Bill...I know you referred to a section then required to provide that insurance to a person who does have a pre-existing condition.."

Speaker Daniels: "Representative Krause."

Krause: "Yes, it does apply to that and it is in the statute."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "To the Bill, Mr. Speaker..."

Speaker Daniels: "To the Bill."

Schakowsky: "I think there are some ways in which this Bill, in my view at least is, is insufficient, but I do need to speak strongly to the portion that will certainly compel me

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to cast and 'aye' vote. And that has to do with requirements to provide preventive care to children and for that coverage to be mandated. Seems to me that preventive care makes so much sense in terms of saving cost, both for the state, for employers, for health care providers for the society as a whole. And it seems that the list of preventive services is one that would make sense to any reasonable person in the...immunization, et cetera. And so, though I have some questions about the scope of this Bill, I urge an 'aye' vote on Amendment #3."

Speaker Daniels: "Representative Wojcik. Representative Hartke. Further discussion? Being none, Representative Krause to close. Oh, I'm sorry. Representative Wojcik, you want further discussion on this Amendment. Ah, ha, we found all kinds of people."

Wojcik: "I did have my light on, Mr. Speaker. I thank you and I thank the Members of the House. I think I would just like to speak wholeheartedly in favor of this Bill. I know many of you probably have constituents back home that have pre-existing conditions and you know that this is going to certainly help them, especially the middle income people. But one of the areas that has been mentioned, that is very dear to my heart, is the issue of immunization. And just to enlighten you on some of the severities that we have been facing within the state such as measles, whooping cough, and hepatitis B. And the cases of measles and the outbreak...children in the ages of 1 through 4, have not been getting inoculated and there's 3,282 cases outstanding of measles. That just tells you how much we can enhance the immunization and help these young people and I just wanted to speak a little bit in favor of it."

Speaker Daniels: "Representative Maurine Murphy."

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Murphy: "Thank you. Representative Krause in trying to have some comprehensive coverage for middle class people and preventative medicine, as you know my desire to something about the HIV virus through perinatal transmission, if a pregnant women has the testing for her pregnancy visit, would she be able to have...be compensated with the insurance plan to insure coverage of requested, not mandated, requested HIV testing?"

Speaker Daniels: "Representative Krause."

Krause: "Representative, the language of this Amendment does provide that on the child health supervision services, there should be at least annually, a physical status by a physician including a complete physical exam, appropriate immunizations, laboratory test in keeping with prevailing medical standards and shall include one prenatal visit by first time parents or in the case of high risk pregnancy. So looking at that language clearly, to me it could include what you are discussing, under what the physician would look at and recommend at that time."

Speaker Daniels: "Representative Murphy."

Murphy: "Thank you very much."

Speaker Daniels: "Representative Ronen, the Lady from Cook."

Ronen: "Thank you, Speaker. I want to commend the Sponsor for taking this beginning step on health care reform and I look forward to working with you on further matters in relation to health care reform. I'm especially pleased about the well baby coverage that you have included in this Amendment covering preventive care up to age six. I just wanted to ask a question and clarify a point right now, if I might. As I read this Bill, it seems to me that a unit of local government would be included in the definition of an employer for pulling purposes. Could you clarify that,

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whether that is indeed correct?"

Speaker Daniels: "Representative Krause."

Krause: "Yes, it's clear under the intent of the legislation that a unit of local government could be included if it chose under the provisions of pulling."

Speaker Daniels: "Representative Ronen."

Ronen: "Thank you. Then you are saying that a unit of local government can and will be...that there's nothing to preclude then from being included in that definition. Thank you."

Speaker Daniels: "Representative Krause."

Krause: "That is correct. They could be included."

Speaker Daniels: "Representative are you done? Representative Ronen."

Ronen: "Thank you, Representative."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Phelps: "Representative Krause, if you've answered this, forgive me, I didn't hear all of it. The portability measure, if I'm an employee and lost my job and 8 to 10 months later, a year or whatever, I find a job in Indiana. Will this be honored to cross-state."

Speaker Daniels: "Representative Krause. Excuse me, Ladies and Gentleman. Ladies and Gentleman of the House. Ladies and Gentleman. Thank you. Representative Krause."

Krause: "The answer would be no. However, as you recall in this Bill as far as continuation and conversion, that the person who lost his job could pick up under this and continue the coverage."

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Speaker Daniels: "Representative Phelps."

Phelps: "So at least if he was not able to transfer fully or immediately...if he or she had a preexisting condition, they would be rated in the state at the same level of insurance that they were honored in this state."

Speaker Daniels: "Representative Krause."

Krause: "If I understand, Representative, what you've said upon his terminating his employee for a company in Illinois, that company will provide or make available a continuation or conversion policy either at the standard at which the original policy was or at a no frills coverage of which this employee could pick that up and continue his coverage with that."

Speaker Daniels: "Representative Phelps."

Phelps: "But even if it was not in association with the same company, this dislocated worker had to relocate to another state, which we are finding downstate in our coal mines and so forth. How is that excepted or addressed in the Bill as far as from one state to another? Not only in just the portability measures, but if I had been treated for cancer in this state and I'm a spouse of someone who finds another job in Indiana or Wisconsin, can I find insurance to take treatment up there."

Speaker Daniels: "Representative Krause."

Krause: "My understanding is we can not put mandates on other states."

Speaker Daniels: "Representative Phelps."

Phelps: "Is there language in the Bill that says if there's a reciprocal state with similar measures?"

Speaker Daniels: "Representative Krause."

Krause: "If the other state does have similar, then it would apply."

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Speaker Daniels: "Representative Phelps."

Phelps: "I know if the other state would have similar measures, but is there language in here, I don't see it, that says that reciprocation is validated?"

Speaker Daniels: "Representative Krause."

Krause: "No, there is not."

Speaker Daniels: "Representative Phelps."

Phelps: "Mr. Speaker, to the Bill real quickly. Thank you for the time. I will be supporting this measure. I feel like it falls short of what we could do with our very best effort, but at least it's something that we could offer our consumers. Thank you."

Speaker Daniels: "The Lady moves to the adoption of Amendment #3. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Further Amendments?"

Clerk McLennand: "Floor Amendments #4, 5, and 6 have been referred to rules. No further floor Amendments. A fiscal note has been requested on the Bill as amended and it has been filed."

Speaker Daniels: "Third Reading. House Bills Third Reading. Mr. Clerk call House Bill 892."

Clerk McLennand: "House Bill 892, a Bill for an Act concerning insurance. Third Reading of this House Bill."

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

Krause: "Thank you, Mr. Speaker. We had an opportunity here to discuss part of the Bill and we have the discussion on Amendment #3 which now would incorporate into the underlining Bill the provisions as they relate to preexisting conditions as well as the provisions on the Childrens Health Insurance reform plan. The underlining Bill, House Bill 892, also brings up the provisions as they relate to pulling and this is the provision that provides

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that currently under Illinois Law, employers can not get together for the sole purpose of negotiating for insurance. House Bill 892, the provision on pooling does provide that two or more employers can come together for the purpose of negotiating for the purchase of health insurance, be they solo proprietorships, partnerships. The Bill sets up the purchasing groups, regulates them, does not put a limit on the number; and the goal here is, is to provide for many of the small companies here in Illinois that have not been able to provide for health insurance, to be able to have access here to purchasing groups to have an economy of scale and to form these groups in order to purchase health insurance."

Speaker Daniels: "The Lady has moved for the passage of House Bill 892. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Certainly, it is important to provide employers the opportunity to pull together and buy affordable health insurance for their work force. Certainly, it is important to help people make sure that their preexisting conditions will be covered if they change work from one job site to another; and, clearly, it's critical that we provide well baby coverage for children in the State of Illinois, opportunities to visit pediatricians at regular intervals so they will get their shots - so they will get their childhood ailments covered and so their development can be checked as well. But this Bill does not go nearly as far as many of us would have hoped and as many of us might think that it does. First, you should be aware that when it comes to the provision of portability of being able to get coverage for the pre-existing condition at a new job if the clock has

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run at an old job and with respect to the provision for well baby child care visits. These provisions at best, even if Representative Krause had excepted our Amendments, these provisions at best would have covered 30% of the Illinois work force. As you all know, under Federal Erisa Law, self insured employers are not eligible for mandates and for requirements that are imposed by us and while there is a back door effort in this measure to require those companies to provide stop laws insurance and thus cover the portability and childhood health care requirements. It's not at all clear that that will stand up to a court challenge. When you write your press releases, in other words, recognize that you are not beginning to cover even 30% of the workers back home in your district. I don't know what proportion of our employer community buys insurance in states other than Illinois, but I can tell you that with your vote this afternoon you are ensuring that those employers whose health care is purchased out of state in Pennsylvania, California, or wherever, they will not be required to provide portability. They will not be required to cover childhood well baby visits under the terms of House Bill 892. So at best this measure could have covered 30% of our workers, but were at worst and it isn't going to cover anything like that number. Still, I would say a quarter of a loaf is better than no loaf at all and I am going to support this Bill. I think the childhood coverage is terrific. The opportunity for pooling is one that many employers will utilize so that they can provide health care coverage to their workers and obviously the opportunity to switch jobs without worrying that a pre-existing condition will send you the the hospital with out anybody to pick up the tab. That is important, but this will cover a

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relatively small number of our workers. So when you write your press releases, when you tell the folks back home what you did today just remember that you didn't do it for very many of them."

Speaker Daniels: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I find the comments from the other side of the aisle that this Bill does not go far enough, very curious, because in the last General Assembly a similar Bill on pooling and portability of insurance was sponsored by the Governor, supported by the Governor and passed the Senate and that Bill covered portability of insurance and pooling of insurance. This would have been...Bill two years ago would have been of great benefit to the many small employers who wish to pool insurance and also to the many workers who felt that they were trapped in jobs and could not take their insurance from one job to another. The opportunity was there in the last General Assembly for the Bill. It failed, it did not get out of the House. Now, we finally have the opportunity to get this Bill out of the House. I think pooling of insurance is extremely important for the small employer with three or four or five employees, that simply does not have a large enough base to have a good insurance rate for the employees. Also, I've talked to many people who have problems that want to change jobs and can not go from one job to another. We have this Bill before us and I certainly hope that all members of the General Assembly on both sides of the aisle will support it. Thank you."

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

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

Speaker Daniels: "She indicates she will."

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Lang: "Representative, what differences are there between this Bill and the Bill you sponsored last year, which was similar."

Speaker Daniels: "Representative Krause."

Krause: "The addition would be on the child health insurance reform."

Speaker Daniels: "Representative Lang."

Lang: "And so the same potential flaws that Representative Currie was referring to, that being the issue of out-of-state policies and the issue of discrimination possibilities. Those were in the Bill last year as well as this year, is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "Those are not flaws, Sir. I think it is clear from the case log that that cannot be included in this legislation."

Speaker Daniels: "Representative Lang."

Lang: "Well, the previous Sponsor indicated that...the previous speaker indicated that this is a Bill the Governor supported last year and you sponsored...on my end and that you couldn't get it called. My understanding is you were asked to have it called and you didn't want to do that. Isn't that right?"

Speaker Daniels: "Representative Krause."

Krause: "No, that is not correct. As you recall, there were a number of Amendments that have been filed on that Bill."

Speaker Daniels: "Representative Lang."

Lang: "Well, that's not the way we remember it. Mr. Speaker, Ladies and Gentlemen, to the Bill. Representative Currie was exactly to the point on this Bill. We need to do these things. Representative Madigan had a Bill that is apparently not going to be called. That Bill went much farther than this. That Bill would have covered all

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Illinois residents under these circumstances and would not have allowed for discriminatory practices by employers. To say to Illinois residents or to Illinois employers that if your coverage is issued by an out of state insurance company that you're exempt from these rules, really is a major flaw in this Legislation. It says to employers that perhaps if they have a choice between and Illinois insurance company and an out of state insurance company, they should go ahead and spend their money out of state because not only will they avoid this problem, but perhaps the out of state company will make it cheaper for them. At not the only the risk of Illinois employees, but also at the risk of Illinois insurance companies, who also of course need to make a living and that's probably why all the insurance organizations came into Committee on this Bill and were opposed, because they know that Illinois insurance companies will suffer if this Bill passes. Clearly, the employees will suffer who work at companies or are about to work at companies that use only out of state insurance companies. The issue relative to the discrimination, the holding of a policy, or the keeping of an employee off the policy for a period of time, is really one that should be addressed. It gives the employer the opportunity to hold off coverage for a period of time and although I'm prepared to support the Bill, although we must do something on the issue of portability, we must do something on the issue of preexisting conditions and certainly the issue of child care which I strongly support. We must state on the House floor the facts. The facts are that the Bill is flawed. The facts are that we on this side of the aisle who take a look at the flaws on this Bill, hope that the Sponsor will talk to the Senate sponsor

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and make the necessary corrections in the Senate, as Representative Madigan's Bill would have done if we had been moving on that Bill today, so that these flaws are corrected. We want to pass not only Legislation that will provide sound bites and press releases for us in this House, but we should also want to pass Legislation that does exactly what we want it to do. We want to provide portability. We want to do away with the problem of preexisting conditions and this Bill only does that in a very, very small way. An important way, a way I'm willing to support, but not enough. We need to do more and I would ask the Sponsor to strongly consider making those changes in the Senate once it leaves this Chamber or to come with some additional Bill that will clear up the problem. I'm prepared to vote for this Bill."

Speaker Daniels: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker. No, this is not a perfect Bill, but it is certainly is a Bill that goes very far, a very big step in the right direction. There probably isn't a week that goes by that our legislative offices don't receive some concern by an individual who has an insurance related problem and very often that insurance related problem has to do directly with portability and with having a preexisting condition. For those of us who have preexisting conditions, I'm sure that this is even more meaningful, but I'm very proud to be a CoSponsor of this Bill and I hope that every single Member in this House votes for this important, important piece of Legislation. Thank you."

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

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

Speaker Daniels: "She indicates she will."

Balthis: "Representative Krause, it's my understanding that if an Illinois resident works for an Illinois employer, this Bill applies no matter who they buy their insurance from?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct."

Speaker Daniels: "Representative Balthis."

Balthis: "If it's an out of state employer, such as Indiana, Wisconsin, et cetera and the employee lives in Illinois and is an Illinois resident, we cannot control who a Indiana employer buys their insurance from, is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "Yes, you have said that absolutely correct. We cannot control or mandate over into Indiana or another state."

Speaker Daniels: "Representative Balthis."

Balthis: "So the demagoguery that this does not apply to every Illinois employee of an Illinois employer is incorrect."

Speaker Daniels: "Representative Krause."

Krause: "Your statement is correct. That's right."

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

Hoffman: "Well, I just want to clear up, Mr. Speaker, just some questions, if I may. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "Now, the previous speaker, Representative Balthis, I believe, asked the question, 'if an Illinois employer gets insurance for an Illinois employee, would this apply?' It's my understanding, Representative, the question is where the master policy comes from. So it has nothing to do with whether it's an Illinois employer. It has to do with where the master policy comes from. Isn't that correct?"

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Speaker Daniels: "Representative Krause."

Krause: "Where the site is of the contract, the site is of that contract."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So what could happen, Representative, is an Illinois employer could go to Arkansas...could go to Arkansas, could contract with an Arkansas insurance company and then this Bill wouldn't apply because the...of the contract would not be Illinois. Is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "Where was the policy issued? Go through your example again."

Speaker Daniels: "Representative Hoffman."

Hoffman: "An Illinois employer goes to Arkansas and contracts with a health insurance company out of Arkansas to provide health insurance. The...of the contract is therefore in Arkansas. Even though that is an Illinois employer, this Bill would not apply to that and the portability would not be provided. That's my understanding."

Speaker Daniels: "Representative Krause."

Krause: "The employer cannot go out of state to buy that policy."

Speaker Daniels: "Representative Hoffman. Anything further, Sir? Representative Hoffman."

Hoffman: "Well, Representative, are you telling me that an Illinois employer cannot buy out of state policies for health insurance?"

Speaker Daniels: "Representative Krause."

Krause: "If the insurance is provided by a company out of state, then they must comply with the mandates here in Illinois."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, it's my understanding this Bill...the issue is where the master policy...where the master policy was

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issued from. So if the master policy was issued out of Arkansas, this Bill wouldn't apply. I'm trying just to clear this up because I think what we've been saying is, we want it to apply to everyone and I think it may be possibly...you may be trying to say the same thing, but the Bill is not drafted in such a way to do that. If it's your intent to apply to everyone, I think maybe we could provide an Amendment that would do that, but it's my understanding that the master policy, if issued, is issued from another state, then it doesn't apply. This Bill wouldn't apply."

Speaker Daniels: "Representative Krause."

Krause: "Let's clear that up because I think it is clear, it's where the employer is located is what is it the determining factor. Look at where the employer is located, the employer."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Okay, let's say it's Wal-Mart. Representative, let's say it's Wal-Mart. Now, Wal-Mart's headquarters is in Arkansas. Wal-Mart's headquarters is in Arkansas. Now, a person could work in a Collinsville, Illinois Wal-Mart and essentially, I would assume they're not an employee. They're not an employee of Illinois. I don't know if you call it an Illinois employee or an Arkansas employee, but the bottom line is, the policy is...the master policy would be out of Arkansas because that's their headquarters. So what I'm saying is, in that instance it would not apply. Is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "If we go back to the basic premise as to where the employer is located, then you tell me where under that scenario the employer is located."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "Well, Representative, I'd say the employer...I mean the store is located in Collinsville, Illinois. The workers work in Collinsville, Illinois, but under this Bill, they would not be covered under this Bill. That's my question."

Speaker Daniels: "Representative Krause."

Krause: "If the employer is located and determined to be sided in Arkansas, you are correct, it would not apply."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So I think that the bottom line is, Representative, when Representative Balthis, although I understand the question and the answer was well intentioned, the real issue is how do you define an Illinois employer? Just because a person works in Illinois, works for a company that is located in Illinois, doesn't make them an Illinois employer. So in the case of Wal-Mart, probably K-Mart, probably Walgreens, possibly not Sears, but Chrysler, all those types of individuals would not be covered under this policy because they are essentially an out of state company that has business in Illinois, even though I would consider them an Illinois employer."

Speaker Daniels: "The Lady, Representative Krause, to close."

Krause: "Thank you, Mr. Speaker, and I think we've had and people are familiar with this legislation that is included in House Bill 892 and I think that it goes a long way in having substantive health care reform here in Illinois. The time has come that, indeed, we address and answer the demand for pre-existing condition coverage and the time has come that we answer the demand to cover in the area of child health care reform and I ask for support and for a 'yes' vote."

Speaker Daniels: "The Lady has moved for the passage of House Bill 892. All those in favor signify by voting 'aye';

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opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 115 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1474. Excuse me, Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Reports, Committee Report offered by Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Amendments were referred, action taken on April 6, 1995, reported the same back with the following recommendations: 'do approve for consideration' House Amendment #7 to House Bill 314. Amendment #1 to House Bill 1093. Amendment #1 to House Bill 1320. Amendment #2 to House Bill 1596. Amendment #5 to House Bill 1709. Amendment #1 to House Bill 1748. Amendment #1 to House Bill 1795. Amendment #5 to House Bill 2452. A Committee Notice, Judiciary for Criminal Law Committee will meet on Thursday, April 6th, immediately following Session in Room D-1 in Stratton to consider the following Floor Amendments: Amendment #6 to House Bill 16. Amendment #7 to House Bill 2038 and Amendment #5 to House Bill 2036. Again, the Committee on Judiciary for Criminal Law will meet in Room D-1, immediately following Session today."

Speaker Daniels: "Mr. Clerk, House Bill 1321, read the Bill."

Clerk McLennand: "House Bill 1321, a Bill for an Act that amends the Illinois Health Facilities Planning Act. Third Reading of this House Bill."

Speaker Daniels: "Move the Bill to Second Reading, Mr. Clerk, and leave it on Second Reading. Mr. Clerk, read House Bill

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1474."

Clerk McLennand: "House Bill 1474, a Bill for an Act that amends the Build Illinois Bond Act. Third Reading of this House Bill. The Chair recognizes Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill that we started before and took out of the record. This is the vehicle Bill for the Build Illinois Bond Act. It decreases the amount of bonds that can be authorized by one dollar. It is solely a vehicle. It is similar in substance to Bills that have been passed out here, every General Assembly, previously. Ask for your favorable vote."

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

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

Speaker Daniels: "He indicates he will."

Hartke: "Representative Churchill, a question asked when it was taken out of the record, what are the Build Illinois Bonds for?"

Speaker Daniels: "Representative Churchill."

Churchill: "I believe the Build Illinois Bond program was created when we did the Build Illinois Project and it was created for capital improvements - that there was a list that was put in place a number of years ago and I believe it's all for capital improvements."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, is there an intention to recreate or redo or start over again, a new Build Illinois program that we need to have this vehicle Bill out here?"

Speaker Daniels: "Representative Churchill."

Churchill: "I have no intention to do so."

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Speaker Daniels: "Representative Hartke."

Hartke: "Could you enlighten us then, what is the purpose of this legislation?"

Speaker Daniels: "Representative Churchill."

Churchill: "Every year we always have a vehicle, which is available so that in the event that we do need a bond issued to go forward, we have a Bill that we can put that on to. This is solely a vehicle for that purpose. My guess is that this Bill probably will never be used, but we do need to keep the vehicle alive."

Speaker Daniels: "Representative Hartke."

Hartke: "Okay, thank you."

Speaker Daniels: "The Gentleman from Rock Island, Representative Boland."

Boland: "Mr. Speaker, I would like to yield my time to Representative Lou Lang."

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

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

Speaker Daniels: "He won't."

Lang: "Representative, we have a lot of new people here. What do Build Illinois Bonds do?"

Speaker Daniels: "Representative Churchill."

Churchill: "As I explained to Representative Hartke, there was initially the Build Illinois Program. I'm not even sure if...were you here, Representative Lang, during the initial Build Illinois Program? But it was a program that did capital improvements around the state of Illinois and those bonds were issued to provide a funding source for the capital improvements."

Speaker Daniels: "Representative Lang."

Lang: "Mr. Speaker, could we ask for a little order in the Body?"

Speaker Daniels: "Right in front of you, Sir."

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Lang: "I'll settle for order on your side of the aisle, you know."

Speaker Daniels: "Will the Republicans please come to order?"

Lang: "Thank you very much. Mr. Churchill, what amount did we issue for Build Illinois Bonds last year?"

Speaker Daniels: "Representative Churchill."

Churchill: "I'm sorry, Representative Lang, I don't know the answer to that and I checked with staff and we're not sure that there were any issued, but I can't tell you definitively."

Speaker Daniels: "Representative Lang."

Lang: "Do you have any idea how many we'll...what amount we'll need this year?"

Speaker Daniels: "Representative Churchill."

Churchill: "Like I said when I answered Representative Hartke, I kind of doubt that we'll need any, but we do need to have a vehicle alive in the system in the event that there is some need for it, that we do have a Bill that we can use for that purpose."

Speaker Churchill: "Representative Lang."

Lang: "Why do we need a separate vehicle to do this? You already sent one bond Bill over. Why can't you amend that bond vehicle Bill with your Build Illinois Bonds? They're both bonds, it will probably be germane."

Speaker Daniels: "Representative Churchill."

Churchill: "There are two separate funds and so we need a Bill to cover each fund."

Speaker Daniels: "Representative Lang."

Lang: "Why have you only put a \$1 decrease on this Bill, where you had a \$2 decrease on the other bond Bill? Is there any significance to that?"

Speaker Daniels: "Representative Churchill."

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Churchill: "Yeah, the other one was twice the decrease."

Speaker Daniels: "Representative Lang."

Lang: "Well, Sir, I have to ask you the same question I asked you on the last Bill. Don't we have a lot of debt in the state of Illinois? Are we going to just issue more and more debt until we can't afford the debt service?"

Speaker Daniels: "Representative Churchill."

Churchill: "Yes, Representative Lang, I remembered you asked that question. You asked if we were going to borrow our way out of debt and if I remember correctly, I answered I wasn't sure how we were going to borrow our way out of debt. We do have a lot of debt. I think I'd love to see all the debt paid off, but as I explained to you this morning, a lot of times with government, government will go out and create a capital improvement that they will borrow the money for that capital improvement and pay it back over time. Most governments don't save up enough money to make a major capital improvement and I don't think that the state of Illinois is in a position where it's gonna be able to save up a pool of funding for any capital improvements. So normally in bonding, what you do is you're borrowing as much as a mortgage that would be put on a homeowner's house. You borrow for capital improvements."

Speaker Daniels: "Representative Lang."

Lang: "Well, Ladies and Gentlemen, to the Bill. This is no different argument than the last bond Bill that was just sent to the Senate. Facts are, that the state of Illinois is seriously in debt, seriously in debt and rather than having Bills on the Board regarding dealing with that debt or at least having a Bill on the Board adding a certain amount of debt, we have a vehicle Bill which could come back with any amount of debt. So the state of Illinois

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bond rating has been decreased three times in three years. We're probably a laughing stock at Moody's. It keeps going farther and farther down. As our bond rating goes down, the percentage that required to pay of interest goes up. We must do something about the rising debt in the state of Illinois. As you know, we have a Medicaid hole that's out of control and we can't fill it, but while we're not worried about not filling that, while we make no effort to fill that or do anything about it, we're going to continue to send vehicle Bills to the Senate, where they can put any number at all they wish. They can issue any number of bonds and of course, they'll send it back and the Majority side of the aisle will approve it and we'll continue to issue debt and more debt and more debt and more debt, until pretty soon we have the lowest bond rating in the world, let alone the country. The dollar in Illinois will be worth less than the peso and we'll continue to have these fiscal problems in our state. We can not continue to do this. I would recommend 'no' votes."

Speaker Daniels: "Representative Johnson moves the previous question. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The previous question is moved. Representative Churchill to close."

Churchill: "Ask for a affirmative vote, thank you."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1474. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 63 'ayes', 53 'noes', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1810, read

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the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1810, a Bill for an Act that amends the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. What we have before us is House Bill 1810 and it would allow an income tax deduction for health insurance premiums paid by self-employed individuals, members of partnerships, and shareholders of subchapter S corporations. It grants the deduction to those individuals who are not able to participate in another employer's group insurance plan and finally, it gives equal treatment to self-employed individuals who must currently pay taxes on the income they spend on health care premiums. Employees of other businesses already have their health insurance costs treated as an untaxable expense. The reason for the change is to provide a uniform health insurance tax deduction for all businesses and I'd be happy to accept any questions."

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

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

Speaker Leitch: "He indicates he will."

Novak: "Representative Spangler, what is the cost of the state treasury on this?"

Speaker Leitch: "Representative Spangler."

Spangler: "It is estimated to be somewhere around nine million dollars. With the advent of the federal government, just a few days ago, passing a 30% deductibility, that cost would be assumed to be lower than that nine million."

Speaker Leitch: "Representative Novak."

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Novak: "Representative, did you say nine million dollars or ninety million dollars? I couldn't hear you because of the noise."

Speaker Leitch: "Representative Spangler."

Spangler: "Nine million dollars, not ninety, but nine million."

Speaker Novak: "If we could have a little order, please. Representative Novak is attempting to ask some important questions of the Sponsor. Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, for your indulgence. So the federal Bill, I presume it's been sent to the President's desk, or maybe it's either working its way through a conference committee, allows for a 30% deduction, correct?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, that's correct. It's awaiting the President's signature."

Speaker Leitch: "Representative Novak."

Novak: "And as I understand it in reading the newspapers, the objective somewhere down the line is to provide a 100% deductibility. Is that correct?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, Representative, if it is anticipated that, that's the direction that they're going in, unfortunately, that is not a given and until that takes place, I think that we need to forge ahead and work in the best interest of Illinois business."

Speaker Leitch: "Representative Novak."

Novak: "Representative, thanks. Could you, maybe if we had a little bit more order here, I really couldn't hear the last part of your comment. I'm sorry. Could you repeat that please?"

Speaker Leitch: "Please, we have to have some more order in here, please. If the individuals can please take their

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conversations to the back of the chamber. It's very, very difficult to hear in here right now. Representative Novak, did you need to repeat your question?"

Novak: "Yes, as I indicated, Representative, about this...the goal in Washington is to provide 100% deductibility for the small business with respect to the types of businesses as indicated in you Bill. How would that...let's assume that would occur and we have a \$9 million tax liability in our state treasury, is there any type of a balance or a wash out here down the road if 100% deductibility becomes reality as it relates to our liability in the state treasury?"

Speaker Leitch: "Representative Spangler."

Spangler: "That's a very good point, Representative. If in fact, it does go to 100% from the federal then, in fact, there would be no state liability."

Speaker Leitch: "Representative Novak."

Novak: "So assuming somewhere in the near future, should this insurance deductibility go up to 100 %, then there would not be any state liability?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, Representative, that's correct."

Speaker Leitch: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Is the Department of Revenue opposed to this Bill?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, they are."

Speaker Leitch: "Representative Novak."

Novak: "Are opposed to the Bill. Well, can you tell me, do most small businesses fall under the subchapter-S corporations? Do most small businesses fall under that designation under the code, under the tax code?"

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Speaker Leitch: "Representative Spangler."

Spangler: "Yes, with regards to a subchapter-S corporation, which is a tax option or a small business corporation of 36 or fewer shareholders and it does have the option after meeting certain requirements of being taxed as if it were a partnership. Yes, there are a tremendous number here in Illinois and I do believe it's a majority."

Speaker Leitch: "Representative Novak."

Novak: "Thank you, Representative. Can you tell me, maybe I'm mistaken here, but is it not a fact, didn't we sometime in the years past, have some type of employer deductibility for providing health care insurance? Didn't we have that some time in the past?"

Speaker Leitch: "Representative Spangler."

Spangler: "Representative, other than what's current law, I really don't know what if any there was in the past."

Speaker Leitch: "Representative Novak."

Novak: "My understanding, there are a lot of groups that are for this Bill. Would the Illinois Retail Merchants be one of those groups?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, they would, Representative."

Speaker Leitch: "Representative Novak."

Novak: "I understand a number of other business groups are supporting this. I would certainly hope that the President would sign that Bill, you know, in Washington, quickly, and then we can get on to try to achieve the goal of 100% deductibility, so it would have a negative impact on the state treasury. I think we all have a concern about money being drained out of the state treasury. Maybe I shouldn't characterize it as a drain. I think it's a good Bill that provides incentives for people to provide health care which

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is been an ongoing debate in this country for the last four or five years. So with that, I will thank the Sponsor for answering my questions. Thank you."

Speaker Leitch: "Representative Churchill, for what purpose do you rise? Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Dart: "Representative, how much would this cost us if the feds do not act on this?"

Speaker Leitch: "Representative Spangler."

Spangler: "As I mentioned before, it would be right around nine million dollars. We could perhaps foresee that go down in future years, depending upon what that percentage of deductibility is from the federal government."

Speaker Leitch: "Representative Dart."

Dart: "So it's nine million whether that's if the feds don't act at all, correct?"

Speaker Leitch: "Representative Spangler."

Spangler: "That nine million is as a result of some recalculation with the Bill that was just recently passed in Congress, House Bill 831."

Speaker Leitch: "Representative Dart."

Dart: "I'm looking at the position paper of the Department of Revenue and they show the fiscal impact at being at ten million. Do you know what the reason for the discrepancy, you know, it notes a couple of million amongst friends and everything, but what's the million dollar discrepancy here?"

Speaker Leitch: "Representative Spangler."

Spangler: "Representative Dart, I really don't know. As a matter of fact, I have another piece of paper before me that says 11 million. So you know we got nine million, we've got 11

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million, we've got 10 million. I guess it would be fair to say that it would be somewhere around nine million, but some people have estimated based on not having adequate information in the past with regards to the Bill that was passed in Congress that it would be up to 11 million."

Speaker Leitch: "Representative Dart."

Dart: "Are all these different figures that you have, 11, 10, 9, are they all from our Department of Revenue?"

Speaker Leitch: "Representative Spangler."

Spangler: "No."

Speaker Leitch: "Representative Dart."

Dart: "Is it safe to say their latest figure, their last one was 10 million, though?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, it is and for the sake of argument, let's just say 10 million, rather than nine."

Speaker Leitch: "Representative Dart."

Dart: "Exactly. What's a million amongst friends? Just a couple of quick questions. Who's the people once again who are gonna be covered under this again? Who's this gonna apply to?"

Speaker Leitch: "Representative Spangler."

Spangler: "As I mentioned before, it would be the subchapter-S corporations, self-employed, those types of corporations and/or what are considered partners of the S corporations."

Speaker Leitch: "Representative Dart."

Dart: "And what are subchapter-S corporations?"

Speaker Leitch: "Representative Spangler."

Spangler: "I believe I've answered that question before, but I'd be happy to repeat it again. A subchapter-S corporation is a tax option or a small business corporation of 36 or fewer shareholders and then they end up having that option as

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being 36 or fewer shareholders, after meeting certain criteria and requirements of being taxed as if it were a partnership."

Speaker Leitch: "Representative Dart."

Dart: "Now, this Bill's going to sunset in December, is it, of '99?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, that's correct, December 31st of '99."

Speaker Leitch: "Representative Dart."

Dart: "And finally, why's it sunsetting then?"

Speaker Leitch: "Representative Spangler."

Spangler: "It's just a reasonable review sunset date."

Speaker Leitch: "Representative Dart."

Dart: "So then on that day, it's gonna be reviewed whether or not we're going to keep going forward with this. That's the only purpose for you sunsetting it?"

Speaker Leitch: "Representative Spangler."

Spangler: "Yes, that's correct."

Speaker Leitch: "Representative Dart."

Dart: "Thank you."

Speaker Leitch: "Seeing no others, Representative Spangler to close."

Spangler: "I, too, am very concerned when we talk about having it drained from our state treasuries with regards to monies. I can only say that to make an even level playing field for all small businesses and corporations in the state of Illinois with regards to health care and the favorable environment that Illinois will be perceived as by other industries looking to locate in Illinois and/or stay in Illinois, this is an excellent Bill to do that. I don't think it's a cure all for our problems, but it's certainly a step in the right direction and I would urge an 'aye'

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vote from all of my colleagues. Thank you."

Speaker Leitch: "The question is, 'Shall House Bill 1810 pass?' All those in favor shall vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 115 voting 'aye, none voting 'no', none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2226. Mr. Clerk, do you have an announcement?"

Clerk McLennand: "The Appropriation Committee scheduled for 5:00 will begin upon adjournment. Immediately upon adjournment the Appropriation Committees posted will meet in their assigned rooms."

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

Saltsman: "Yes, Mr. Speaker, my switch was off on that last Bill, and I would like to of been recorded as 'yes' if I was voting."

Speaker Leitch: "The journal...shall so reflect. Representative Biggert."

Clerk McLennand: "House Bill 2226, a Bill for an Act concerning children. Third Reading of this House Bill."

Speaker Leitch: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 2226 is a Bill to amend the Children and Family Services Act and the State Financial Act. It provides that the...the Department of Children and Family Services may set up savings accounts for children and deposit certain funds received on behalf of those children into those accounts. It allows the department to reimburse certain of it's expenses for a

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child from that child's account. It provides that 1/12 of the \$13 million of total reimbursements are to be paid into the general revenue fund and the balance into DCFS childrens services fund. It also amends the abused and...and Neglected Child Reporting Act concerning the phase in of family preservation services and deletes the requirement that for the five years following 1987 that there be a statewide phase in of the family preservation program. It further...amends the Juvenile Court Act to provide that once the case plan and goals have been achieved, if a minor remains in substitute care the case shall be reviewed at least every 12 months thereafter. Presently, the review must be made at least ever 18 months. It also provides that following permanency review hearing, the court shall enter an order determining whether respect to a minor placed out-of-state, whether the out of state placement...continues to be appropriate in the best interest of the minor. It...the changes to the Child and Family Services Act, State Finance Act and Abused and Neglected Child Reporting Act are effective immediately. This Bill passed out of the judiciary civil on a vote of 11, 0, 0, and I would urge your favorable consideration and would be happy to answer any questions."

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

Lang: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Lang: "Representative, can you tell me what happened to House Amendment #2?"

Speaker Leitch: "Representative Biggert."

Biggert: "I believe that House Amendment #2 is in the Rules Committee."

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Speaker Leitch: "Representative Lang."

Lang: "Is that where you want it as a sponsor of this Bill? You want House Amendment #2 in the Rules Committee?"

Speaker Leitch: "Representative Biggert."

Biggert: "Representative, I never saw House Amendment 2, so I don't know what it is."

Speaker Leitch: "Representative Lang."

Lang: "Well, House Amendment 2 was presented in committee, was it not? And then sent off to the Rules Committee?"

Speaker Leitch: "Representative Biggert."

Biggert: "Since House Amendment 1 is the one that we discussed the other day, I would assume that House...or Amendment #2 would have to be a Floor Amendment since it follows Amendment #1."

Speaker Leitch: "Representative Lang."

Lang: "All right. Representative, perhaps you're right. House Amendment 2 is a fairly comprehensive approach that dealing with DCFS from intake until the age of 18. Have you taken a look at House Amendment #2? It would be a really good way to reform DCFS to take some of the things that are in your Bill that make some sense and really make an impact. Are you willing to hold this Bill and make an effort to get House Amendment #2 out of the Rules Committee?"

Speaker Leitch: "Representative Biggert."

Biggert: "Representative Lang, I'm...I'm really not at liberty to do that. I think that I would like to move forward this Bill. It's an important Bill. It would be effective immediately and addresses financial issues which are very important to this state and to the Department of Children and Family Services. I understand that there are things that need to be done as far as the Department of Children and Family Services. As far as Child Welfare in this

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state, but this Bill addresses certain issues, has been heard in committee, been discussed and has passed out 11, 0, 0 and I would...rather proceed with this without any further Amendments."

Speaker Leitch: "Representative Lang."

Lang: "Well, I thank you for that, but don't you think...I mean, I don't know what other DCFS Bills are going to be called in the next couple of weeks. Don't you think it would be appropriate that we try to do something about this problem while we have a Bill that's going to be moving through the process?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think Representative Lang, that we spent last year addressing this problem, we spent last...the year before on various task force on various commissions and we're working to solve this problem. I think that the department itself is working very hard to address these issues, and I think that we will move forward and this is just one piece of it that I would like to move forward now."

Speaker Leitch: "Representative Lang."

Lang: "Well, we have 10 or 11 more days on the floor before we hit our Third Reading deadline. Why don't we take the opportunity now to work on these things. What are we waiting for? I...you know that children are being hurt everyday. You know that the system is broken and you know that if we don't take the opportunity when we have one to make some change in the laws that will fix this department and make it work better, that we may never have that opportunity again. Why don't we send a Bill to the Senate that will do everything that you and I both agree should be done?"

Speaker Leitch: "Representative Biggert."

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Biggert: "Representative Lang, I think I've answered the question. I would like to proceed with this Bill as it is now drafted."

Speaker Leitch: "Representative Lang, if you could confine your remarks to the Bill, please."

Lang: "Sure, I'd be happy to do that. Representative, I'm not exactly sure what Amendment #1 does. Does this keep family preservation in tack or are we going to the best interest of the child, or are you trying to put a hybrid together?"

Speaker Leitch: "Representative Biggert."

Biggert: "Sir, I missed your last sentence. Am I trying to run a what here?"

Speaker Leitch: "Representative Lang."

Lang: "I...I can't tell from reading the Amendment whether you're trying to keep family preservation intact, trying to go to a new standard called best interest of the child or trying to combine the two into a hybrid. I...I don't understand what it...what it is you're doing?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think that the purpose of the Amendment was to clarify what would happen with the family preservation program. The department is unable to meet the goal of providing a phase in and...the program will be administered uniformly throughout the state within five years. That...they cannot do that because of cost. I think that you probably have in front of you is the fiscal note that was adopted on this...on this Bill which stated that...that estimates to...to fully implement the law would increase the spending in FY96 by \$40 million. So...so part of this...the Amendment was to clarify that family preservation will still be...the program will still be in effect, however, it will not be fully implemented within

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five years, nor is it an entitlement and it will be used when there is no imminent risk to the child, which I'm sure you would agree would be a...a good standard and that it will be used when it is in the best interest of the child."

Speaker Leitch: "You want to wrap it up, Lou?"

Lang: "Well, I don't know that I can, but I'll try it. Haven't we proven over and over again that family preservation doesn't work and we should go strictly to a standard of best interest of the child?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think that we've been moving in that direction and certainly in our discussions and the child welfare and on other various task force, but it...it still remained that the statute said that it had to be fully implemented and equally throughout the state within five years. So, this...this really is directing that, that does not have to be accomplished and the proviso that it will be done in the best interest of the child. We discussed a lot in the last couple of years about the standard of the best interest of the child's shall be taken into account rather than the...the adults concern as paramount."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. Well, it seems to me Representative, that you can't do both. We either have family preservation or we have best interest of the child. You cannot really combine the two. Family preservation basically says, let's keep these families together at all cost. Best interest says, well no, the real important human being here is the child, let's do what's best for the child. You cannot really mix the two and I'm wondering why you haven't taken the opportunity here to fix this?"

Speaker Leitch: "Representative Biggert."

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Biggert: "Representative Lang, I think that this Amendment does fix that. It says..."

Speaker Leitch: "Representative Biggert."

Biggert: "The department may provide family preservation services as determined to be appropriate and in the best child's, best interests and when the child will not be an imminent risk of harm."

Speaker Leitch: "The Gentleman from Cook, Representative Stroger. For what purpose do you rise? Representative Stroger, your light's been on a long time."

Stroger: "I'd like to yield my time to Representative Dart."

Speaker Leitch: "Representative Dart."

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

Speaker Leitch: "She indicates she will."

Dart: "Representative, this new fund that we're setting up, what...what fund is it going in to for these kids?"

Speaker Leitch: "Representative Biggert."

Biggert: "There's a fund within the...the Department of Children and Family Services, which is called the Children's Service Fund."

Speaker Leitch: "Representative Dart."

Dart: "Now, would this money be in all going into GRF? Would this somehow be able to be used by DCFS for other reasons?"

Speaker Leitch: "Representative Biggert."

Biggert: "As it's currently the law right now, the money is deposited into the General Revenue Fund and that has been determined for 1995 to be \$13 million. In...and that will continue to be and that is used for...to reimburse for children and services. Anything over that amount will then be deposited into another fund which is DCFS Children's Services Fund, and these funds are then dispersed from the children's individual accounts to cover the cost which are

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paid for from state funds. The..the funds that actually come into those two accounts are...are moneys that are deposited into financial institutions and are for the children for whom the department is legally responsible and who have been determined to be eligible for various...various amounts of money from, for example veterans benefits or social security benefits, parental voluntary payments, supplemental security income. It really is the childrens money and it's used for them and if...if there's any balance accumulated after reimbursing for the child's cost and when the department's no longer legally responsible for the children, these funds are then dispersed to the child or his or her guardian, or the issuing agency. These moneys are...I'm sorry I lost my train of thought here."

Speaker Leitch: "Representative Dart."

Dart: "Thank you. The...the funds now...are they also used to pay off the child expenses as they presently are now?"

Speaker Leitch: "Representative Biggert."

Biggert: "Yes, at this time they are. I think that the department...what I was going to say was that the department has very actively sought out these funds from and qualified the children as being eligible for these funds so that the...the amount of money has increased dramatically because of the...the department seeking out the funds from the federal government. So there's...I'm not very good with statistics, but I think there was one where the..."

Speaker Leitch: "Representative Dart."

Dart: "Why...why is it that this Bill does not have any independent accounting whatsoever for these funds. We...we presently do that for disabled adults. It would seem to

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me, especially in an agency like DCFS which constantly bungles things and which has a hard time with it's money as it is, that we should not be giving...giving in this unfettered use of this money. Why is there no accounting?"

Speaker Leitch: "Representative Biggert."

Biggert: "The money is presently deposited into the financial institutions in the...in the child's trust fund and actually in the child's name, so there is an accounting of what goes into that. I don't know that we set up an independent audit for every fund that would be developed. We have the audit that would be made of a department and all of the other financial protections for any money through DCFS or any of the other agencies."

Speaker Leitch: "Representative Dart."

Dart: "Well, we presently do accounting for disabled adults and I think ,especially, when we're dealing an agency like DCFS in accounting of these funds, I think would be very appropriate and very desirable as a matter of fact. In regards to another area here, this Bill changes the time frame for permanency reviews from what period to what period?"

Speaker Leitch: "Representative Biggert."

Biggert: "From 18 months to 12 months and that is because the federal law has been changed. So, it really is to be in...in compliance with federal law."

Speaker Leitch: "Representative Dart."

Dart: "Presently, under the Juvenile Court Act, permanency review hearings are required every six months, though. To say it's...18 months is inaccurate, it's presently six months. So, in effect we're extending the period time for these reviews which I find very troublesome. In the Juvenile Court Act it is every six months. I ask practitioners,

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they told me the reviews occur every six months. I...I don't understand why we want to expand these because that's very problematic. These permanence reviews are very important if we're going to make sure that these kids are being taken care of properly, and when we expand the period of time for these reviews, we're going to make sure that there's more mistakes going on."

Speaker Leitch: "Representative Biggert."

Biggert: "Representative Dart, I don't think I was quite clear on that because within this Bill and within this statute, it's...it...on page 25 it says that, the cases shall be reviewed every six months following the initial permanency review hearing in accordance with standards set forth in the section. Until the court determines that the plan and goal have been achieved, and once that plan and goal have been achieved...if the reminder...if the minor remains in the substitute care then the case shall be reviewed at least every 12 months. So..."

Speaker Leitch: "Representative..."

Biggert: "It really...I would agree with you that that really is very important and is being done right now will continue to be so."

Speaker Leitch: "Representative Dart."

Dart: "So, we aren't...we aren't changing it. There still reads the six months review are still going to go on until they have received their...the goal's been achieved."

Speaker Leitch: "Representative Biggert."

Biggert: "That's..."

Speaker Leitch: "Representative Biggert, proceed."

Biggert: "I'm sorry, I said that's correct."

Speaker Leitch: "The Lady from Cook, Representative Lou Jones, for what purpose do you rise?"

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Jones, L: "Thank you, Mr. Speaker. I yield my time to Representative Dart."

Speaker Leitch: "Representative Dart, proceed."

Dart: "Thank you. Now, in regards to the family preservation elements here. Why is it that we are removing the requirement, the mandate for family preservation? That...that's got me baffled. Why are we doing that?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think there's three reasons: 1) was that it wasn't working properly, 2) they couldn't implement it statewide on an equal basis, and 3) is the cost."

Speaker Leitch: "Representative Dart."

Dart: "Well, as far as the cost, I'd be interested in hearing that argument. Because the way that I have understood the workings of the child welfare industry is that the only way we can keep it afloat right now, which is very questionable, is by the utilization of family preservation services in appropriate cases. If, in fact, we do not utilize those in the appropriate situations now, what we will have is all these cases will be, guess where, in the court system and we will have more kids taken out of their homes and we will more kids in substitute care. This is at the same time that we're talking about cutting the amount of money we're giving into substitutive care and our supplemental. How is it that we can justify changing this requirement of having these services available to making it a permissive thing and once again as I said, with DCFS I find it very difficult to give them in permissive anything."

Speaker Leitch: "Representative Biggert."

Biggert: "I think that...that the law states and the law will remain that...that family preservation will be used in the

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appropriate cases and I think that both of you and I would agree that the best interest of the child should be paramount and when there is...imminent risk of harm to the child that, that...the program should not be used. So this is...is a change, but it is something that I think will make the program better."

Speaker Leitch: "Representative Dart."

Dart: "But, Representative, that's current law. Current law is that if there's imminent risk of harm, the child's got to be yanked. The child cannot stay in that home if there's imminent risk of harm. If it's not in the best interest of the child to get family preservation services, they aren't supposed to get them right now. That's all present law. It would defy reason. I mean, DCFS does some wacky things, but it would defy reason if they were to find that there's imminent risk of harm to a child that they're going to leave the child in the house. That makes no sense."

Speaker Leitch: "Representative Biggert."

Biggert: "That's why I said when this Amendment was adopted, that this really was to be a clarification so that, that is spelled out...loud and clear that, that's the way it's supposed to be. That's correct. That is the law right now. The problem is that they cannot phase in that program uniformly throughout the state and so that was something that was put in to the Bill."

Speaker Leitch: "Representative Dart."

Dart: "How could they not be uniformly applying that throughout the state? Representative, if they have a situation where a child is in imminent risk of harm, they are in violation of every statute we have in regards to DCFS, if they're leaving that child in the house. So, if there is people out...around the state and DCFS are leaving the child in

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there, I would love to hear you...have you detail to me who these people are? What area they're doing this because that's an outright violation of all sorts of laws, both in state level and also federal level."

Speaker Leitch: "Representative Biggert."

Biggert: "I...I don't think that...that your stating that quite right. What it is, is that we can not...we do not have the...the services cannot uniformly be given throughout this state. It's not that we're leaving any children in the family where they...when they shouldn't be there."

Speaker Leitch: "Representative Dart."

Dart: "I understand they cannot be uniformly applied around the state and that's present law. Also, they do them different. In Chicago, we have homemakers downstate, they have family first. Your statement, though, was regards to uniformity dealing with imminent risk of harm, that was your words not mine. And the reality is, is that that language is already present law. So, all we are, in fact, doing here, is removing the mandate that DCFS provides family preservation services, which I find to be very dangerous concept in the sense of we aren't funding it right now as it is. This is a major component of it. If we remove that from the...the mix here, we're going to have a major problem on our hands because we do not take care of these kids as it is now, how are we going to take care of them? This is...this is not doing anything here other than removing their mandate as far as family preservation services, and I have been in...outspoken critic of family preservation, but until we do something in regards of taking care of these kids and...substantive care, we need to have this in place. This looks like yet another example of DCFS trying to find a way out from under the rock and

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trying not to do their job."

Speaker Leitch: "Representative Flowers, do you seek recognition?"

Flowers: "Mr. Speaker, will the Lady yield?"

Speaker Leitch: "She indicates she will ."

Flowers: "Representative Biggert, where would this money come from that we're going to set up the account for, for these kids?"

Speaker Leitch: "Representative Biggert."

Biggert: "This...this money comes from and now comes from various programs that are from the federal government such as the social security, veterans payments, Railroad Retirement Act...disabled payments, black lung benefits, and other programs that...that the department has sought funds for, for the payment for the children who are wards of the state."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Biggert, how is this for the best interest of the child by putting this money into DCFS's account?"

Speaker Leitch: "Representative Biggert."

Biggert: "The money goes into the childrens trust funds and the money is used to provide services for them."

Speaker Leitch: "Representative Flowers."

Flowers: "So, obviously, we do anticipate the keeping these kids in this system for a very long time because we're going to set up a trust fund for them. Because if we weren't going to keep them for a very long time, we wouldn't be concerned with this."

Speaker Leitch: "Representative Biggert."

Biggert: "It's called the Childrens Trust Funds and I use that not as a legal term, but it is a savings account for the

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child and as soon as they are no longer...the state is no longer their legal guardian, that money is given to the child or to their guardians or to their parents, whoever is responsible for them."

Speaker Leitch: "Representative Flowers."

Flowers: "Is it any place here that it says that the money will go the GRF funds?"

Speaker Leitch: "Representative Biggert."

Biggert: "The...the first \$13 million which is collected over the year goes into the general revenue fund and then that is used for the expenses. The Childrens Service Fund is for any amount over the \$13 million, and that is being done right now. The thing is that the department has made a concerted effort to go to the federal government, get the funds and to...in order to provide more services to the children."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Biggert, in my own personal opinion, I don't think the Department of Children and Family Services is doing the children of the State of Illinois any favor by going to the federal government saying that they want to be the guardianship of their moneys. Chances are, when the children leave the hands of DCFS, they're either going off to a mental ward or either off to the Department of Corrections. But my question to you, is it possible or has DCFS purposely caused some children to be labeled as mentally deficient for the sole purpose of being able to collect social security on behalf of these children?"

Speaker Leitch: "Representative Biggert."

Biggert: "Thank you. It happens all the time. Currently the department contracts with the legal aid foundation to screen all children in specialized foster care and

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residential placements in Cook County for SSI benefits, if the child is not eligible for title 4-E benefits. The legal aid foundation also develops and submits applications and makes application for consideration with the social security administration. This...this initiative has been very successful and increasing the number of children receiving these benefits and as resulted in the...the rise of SSI benefits from \$4.6 million in January 9...1982, to \$8.9 million as of November, which is a \$4.3 million annual increase. All of these moneys are used for the..."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Biggert, again, I need for you to understand the question that I asked you..."

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

Flowers: "I asked you, is the department purposely labeling these children to be mentally deficient for the sole purpose of collecting moneys on their behalf? Not, again, to do them any favor because for the rest of these childrens lives, they will be labeled as mentally disabled for the sole purpose of DCFS to collect dollars on their behalf?"

Speaker Leitch: "Representative Biggert."

Biggert: "...of these children are not disabled at all. Nor are they labeled that. They are receiving benefits because perhaps their parents have died and their receiving social security benefits or their parent was a veteran, or their parent had black lung disease. There is no labeling of a child to receive these funds."

Speaker Leitch: "Representative Flowers."

Flowers: "That's not true. My next question..."

Speaker Leitch: "Would you bring your remarks to a close, please, Representative?"

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Flowers: "Representative Biggert, what is the purpose of sending kids, our children in the State of Illinois, why are we sending them out of state? And how is that for the best interest of a child to take him out of the environment in which he is most familiar with. Why is it necessary that we send a child from the State of Illinois to the State of Wisconsin, State of Minnesota, or any other state?"

Speaker Leitch: "Representative Biggert."

Biggert: "Many...many times we don't have the facilities in this state. We don't have the capability, we don't have the resources. This has nothing to do with the moneys that we were talking about, that's another part of the Bill. In fact, in this Bill is to provide for a review of those out of state placements and it is to..."

Speaker Leitch: "Representative, will you bring your remarks to a close please? Representative Flowers."

Flowers: "Representative Biggert, is this another form of social engineering, is that the purpose of what you're doing here? Because it appears to me if we could send man to the moon in the 21st century, I know dog gone well that there is something that we could do in order to keep these children in the State of Illinois. Why is it necessary and whatever it is some other state is doing why can't we do likewise if we are truly interested in the best interest of a child?"

Speaker Leitch: "Representative Biggert."

Biggert: "I would agree with you, and this Bill has nothing to do with...with sending children out of the state. What it does is to review that those children that have been sent out of the state and see if they can be brought back and it goes to the court to...to review that. It is really looking much more closely at why we are doing that. It does not change the..."

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Speaker Leitch: "The Gentleman from Champaign, Representative Tim Johnson, for what purpose do you rise, Sir?"

Johnson, Tim: "I would move the previous question."

Speaker Leitch: "The previous question has been put. All those in favor shall vote 'aye'; all those opposed, shall vote 'no'. The 'ayes' have it. Representative Biggert to close."

Biggert: "Thank you, Mr. Speaker. This Bill, I think has had a lot of discussion, it amends the Department of Children and Family Services Act and the State Finance Act and I would urge do passage?"

Speaker Leitch: "Representative Biggert has moved passage of House Bill 2226. The question is, 'Shall House Bill 2226 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 96 voting 'aye', 11 voting 'no', and 8 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2332. Representative Kubik."

Speaker McLennand: "House Bill 2332, a Bill for an Act concerning taxation. Third Reading of this House Bill."

Speaker Leitch: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2332 is a Department of Revenue proposal and it does a number of things, very numerous. It's a very long list of things. I'll try to go through it very briefly to give a quick explanation of the Bill. It would amend the income tax and civil administrative code. It permits the Department of Revenue to issue an additional

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notice of tax liability deficiency if the final determination relates to a protest that was originally returned due to being unprocessable. It prohibits a taxpayer from producing information to the Department at a later date than 60 days after the demand letter has been issued by the Department. It requires a bond to be issued for any assessment challenge brought in circuit court, based upon a notice of penalty liability issued under the Uniform Penalty and Interest Act. It states the personal liability of a taxpayer under the Uniform Penalty and Interest Act shall be in addition to any tax liability, the taxpayer's responsible for as a partner in a partnership or a limited liability partnership. It adds manager or member of a limited liability corporation to the definition of those who may be responsible for tax liability under the Uniform Penalty and Interest Act. It permits the director of the Department to issue an informal assessment review prior to the issuance of a notice of tax liability or a notice of deficiency upon the completion of an audit of the taxpayer. The Committee Amendment #1, which includes provisions from House Bill 2335, would also amend the Income Tax Civil Administrative Code, Property Tax Code, Motor Fuel Tax Law, Illinois Municipal Code, and the Illinois Vehicle Code would permit the Department of Revenue to adopt rules for electronic filing of liens for any taxes administered by the Department. It adds clarifying language to the tech-prep income tax credit, allowing the credit to be claimed by employers who do not directly pay the salaries of tech-prep students or instructors. It eliminates the six month time frame for handling listening signatures for electronically filed income tax returns. It expands the protest period. A

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taxpayer may protest a denial of claim for a refund from 45 to 60 days. Allows the garnishment of wages for federal employees for failure to pay some income tax obligation. It abolishes the requirement that informational forms regarding rent and royalty payments under the contract for personal services and payments for prizes or awards must be filed with the Department, but require such information be kept on file by the taxpayer for possible Department inspection. It eliminates the requirement that home addresses of corporate officers be included on the Illinois business registration application. It adds varying penalties for motor fuel tax evasion. It requires documentation to be kept on file by suppliers and distributors of special fuel for inspection on demand by the Department. It amends several sections of the statutes to insert technical language associated with the International Fuel Tax Agreement, which we passed in 1988. It specified that personal liability penalties shall also apply to a member of a limited liability partnership. It creates the non-home rule municipal retailers occupation tax fund and prohibits a non-home room municipals retailer occupation tax, specific to East Peoria, from being imposed on food consumed off the premises where it is purchased, drugs and medical appliances. It restricts the municipalities from imposing a non-home rule municipal retailer's occupation tax rate that is not equal to a non-home rule municipal service occupation tax rate, that was being opposed...that has been opposed. Essentially, this is a conglomeration of department initiatives. I know of no opposition to these initiatives and I'd be happy to try to respond to any questions you might have."

Speaker Leitch: "Well, thank you, Representative. That was

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absolutely fascinating. The Gentleman from St. Clair,
Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. I yield my time to Mr. Dart."

Speaker Leitch: "Representative Dart."

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

Speaker Leitch: "He indicates he will."

Dart: "Representative, how is it that the...what did Amendment 1,
do?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative, in committee, there were two
administration Bills. There was 2332 and there was 2335
and rather than pass both of them out, we collapsed them
into one Bill, so Amendment 1, was basically 2335."

Speaker Leitch: "Representative Dart."

Dart: "And one and then becoming the Bill, it's just the revisory
Act, then?"

Speaker Leitch: "Representative Kubik."

Kubik: "Yes."

Speaker Leitch: "Representative Dart."

Dart: "I just have a couple of questions, then. Why is it in the
Retailer Occupation Tax Act, we're excluding the resident
addresses from the information they need?"

Speaker Leitch: "Representative Kubik."

Kubik: "I'm sorry, Representative. Could you repeat the
question?"

Speaker Leitch: "Representative Dart."

Dart: "Thank you. In the changes to the Retail Occupation Tax
Act, we're excluding the resident addresses from the
information required to be supplied to the Department for
certificate of registration. I'm interested in why we're
doing that."

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Speaker Kubik: "Representative Kubik."

Kubik: "According to what I've been provided by the Department, apparently 10% of all the corporate officers refused to put their home addresses on the form, but they have to put on their Social Security numbers. So by law, apparently what we have to do, the Department has to go out and get these addresses, which takes a lot of time and effort, but as long as they have the Social Security numbers, that is a home address. So what they're saying, is as long as they've got the Social Security number, they would be able to locate these individuals, so it eliminates some work for them."

Speaker Leitch: "Representative Dart."

Dart: "Thank you. I ask that the Bill be taken off of short debate and I'm joined by sufficient number of colleagues. In regards to the Motor Fuel Tax law changes there, why...we're making changes there which would permit the distributor to make tax-free sales on special motor fuel to required distributors to keep and obtain supporting documents for the sale of the special fuel. Why we making that change?"

Speaker Leitch: "Representative Kubik."

Kubik: "According to what I have from the Department, the tax evasion, untaxed fuel use, and falsification language allow for greater investigator and prosecutorial flexibility in charging and disposing of cases in situations where violators utilize multiple tax evasion schemes. Reconstructing the supplier and distributor definition corrects the situation wherein fuel is purchased tax free within the state and then resold with tax paid, but not forwarded to the Department."

Speaker Leitch: "Representative Dart."

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Dart: "I had some questions about the new criminal penalties we're putting in here. There's provisions about, we're gonna make an offense for a motor carrier who fails to carry a manifest. We're making that a felony. Is this, A: been a problem and B: is this gonna be something where the motor carriers will be made aware of it so that they are aware they don't have manifests on them? They are now gonna be potentially felons?"

Speaker Leitch: "Representative Kubik."

Kubik: "I'm sorry, Representative Dart, this is, as you can imagine, quite an extensive Bill. My understanding from my trustee member of the Department here, is that this language was an agreement that was developed ..."

Speaker Leitch: "Representative Dart."

Kubik: "Mr. Speaker, I'm answering questions."

Speaker Leitch: "Alright, go ahead."

Kubik: "This is an agreement that was reached between the Department and the motor carriers over the summer as to a cleanup of the law on this issue. So this apparently is an agreement between the industry and the Department, as I understand it."

Speaker Leitch: "Representative Dart."

Dart: "I just want it to be clear, though, because there are a lot of trucking interests here and we are now potentially making them felons and I wanted to make sure that they were well aware of this and finally, one quick question was, we're changing a law in requiring that there's some intent requirement for the offensive distributing supplying in bulk, using motor fuel without a license and failing to file a return with the Department. If we're supplying the intent requirement now, what are we doing now, if we don't have intent?"

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Speaker Leitch: "Representative Kubik."

Kubik: "Representative, it's my understanding that this language was at the request of the Attorney General due to the fact that these people who are violating these motor fuel tax laws were going into court and the language wasn't strong enough to withhold up in court, so this was a suggestion by the Attorney General to the Department and that's why they incorporated it into the Bill."

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

Lang: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Representative, relative to the section of the civil administrative code to adopt rules for electronic filing of liens, why do we need authorization to do this?"

Speaker Leitch: "Representative Kubik."

Kubik: "My understanding, Representative, is that we, the Department, do not have the authority to do so without a state statute."

Speaker Leitch: "Representative Lang."

Lang: "So they can't do this by rule? They can't just decide by rule that they will accept electronic filing?"

Speaker Leitch: "Representative Kubik."

Kubik: "As it explained to me, Representative, is because this is a lien on property, et cetera or on taxes. They would need a law in order to do this, so."

Speaker Leitch: "Representative Lang."

Lang: "The next question is related to the next section regarding the Income Tax Act. You seem to prohibit or call a refund erroneous if there's a signature missing. Are we going to here prohibit people from getting refunds, simply because they failed to do some technical, clerical problem?"

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Speaker Leitch: "Representative Kubik."

Kubik: "I'm not sure that this is gonna answer your question, but I'm gonna try. Apparently, there are at the present time, there was a six month waiting period. The reason we're eliminating that waiting period is so that they don't have to wait 'til that period. They can contact the taxpayer earlier and begin the process quicker so and it would hopefully reduce the correspondence between the taxpayer and the Department."

Speaker Leitch: "Representative Lang."

Lang: "So you would say it is for the consumer. In the other words, it's shortening the period of time. If it's considered erroneous, they contact the taxpayer and they say, come in and sign the form. So it doesn't cut off the taxpayer's rights, that's what I'm concerned about?"

Speaker Leitch: "Representative Kubik."

Kubik: "Your description is accurate."

Speaker Leitch: "Representative Lang."

Lang: "Well, that's the first time today I've been accurate. Let me ask you this. You're changing the time period to protest denial of claims from 60 days to 40 days. My understanding that, that's to be consistent with other protest periods in the Act, but why not change them all to 60, rather than lowering this to 40?"

Speaker Leitch: "Representative Kubik."

Kubik: "Representative, I guess there are, as you pointed out, there are many of these provisions throughout the Act. This is the only one that is at 60 days, so, you know, it's the last one that we are changing to 40 days."

Speaker Kubik: "Representative Lang."

Lang: "Well, alright. So we'll accept it's arbitrary, but that's not bad. If we have to pick a number, so you picked that

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one. That's okay. Relative to the Retailer's Occupational Tax Act, you're going to exclude resident's addresses from these certificates. What happens if the Department needs to go after these people? Don't they need those resident's addresses to chase them down?"

Speaker Leitch: "Representative Kubik."

Kubik: "I think our Representative Dart asked a similar question. What's happening now, Representative, is there are a certain number of people that are refusing to put their home addresses on these forms, but they have to put their Social Security number on the form and that contains their home address. Because the law says that they have to follow up on this, it's using an enormous amount of staff time to follow up on these. All they have to do is look at the Social Security number and they will find the correct address, so this is really to reduce the administrative burden of going to find those addresses."

Speaker Leitch: "Representative Lang."

Lang: "Well, let me suggest to you that the Social Security number, even if you check the address, is only usually the last address they know. If you only have a Social Security number, in case the Department has to enforce any action against these folks, they may not be able to find them. I'm just simply suggesting. It's not gonna keep me from voting for your Bill, but I'm suggesting you take a look at this because in terms of Department enforcement against these folks, you have to be able to find them. So you might want to take a look at this as the Bill goes to the Senate. One other area, the Uniform Penalty and Interest Act, what is the effect of ..."

Speaker Leitch: "To bring you questioning to a close, please, Representative."

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Lang: "Thank you. What is the effect of what you call a technical change by including a manager or member of a limited liability corporation as a covered taxpayer?"

Speaker Leitch: "Representative Kubik."

Kubik: "What I have, Representative, is that because the limited, as you know, limited liability corporations are relatively new in Illinois and they were not in existence at the time that the Uniform and Penalty and Interest Act was adopted, so the language, including such corporation, is not listed in the Uniform Penalty and Interest Act. What this does is to specifically state that the liability of a partner in a partner ..."

Speaker Leitch: "Representative Kubik."

Kubik:: "Or a limited liability partnership within the Act will clarify...will be clarified within the Uniform Penalty and Interest Act. So it's just one of those things that happened because we passed limited liability companies and I think it's less than two years ago."

Speaker Leitch: "The Representative from Kendall, Representative Cross, Tom Cross. For what purpose do you rise, Sir?"

Cross: "Well, thank you, Mr. Speaker, but I'm gonna yield my time right now to my esteemed colleague and Majority Leader from Lake County, Representative Churchill."

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

Churchill: "Well, I want to thank my esteemed colleague very much for yielding his time to me, but I think perhaps the time that I have would be better spent by Representative Rider, so I'll yield my time to Representative Ryder."

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

Ryder: "Being full of 'steem', I give my time and yield it to

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Representative Parke."

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

Parke: "Well, I guess I'd just like to yield my time to just another legislator, Representative Stephens."

Speaker Leitch: "Representative Stephens, what insights do you have for us, Sir?"

Stephens: "Well, I would thank my esteemed colleague from Cook for recognizing me as just another legislator and I would like to yield my time to the Gentleman from Livingston, Representative Rutherford."

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

Rutherford: "Thank you, Mr. Speaker. I would like to recognize the esteemed leader from Central Illinois and a colleague of mine to the neighbor, and I yield my time to Representative Black."

Speaker Rutherford: "Representative Black, for what outrage do you rise, Sir?"

Black: "Thank you very much, my esteemed colleagues, Mr. Speaker and Ladies and Gentlemen of the House. I move the previous question."

Speaker Leitch: "The previous question has been put. All those in favor shall say 'aye'; those opposed shall say 'no'. Have a roll call, Mr. Clerk. Call the roll. All those in favor shall vote 'aye'; all those opposed shall vote 'no'. Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 64 voting 'yes', 50 voting 'no'. The motion is carried. Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker. I think enough has been said about this fascinating Bill and I think I would just simply

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move adoption of the Bill."

Speaker Leitch: "I doubt it. You've got a best seller. Representative Kubik moves for passage of House Bill 2332. The question is, 'Shall House Bill 2332 pass?' All those in favor shall vote 'aye'; those opposed shall vote 'nay'. Voting is open. This is final action. Have all voted who wished? Have all voted who wished? Representative Gash, are you on yet? You're on. On this question, there are 112. I'm sorry, Mr. Clerk, please take the record. On this question, there are 113 voting 'aye', 1 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading appears House Bill 2343. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2343."

Speaker Leitch: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring you House Bill 2343. It's a Bill to amend the Corridors of Opportunities Act that provides grants made to economic development commissions and quarter councils may be made at a cost reimbursement basis. Basically, this Bill simply allows or provides that further accountability will be added to a good program and that program is regional economic development partnerships. Be happy to answer any questions concerning this Bill."

Speaker Leitch: "Mr. Clerk, would you please read the Bill again, please?"

Clerk McLennand: "House Bill 2343, A Bill for an Act concerning economic initiatives. Third Reading of this Bill."

Speaker Leitch: "On this question, the Lady from Cook, Representative Schakowsky. Representative Schakowsky."

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

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Speaker Leitch: "He indicates he will."

Schakowsky: "Well, Representative, the last time I looked at this Bill, it was a Bill to pay for small businesses to go to trade shows around the world, so I guess you've changed it some and with Amendment 1. Would you explain to me once again what Amendment 1 does and tell me if it's true that it's now the Bill?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Thank you, Representative. It is not the Bill. It only changes seven words in the Bill. It's simply line 24 of page two. It changes it to read to provide grants, which may be based on reimbursement schedules to individual corridor councils to assist in the achievement of their individual marketing plans and develop strategies. Really, all the Bill does is allows the Department of Commerce and Community Affairs to set up a reimbursement schedule for those competitive grants that are given to economic corridors or development corridors throughout the state of Illinois."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, my understanding is though, it's to encourage the expansion of, it provides financial incentives to partially offset a company's cost in participation in foreign trade shows. Doesn't this Bill focus mostly on foreign trade shows?"

Speaker Schakowsky: "Representative Mitchell."

Mitchell: "Representative, all of the language dealing with that particular issue has been amended out of this Bill."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Okay, so if the financial incentives for foreign trade shows is gone, again, one more time, does this provide reimbursement, financial incentives and if not for

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trade shows, then for what?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Basically, at this point, DECA has \$45,000, which is available in their budget, something to set up matching or competitive grants with corridor councils to promote Illinois through shows within the state. All of the money and all the appropriations that would have set up trade shows throughout the world, has been amended out of this Bill."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "How much money are we talking about here that is available for these purposes?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "At the present time, \$45,000, which is already in their budget."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, if there's, you say at present \$45,000, where does this money come from and are we likely to see that amount change significantly? I would say, would we see it grow?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Representative, I don't believe it will grow unless we have a tremendous influx of money from somewhere. The appropriation request even for 1996 has already been turned down. Unless the Department can find the funds through their available funds that they have now, this program may not even exist in 1996."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Is this just a regular GRF appropriation or does this money come from some sort of a special fund?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "It's a regular GRF appropriation and basically, this

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money is given only to those economic development councils that puts up a dollar for dollar situation so that they are a full partner in the money that's used."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Representative, can you give me an example of an awardee, someone who might be eligible and what kind of project or program or business development it might be that would get this money?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Certainly, Representative. The Dixon Developmental Council, for instance, would have the opportunity to attract businesses and show off their particular business opportunities and utilize some of this money along with their matching grant to put their best foot forward to try to encourage business to come to their particular locality. The grants themselves are small, but they are tremendously effective in helping the corridors promote the smaller industrial parks and the smaller areas."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, I guess for my last question, how many of these corridors do we have? How many places are eligible for these grants and when you say small, so how many grants then, are made available each fiscal year?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "I'm sorry, Representative, I didn't catch the end of your question."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "How many of these corridors are there in the state? How many...that is, how many units are available to apply for the grants in Illinois?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Thank you. Basically, the corridors that I'm talking

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about are not restrictive. Requests for funds at this particular time were from 25 various organizations throughout the state. There were 19 applications that were funded. At that time, DECA had more money ... "

Speaker Leitch: "Are you finished, Representative Schakowsky? Representative Schakowsky?"

Schakowsky: "If I could just close on...to the Bill. It just seems to me that, you know, while we're not talking about a lot of money here, although it's unclear to me whether this fund...if there are plans to make it larger. While we have DCFS operating so poorly and many aspects of it needing more money, underfunding elementary and secondary education, not being able to fund more police protection on the streets, it just seems to me that this legislation is pretty much of a frill."

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

Johnson, Tim: "I move the previous question."

Speaker Leitch: "The previous question has been put. All those in favor shall vote 'aye'; all those opposed shall vote 'no'. In the opinion...I have a roll call. The motion is whether the previous question shall be put. Have all voted who wished? Have all voted who wished? Have all voted who wished? On this question there are 60...Take the record. On this question, there are 63 voting 'aye', 53 voting 'no'. And the previous question has been put. Representative Mitchell to close."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill is...there is no appropriation with this particular Bill. It's a very small program, however, it's a very vital program for all of the smaller communities that are trying to instill within the state of Illinois and the

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nation, their best foot forward and showing that industrially, they can provide...those things will attract business to their area. These individual districts work very hard for this program. The Department of Commerce and Community Affairs has done a super job of working with them. It's a partnership Bill and one that should get your support. I feel very good about this particular Bill. It adds accountability. That's all that it does. The money's already there and it certainly deserves your support and I ask for your vote. Thank you."

Speaker Leitch: "The question is, 'Shall House Bill 2343 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 67 voting 'aye', 48 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading appears House Bill 2465. Representative Stephens. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2465, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Leitch: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker, Members of the Assembly. 2465 establishes a welfare reform task force to begin studying and developing proposals for the new system of AFDC to be implemented by January 1st, 1999. This task force will consist of two members appointed by the Speaker of the House and the President of the Senate, each, one member by the Minority leaders of each Body, and three by the Governor, one of whom will be the director or their

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designee. This is a trailer Bill, actually, to Senate Bill 10, which called for the sunset of the AFDC enabling legislation on December 31st, 1998. I would be glad to respond to any questions. I move its adoption...or passage."

Speaker Leitch: "The Gentleman from Madison on a point of order, Representative Davis."

Davis, S.: "Speaker, on the last Bill, I had my light on for the entire time that Representative Mitchell got up and started to speak to the Bill and you allowed only debate from one person on this side of the aisle, Sir, and I resent that because this Bill, even though he calls it a little bitty Bill, \$45,000. Sir, that was \$45,000 of the taxpayers' of Illinois money and what this was, was basically welfare. This was welfare for corporations and we're talking about welfare. We are taking money away from the welfare recipients in the state of Illinois and we're giving it to corporate welfare. We're giving it to the corporations in the state of Illinois and Mr. Speaker, Mr. Speaker, you stifled debate on that issue and I resent it. Now, from now on are we going to allow only one person to speak to the Bill?"

Speaker Leitch: "Actually, Representative, the first light on that Bill was Representative Tim Johnson's light, so purposes of information and it is now, as well. The Lady from Cook, Representative Schakowsky, what purpose do you rise? Representative Schakowsky?"

Schakowsky: "Thank you, Mr. Speaker. We're back to 2465, right? Where are we?"

Speaker Leitch: "That is correct."

Schakowsky: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

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Schakowsky: "So, I'm looking at your answer to eliminating the AFDC altogether. I'm looking at a very small Bill here and so, let me get it right. You're answer to ending of AFDC is the establishment of a task force. Is that correct, Mr. Stephens?"

Speaker Leitch: "Representative Stephens."

Stephens: "I'm sorry, Mr. Speaker, I did not hear her question."

Speaker Leitch: "Representative Schakowsky. Could we have some order in here, please? Representative Schakowsky is trying to ask a question of the Gentleman."

Schakowsky: "Thank you, Mr. Speaker. So, I'm asking you if your answer to the total elimination of AFDC, then, as embodied in this Bill, is the creation of a task force?"

Speaker Leitch: "Representative Stephens."

Stephens: "No."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well then, it seems to me that House Bill 2465, I must have missed the point then. What is it do?"

Speaker Leitch: "Representative Stephens."

Stephens: "It creates the Welfare Reform Task Force."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "We are speaking the same language. Does it create a task force? Yes, it does create a task force. Okay. How many people are on this new task force that you create with this Bill?"

Speaker Leitch: "Representative Stephens."

Stephens: "Nine."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "And can you tell me how these members are appointed?"

Speaker Leitch: "Representative Stephens."

Stephens: "Mr. Speaker, I have already answered that question in

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my opening remarks."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Mr. Stephens, I guess there was a lot of noise in the chamber and I didn't hear you say that in your opening remarks."

Speaker Leitch: "Representative Stephens."

Stephens: "In that case, I'll be glad to repeat it. The members will be appointed as follows: two each by the Speaker of the House and by the President of the Senate, one each by the Minority leaders of the respective chambers, the House and the Senate and three by the Governor, one of whom shall be the Director of the Department of Public Aid or their designee."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "And is there any fiscal note here? Do we know how much it's gonna cost to create this new nine member task force?"

Speaker Leitch: "Representative Stephens."

Stephens: "The Department's fiscal note, which is as you know is filed. I'm sure you had the file there in front of you with the copy and I will help you read it. It says, 'as the Department will also be working on developing alternatives to the AFDC program', if you're following along with me, it says then, 'there should be no additional costs due to the passage of this legislation.' Did I read that correctly?"

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, Mr. Stephens, I want to congratulate you on being another great recipient of the new grow award that is awarded to those who create more bureaucracy in the State of Illinois and Representative Currie is there to present you with this award."

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Speaker Leitch: "Representative Mautino? Representative Mautino, did you seek recognition?"

Mautino: "Yield. Yes, I would yield my time to Representative from Cook County, Jan Schakowsky."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Now that you've had a minute of excitement after the award, I wanted to ask a couple of more questions about the legislation. Representative, a very serious step was taken in eliminating the AFDC program. What kind of guidelines are in this legislation that would help direct the reshaping of a program to serve our poor citizens?"

Speaker Leitch: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. The guidelines would be found in Sections C and D. In studying and developing proposals, the task force shall take actions including, but not limited to holding public hearings, seeking public input, consulting with the appropriate public interest groups, examining proposals from other states and considering federal requirements and furthermore, in section D, it says, 'the task force shall report to the Governor and to the General Assembly concerning the progress of the task force within one year after the effective date of this Amendatory Act of 1995 and every six months thereafter. A final report and recommendation shall be submitted to the Governor and to the General Assembly, no later than March 1st of 1998, and the Governor and the General Assembly shall consider the report and recommendations made by the task force, but the report and the recommendations are not binding on the Illinois legislature on the Illinois Department, without the approval of the General Assembly and the Governor, as provided in the Illinois Constitution."

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Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Is there any requirements in this legislation that persons who are receiving public aid, that are receiving AFDC, participate in the formulation of the alternatives that are proposed?"

Speaker Leitch: "Representative Stephens."

Stephens: "There are no limits to the public input. They would certainly, as part of the public, be able to be part of the process."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "But neither is there any kind of requirement. Don't you think, Sir, that since we're talking about affecting the lives of some 750,000 people in Illinois, that somewhere in this Bill, either on the task force itself or some recommendation, that they be included in the hearings, that there be some reference to the people who are now part of the AFDC system?"

Speaker Leitch: "Representative Stephens."

Stephens: "Was that a question, Mr. Speaker?"

Speaker Leitch: "The Lady indicates it was."

Stephens: "She'll have to repeat it, then."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Here's the question part. Doesn't it seem to you that people who...that given, there are 750,000 people right now who are affected by the AFDC system, that it would make sense somewhere in this Bill, either as one of the public members or an additional member on the task force or that somewhere in the requirements for public hearings, that there be something mentioned about the requirement to consider and to involve the people that are receiving AFDC now?"

Speaker Leitch: "Representative Stephens."

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Stephens: "Well, I still don't think that was a question, but I would like to comment on her comments. Nowhere in the legislation does it limit the participation of an AFDC recipient. In Section C, it clearly states that the public input is not only welcome, but it is sought and it's delineated in Section C, line 109 through 112."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Mr. Stephens, I'm just wondering in your view if you had or if anyone has any view of the areas that are most in need of reform, the areas that this legislation. Are we gonna see an ending of income assistance in Illinois or what is your vision of where this is gonna end up at the end?"

Speaker Leitch: "Representative Stephens."

Stephens: "My vision is that we will have a society that shares responsibility for those in need."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "To the Bill. I just think that this little piece of legislation is a paltry answer to a major move of eliminating the AFDC program and put hundreds of thousands of Illinoisans at risk in the state of Illinois and I think this Bill does not do them justice."

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

Flowers: "Mr. Speaker, I would ask the Gentleman a question."

Speaker Leitch: "He indicates he'll yield."

Flowers: "Representative Stephens, I'm truly disappointed in you, Sir. I thought you were the man with the plan. I thought when you eliminated DCFS, I mean, I'm sorry, I thought when you eliminated Department of Public Aid, you had a plan in order to resolve the problems of the poor. So, I see that you don't. You do not have a plan to resolve that

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problem?"

Speaker Leitch: "Representative Stephens."

Stephens: "Our plan, as you know, began with Senate Bill 10, which I think you opposed, but we passed and the Governor signed. That was the beginning of the plan and I believe that this is the next logical step. The final implementation of whatever is going to replace the current AFDC program is now in place."

Speaker Leitch: "Representative Flowers."

Flowers: "I beg to differ with you, Representative Stephens. That was the end, that was the end of public aid as we once knew it, so I thought you had something in place. After all, this program has been in place for 35 years, so you're saying that over the next three years, we're gonna come up with something a little bit more comprehensive to deal with the ills of the poor."

Speaker Leitch: "Representative Stephens."

Stephens: "We will have something a little more responsible."

Speaker Leitch: "Representative Flowers."

Flowers: "Can you elaborate, please? Give me an example, such as."

Speaker Leitch: "Representative Stephens."

Stephens: "Well, such as shared responsibility for one's future and in that, some of the language that was included in Senate Bill 10."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Stephens, I would suggest that if you were to poll people today, they would say to you that they would like to share in the responsibilities. So, if today they want to share, where might they find the opportunity? Can you help me, please?"

Speaker Leitch: "Representative Stephens."

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Stephens: "Well certainly, they can share by continuing their quest for an education, staying in school, pregnant teenagers staying as part of a family unit. They can share in that way. There are job training availability and they can share by participating in those programs that I think you and I might agree, could be a benefit to any individual."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Stephens, once again, if you were to ask the question, they would probably say to you, we would like to continue our education, but we can't afford it number one. They would also say to you, they would like to continue their education, but they have no child care facility or no safe place to leave their children, number two. If you were to ask the question, Sir, they will probably say to you, they would love to be able to go to work, but there aren't any jobs out there available and last, but not least, they would love to say to you, that they would love to go for job training, but there are no programs out there that's available for them to partake in. So now what would you suggest?"

Speaker Leitch: "Representative Stephens."

Stephens: "I would suggest that the Minority leader appoint you to the task force so that you can share your experience and your thoughts with the task force."

Speaker Leitch: "Representative Flowers."

Flowers: "Representative Stephens, I'm not gonna argue with you on that point, but I would have suggest that you suggest that the Governor and maybe your Speaker, should have talked to me before you presented Senate Bill 10. Now, I think that would be putting the horse before the cart, as opposed to cart, now, before the horse. Thank you very

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much."

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

Johnson, Tim: "I move the previous question."

Speaker Leitch: "The Gentleman has moved the previous question. The question is, 'Shall the previous question be put?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. Mr. Clerk. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 63 voting 'aye', 53 voting 'no'. And the motion passes. And the question has been put. Representative Stephens to close."

Stephens: "Thank you, Mr. Speaker. The horse does go before the cart. That's what this Bill is meant to do. I guess this could kind of be the harness to the horse and I move its passage and urge an 'aye' vote."

Speaker Leitch: "The question is, 'Shall House Bill 2465 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 89 voting 'yes', 26 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 1140?"

Clerk McLennand: "House Bill 1140, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Leitch: "Would you return that Bill to Second Reading, please? Mr. Clerk, are there any announcements?"

Clerk McLennand: "Immediately upon adjournment, the House

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Appropriations Education Committee will meet in Room 114. Immediately upon adjournment, the House Appropriations Human Services Committee will meet in Room 118 and immediately upon adjournment, the House Judiciary Committee for Criminal Law will meet in Room D-1 in the Stratton."

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

Currie: "To make an announcement, Speaker. I just thought I might like to remind the Members, advise the Members that we do have the new rule that says our desks will be cleared off at the end of the last session day and this is just a reminder that today is not the last session day of the week. So if you want to keep your papers on your desks on the House Floor tonight so they'll be available to you tomorrow, you're entitled to do so."

Speaker Leitch: "Order of House Bills Second Reading appears House Bill 301. Mr. Clerk, what is the status of House Bill 301?"

Clerk McLennand: "House Bill 301 has been read a second time previously. Committee Amendments #1 and 2 were referred to subcommittee. Committee Amendments #3, 4, and 5 are withdrawn. Floor Amendments #6 and 7 were referred to rules. A fiscal note and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Leitch: "Third Reading. Please read House Bill 412."

Clerk McLennand: "House Bill 412, a Bill for an Act that amends the Environmental Protection Act."

Speaker Leitch: "Out of the record. What is the status of House Bill 565, please?"

Clerk McLennand: "House Bill 565 has been read a second time previously. Amendment #1, was adopted in committee. A

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fiscal note and a correctional budget and impact note have been requested on the Bill and they have both been filed."

Speaker McLennand: "Third Reading. On the Order of Second Reading is House Bill 634, Representative Saviano. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 634, a Bill for an Act that amends the Illinois Dental Practice Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill 637, please."

Clerk McLennand: "House Bill 637, a Bill for an Act that amends the Public Utilities Act. Second Reading of this House Bill. Committee Amendment #1, was adopted. Floor Amendment #2, was referred to Rules. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill 730."

Clerk McLennand: "House Bill 730. Bill's been read a second time prior. No Committee Amendments. Floor Amendment #1, was referred to Rules. A fiscal note had been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill 742."

Clerk McLennand: "House Bill 742, a Bill for an Act in relation to taxation of auto leases. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, was referred to Rules. A fiscal note has been requested on the Bill and has been filed."

Speaker Leitch: "Mr. Clerk, please take this Bill out of the record. Read House Bill 937. Representative Lachner, do you want this Bill moved to Third? Representative Tom Lachner? Out of the record. House Bill 995. Representative Cowlshaw, do you want this Bill moved to

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Third? Representative Cowlshaw. Out of the record. House Bill 996. Representative Cowlshaw, do you want this Bill moved? Out of the record. House Bill 1091, Representative O'Connor. Representative O'Connor, do you want this Bill moved to Third? Out of the record. House Bill 1221, Representative Salvi. Representative Salvi? Is the Gentleman in the chamber? Do you want this Bill moved, Representative, to Third Reading? Out of the record. Representative Lindner on House Bill 1324. Representative Lindner, do you want this Bill considered? Out of the record. House Bill 1522, Representative Stephens. Representative Stephens, do you want this Bill? Mr. Clerk, please read House Bill 1522."

Clerk McLennand: "House Bill 1522, a Bill for an Act that amends the Illinois Human Rights Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, has been referred to Rules. A fiscal note has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. On House Bill 1534, Representative Salvi, Al Salvi, what is your pleasure? Representative Jones...Mr. Clerk, please read House Bill 1534."

Clerk McLennand: "House Bill 1534, a Bill for an Act that amends the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Leitch: "Third Reading. Representative Sue Deuchler on House Bill 1596. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1596, a Bill for an Act that amends the Electronic Fund Transfer Transmission Facility Act. Second Reading of this House Bill. Committee Amendment #1, was adopted. No motions. Floor Amendment #2, offered by Representative Deuchler, has been approved for

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consideration."

Speaker Leitch: "Are there any motions or...? Representative Deuchler, on Floor Amendment #2."

Deuchler: "Mr. Speaker, Floor Amendment 2, corrects a typographical error. It changes the word, transmissional, to transmission and I ask for the adoption of Amendment 2. Correct that error."

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

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

Speaker Leitch: "She indicates she will."

Granberg: "Representative, I'm just trying to look at your Amendment. This is the only changes from transmissional to transmission?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "That is correct."

Speaker Leitch: "Representative Granberg."

Granberg: "Ms. Deuchler, can I ask you what is the intention behind this? Why do we need to change that language? What is transmissional as opposed to transmission?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "The Amendment refers to the Electronic Fund Transfer Transmission Facility Act, as that is referred to the rest of the Amendment as Transmission Facility Act was a typing error in drafting and needs to be corrected with this Amendment."

Speaker Leitch: "Representative Granberg."

Granberg: "And how much do we normally spend on an Amendment with printing and all the costs involved? Do you know what that cost might be?"

Speaker Leitch: "Representative Deuchler."

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Deuchler: "No, I don't."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Representative, we have no further questions."

Speaker Leitch: "The Lady has moved for the adoption of Amendment #2, to House Bill 1596. All those in favor shall say 'aye'; all those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #2, is adopted to House Bill 1596. Mr. Clerk, are there any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Representative Balthis on House Bill 1610. Out of the record. Representative Moffitt on House Bill 1653. Representative Moffitt. Mr. Clerk, please read House Bill 1653."

Clerk McLennand: "House Bill 1653 has been read a second time previously. Committee Amendment #1, was adopted. No Floor Amendments. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Leitch: "Third Reading. Representative Cowlshaw on House Bill 1677. Is the Lady in the chamber? Representative Cowlshaw? Out of the record. Representative Cross on House Bill 1741. Do you wish this Bill to move to Third? Representative Cross? Mr. Clerk, please read House Bill 1741."

Clerk McLennand: "House Bill 1741, a Bill for an Act that amends the Adoption Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, has been referred to rules. A fiscal note has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. On the Order of Third Reading appears...I'm sorry. On the Order of Second Reading

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appears House Bill 1709. Representative Klingler. What is the status of House Bill 1709, Mr. Clerk?"

Clerk McLennand: "House Bill 1709 has been read a second time previously. Committee Amendment #1, is referred to rules. Committee Amendment 2, is referred to subcommittee. Floor Amendments #3 and 4 were referred to rules. Floor Amendment #5, offered by Representative Klingler, has been approved for consideration."

Speaker Leitch: "Representative Klingler on Amendment #5 to House Bill 1709."

Klingler: "Mr. Speaker, I would move for the adoption of Amendment #5. This is simply a technical Amendment which clears up some redundancies that were found in the Bill. Also, there was an oversight that was discovered when it came over from LRD in deleting criminal sexual assault from the list of non-probational offenses. So that error was corrected and the redundancy was eliminated."

Speaker Leitch: "On the motion, is there any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Dart: "Representative, I'm just looking at this Amendment for the first time now and you say it's technical, but looking at the face value of the Amendment, we're changing in one instance on page two, line three, we're changing Class X to felony II, shall be sentenced to a term of natural life. Class acts, last time I checked, was 6 to 30 years. Natural life is, last I checked natural life, it doesn't appear to be technical and on page two, line 6 to 7, doing the same thing, that doesn't look to be technical either. I'm also looking at where you remove the part about a second or subsequent conviction of a violation of this

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Section. I'm not sure if that's technical either. Can you explain to me why changing something from a Class X to life imprisonment is technical?"

Speaker Leitch: "Representative Klingler."

Klingler: "Yes, Representative Dart, that part was in the original Bill, but that part was also listed twice and it was a redundancy. That part was not the part that was changed. That was in the original Bill. A redundancy was eliminated."

Speaker Leitch: "Representative Dart."

Dart: "How was it redundant?"

Speaker Leitch: "Representative Klingler."

Klingler: "If you look at the original Bill, there was a redundancy regarding the natural life imprisonment and that part is being eliminated and it was reworded to make the language clearer."

Speaker Leitch: "Representative Dart."

Dart: "Well, the part with criminal sexual assault, what you're doing is changing it back to how it was. Once again, I don't think that, that's technical. Can you explain that one?"

Speaker Leitch: "Representative Klingler."

Klingler: "Representative Dart, I would direct your attention to lines 27 to 29 of the Bill."

Speaker Leitch: "Representative Dart."

Dart: "Lines 27, 29 of what page?"

Speaker Leitch: "Representative Klingler. Representative Dart."

Dart: "Representative, I have a question here on the Amendment itself on...I see that there's a technical flaw in that and the Amendment, on line six of your Amendment, it says on page two, line three, by replacing is a Class X felony. That's the parentheses mark. When you put that into your

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Bill on page two, it actually reads as a Class X felony, so that technically, this is flawed. The Amendment doesn't track what the Bill does, nor what the statute originally does and that's very problematic. I mean, I think that constitutionally and technically as well, we can't pass an Amendment that references the statute that's not there."

Speaker Leitch: "Representative Klingler."

Klingler: "Representative Dart, I could read the entire section as amended and perhaps, that might be clearer, rather than going from the Bill to the Amendment. The Section B would read under sentence, criminal sexual assault is a Class X felony. A person convicted of a second or subsequent offense of this section or under any similar statute of this Bill or any other state for any offense involving criminal sexual assault, that is substantially equivalent to a more serious than sexual assault prohibited under this section, shall be sentenced to a term of natural life imprisonment."

Speaker Leitch: "Representative Dart."

Dart: "Representative, I'm just trying to make this accurate and proper here because right now, it isn't. If you look at your Bill on page two, line six, it says of the state's intention to treat the charge as a Class X felony. Your Amendment on line ten, I'm sorry not line six, says on page two, line six, you start by replacing is a Class X felony. Those aren't the words of your Bill. That's a technical problem that we need to clarify. I suggest you hold this on Second and come up with a new Amendment because you can't amend is, 'cause it's not there in the first place."

Speaker Leitch: "Representative Klingler."

Klingler: "Representative Dart, that sentence would then read, the state's intention to treat the charge as an offense,

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punishable by a sentence of natural life imprisonment."

Speaker Leitch: "Representative Dart."

Dart: "But once again, Representative, you're referencing in your Amendment, words that aren't in, not only in your Bill, but they aren't in the statute."

Speaker Leitch: "Representative Klingler."

Klingler: "Representative, the words that were deleted, were as a class x felony."

Speaker Leitch: "Representative Dart. Representative Stephens on House Bill 1749. Do you wish the Bill moved, Sir? Mr. Clerk, please read House Bill 1749."

Clerk McLennand: "House Bill 1749, the Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. A state mandate's note has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Representative O'Connor on House Bill 1795. Representative O'Connor? Representative Jerry O'Connor? Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1795, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment 1, offered by Representative O'Connor, has been approved for consideration."

Speaker Leitch: "Representative O'Connor on Amendment #1. Representative O'Connor, do you wish to present Amendment #1?"

O'Connor: "Yes, I do."

Speaker Leitch: "Representative O'Connor."

O'Connor: "Mr. Speaker, this Floor Amendment was made at the request of the NRA and the Rifle Association. They felt, as though, that there was some terminology relative to the firearms that were found in these boxes and I think this Amendment meets their satisfaction at this point."

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Speaker Leitch: "On the Amendment, is there any discussion?"

Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Leitch: "He indicates that he will."

Granberg: "Representative, could you explain what the Amendment actually does? I know you indicated this is a request of the Departments', but could you actually explain to the Members, the contents of the Amendment?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "What the Amendment basically does, Representative, the original Bill, as it was written, was stating that when firearms were found unclaimed in a safety deposit box, they would immediately become the property of the Illinois State Police. What this Amendment does now, it extends that period to a five year period of time and there are other forms of notification that have to be made after that period."

Speaker Leitch: "Representative Granberg."

Granberg: "So, Representative, what would be the current law? Would it be that the weapon shall immediately become the property of the Department of State Police?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "The current law, Representative, is the same, except now the weapon would go to financial institutions."

Speaker Leitch: "Representative Granberg."

Granberg: "So your Amendment transfers a responsibility for the property from the Department of Financial Institutions to the Department of State Police, Representative?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Yes, it does."

Speaker Leitch: "Representative Granberg."

Granberg: "Does this change any of the obligations or

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responsibilities in the Department of Financial Institutions in respect to notice provisions of the last current legal owner?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "The notice would be given by the individual bank before it was turned over to the State Police."

Speaker Leitch: "Representative Granberg."

Granberg: "I thought that under the provisions of the Unclaimed Property Act, the Department of Financial Institutions, at some point, would give public notice as well to potential owners of that property before that property would be turned over to the Department."

Speaker Leitch: "Representative Granberg."

O'Connor: "Representative, the individual bank's responsibility, it now becomes their responsibility to notify the last known owner of that safety deposit box."

Speaker Leitch: "Representative Granberg."

Granberg: "So the Department of Financial Institutions no longer gives a public notice on unclaimed property in any financial institution across the state?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "That is correct."

Speaker Leitch: "Representative Granberg."

Granberg: "So, on the lists I thought Representatives received on unclaimed property, that list is now the responsibility of that institution and they must, in fact, give a public notice of any unclaimed property?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Representative, I apologize, but I could not hear what you said."

Speaker Leitch: "We have some order, please? Representative Granberg."

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Granberg: "Representative, it was my understanding that the Department of Financial Institutions had the obligation to give public notice on unclaimed property under the act. Now are you saying, every financial institution by themselves has that obligation, currently, that they must, in fact, inform the previous owner or they must give public notice of any unclaimed property at their institution?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Currently, the holder of the bank has to give a letter. The Department of Financial Institutions, they publish it after they get it."

Speaker Leitch: "Representative Granberg."

Granberg: "So the current law is, the institution gives notice to the previous owner or the last known address. They inform the Department of Financial Institutions. The Department then gives public notice on any unclaimed property. Is that correct?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "After it comes to them, they do give public notice."

Speaker Leitch: "Representative Granberg."

Granberg: "Now with your provision, Representative, would the problem of State Police have to give public notice because the Department of Financial Institutions currently has that obligation?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "No, Representative, the Department of State Police ..."

Speaker Leitch: "Proceed, Representative."

O'Connor: "The answer is no."

Speaker Leitch: "Representative Granberg."

Granberg: "So why do we have the difference, Representative, because I can understand if someone had and I think I

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understand what you're trying to do, but if someone has an antique pistol or weapon that's in a savings account or a lock box, why would that person be treated differently than anyone else who might own valuables, whether real or personal?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Representative, if I'm understanding you correctly, you want to know who is notifying the people of what is really happening with their safety deposit box. The bank where the deposit box is at is notifying the people relative to what's happening to their safety deposit box."

Speaker Leitch: "Representative Granberg."

Granberg: "What I'm asking Representative, is why would we treat someone differently who owns a gun because that person could own an antique weapon, a Colt 45 or something? Leave it in the lock box, that person would no longer be required to be given public notice because the State Police now has this responsibility. So why would the owner of an antique weapon, not be treated the same way as someone who owns some other personal or tangible piece of property that would be unclaimed in that lock box? Why the necessity of avoiding the public notice provision for someone who just may merely own a weapon?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Representative, statistically, it's such a small problem, relative to what is found in the safety deposit box, is that there's been an average of probably, approximately maybe 10 or 15 of these weapons that would come under this Amendment."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, I understand your intention, but I don't know why we would treat someone differently just

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because that person would ..."

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

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

Speaker Leitch: "He indicates he will."

Brunsvold: "Representative, what is the State Police going to do with this gun?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Representative, they can destroy the weapon or they can use it anyway they deem appropriate."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "Well, my past experience with the State Police is that they would probably destroy the gun. As Representative Granberg has indicated, the only reason this gun is in the safe is probably because it's a very valuable antique, worth probably 40 or \$50,000. I've seen guns at auctions that have gone for that much money without any problem at all and the State Police is already going to take the gun and they have no other way of disposing of it. They'll probably destroy it. I'm very concerned about this Amendment that the errors are not found because this is a lot of money you're talking about, 'cause these are antiques. If they're in a safe deposit box, they're antiques and destroying a gun would be something that we oughtn't do because these guns are not used in crimes. These are antiques that are used for display and for museums, things like that. I don't think we ought to do this and we ought to try to find a way to find the error and not give it to the State Police. If nothing else, we ought to give it to an agency. If you can't absolutely find anyone, then we ought to give it to an agency that can dispose of the gun at an auction and then the state could

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use the money to, for example, the Department of Conservation could use it for conservation purposes, but I don't think we ought to give it to the State Police and let them destroy the gun. Would you be willing to work out an Amendment, where we could get something like this cleared up?"

Speaker Leitch: "Representative O'Connor."

O'Connor: "Representative, the weapons in the past that have been found in these safety deposit boxes have averaged about 12 a year. They average about \$99 per weapon. I distinctly said, that these weapons were either gonna be destroyed or utilized in some other manner by the State Police. I would assume somebody would look at these weapons and if you had a weapon of value, it, in fact, would be auctioned off."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "That past track record of the State Police and their anti-gun positions don't set well with me or a lot of the pro-gun people on this Floor and I don't really want them to have these guns. I mean, if they're antiques, let's not do that. I don't think we ought to proceed down this path. We ought to at least try to find the rightful owner to the weapon before we send it to the State Police and let them destroy it."

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

Wennlund: "Thank you very much, Mr. Speaker. To the Bill and to clear up some unclear questions with respect to this Bill and then I share Representative Brunsvold's concerns and believe me, explored them deeply when this Bill was in its infancy and this Amendment has been, in fact, drafted in cooperation with the Illinois State Rifle Association and the NRA. The only reason, first of all, the average value

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of the gun that's picked up in a safe deposit box is basically about a \$100, but the real reason people keep guns in safe deposit boxes is to keep them away from the gun grabbers who are already out there to take away gun control rights. That's the reason that they're put in safe deposit boxes, but I wanted you to know that this Bill and this Amendment in particular, after thorough review with the Department has been approved by both the State Rifle Association and the NRA. I had similar concerns. There is adequate protection for the safety and notification of relatives and owners who have these guns in safe deposit boxes. It's a clean up Amendment because the Department of Financial Institutions does not know what to do with these guns when they have them. They just don't have the facilities to store them. There are adequate notifications built into this system and like I say, they've been approved by both and I share the same concerns that Representative Brunsvold does, but I'm fully assured that this Amendment solves all of the concerns and that there will be adequate notice and I urge the adoption of this Amendment."

Speaker Leitch: "The Gentleman from Champaign, Representative Tim Johnson, for what purpose do you rise, Sir?"

Johnson, Tim: "I would move the previous question."

Speaker Leitch: "The Gentleman has moved that the previous question be put. All those in favor shall be voting 'aye'; all those opposed. Mr. Clerk, call the Roll. On this question, there ... Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the Roll. On this question, there are 63 voting 'aye', 52 voting 'no'. And the previous question has been put. Representative O'Connor to close. Representative

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O'Connor?"

O'Connor: "Mr. Speaker, I'd move for the adoption of Amendment #1, on this Floor Bill."

Speaker Leitch: "The Gentleman has moved for the adoption of Floor Amendment #1, to House Bill 1795. All those in favor shall vote 'aye'; all those who are opposed shall vote 'no'. Mr. Clerk, take...The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On this question, take the record, Mr. Clerk. On this question, there are 59 voting 'yes', 54 voting 'no', 3 voting 'present'. The Amendment is adopted. Mr. Clerk, are there any further Amendments?"

Clerk McLennand: "No further Amendments. A fiscal note has been requested on the Bill, as amended."

Speaker Leitch: "Has it been filed?"

Clerk McLennand: "It has not been filed."

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

Granberg: "Thank you, Mr. Speaker, point of order. Do your rules provide and frankly, Sir, we weren't sure that it takes 60 votes to adopt an Amendment or is it the majority of those voting?"

Speaker Leitch: "No, it was the majority of those voting. It is just an Amendment. Mr. Clerk, are there any other Amendments?"

Clerk McLennand: "No further Amendments. A fiscal note has been requested on the Bill as amended, has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, on House 1850. Representative Cross, do you want this Bill moved? Mr. Clerk, please read House Bill 1850."

Clerk McLennand: "House Bill 1850 has been read a second time previously. No Committee Amendments. Floor Amendment 1,

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has been referred to Rules. A fiscal note and a state mandate's note have been requested on the Bill and they have been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, is Representative Saviano in the chamber? On House Bill 1879, do you wish this Bill moved to Third? Out of the record. House Bill 1891, Representative Mitchell, on House Bill 1891, do you want this? Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1891, Bill's been read a second time previously. Committee Amendment #1 was adopted. Committee Amendment #2, has been referred to Rules. No Floor Amendments. A fiscal note and a state mandate's note have been requested on the Bill, as amended, and they have been filed."

Speaker Leitch: "Third Reading. Representative Lyons, on House Bill 1894, do you wish the Bill moved to Third Reading? Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1894. Bill's been read a second time previously. No Committee Amendments. Floor Amendments #1 and 2 have been referred to rules."

Speaker Leitch: "Third Reading. House Bill 1933, Representative Klingler. Representative, do you wish to hear this Bill moved? Out of the record. Representative Cowlshaw on House Bill 1988. Do you wish to have this Bill moved to Third? Representative Cowlshaw, on House Bill 1988? Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1988, a Bill for an Act that amends the School Code. Second Reading of this House Bill. Committee Amendments #1, 2 and 3 were referred to Subcommittee. Floor Amendments #4, 5, and 6 have been referred to rules. A fiscal note and a state mandate's note have been requested on the Bill and they have been

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filed."

Speaker Leitch: "They'll have to stay on Second. Representative Rutherford on House Bill...I thought you said it had not. Mr. Clerk, what was the status of that Bill?"

Clerk McLennand: "All notes have been filed."

Speaker Leitch: "Mr. Clerk?"

Clerk McLennand: "All notes have been filed on the Bill."

Speaker Leitch: "Third Reading. Representative Rutherford on House Bill 2080. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 2080 has been read a second time previously. Committee Amendment #1, was adopted. Floor Amendment #2 were offered by Representative Rutherford, has been approved for consideration."

Speaker Leitch: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. What Amendment #2 does, is it changes the effective date for implementing a provision in the underlying Bill. In the underlying Bill, it would establish a special plate fund for the Secretary of State's office to be able to consolidate the other plate funds that are out there such as the Korean War plate fund, the Retired Congressional plate fund, so forth and so on, so as to streamline the process to eliminate all these various entities and combine them into one special plate fund. The underlying Bill had the effective date for this to be July 1 of '95. This Amendment would change the effective date to establish that special fund to be October 1st. This would allow for the lapsed period spending time."

Speaker Leitch: "On the Amendment, is there any discussion? Representative Currie."

Currie: "Actually Speaker, I rise in a parliamentary inquiry with respect to the decision that 1795 had, had an Amendment successfully adopted to it and when I first read part of

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Rule 54(b), I thought that it said that a Floor Amendment could be adopted by a majority vote, but that isn't what it says. It says, "Shall be adopted by a majority vote of the House", not a majority vote in the House, not a majority of the Members voting on the question, but the language pretty clearly says, that Amendments on the Floor, may be adopted only by a majority of the full membership of this chamber. That would require 60 votes for adoption of an Amendment and clearly had it been the intent of those who drafted the rules to require a Majority of those voting, the sentence would have ended after, 'And shall be adopted by a Majority vote', period, but it doesn't. It says, 'Shall be adopted by a Majority vote of the House'. That has to mean 60 votes, a Constitutional Majority, and the Amendment that was offered to House Bill 1795 on the Board, showed only 59 votes, yet the Chair ruled it adopted."

Speaker Leitch: "Thank you, Representative Currie. The Chair based its ruling on House Rule 1-10, which says majority. Majority means a Majority of those Members present and voting on a question. Representative Currie?"

Currie: "On the other hand, there's another rule that specifies that House means, House 1-6 that House means House of Representatives and again, I would just say that the simple language reads pretty clearly, 'Adopted by a majority vote of the House.' Now, you have in other rules, you talk about a majority of those appointed to a committee. That's pretty clear. It doesn't mean a majority vote, more voting yes than voting no. It's a majority of those appointed to the committee. A majority of this House is 60 votes. It isn't more yeses than noes, so I appreciate your attention to the specifics in Rule 1, but it's not relevant to your case. I mean, under that ruling, then a Committee

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Amendment would require a majority vote for adoption and yet, the rule on committee Amendment says, "Shall be adopted by a Majority of those appointed". So whenever you add qualifications to the word, majority, in your rules, you clearly mean to say something different from the meaning of majority, more yeses than noes, and a majority of the House is 60 votes."

Speaker Leitch: "Representative Churchill, for what purpose do you rise? Representative Currie, the Chair stands by its ruling and we find that your motion is not timely. Representative Rutherford to close."

Rutherford: "Once again it's nice to be in front of the Body on a Bill that I've had the opportunity to present and I would ask for a favorable Roll Call. Thank you."

Speaker Leitch: "The Gentleman has moved 'do adopt' on Floor Amendment #2, to House Bill 2080. All those in favor shall say 'aye'; opposed the same. In the opinion of the Chair, the Motion carries and Floor Amendment #2, to House Bill 2080 has been adopted. Mr. Clerk, are there any other Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk. Representative Skinner on House Bill 2100. Representative Skinner, do you want to hear House Bill 2100? Do you want that moving to Third? Out of the record. Representative Ryder on House Bill 2223. Representative Ryder? Representative, do you want it moved? Mr. Clerk, please call House Bill 2223. Out of the record. Representative Bost on House Bill 2278. Representative Bost? Mr. Clerk, read House Bill 2278."

Clerk McLennand: "House Bill 2278. Bill's been read a second time previously. Committee Amendments #1, 2, and 3, have been referred to rules. A fiscal note has been requested

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and has been filed on the Bill."

Speaker Leitch: "Has that been received, Mr. Clerk? Third Reading. House Bill 2281, Representative Lachner. Is the Gentleman in the chamber? Do you want this Bill moved? Mr. Clerk, read House Bill 2281."

Clerk McLennand: "House Bill 2281. Bill's been read a second time previously. No Committee Amendments. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Representative Saviano, are you in the chamber, Sir? Representative Saviano? Mr. Clerk, please read House Bill 2348."

Clerk McLennand: "House Bill 2348, a Bill for an Act in relation to professional regulation. Second Reading of this House Bill. Committee Amendment #1 was adopted."

Speaker Leitch: "Mr. Clerk, please take that Bill out of the record. Representative Deuchler? Representative Deuchler? Mr. Clerk, House Bill 2370. Out of the record. Mr. Clerk, please read House Bill 2434. Representative Stephens?"

Clerk McLennand: "House Bill 2434. Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, has been referred to Rules. A fiscal note and a correctional budget and impact note have been requested and they have been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, please read House Bill 2370. Representative Deuchler? Please read House Bill 2370."

Clerk McLennand: "House Bill 2370, a Bill for an Act containing certain financial organizations regulated by the Commissioner of Savings and Residential Finance. Second Reading of this House Bill. Committee Amendment #1, has been adopted. No motions. No Floor Amendments. A fiscal

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note has been filed on the Bill, as amended."

Speaker Leitch: "Third Reading. Mr. Clerk, please call House Bill 185, please? Representative Black? Bill Black? Mr. Clerk, please read House Bill 185."

Clerk McLennand: "House Bill #185. Bill's been read a second time previously. Committee Amendment 1, has been adopted. No motions. No Floor Amendment. A state mandate's note and a state debt impact note, a fiscal note have been requested on the Bill and they have been filed."

Speaker Leitch: "Third Reading. Representative Stephens, for what purpose do you rise, Sir?"

Stephens: "Thank you, Mr. Speaker. On a point of personal privilege. Mr. Speaker, while we are passing meaningful legislation, the Members of the Minority party are passing out meaningless certificates that are meant to embarrass us, but you know who ought to be embarrassed is you and your leadership. Your actions are demeaning to the process, demeaning to yourselves and you really ought to be embarrassed. We would like our leader to represent the certificate back to you. I'm proud of the Bill that I passed earlier, but you should be embarrassed by your actions. You call it the Grow award. Actually, what ought to happen is you ought to grow up, 23 of you. You spoke against a Bill and you demagogued the process and yet 23 of you voted for the Bill. Mr. Speaker, I want the press to be aware of this. In the future when the awards are handed out, what they really mean, is that Pat Quinn and his demagogue politics are alive and well in the Illinois chamber. The Democrat's reward or their award for their actions will be the same as Mr. Quinn's was. It'll be defeat in the November elections. Mr. Quinn, Leader Quinn, excuse me, Leader Madigan, why don't you lead your Members

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in the growing up process."

Speaker Leitch: "Representative Churchill now moves that the House stand adjourned until Friday, April 7th, 1995 at the hour of 9:00 a.m. All those in favor say 'aye'; opposed, the same. In the opinion of the Chair, the 'ayes' have it and the House stands adjourned, Friday, April 7th, 1995 at the hour of 9:00 a.m."

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