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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

48th Legislative Day

April 26, 1995

Speaker Churchill: "House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. Chaplain for the day is the Pastor Loren Rasbury of the Sunnyside Road Church of Christ in Decatur. Pastor Rasbury is the guest of Representative Julie Curry. Will guests in the gallery, please rise to join us for the invocation. Pastor Rasbury."

Paster Rasbury: "Shall we pray? Our Heavenly Father, we come before You as humble servants of Yours. We thank You for the opportunity and I extend this prayer on behalf of this Legislative Body that represents the people of the State of Illinois. May the decisions made in this reflect Your wisdom, Your courage and strength. May those a part of this Legislative Body, remember those whom they are here to serve and we appreciate the opportunity to service in that capacity. We pray and ask Your blessings upon each and every decision. May it help to benefit each and every citizen of the State of Illinois. And we pray all these things through Your Holy Son's name, Amen."

Speaker Churchill: "Ladies and Gentlemen, across this nation, the people have been asked to observe a moment of silence this morning for the victims and the families of the tragedy in Oklahoma. So to be in synch with the rest of the nation and also to pay honor to those who have died and their families, we'll now take a brief period of silence. This morning, we'll be led in the Pledge of Allegiance, by Representative Tom Johnson."

Johnson, Tom: "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. Chair recognizes

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Representative Currie for any excused absences on the Democratic side of the aisle. Representative Currie?"

Currie, B.: "Thank you, Speaker. Please let the Record show that Representative Martinez is out because he still is ill. And Representative Turner is excused today for reasons of official business, elsewhere."

Speaker Churchill: "The Journal will so reflect. Representative Cross, for any excused absences on the Republican side of the aisle. Representative Cross, are you prepared?"

Cross: "Wait a sec, I've got my notes here, Representative, or Speaker, excuse me. There's no one absent. Thank you for calling on me."

Speaker Churchill: "Thank you, I'm glad you were here, timely. It's the intention of the Chair, just to keep the Roll Call open for a few minutes here. There's a committee that is just concluding its business. And as soon as that concludes its business, we will go to the Roll Call and then we'll begin our business here on the House Floor. Mr. Clerk, take a record. There are 116 Members answering the Roll and a quorum is present. The House will come to order. Mr. Clerk, committee reports."

Clerk McLennand: "Committee report from Representative Cross, Chairman for Committee on Judiciary for Civil Law, to which the following Bills and Amendments were referred, action taken on April 25, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment 1 to House Bill 2393."

Speaker Churchill: "We'll now proceed to the order of House Bills Third Reading. Mr. Clerk, please read House Bill 568. What is the status of that Bill?"

Clerk McLennand: "House Bill #568 is on the order of Third Reading."

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Speaker Churchill: "Return it to Second Reading. Mr. Clerk, please read House Bill 942."

Clerk McLennand: "House Bill 942, a Bill for an Act that amends the Child Care Act of 1969. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Vermilion. Good morning, Representative Black, how are you this morning?"

Black: "Fine. Thank you very much, Mr. Speaker. It's good to be with you this morning."

Speaker Churchill: "We're glad to have you here."

Black: "Thank you."

Speaker Churchill: "Please proceed."

Black: "Appreciate the opportunity to present House Bill 942, passed from committee unanimously, it has bipartisan support. House Bill 942, simply seeks to include day care homes and group day care homes and in statutory requirement for CPR, the Heimlich maneuver and first aid training. Current law requires day care centers to have this training. DCFS has recently promulgated rules that requires group day care homes to have this training but they have left out day care homes. They've refused to include this without statutory authority. So 942 will give them that statutory authority. I would simply say that because there are 11,000 licensed day care homes in Illinois currently and they care for more 50,000 children on a regular basis, this training makes imminent good sense. It's had a full and complete hearing in committee, I know of no opposition. I would ask for your favorable vote for House Bill 942."

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

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

Speaker Churchill: "He indicates that he will, please proceed."

Lang: "There's some additional training required in this Bill, if I read it correctly. What will the funding source be to accomplish the additional training?"

Speaker Churchill: "Representative Black."

Black: "Yes. Thank you very much, Representative. There is ample funding available through the resource and referral state training dollars already out there. There doesn't need to be any appropriation or any other further expenditure of state money. These things are available. It generally can be scholarshipped. Let me just read to you the official notice here. There are 16 resource and referral agencies around the state. These were created to provide training to child care providers as well as help parents find child care. These agencies are funded with state and federal dollars. Many, if indeed not all of them, already offer CPR and first aid training for a nominal fee or even free. The Home Day Care Council would submit that DCFS already has the ability to do this and will not cost the state any money."

Speaker Churchill: "Representative Lang."

Lang: "I think a major difficulty I have with the Bill, I'm not sure I'm going to vote against it Representative, but a problem I have with the Bill is that, you're giving these functions to DCFS. I think we would all agree that DCFS has plenty of problems today. How will they be able to handle this increased burden, can they handle even one more obligation or responsibility?"

Speaker Churchill: "Representative Black."

Black: "Without question, they can handle it. I would much prefer not to had to bring this Bill to you at all. I

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share many of your concerns. This could have and should have been handled by administrative rule. And for some reason it was done so for group day care homes and the agency simply decided they would not include day care homes. Now that just doesn't make any sense to me at all. They said they wouldn't or couldn't do it without statutory authority. So fine. I had no choice but to put it into statute."

Speaker Churchill: "Representative Lang."

Lang: "So DCFS wants to do this but they felt they couldn't do it without statutory authority, is that correct?"

Speaker Churchill: "Representative Black."

Black: "Well, I'll be kind and say yes. I'm not sure they wanted to do it. Sometimes, you know, when ideas flow up to the agency they're not always good ideas. I just think and I think you share my concern as well. This is a good idea, they should have done it, they're dragging their feet. Fine, I'll just tell them... I think the General Assembly will tell them with this Bill, you will do it."

Speaker Churchill: "Representative Lang."

Lang: "Is there not someone else we can give this responsibility to, rather than giving to a kicking and screaming DCFS? If they're not thrilled about doing it perhaps we ought to find someone else to do it. For that reason and for other obvious reasons such as, maybe they're not capable of doing it. They seem not to be able to be capable of doing a whole bunch of other things."

Speaker Churchill: "Representative Black."

Black: "Yes. In fact we've had significant or a number of conversations with the American Red Cross and their lobbyist. Their perfectly willing to do this training. DCFS really doesn't have to get involved in this. All we

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want DCFS to do is to check after licensing to see that someone in that group day care home has had the basic training in CPR, Heimlich and first aid. And I have a sheet from the American Red Cross indicating that they already offer this, be more than happy to offer it, would certainly expand their outreach to see that this training is available throughout the State of Illinois, because as we know, Red Cross offices are located I think in every county in the state. And they have indicated to me, in writing, that this no problem, they'll reach out and be willing to do this. And I share your concern that maybe DCFS really doesn't even have to get involved in it at all except to make sure that someone in that home is licensed in basic first aid."

Speaker Churchill: "Representative Lang."

Lang: "Well, I appreciate what you've said, Representative but nevertheless, the Bill gives this burden and responsibility to DCFS. If I were to vote for this Bill, would you make a commitment to me that sometime while the Bill is in the Senate you'll have someone to take a look at this to find out if we can give this responsibility to somebody else that wants it?"

Speaker Churchill: "Representative Black."

Black: "I certainly have no problem with that. Staff is pointing out to me that it really doesn't make it the agency's responsibility to do this. Their responsibility would just simply to make sure that someone in the home is in fact licensed in first aid, CPR and Heimlich. But if someone in the Senate, since they move at a more leisurely pace, can come up with that kind of language I have no objections to that at all."

Speaker Churchill: "Representative Lang."

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Lang: "I thank you very much. I'm very concerned about giving any additional burden to DCFS. But because I trust you, Mr. Black, I'll vote for your Bill."

Speaker Churchill: "This Bill is on Short Debate. Representative Black to close."

Black: "Thank you very much. I think it's just... this Bill makes imminent good sense. I would urge an 'aye' vote."

Speaker Churchill: "Question is, 'Shall House 942 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 116 'ayes', no 'noes' and no people are voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read 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: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. (House Bill) 991, we've gone through seven Amendments on and in attempts to take care of everyone's concerns on this Bill. Essentially what it does is establish in the School Code... excuse me, in statute what the job and job classifications of the school psychologists are. However, it is not exclusive. It does not prohibit school counselors, clinical psychologists or psychiatrists from acting as consultants in certain cases within the school system or on behalf of the children in that school. I'll be more than happy to answer any questions, Mr. Speaker."

Speaker Churchill: "Is there any discussion? The Chair

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recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Churchill: "Good morning. He indicates that he will. Please proceed."

Dart: "Representative, has there been some problems with persons who are not psychologists performing services that ought to be performed by certified school psychologists?"

Speaker Churchill: "Representative Dart, Representative Weaver could not hear your question. Would you please ask it again?"

Dart: "Sure. Has there been some problem with persons who are not psychologists performing services that ought to be performed by certified school psychologists?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well, not so much that, as we wanted to get a consistent definition of what a school psychologist ought to be doing in the various school districts throughout the state. Apparently there's been some variance from school district to school district as to what their tasks are and this basically establishes a kind of consistent identification."

Speaker Churchill: "Representative Dart."

Dart: "But was there any particular incidence of any nature that where posing a particular problem or was it purely for the sake of consistency? Or what I'm getting at, was the inconsistency, were there problems being caused by that?"

Speaker Churchill: "Representative Weaver."

Weaver: "None have been brought to my attention, no."

Speaker Churchill: "Representative Dart."

Dart: "What type of services do these school psychologists provide now?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well pretty much as is identified in the Bill, such as,

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administration and psychological testing, interpreting those assessments and determining eligibility for Special Ed programs and related services. Planning and managing a program for school psychological services, developing school base prevention programs, working with students, parents, teachers and the community on mental health issues. Evaluating school program effectiveness that already has some psychological services and providing crisis intervention in school setting."

Speaker Churchill: "Representative Dart."

Dart: "Under this Bill would this expand or contract any of those services? Are those the ones that..."

Speaker Churchill: "Representative Weaver."

Weaver: "No, it doesn't expand or contract, it simply codifies."

Speaker Churchill: "Representative Dart."

Dart: "Does this legislation mean that the persons other than the school psychologist, such as teachers or administrators, may not provide those type of services?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well, from a professional standpoint, it basically establishes that those services will be provided by these... by these individuals on a primary basis. However, through the seven Amendments, that we filed and adopted, we tried to make it so that it wasn't totally exclusive, so that other trained professionals such as clinical psychologists, psychiatrists and school counselors could also provide some of those services."

Speaker Churchill: "Representative Dart."

Dart: "Would a teacher who's not certified as a school psychologist, would they be able to develop a gang or drug prevention program or would they be prohibited now because they aren't certified or would they still be able to do

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that?"

Speaker Churchill: "Representative Weaver."

Weaver: "I would anticipate that they would be able to help work on it. But in terms of providing mental health evaluations and psychological counseling, I think that's what we train these people for, that's what they're certified for and that's the job they ought to be able to do."

Speaker Churchill: "Representative Dart."

Dart: "But in particular, to say like a gang prevention program or a drug prevention program where the teachers are rather involved with. Would they be prohibited from being involved with such things now or is that something that's excluded from the Bill, that's something they can continue to do?"

Speaker Churchill: "Representative Weaver."

Weaver: "No, as a matter of fact, we encourage that kind of involvement. I think what our concerns are, is that the psychological services portion of it and the particularly the psychological evaluations and placement of students in Special Ed programs ought to be done by a trained professional."

Speaker Churchill: "Representative Dart."

Dart: "Are the... is the Med. Society and the Nurses Association, are they in agreement with this Bill now?"

Speaker Churchill: "Representative Weaver."

Weaver: "We haven't heard back from them. At our last blush with them we had three meetings yesterday, we've got a call into them this morning. Every concern that they had expressed to us we had... that's we had designed Amendment 7 around. So that it is our assumption at this point that, that they are in agreement but I can't flatly state that, no."

Speaker Churchill: "Representative Dart."

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Dart: "My final question is, when I was leaving yesterday one of the lobbyists for the Social Workers Association came up to me and they said they were still opposed to this? Where you aware of that and if so, do you know what their opposition's based on?"

Speaker Churchill: "Representative Weaver."

Weaver: "No, I'm not aware of that. I think what may of happened, particularly with the clinical psychologists and the psychiatrists as well, is they were unaware of Amendment #7. And their association hadn't really gotten the information down to them that we had attempted on, on many occasions, to try and bring the Bill into conformance with what their concerns were."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Churchill: "He indicates that he will. Please proceed."

Schakowsky: "Could you clarify for me how Amendment 7 addressed the concerns that had been raised?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well, Amendment 7 removes the exclusivity of what a school psychologist can do. Because we had been approached by clinical psychologists and psychiatrists who were concerned about. Well what happens if there's a traumatic event like a fire or a death or something at the school system and they're called in as consultants to help those children deal with that traumatic event, would they be prohibited under the Bill? And that's why we remove the 'shall' portion and allowed through the removal of that, other professionals to come into the system on a consulting basis."

Speaker Churchill: "Representative Schakowsky."

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Schakowsky: "When I look at some of the services that you're describing as... as Representative Dart said, it sounds like some of these are things that... that classroom teachers do. I'm thinking about providing crisis intervention within the school setting, which you just mentioned or expanding knowledge relating to positive educational outcomes for both general and special education students. These services are so general that it would seem to me that a number of professionals within the school would be providing those. Is that addressed also then in Amendment 7, that others could deal with those services?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well, originally we did have it a lot more tightly drawn but that's where the objections came from. That's why we had to make it more general in nature because we did not want to exclude teachers from crisis intervention. This is not an exclusive piece of legislation. It just said, these professionals will be doing these functions, but it's not just limited to these professionals nor, are they limited to these specific functions."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "So the purpose here is just to clarify what is the job of a school psychologist so that for the profession there is more clarity? Is that the reason that we want to do this?"

Speaker Churchill: "Representative Weaver."

Weaver: "That's it, exactly. And one of the real critical parts of this, is the administration and the interpretation of the psychological testing that is the basis of probably the future in school of those children going into special ed programs."

Speaker Churchill: "Representative Schakowsky."

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Schakowsky: "Well, I think there is a lot of concern that students are being put into a special ed programs without proper evaluation and if the intent of this Bill is to make sure that professionals are making those kinds of determinations, then I would support this legislation."

Speaker Churchill: "Further discussion? The Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker Churchill: "He indicates that he will. Please proceed."

Boland: "Representative, could you just clarify something for me? I missed part of the discussion. Are the clinical psychologists now in favor of this? I received a lot of mail from local clinical psychologists that were very concerned about this and asked me to vote against it. Could you clarify that?"

Speaker Churchill: "Representative Weaver."

Weaver: "Yes, the clinical folks as well as the psychiatrists were concerned that they would have been excluded, particularly on a consulting basis. Not that they want to come in and be a school psychologist, but they did not want to be excluded in cases where their services would definitely be needed, in a trauma or some kind of a massive problem at the school where they would actually offer their services to come in and help those kids deal with the situation. So that's what Amendment #7 was designed to do, was to make it permissive so that in those instances, they could come in and consult."

Speaker Churchill: "Representative Boland."

Boland: "So they have dropped their opposition?"

Speaker Churchill: "Representative Weaver."

Weaver: "Yes they have."

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Speaker Churchill: "Representative Boland."

Boland: "Thank you."

Speaker Churchill: "Further discussion? The Lady from Cook,
Representative Mulligan."

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

Speaker Churchill: "He indicates that he will. Please proceed."

Mulligan: "Representative Weaver, what's the date of the last
Amendment to this Bill?"

Speaker Churchill: "Representative Weaver."

Weaver: "It was adopted yesterday."

Speaker Churchill: "Representative Mulligan."

Mulligan: "I've received a number of communiques about the Bill
and so I'm concerned. But my last one was dated April 6th,
so that I'm just trying to check and see if some things of
concerns were met. One of the points that were brought up
from people that have written to me is that this... the
Bill would prohibit mental health experts from community
agencies from acting as liaisons between schools and
agencies, even when they're willing to do so at no cost.
And all the liaisons must be school certified or they
cannot coordinate efforts between school and the community.
Is that still in effect in the Bill?"

Speaker Churchill: "Representative Weaver."

Weaver: "No. As I mentioned to the two previous questioners,
that is the purpose of Amendment #7, to make it permissive
so that those other related professionals can work on a
consulting basis with the parents, with the kids, with the
school system, should the need arise."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Also, would that exclude a violent... an expert in
violence prevention? I'm sorry, I'm asking the same
questions, it's hard to hear back and forth today. Experts

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in violence prevention, who are not school certified from developing programs for schools?"

Speaker Churchill: "Representative Weaver."

Weaver: "As far as we know they are not... they are not excluded. As a matter of fact, the last line in Amendment #7 adds a change that they... the professionals in related fields can participate if they are appropriately trained. Which would include clinical psychologists, psychiatrists and school counselors."

Speaker Churchill: "Representative Mulligan."

Mulligan: "In the debate I heard you mention that basically now what the Bill does is specifies what a certified school psychologist can do and does not necessarily limit outside help. And are you saying now that it's permissive?"

Speaker Churchill: "Representative Weaver."

Weaver: "Well, unfortunately, we've had to water it down somewhat to take care of a lot of the concerns and in that respect I guess it is permissive. But our intent was to establish kind of a consistent baseline for school psychologists, in what would be expected of them from district to district to district, statewide."

Speaker Churchill: "Representative Mulligan."

Mulligan: "Thank you."

Speaker Churchill: "There being no further discussion, the Chair would call on Representative Weaver to close."

Weaver: "Thank you, Mr. Speaker. This Bill has been debated time and time again and I ask for favorable passage of House Bill 991."

Speaker Churchill: "The question is, 'Shall House Bill 991 pass?' All 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?"

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Mr. Clerk, take the record. On this question, there are 90 voting 'aye', 18 voting 'no' and 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1023."

Clerk McLennand: "House Bill #1023, a Bill for an Act to amend the Probate Act of 1975. Third Reading of this House Bill."

Speaker Churchill: "Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 1023 is a Bill that came out of Judiciary Civil and its primarily was... about four or five Bills that were done on behalf of the Chicago Bar Association. I think it in... in its present form, it's a Bill without any controversial language. Let me go through the Bill and with the Amendments. Try to do it in a quick way. Originally House Bill 1023 was all by itself but in the committee, we added five Amendments. Amendment #1 was 10... House Bill 1029. Amendment 2 was House Bill 1031. Amendment 3 was House Bill 1100 but we've tabled Amendment 3 because of some controversy, which we haven't been able to clean up. Amendment 4 was House Bill 1032 and Amendment 5 was House Bill 1034. The other day we added Amendment 6, which we've since tabled. I be tri... happy to answer any questions from anyone from Members of committee or from anyone on the Floor. Today we were in committee. This was for the most, in many respects clean up language for the CBA, but I'll try to answer any questions."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

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Hoffman: "Yes, will the Sponsor yield?"

Speaker Churchill: "He indicates that he will. Please proceed."

Hoffman: "Representative, have Amendments 1-6, all been adopted to this Bill?"

Speaker Churchill: "Representative Cross."

Cross: "Jay, what we did is, they were adopted, but we've since tabled Amendment 3 because of some concern about language, we couldn't clean up yet. There were several Members that had some objections to it. Same will Amendment 6, that has also been tabled. It was... there was several attempts to clean it up. It didn't work out and in the interest of time and also moving along 1023 and the other 4 Amendments that were on there, that seemingly didn't have any controversy. We tabled them both. And I think this Bill is... some of these Bills... This Bill has some Amendments that Representative Lang originally Sponsored. And we tried to condense everything down into one."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Is there any position from anybody else, other than the Chicago Bar Association on these Bills?"

Speaker Churchill: "Representative Cross."

Cross: "Representative, the Chicago Bar Association is the only entity or association or agency that had showed any interest. Had no objections from anyone on the remaining portions of this Bill, in committee at all. And the objections we had at all, or if any, were from Members of this Body. I've tried to work with them and the CBA. And we just couldn't come up with some language, so that's why we tabled 3 and 6, as I said. I don't mean to be repetitive. But no objections from anyone else. No interest at all, from anyone else."

Speaker Churchill: "Representative Hoffman."

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Hoffman: "With regard to the Amendments that remain, basically it's my understanding that they either deal with the Probate Act, or in some way deal with the Marriage and Dissolution Act. Is that right?"

Speaker Churchill: "Representative Cross."

Cross: "That's... Representative, that's exactly right. About all but one deal with the Probate Act. The one that deals with the Marriage and Dissolution Act, provides... all it does is add that the court can order attorney's fees to be paid by any party, in a custody battle. Right now, I think it's limited to a parent or the child's estate. This says that any adult party to the preceding can be ordered to pay, guardian ad litem fees or attorney's fees. And that... other than that, the rest is all probate."

Speaker Churchill: "Representative Hoffman."

Hoffman: "The provisions regarding adoption. Those are the ones that you took out of this Bill, right?"

Speaker Churchill: "Representative Cross."

Cross: "Everything... there's nothing left in here, that deals with adoption or inheritance. In terms of that... that we're arguing about the other night. All that's gone. It's all been tabled or withdrawn."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Is there, also joined by the requisite number of individuals, to take this off of short debate, Mr. Speaker."

Speaker Churchill: "You're requesting that it be taken off of short debate? Is that your request?"

Hoffman: "Yes. Yes, Mr. Speaker."

Speaker Churchill: "And where are those hands? I'd say, perhaps half the Members of your side of the aisle are awake and their hands are up. So we'll take it off short debate."

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Representative Hoffman, please proceed."

Hoffman: "Even if half the Members of our side of the aisle were to raise their hands, it probably still wouldn't be seven, Mr. Speaker."

Speaker Churchill: "Representative Davis had both his arms up so..."

Hoffman: "Representative... Representative Cross, just two final questions with regard to the Bill. It's a fairly extensive Bill. Probate... the Probate Section of the Illinois Bar Association, I know they have a special Probate Section. Did they take any position at all? Or these provisions that come from them? What's the genesis of these... of these provisions?"

Speaker Churchill: "Representative Cross."

Cross: "All these Bills were brought to the Judiciary Committee either to myself or Representative Lang by the Chicago Bar Association. And all... all suggested by their section."

Speaker Churchill: "Representative Hoffman."

Hoffman: "These are then to address technical flaws in the law? They aren't major changes, are they?"

Speaker Churchill: "Representative Cross."

Cross: "Not the remaining portions of this Bill, Jay."

Speaker Churchill: "Representative Hoffman."

Hoffman: "To the Bill, Mr. Speaker."

Speaker Churchill: "To the Bill."

Hoffman: "I don't see any problems with the Bill. It are... it is several technical changes. My understanding is, as the Sponsor has indicated, I know of no opposition to the Bill, since the Amendments have been removed that were controversial. I would urge an 'aye' vote."

Speaker Churchill: "Representative Cross to close."

Cross: "Thank you, Mr. Speaker. I would invite Representative

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Hoffman to be a cosponsor with me. And I appreciate your kind words, Jay, and I would ask for a 'yes' vote."

Speaker Churchill: "Question is, 'Shall House Bill 1023 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 107 voting 'aye', none voting 'nay' and 7 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Committee reports."

Clerk McLennand: "Committee report from Representative Wait, Chairman for the Committee on Transportation and Motor Vehicles, to which the following Bills and Amendments were referred, action taken on April 25, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment 1 to House Bill 811. Committee report from Representative Pedersen, Chairman for the Committee on Insurance, to which the following Bills and Amendments were referred, action taken on April 26, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment 8 to House Bill 2331 and Floor Amendment 8 to House Bill 2337."

Speaker Churchill: "The Chair is prepared to go to House Bill 1124. Is Representative Saviano in the Chamber? Skip Saviano, Representative Saviano? Out of the Record. Mr. Clerk, please read House Bill 1172."

Clerk McLennand: "House Bill 1172, a Bill for an Act in relation to property taxes. Third Reading of this House Bill."

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

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Kubik: "Thank you, Mr. Speaker. If I could have a leave to have Representative Murphy explain the contents of the Amendment which becomes the Bill."

Speaker Churchill: "Representative Murphy is a hyphenated Co-Sponsor of the Bill. She is recognized to explain the contents of the Bill. The Lady from Cook, Representative Maureen Murphy."

Murphy, M.: "Thank you, Mr. Speaker. Once again, this was heard last week regarding the assessment reduction disclosure law. This would require property tax assessment complaints, filed with the Cook County Assessors Office, Board of Review, Board of Appeals for Property Tax Appeal Board to include the name of the attorney representing the appellant. Any assessment reductions of property with an assessed value of at least 200,000 would be posted in close proximity. We heard much debate on this and at this time I'll welcome any questions of substance. Thank you."

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

Dart: "Will the Sponsor yield?"

Speaker Churchill: "She indicates that she will. Please proceed."

Dart: "Representative, in regards to the provisions dealing with the attorneys. Why are you adding that?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Yes, Representative. We had a full Revenue Committee hearing about this prior to the floor discussion last week and we went over that. It's a matter of public record, we do want the public to be aware of the information that's gathered, but somehow inaccessible at the assessors office."

Speaker Churchill: "Representative Dart."

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Dart: "Representative, in case you need to be clued in on this. Not every Member of this floor is a Member of Revenue Committee so, I think it might be worthwhile if we could inform them of some of the things that are in some of these Bills. They don't all have the pleasure of sitting on the committee with you."

Speaker Churchill: "Perhaps Representative Dart, if you would ask insightful questions we could get to those answers. Do you have a question?"

Dart: "I'm... getting there, Mr. Speaker. I was just responding to the Representatives response. Representative... Representative, in regards to the attorney's names though, are they not already required to be of record and on notice?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "This is a uniformity question, some complaint forms in some offices have that information as a requirement. But it's not only at the complaint level, more importantly the significant difference has to do with the posting of information relevant to reductions in assessments."

Speaker Churchill: "Representative Dart."

Dart: "Where are the areas where they don't have them now, where this would bring the uniformity?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "At the reduction level. There would be a chain of paper that someone could be chased... the paper chase would be the way that we could find this information currently. So while we want that attorney information, at the beginning of the process, we also would like it at the end of the process. So it's more accessible for the average taxpayer and interested parties to access."

Speaker Churchill: "Representative Dart."

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Dart: "Where would it physically be so that it would be more accessible?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "The attorney's would be on the complaint form."

Speaker Churchill: "Representative Dart."

Dart: "And for the taxpayer, how would this more accessible to them now then?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Well, once again, those that are from Cook County probably have a greater understanding of how little information is able to be gotten. There is quite a volume but more importantly, the reduction, the ability to go to either a Property Tax Appeal Board which is not uniform, Cook County is different. It would be greatfully... greatly helpful to the taxpayer to know what parcels have a greater ability or likelihood to get a reduction. So that's it's not a monopolistic system where only the privileged few who can hire the very best and brightest tax attorneys are privileged to this information."

Speaker Churchill: "Representative Dart."

Dart: "Well, then why have we capped this at the \$200,000 figure, I believe? Why have we done that?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Once again, both for local units of government to see what reductions are costing them and also in regards to those property owners who pay the greatest amount of taxes with the most likelihood to file complaints. Because there seems to be a higher ratio of errors in assessment that has been noted in testimony after testimony relevant to the Cook County Assessors Office. That it seemed to be more necessity with this classification. More dollars can be lost for local units of government. More gain can be made

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for the privileged few."

Speaker Churchill: "Representative Dart."

Dart: "Can you recite to me some of those statistics?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Relative to what?"

Speaker Churchill: "Representative Dart."

Dart: "The ones you just mentioned about the greater loss of money and the greater reduction number."

Speaker Churchill: "Representative Murphy."

Murphy, M.: "We tried on many occasions to get some of the figures from the assessors office on the number of complaints. While they were not particularly broken down by classification system, there are maybe 29,000 complaints that begin, possibly about 6,000 or so reductions that are actually available. And that again is a fluid number because of the log jam, the burden that exists in the assessors office to seek through completion. It's not only at the assessors level, then you go up to the next level with the two member Property Tax Appeal Board. So we need to be able to access this information, both for the local taxpayer and more importantly for local units of government, that may want to see just how much these reductions are going to impact on them."

Speaker Churchill: "Representative Biggert in the Chair."

Speaker Biggert: "Thank you. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in opposition to this Bill. First, remember that when we talk about a threshold of \$200,000, properties valued at \$200,000, that means properties that are really worth \$600,000. Assessed value of \$200,000 translates into properties that are roughly in the \$600,000 and above

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category. That's a way of saying, that this Bill is not about access for your ordinary citizen, for your ordinary taxpayer or homeowner. This Bill, is a Bill for big businesses and this Bill comes at great cost to Property Tax Appeal Boards and to assessing officials. In the county of Cook, for example, where there are some 4,500 appeals on property evaluation, you're looking at the prospect of maybe 50,000 notices posted outside the door of the assessors office. I don't know how anybody is going to be able to access information from 45 or 50,000 pieces of paper that are somehow tacked to the wall. I don't know which wall the Cook County Assessors Office would post these notices on, but I would argue that you're not going to learn a lot if you're going to be perusing 50,000 pieces of information in order to find out something that is valuable to yourself. The people for whom this Bill is introduced, the big guys, the big businesses, they already have lawyers, they already know how to access information about what's happening to other properties. The provision in this Bill that says that lawyers should be listed on these pieces of paper that are tacked up outside the door. Hey terrific! One more opportunity for effective lawyers to build clientele. I don't know why we should be in the business of helping lawyers advertise their successes. I don't understand at all why that provision would be included in this measure. There will be costs, it may be right that it's not a cost under the States Mandates Act, we're required to pay, as it is a due process mandate. But the real issue about mandates, in my view, is do we want to require local governments to spend more property taxes on new initiatives, cooked up, by us? I would say there is little justification for our asking the downstate Property

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Tax Appeals Board, all local assessing officials and any other Boards of Review to spend hundreds of thousands of dollars making life maybe, easier for big businesses. I don't even think the big businesses want this Bill. They know how to access the information they want and wending their way through 50,000 pieces of paper in the Cook County Assessors Office will ultimately be no help to them, but it will a great cost to the ordinary folks, to the taxpayers, to ordinary John Q and Jane Q Citizen, the people who elected us and who don't want us spending their money to see to it that big businesses can find out something that's already available and accessible to them without passage of 1172. If you care about your taxpayers, if you care about their access to information, this Bill does nothing for them except make them pay through the nose for services that are absolutely no value. I urge a 'no' vote."

Speaker Biggert: "The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Madam Speaker. I rise in support of this Bill. And the previous Speaker was correct in one of her statements. Big business doesn't want this Bill. Big business doesn't want to know how much money their lawyers took away from all the taxing districts in their... in the county. Big business doesn't want to know how much money local... all other local units of government lost. How much school districts lost from a result of a decision by a taxing agency. Be it in Cook County or all over the State of Illinois. The public has a right to be able to see the results of tax appeals, whether they're done by wealthy lawyers or their done by assessors or they're done by consultants. They have a right to see those numbers posted and they have a right to know how much they are going to

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have to adjust their budgets because someone was successful in reducing an improper assessment. These are not about assessments that are correct. The assessment minimum level of appeal is \$200,000. In downstate counties you've got one or two or five per year. You don't don't have thousands and you don't have 50,000 in Cook and that number is so inflated it's ridiculous. Yet 10 to 12 or 15,000 appeals a year totally that go to the Board of Appeals on major commercial appeals. The number of \$200,000 differences would be far less. All you have to do, print out the information, put 50 of them or a 100 of them on a page, put some gum behind them and stick them on the wall where the public can see it, where the media can see it, where the school districts can see it. Above all, the school districts can see what large corporations got big reductions, how much they were, how much are coming from their budgets. Big business doesn't want this Bill. The people of Illinois deserve this Bill, it's good common sense, it's good legislation and it's good for the school districts in this state to be able to go and protest further, if they wish, to retain the moneys that they maybe, should rightfully have in their budgets. I urge an 'aye' vote."

Speaker Biggert: "The Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mrs. Speaker. Would the Lady yield?"

Speaker Biggert: "She indicates she will."

Fantin: "Representative, for the cost, have you come up with any estimate of cost on this?"

Speaker Biggert: "Representative Murphy."

Murphy, M.: "No, I do not. What I want to let the Body know is, this information is already published. If we as a Body mandate that original assessments are published why should

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we not make sure that the actual real reduced assessment is shown? One can almost say at the beginning, the first original assessment is published, it would be good public policy to publish the reduced assessment. They can choose the most cost efficient way that they so choose to deem this information available to school districts, to library districts, to struggling non-home rule communities. So that we are aware just what the reductions impact is. If they can just see what the original assessment is, what good does that do? We need the real assessment to be of record for the public inspection."

Speaker Biggert: "Representative Fantin."

Fantin: "That did not directly answer my question. But, Representative, if a parcel would have say as many due 20 to 30 pin numbers. Would they have to list each one of those pin numbers separately?"

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Once again, there would be with the downstate, I'd like to bring up the downstate attitude that there are very few parcels that have an assessed value of 200,000 or more and with the pin numbers being fluid. What the Assessors Office of Cook County provided me by Marsha Maras, was that in one given year about 60 some thousand complaints were filed with a not success ratio of less than 20 some thousand. This is already a matter of public record, they already have the information. This would be of no cost to the state and the local body could decide their methodology."

Speaker Biggert: "Representative Fantin."

Fantin: "Speaker, I'm not getting direct answers. She's taking up my time and not giving me a direct answer. I would like again to ask, if there are 20 pin numbers, if you would

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have to list each pin number separately?"

Speaker Biggert: "Representative Murphy."

Fantin: "Yes or no."

Murphy, M.: "As long as the... with legislative intent? As long as the information is available, if it's the discretion of that board whether all the pin numbers together or piecemeal."

Speaker Biggert: "Representative Fantin."

Fantin: "You have to list each individual index number would have to be listed. But still does it have to be a separate page or all one page together?"

Speaker Biggert: "Representative Murphy."

Fantin: "Or would you have to list 20... if there's 20 pin numbers, my understanding is you would have to have 20 different listings for this parcel?."

Speaker Biggert: "Representative Murphy."

Murphy, M.: "Every \$200,000 value, it would be very unlikely they would have 20 pin numbers. But one pin number at the discretion however, they could put it by taxpayer I.D. number, they could put it by taxpayer name, they could put it by common address. I will leave that to them. Now, there would be very, I can't even believe there would be 20 pin numbers, but if it were, they could just state the common address and it would be up to their discussion... discretion."

Speaker Biggert: "Representative Fantin, your time is up. Can you bring it to a close?"

Fantin: "Yes. I'm sorry the Bill, there is no discretion and in our area there are many parcels over \$200,000 that have many pin numbers. The cost would be quite astronomical change in making the changes in the computer system and I find this would be an astronomical amount of paperwork and

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I would urge a 'no' vote."

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

Kubik: "Thank you, Madam Speaker. Since Representative Murphy is going to handle the Bill, I'd just like to make a few comments. First of all, this really is a disclosure Bill. I mean, what we're saying is that there ought to be an open disclosure of what occurs in the Cook County Assessors Office. Now for many of you downstate, those offices when you go in and make requests, Freedom of Information requests or you want to appeal a tax assessment, you can get information. There are certain kinds of information, characteristics, proposed assessments, all of those things which are in the assessors office which are not available. Now, this is a public office, this is a... this is our assessor in Cook County and this information is public information. People ought to be able to go and get that information. All this Bill attempts to do is to try to open up that process. Now again, for those of you who are downstate, you can get this information, you can't get it in the Cook County Assessors Office. And they can make all the arguments in the world, but the bottom line is, we ask everybody, every other agency to provide public information and they do it. This agency does not. So this is a disclosure Bill and if you're opposed to disclosure well then, then vote the other way. But if you believe that the public, whether it be a lawyer, whether it be a school district, whether it be a municipality, whether it be an interested citizen, ought to have the right to know how an assessment is done, where an assessment started, where it ended and how much of the assessment was reduced and who represented these people. I think they ought to have that

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right. I think they ought to know who those people are, they ought to know what the dollars are that are involved. So, this purely, is a disclosure Bill and if you are against disclosing public information then vote against it. If you are for opening up and making sure that people have access to public information then you ought to be 'yes' on this Bill."

Speaker Biggert: "Thank you. The Representative from Adams, Representative Tenhouse."

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

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

Granberg: "Madam Speaker, I've had my light on since the beginning of the debate on this Bill. Now to move the previous question, without regard to downstate interest in this legislation, is clearly a violation of our rights as downstaters. Because we are impacted by this legislation. No one has asked the Sponsor any questions about the impact on downstate."

Speaker Biggert: "Representative Tenhouse, would you withdraw your Motion to allow Representative Granberg to..."

Tenhouse: "Madam Speaker, if you request that I will withdraw my Motion."

Speaker Biggert: "The Representative from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. And thank you Representative Tenhouse. Representative Murphy, all the previous speakers have talked about the assessor in Cook County and Tom Hines, but you've indicated this Bill impacts downstate. Why would you have this Bill impact downstate? You have not even referenced downstate in your

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remarks, either on the Amendment or the Bill."

Speaker Biggert: "Representative Murphy, will you yield for the question? Representative Murphy."

Murphy, M.: "Representative, it is absolutely ludicrous for you to think, to try to regionalize this issue. I respect my fellow colleagues from downstate. I was there when we heard about the floods of downstate. I am... my heart is with the downstate people. But you know what? I have yet to hear from any downstate unit of government that this would impact, because there would be no impact, no cost and wouldn't the downstate communities, where they have so little assessed value, want to know if there were major reductions and major parcels of property? This is a good business for the public. It's... so Representative, to regionalize and divide this General Assembly is not fair."

Speaker Biggert: "Representative Granberg."

Granberg: "Madam Speaker. To the Bill. She's not going to respond..."

Speaker Biggert: "To the Bill."

Granberg: "...she did this on the Amendment the other day. She admitted on the Amendment this has no affect downstate, nominal affect that she includes it. She talked about Chicago, she talked about Tom Hines and she talked about regionalizing. She's the one that's regionalizing. She admitted in debate the other day she doesn't even know how the downstate Board of Appeals works. She has no knowledge. She's never talked with anyone about downstate. Then she includes it in her Bill. This is absurd! If she wants to engage in this petty partisan rhetoric with the assessor of Cook County, well for by gosh keep downstate out of it. Leave us alone, engage your political pettiness and that's fine, do it. But keep downstate out of it."

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Speaker Biggert: "Thank you."

Granberg: "Madam Speaker, if it reaches a requisite number I demand a verification on the Bill."

Speaker Biggert: "Thank you. I'd like to announce right now that the Olney Middle School is in the gallery today. They are from Representative Hartke's district and if you'd like to give them a warm welcome. Representative Murphy to close."

Murphy, M.: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen. This is a simple posting requirement."

Speaker Biggert: "Just a moment, Representative Murphy. Ladies and Gentlemen, I know that there's a lot of activity in the House today, but if we could please have your attention. Thank you. Representative Murphy to close."

Murphy, M.: "This is not about publishing and incurring costs. This is a simple posting of information of reduction of assessments. A reduction of assessments can cost school districts and local units of government money. To have this public information posted is not only good sense but a matter of good government and open policy. This information, if you had a Freedom of Information, would be burdensome to the office, it could be costly but when you already have a paper trail starting with an assessment process, a complaint and later reduction. Only so many properties end up getting us a reduction in assessed value. We're not doing that. So the reduction in methodology is not one that is going to hurt downstate. Your downstate schools would be very interested to know if they would be receiving a lesser share of tax dollars due to a drastic reduction in assessments. We urge your favorable approval, it is not about publishing in newspapers, it is not added information..."

Speaker Biggert: "The question is, 'Shall House Bill 1172 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, please take... take the record. The Representative from Cook... Mr. Clerk, please take the record. On this question, there are 46 voting 'aye', 67 voting 'nay', 3 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. We had our lights on in case you tried... attempted to put that on Postponed Consideration. I appreciate your acknowledgement. Thank you very much."

Speaker Biggert: "Thank you. Mr. Clerk, please read 12... House Bill 1221.'

Clerk McLennand: "House Bill 1221, a Bill for an Act that amends the Adoption Act. Third Reading of this House Bill."

Speaker Biggert: "The Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1221, prohibits discrimination on the basis of race in adoption in the State of Illinois. In addition, it says that in placing a child the Department of Children and Family Services shall ensure that the child's best interests are met by giving due, not sole, consideration to the child's race or ethnic heritage in making family foster care placement and in adopting... in practice of adoption. The department shall make special efforts under this Bill to place a child with a foster family or an adopted family if the parental rights of the child's parents have been terminated, from among the child's relatives and among families of the racial or

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ethnic heritage of the child. These special efforts, however, will be limited to three months. After three months the Department of Children and Family Services will have, will not be able to use as an excuse to delay the adoption of a child, the argument that they're looking for a same race family. Three months of special efforts to recruit a family of the same racial background as the child. But beyond that there will no discrimination against the child and these children will not linger in the system because of the excuse that a same race family is being sought. The department shall not delay under this Bill, placement or approval of an adoption beyond three months on the grounds that a same race family is being recruited. In addition, as required by federal legislation, this Bill sets forth a placement plan and limits multiple placements of children, so children don't hop around from one family to another, which is really been an unfortunate circumstance in the State of Illinois. We have thousands of children in the system right now and we have hundreds and perhaps as many a thousand or more loving, qualified families that want to adopt these children but they're being prevented from doing so. This Bill will expedite the process, this Bill will protect the interest of the children and it will protect the interest of the people of the State of Illinois by ensuring that these children get to loving families. I want to thank Mary Flowers, who's done an incredibly good job in putting... helping me with this Bill and putting together the Amendment to this Bill. I want to thank Tom Dart and Connie Howard as well as Mary Lou Cowlshaw who has advised me during this process. It's been a very interesting process, it's been... this Bill is a product of a lot of

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compromise and it is a good Bill. This is substantive reform of our Department of Children and Family Services. I talked to Jess McDonald recently, he does not object to anything in this Bill. He also and the department has given us a lot of input. This is major reform of the system, this is something whose time is come. And I'd be happy to answer questions regarding House Bill 1221."

Speaker Biggert: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Biggert: "He indicates he will."

Pugh: "Representative Salvi, I commend you for having the courage to put forth a piece of legislation that's designed to address a problem. What percentage of the children languishing in foster homes or in adoption agencies are African-American?"

Speaker Biggert: "Representative Salvi."

Salvi: "I don't have those numbers before me but I know that the number is great and that a strong majority of the children in the system are African-American, Representative Pugh."

Speaker Biggert: "Representative Pugh."

Pugh: "Would you also say that the majority of individuals seeking to adopt these African-American children are Caucasian?"

Speaker Biggert: "Representative Salvi."

Salvi: "There are probably now more Caucasian families seeking to adopt, but this Bill, I believe, will change that Representative Pugh. This Bill... and Mary Flowers worked for a long time on this issue. This Bill addresses that issue by calling for recruiting of black families to adopt these black children."

Speaker Biggert: "Representative Pugh."

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Pugh: "Representative, I'm aware of the painstaking efforts that's been taken to bring this piece of legislation to fruition. But I can't help but be concerned about the category of the families, the loving families, that you speak to. Just recently I read an article, whereby a homosexual family, two women who were married, adopted children. Will this Bill allow people, homosexuals, to adopt children?"

Speaker Biggert: "Representative Salvi."

Salvi: "That has nothing to do with this Bill. This Bill prohibits discrimination on the basis of race. That's not something addressed by this Bill. That's not relevant to this Bill."

Speaker Biggert: "Representative Pugh."

Pugh: "Does it prohibit discrimination according to sexual gender?"

Speaker Biggert: "Representative Salvi."

Salvi: "Again, that has nothing to do with this Bill. This Bill prohibits discrimination on the basis of race."

Speaker Biggert: "Representative Pugh."

Pugh: "Will the... the placement plan, that is part of the legislation, is it designed to address this issue? Is it designed to provide the necessary safeguards to make sure that; 1) that someone who has other than altruistic efforts or... or is sincerely looking for the best interest of the child to be taken care of, are those going to be addressed? 2) What's going to be done in terms of child labor laws? Will some kind of safeguards be in place to make sure that these children stay in the country or that the needs of the child is paramount? Is that part... is that included in the placement plan?"

Speaker Biggert: "Representative Salvi."

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Salvi: "Again, Representative, the sexual issue is not addressed by this Bill. This placement plan is a product of a lot of work by Mary Flowers and Tom Dart and others and it's required by federal legislation. It doesn't... this is... it's not a relevant question because it doesn't address the sexual issue at all."

Speaker Biggert: "Representative Pugh."

Pugh: "We're talking about anti-discrimination. But before we go any further, Madam Speaker, I'd like to take this Bill off Short Debate and I'm joined by the requisite number of colleagues."

Speaker Biggert: "Thank you, Representative Pugh. This Bill will be taken off Short Debate."

Pugh: "Representative Salvi, in developing the placement plan... in the development of the placement plan, I'm sure that means were taken to insure that discrimination would not take place. That we would create an equal playing field for the prospective adopt... adoptive parents, so that they could have equal access to these children. In developing those plans, was there or was there not, any attention given to the sexual preference or the sexual preference of the adoptive parents?"

Speaker Biggert: "Representative Salvi."

Salvi: "Again, Representative, that's not relevant. This is not a sexual orientation Bill in any way. The placement plan says, that the department shall develop and implement a written plan for placing..."

Speaker Biggert: "Representative Salvi, did you finish your answer?"

Salvi: "Shall include at least, it says, at least, the following features and there are four very lofty items in there which I... with which I'm sure you agree. Now there are other

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rules and guidelines for the Department of Children and Family Services, but as far as this Bill is concerned Representative, this is not a sexual orientation Bill in anyway. It doesn't address that issue and I would say to you, that I respectfully point out that's an irrelevant line of questioning."

Speaker Biggert: "Okay. Representative Pugh, if you would like to speak to the Bill, your time is expired."

Pugh: "Well, Madam Speaker, with all due respect he never answered my first question, when I asked about the cost of the program. And whether or not the question is relevant, the question requires an answer."

Speaker Biggert: "But please bring your remarks to a close. If you want to ask him the question that will be your last question."

Pugh: "Could you repeat that."

Speaker Biggert: "Representative, if you would like to bring your remarks to a close. If you would like to conclude by asking him another question, please proceed."

Pugh: "So I have a choice of bringing my remarks to a close or asking one question?"

Speaker Biggert: "That's correct."

Pugh: "Representative Salvi, could you explain for me Section 7 of the Children and Family Services Welfare Act?"

Speaker Biggert: "Representative Salvi."

Salvi: "Regarding the placement of children? Representative Pugh, I mean, this whole Bill is..."

Speaker Biggert: "The Lady from Cook, Representative Davis. Okay. Representative Davis, are you ready to proceed?"

Davis, M.: "I realize how important this issue is because we're talking about children, we're talking about birth parents and we're talking about giving care to a very, very

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important significant part of people. It isn't like we're talking about cars or we're talking about property. We're talking about flesh and blood, we're talking about children. So I hope he'll get to ask his question. My question to you Representative Salvi has to do with termination of a parental right. Who and when are parental rights terminated? When are they terminated and by whom?"

Speaker Biggert: "Representative Salvi."

Salvi: "Representative, this Bill does not terminate anybody's parental rights. What it says and I ask you to read very carefully, is that the department shall place a child with a foster family or an adoptive family if the parental rights of the child's parents have been terminated, from among the child's relatives and among the families of the same racial and ethnic heritages as the child. Unless good cause is shown to the contrary. It then goes on to say, that after three months, you know, that... you know, you can't delay the adoption of the child. You can't make that child linger in the system because you're looking for a family of the same race. Now this Bill does not address terminating parental rights. It's saying, that if the child's parental rights have been terminated under existing law..."

Speaker Biggert: "Representative Salvi."

Salvi: "Then this is how it will be handled."

Speaker Biggert: "Representative Davis. Representative Davis, please."

Davis, M.: "I understand perfectly that the Bill says, when parental rights have been terminated. And it says, when they have been terminated, that a parent cannot be notified or shall not be notified when his or her child is placed up for adoption. Now my concern is, similar to what a lot of

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parents concern would be. Let's say a young girl is neglecting her child or young man. The children are being neglected. But let's say the State of Illinois, which it usually does, kicks in and it says, I'm going to rehabilitate you. These children will be in foster care, temporarily. We're going to rehabilitate you and hopefully you can apply and get your children back. Hopefully you can learn to be a good parent. Hopefully you can stop being addicted drugs or alcohol and we're going return your children to you. My fear, Mr. Salvi, with your Bill is, not only are we not going to return your children to you, we're not going to notify you when we take them. We're not going to notify you when your rights are terminated. We're not going to notify you when the children are up for adoption. And I just think children are more than puppies. We might do this with puppies, we might do this with any kind of other animal. But I just believe that children and their parents, there should be a greater bond that the state attempts to keep together rather than split apart. The children that we saw in Chicago, that they showed all of these children that were neglected and the state had to kick in and they took them and put them in foster care and they're rehabilitating those parents. One of them is just about ready to receive her children back. And I would be so hurt for that parent, if for some reason you decided that she had abused or neglected her children, she was totally incapable of being rehabilitated. Therefore, not only were the children going to be up for adoption but she was not going to even get a notice to the effect. She cannot be notified that these children are being placed for adoption. Why not? Why can't she be notified that her children are being placed for adoption? Why can't a father

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be notified that the children are up for adoption? Is it because you think they might fight to keep them? I cannot support any legislation that so demeans and diminishes the right of parenthood. We know that there are parents who sexually abuse their children. We also know that people at times are accused of neglect or abuse. But we also know that a human being is capable of change and it has occurred in which people have changed and become very excellent parents to their children. Therefore, as a Member of this Legislature, I could never agree to support legislation... Not puppies or pigs, these are babies!"

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

Dart: "Thank you, Madam Speaker. I rise for some brief comments. I truly want to rise to commend both Representative Flowers and Representative Salvi for the hours they put in this. It was unique, especially in this Session we've had lately. Bipartisan efforts where truly children were put first and people put all the bipartisan bickering aside. The two of them should be commended for the hours, the weeks that they put into this piece here. They truly did an incredible job on this. This Bill, itself, will attempt to do something that is long necessary and long been put off within the system, namely moving children out of the system quickly so they don't sit there and languish in there. The remarks in regards termination. This Bill does not deal with termination of children... parental rights at all. That's present law, that's how it has been, that's how it will be, that does not change. This deals with termination in regards to who gets notified when a child's up for adoption. If a parents rights have been terminated there is no need to then notify them about that procedure when

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someone's been... their rights have been terminated because they've sexually abused a child or something, there is no need for that. So the present law is truly not changed in regard to termination. There will not be any massive change there. We have presently over 40,000... 40 to 50,000 children in substitute care around this state. They are presently going absolutely nowhere, zero. Their lives are being eaten up and destroyed. They'll never have their second, third, fourth birthdays ever again, while we sit around and do nothing. This is an opportunity to do something. I have talked with children that have been in 30 or 40 different placements. You can imagine the monsters that we are creating with that. This will set deadlines and assure that there is not discrimination in regards to the adoptions. Once again, as I mentioned before, this is something where I truly commend both Mary Flowers and especially Representative Salvi, he has truly risen above the partisanship and has shown that a true interest in children and he has shown that we can get something done around here. And as I say, I truly want to commend him for his hard work in this area."

Speaker Biggert: "Thank you. The Lady from Cook, Representative Mulligan."

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

Speaker Biggert: "He indicates he will."

Mulligan: "Representative Salvi, I'd like some questions that I asked Mary Flowers again. I've thought about for several days and I would just like some answers and some reassurance because I think that... although I commend both of you for working very hard, I think there's a few issues here that I'm concerned about. When a child is placed in a foster family sometimes there is no thought ahead to that

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the parents rights will be terminated but it may stay in foster care for a number of years. At some point, the department may decide that the parent is not getting its act together and then they will go to those foster parents and tell them that they are seeking to terminate rights. It still may take some time after that, maybe a year, maybe longer. I do not feel that giving notice when the termination is final, does any service to that child who may have been living in a home for three years prior to that. I think the notice should be given as soon as termination of rights is sought so that the child will have an opportunity to have a more permanent placement. I think you are creating in the termination of rights here, Baby Richard scenarios. Because termination of rights may take a long time and that child may have already been in that foster home for a number of years. Final termination is not the time to spend three months looking for someone to take that child, if the child has already established a fairly permanent relationship. And I would like some assurances that perhaps that issue would be addressed in the Senate or at sometime. Because unless you can assure me that you don't think that's a problem and why?"

Speaker Biggert: "Representative Salvi, I think that was a question."

Salvi: "Yes and I appreciate the opportunity to address this. We've heard this argument a little earlier as well. This Bill does not have anything to do with how we terminate parental rights or anything like that. What this Bill has to do with, is when the children come into the system after parental rights have been terminated, what do we do with the children? That's the focus of this Bill. And so with all due respect, I would say that the Section that refers

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to the termination of rights, it simply says, 'that the department shall place a child with a foster family or an adopted family if the parental rights of the child's parents have been terminated from among the child's relatives and among families of the same racial or ethnic heritage as the child unless good cause is shown to the contrary.' It says that special efforts will be made to recruit black, recruit same race families and that... but there will be a limitation of three months on those special efforts to recruit same race families. So, with all due respect, I appreciate the sincerity with which these issues have been raised. But this Bill deals with the children once they've come into the system, not before."

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative Salvi, I understand and you don't have to read me the Bill, I'm aware of it. But I've sat with foster parents from my district in court during the termination of rights who have already had those children for three, five years before they have come... went through the termination of rights process. If you then notify everyone concerned and there's three more months. These foster children have already thought of that home as their home for three to five years. So, obviously what we're doing then is we're throwing them into a whole bunch of new people that should have been notified, long before we got to that point. Those children aren't coming into the system at that time. They've been in the system for a long time prior to that and may think of that home as their home."

Speaker Biggert: "Representative Salvi."

Salvi: "I commend you, Representative for addressing the broader problem. The issues that preceed the issues that this Bill

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addresses are indeed very important. But this Bill deals with what we do for the children once they've come into the system, once the parental rights have been terminated. It does not dictate or create any new rules with regards to when the parental rights will be terminated, with how they will be terminated, notice of termination or any of those things. This Bill does not address any of those issues. Those are important issues, but this Bill is very important, it deals with what we do with the children in the system and how we can take care of those children, how we can effectively address their best interests. That's what this Bill does."

Speaker Biggert: "Representative Mulligan, could you draw your remarks to a conclusion, please?"

Mulligan: "Representative, I commend your zeal in trying to pass this Bill. But I think that if there is a problem that has been pointed out to you, that perhaps you should probably seek..."

Speaker Biggert: "Proceed, Representative."

Mulligan: "...I think you should seek to address it or at least assure us that it would be addressed in the Senate. I don't think this is a small problem. I think you see it in a number of different ways, some of which I could point out to you. Particularly in placing special need adoptions and long term foster care placements that turn into adoption. I think you need to address it and be aware of it. I would like some assurances rather than just running the time out repeating what's in the Bill."

Speaker Biggert: "Thank you. I would like to take this opportunity to announce that the O'Neill Middle School Orchestra is up in the gallery. They're from Downers Grove, which is my district and Jim Meyer's and Jim Durkin.

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And they are going to be providing for your pleasure today in the rotunda, the music, between 12:00 and 1:00 and I hope you will all stop by to listen to them and also to make them welcome here today. Thank you. Representative Howard."

Howard: "Thank you, Madam Speaker. I rise in support of this Bill. As I said once before, prior to this legislation being introduced, I had a reluctance in supporting trans-racial adoption. As far as I can see this Bill does in fact address those concerns and I'm ready to be fully supportive. I commend both Representative Salvi and Flowers for their efforts on behalf of this Bill and I urge all of my colleagues for a favorable vote. Thank you."

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

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. I too would like to take this opportunity to thank the Sponsors of the Bill, Representative Al Salvi, Lou Lang, Dart, all of us worked very hard on behalf of the children of the State of Illinois. And I would just like to say that the purpose of this Bill, DCFS is required to solve as current race related adoption and foster care placement problems through the development of an appropriate plan under the Braun and Metzenbaum Amendments to the Federal Adoption Assistant Act in order to receive federal reimbursement for foster care and adoption services. That is, we've tried to implement and put forth a plan to address the children in the State of Illinois who have been lingering in the system for far too long. We have 5,000 kids that is sitting in harm's way with DCFS and only 1,200 of them are being adopted a year. That tells you, Ladies and Gentlemen, that we have a problem in this state. So

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therefore, in order to address this problem that's how House Bill 1221 came about. This Bill does not address the termination of parental rights. It does not address anyone's sexual preference as to who could have what kids because if this is a free country and there's all kinds of things going out there today, adopted, foster or biological. So therefore, there are certain things that we have no control over. I would merely like to take this opportunity to say, this Bill affirms the action of what is best for the children and I would urge all of my colleagues to pass House Bill 1221."

Speaker Biggert: "Thank you. The Representative from St. Clair, Representative Younge."

Younge: "Thank you, Madam Speaker. I yield my time to Representative Pugh."

Speaker Biggert: "Representative Pugh."

Pugh: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Biggert: "He indicates he will."

Pugh: "Representative, what efforts...what efforts have been taken prior to this piece of legislation? This seems like a drastic step to me. When you...I understand that, that there are efforts that could be made administratively, currently by the Department of Children and Family Services that would allow for them to try to find black adoptive families. I've had instances where people have come to my office and told me that they've run into all kinds of impediments and road blocks, when they have attempted to adopt children. So why aren't we addressing that issue first of all?"

Speaker Biggert: "Representative Salvi."

Salvi: "We are addressing that issue. If you read on page 2 of

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the Amendment to the Bill, special efforts will be made. The department shall make special efforts to place a child with a foster family or an adoptive family if the parental rights of the child's parents have been terminated from among the child's relatives and among the families of the same racial or ethnic heritage of the child. Special efforts shall include contacting and working with community organizations and religious organizations. It may include contracting with those organizations. Utilizing local media and other local resources. Conducting outreach activities and increasing the number of the departments, recruiting staff for minorities. These are efforts that are not being made by the Department of Children and Family Service. And I would say to you Representative, that while this may be a drastic measure, I think that it is nonetheless needed and I think it's timely."

Speaker Biggert: "Representative Pugh."

Pugh: "So, I'm glad that you agree that this is a drastic measure. Now, before we get to drastic measures, should we not take into account some other kind of things that can be done before we take drastic measures? For instance, if we have...if we move to the bi-racial adoptions. Let's say, the children that are descendents of bi-racial marriages, before we move to a...to adopting children of totally different ethnic groups. Because it's kind of difficult and almost impossible and history...our history...the problems that we have in our communities stem from the fact that our children suffer from a lack of self-esteem. And I don't think that you can teach that a person of a different ethnic group can teach self-esteem to an African who has come from a different ethnic background. You'll have the problem of...you'll have the problem of a youth growing up

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acting white. A black child cannot act white. When he faces the realities of this society, that he will not be accepted as an equal, what do we tell that child then?"

Speaker Biggert: "Representative Salvi."

Salvi: "Representative, you bring up some very important points and these issues have been throughly researched by Mary Flowers, Tom Dart, Tom Cross, myself, Mary Lou Cowlshaw and others over the years, and these things, I think, are important and they have been dealt with effectively in this Bill. So this is a product of a lot of research. I think the points that you raise are good. And I think this Bill takes into account those points."

Speaker Biggert: "Representative Pugh."

Pugh: "Representative, are you familiar with the Neighbor-to-Neighbor Program that the Department of Children and Family Services currently has...has into play? Are you familiar with that program, that allows people from the community to work in adopting these children?"

Speaker Biggert: "Representative Salvi."

Salvi: "Yes, and we are expanding those efforts. We are learning from these...these small programs that have been successful and I believe this Bill builds on those efforts."

Speaker Biggert: "Representative Pugh."

Pugh: "And what...what's the...again, what's the cost? What's the cost for the program to develop this plan for training the adoptive foster family? That's the first part of the question. And..."

Speaker Biggert: "Representative Pugh, you're just out of time. Could you please...I'll give you one more minute. Representative Pugh."

Pugh: "...Representative Dart, I mean...sorry...Representative Salvi, what's the cost for implementation of this program

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and the plan for the transition?"

Speaker Biggert: "Representative Salvi."

Salvi: "I believe it'll save money because these children will be more quickly brought to loving families rather than lingering in the system."

Speaker Biggert: "Representative Pugh."

Pugh: "What's the cost for implementation of this piece of legislation?"

Speaker Biggert: "Representative Salvi."

Salvi: "There was a fiscal note filed and the Department of Commerce and Community Affairs said House Bill 1221 fails to meet the definition of a state mandate...in addition,..."

Speaker Biggert: "Representative Salvi."

Salvi: "And as I said, Representative in my...you're asking me, my view is that this will save money because these children will not linger in the system. They will be brought to loving families and therefore we will save money."

Speaker Biggert: "Representative Tenhouse."

Tenhouse: "Madam Speaker, I move the previous question."

Speaker Biggert: "The Gentleman has moved the previous question. All those in favor please say 'aye'; all those opposed please say 'no'. In the opinion of the Chair, the 'ayes' have it and the Motion is carried and the question has been put. Representative Salvi to close."

Salvi: "Well, I think we had a very thorough debate on this issue. This is an issue that has been discussed throughout this country and in the State of Illinois as being one of great importance. I think we are planting the seeds in the future. Not only for helping children who are lingering in the system, but also we are, in my opinion, addressing several important racial issues as well. I think we could

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break a lot of important barriers by passing this Bill, by ending discrimination in adoption. Again, I want to thank all of the good people that have put so much time and effort into this Bill. It is in fact, a very serious reform of the Department of Children and Family Services, but we should not be afraid of change. I think it's time for change and the way we are handling these children in the system. I urge all...every single Member in this Body to support this Bill and to get this Bill passed and to help the children who are lingering in our system today."

Speaker Biggert: "The question is, 'Shall House Bill 1221 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 100 'ayes', four 'nays', eight voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Notice, Mr. Clerk."

Clerk McLennand: "Notice. The Rules Committee will meet on Wednesday, at 11:00 a.m. in the Speaker's Conference Room. Rules Committee, 11:00 a.m., Speaker's Conference Room."

Speaker Biggert: "Thank you. Okay. Further announcements, Mr. Clerk?"

Clerk McLennand: "Veterans Affairs Committee, will meet on Wednesday at 1:00 p.m., in Room C-1 to consider Floor Amendment #2 to House Bill 1522; and Floor Amendment #1 to House Bill 1937. Again, Veterans Affairs Committee, 1:00 p.m., Room C-1. The Elections in State Government Committee, will meet on Wednesday at 12:00 p.m., in Room C-1 in the Stratton, to consider House Amendment #4 to House Bill 682. Election in State Government Committee,

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Room C-1 at 12:00 noon; Veterans Affairs Committee, Room
C-1, 1:00 p.m."

Speaker Biggert: "Thank you. The House would like to acknowledge and welcome the first graduating class of Meridian school, who are in the Speaker's Gallery today. These students are the guests of Representative Duane Noland, and are here to observe the House of Representatives in action, if you would like to give them a warm welcome. The Representative from Will, Representative McGuire, for what purpose do you seek recognition?"

McGuire: "Hold on a minute. Thank you, Madam Speaker. I would like to yield my time to Representative Gash."

Speaker Biggert: "Representative Gash, is not seeking recognition. The Representative from Cook, Representative Jones, for what purpose do you seek recognition?"

Jones, Lou: "Thank you, Madam Speaker. I rise on a point of personal privilege. House Bill 1221. I think that it's terrible that you moved the previous question. You didn't do a Roll Call. I am a relative care giver. I have absolutely good questions to ask because the Bill affected me personally, and to move the previous question on something that affects a Member of this General Assembly, I think it's insulting and I feel very insulted and very upset, because I was not able to ask questions that concern my six grandchildren."

Speaker Biggert: "House Bill 1248. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 1248, a Bill for an Act that amends the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Biggert: "Representative Turner, please proceed."

Turner, J: "Thank you, Madam Speaker. House Bill 1248 provides

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for a mechanism to discourage prisoners from abusing the legal system by filing frivolous lawsuits. If a lawsuit is filed and deemed to be frivolous, the prisoner would have 180 days of good time credit revoked. It gives the judges the power and the discretion in blatant cases to make a finding of a frivolous lawsuit. It will help put an end to prisoners filing these types of cases that have absolutely no merit. I would urge support from both sides of the aisle and would be glad to answer any questions."

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

Dart: "Thank you, Madam Speaker. Initially I'd like to ask to have this taken off of Short Debate and I'm joined by the appropriate number of my colleagues."

Speaker Biggert: "It will be removed from Short Debate, proceed."

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

Speaker Biggert: "He indicates he will."

Dart: "Representative, what...I understand the thrust of this is dealing with frivolous lawsuits. Could you give me a handle on the amount of lawsuits that they presently get now in the Department of Corrections?"

Speaker Biggert: "Representative Turner."

Turner, J: "I do not have that data available, Representative Dart."

Speaker Biggert: "Representative Dart."

Dart: "The...I...I was interested in it just because I was trying to get a proportional, just some type of idea on the number as far as if we're going in...everyone is against frivolous lawsuits, even this side of the aisle, believe it or not, is against frivolous law suits, especially as it may occur in the Department of Corrections and I was just trying to get a handle on (a) the number of times they are sued and I

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was trying to get a proportional number of how many times those cases, where they were actually found in violation for whatever the reason may be. If, later on if you can maybe have someone from DOC give me just for my own, more of a curiosity thing, the number of those that go on. I...I seem to...I think to...I probably agree with you, that they are abusing this. Could you give me idea though without statistical information, just based on what you've been, your experiences or what you've been informed...the...what they've been using the...these frivolous law suits for?"

Speaker Biggert: "Representative Turner. Ladies and Gentlemen, can we please have order in the chamber. Ladies and Gentlemen, please. Ladies and Gentlemen you had the opportunity to speak, please. Representative Turner, would you please respond to Representative Dart's question."

Turner, J: "Thank you, Madam Speaker. Representative Dart, I think I can best respond to your inquiry by citing some information that Representative Hoffman had supplied to me, and he indeed had indicated...Representative Hoffman, right in front of you there, had indicated that he is aware and my staff has confirmed this of suits such as a prisoner filing because they don't like the kind of peanut butter they're served or that they wish to have conjugal visits. These kinds of cases have been filed throughout the State of Illinois. I can tell you as my own experience as a States Attorney from Logan County that I have seen some of these types of cases, although nothing quite as blatant as what I've just given you as...for sake of example. I would however, also indicate, I did not handle those cases as the Attorney General does that, but based upon the information supplied as those kinds of cases it would seem abundantly

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clear that this piece of legislation is needed to discourage that type of filing."

Speaker Biggert: "Representative Dart."

Dart: "Well, in regards to...that...the punishment or the way of really enforcing what you're talking about here would be through revocation. What type of time are you going to be revoking? Would this be earned time or would this be good time, or is there a distinction between the two?"

Speaker Biggert: "Representative Turner."

Turner, J: "Representative Dart, I know that you're aware that...the prisoners in most instances are allowed to earn good conduct credit, and what the Bill provides is that for each filing of a lawsuit which is deemed to be frivolous, when it's found to be frivolous by a court, 180 days would be revoked if indeed the individual has not earned 180 days...whatever number that that prisoner has earned, that would be revoked and it would apply to each and every case where a frivolous finding has been made by a court of law."

Speaker Biggert: "Representative Dart."

Dart: "Now would that...I...I may not of heard all of that, but is that for each frivolous lawsuit, 180 is, they lose 180 or is there a formula here as far as...each violation they lose 180, is that it?"

Speaker Biggert: "Representative Turner."

Turner, J: "Yes."

Speaker Biggert: "Representative Dart."

Dart: "I...what would...what would be, I guess, what would occur then if a defendants filed his...prisoners filed his frivolous lawsuit, it's been found to be frivolous, his loss his 180 days. What would be his disincentive now for filing as many frivolous lawsuits as he wants in the future, seeing that he's already lost his 180 days?"

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Speaker Biggert: "Representative Turner."

Turner, J: "Each time the court made a finding that the subsequent lawsuit was frivolous another 180 days would be revoked from the good time credit earned."

Speaker Biggert: "Representative Dart."

Dart: "So, then in affect what would occurs...they would almost keep a running total then of how many days he's lost based on number of frivolous lawsuits that have occurred and keep that total so that then if he's serving a 20 year sentence and then he's been...he would otherwise be accumulating good time each year, that running total would be there to knock it off each year?"

Speaker Biggert: "Representative Turner."

Turner, J: "Yes, Representative and the department does keep those types of numbers available and I'm sure they run...for example, if you call the department as any given prisoner, they can tell you what the original sentence was and how much time they have remaining on it. So, this would be something that they could give information to, either a prosecutor or a court who is seeking that information on a daily basis, so I believe certainly within a number of days, if the information was requested, it could be supplied and would be available to them as they keep those records."

Speaker Biggert: "Representative Dart, your time is expiring. Thank you, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hoffman: "Representative, I would like to...to commend you on putting this...this Bill forward. As you know, I've been a...a supporter of this, as a matter of fact, I introduced

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a Bill that was strikingly similar to this Bill, I believe earlier in Session. I just have a couple of questions that...some of my colleagues have just to clear it up. The word frivolous is defined in this Bill, isn't that right?"

Speaker Biggert: "Representative Turner."

Turner, J: "I couldn't hear you, but I think you said, is it defined in this Bill? Your nodding your head. Yes, it is defined in this Bill."

Speaker Biggert: "Representative Hoffman."

Hoffman: "The concern, not by me because as I...I said I certainly support this Bill, but by some people on this side of the aisle is...is how is frivolous defined? Could you just indicate to the Body how frivolous is defined to clear up any concerns on this side of the aisle?"

Speaker Biggert: "Representative Turner. Ladies and Gentlemen could we have your attention please."

Turner, J: "Representative..."

Speaker Biggert: "Representative Turner."

Turner, J: "Thank you, Madam Speaker. I'm always reluctant to simply read from a Bill because I'm not sure that, that is normally a good way to answer a question, but in this particular case, I think I would be remiss if I didn't simply read the definition as set forth and what will become hopefully our new statute. 'Frivolous means that the pleading motion or other paper filed by the prisoner in his or her lawsuit is not well grounded...grounded, in fact, is not warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, or is filed for an improper purpose such as to harass a litigant, entity or employee of the state.' The language is very similar if not the same, as the language that you would find in the Civil Practice Act with regard to

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frivolous lawsuits, and that might be in Supreme Court Rule Acts instead of the...Civil Practice Act Representative."

Speaker Biggert: "If you could hold for just a moment Representative Hoffman for an announcement."

Clerk McLennand: "Rules is meeting immediately in the Speaker's Conference Room. Rules immediately, Speaker's Conference Room."

Speaker Biggert: "Thank you, Mr. Clerk. That was Rules are meeting immediately. Proceed, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. Representative, so if...if an inmate files a suit that is deemed to be frivolous in either Federal Court or State Court, they would then lose their day for day good time under this Bill, correct?"

Speaker Biggert: "Representative Turner."

Turner, J: "Yes."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Subsequent to me introducing this Bill, Representative, we...I was approached by an individual on a Court of Claims and they had indicated that many actions were filed before the Court of Claims by inmates which are indeed frivolous and he gave me a bunch of examples which were...were rather offensive that we would be spending our time and money. Would you be willing to work...I would hope that we can work in the Senate possibly to get an Amendment to this to include the Court of Claims if there is a frivolous act before the Court of Claims so we could really put additional teeth in this Bill. Do you have any problem with that?"

Speaker Biggert: "Representative Turner."

Turner, J: "Representative Hoffman, that sounds to be an excellent idea and I thank you, for pointing it out. I certainly will look into that and when we find a Sponsor in

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the Senate, assuming that we get a favorable disposition in this Body today, I would be glad to suggest that to the Senator."

Speaker Biggert: "Representative Hoffman."

Hoffman: "To the Bill, Madam Speaker. I..I have...I came up with the...with this idea over the summer when we read about certain individuals and...and the amount of money that we were spending each year defending these lawsuits. There have been lawsuits filed in this state by inmates who have sued the state for not allowing them to wear a dress, not having the right top...type of peanut butter, and many times simply viewed and used to harass individuals. This would put some real teeth to provide the disincentive for bringing those types of lawsuits. I think that this is...is, is an exceptionally good idea. I think this will really save the state taxpayers millions and millions of dollars because what we have to do now is we have to defend these suits, the Attorney General has to defend these suits, we have to pay lawyers, we have to pay judges to hear the suits, we have to transport many times the inmates to court and there is example after example concerning the abuse of the criminal justice...the abuse of the court systems in order to get a day out of jail free. So, in my opinion, this is an excellent idea. I'm glad that we were able to work on this in such a bar...bipartisan manner Representative and I...I urge an 'aye' vote."

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

Cross: "Thank you. Madam Speaker, will the Sponsor yield?"

Speaker Biggert: "He indicates he will, reluctantly."

Cross: "Representative, I'm...rather impressed with this piece of legislation. I admire your creativity. Did...is this the

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Bill...or in this Bill, if an inmate was to wear, wanted to wear a dress in prison and the warden said no and he filed a lawsuit, he could lose his good time credit?"

Speaker Biggert: "Representative Turner."

Turner, J: "Well, Representative, I'm sure a court would look long and hard at that set of facts and if the court in his or her discretion deemed that to be a...a type of action which filed upon is frivolous and the court certainly could revoke the good time through the Department of Corrections."

Speaker Biggert: "Representative Cross."

Cross: "This is also known, I think in certain quarters as the anti-Klinger Bill, isn't it? The character from Mash, anti-Klinger? Is that accurate, Representative?"

Speaker Biggert: "Representative Turner."

Turner, J: "I suppose one could couch it in those terms. This is the first I've heard of it though. You are very creative yourself, Representative."

Speaker Biggert: "Representative Cross."

Cross: "Well, Representative I rise in strong support of this. I appreciate you taking the lead on this issue and coming up with this legislation. You've done an excellent job, you've worked hard on it. I'm glad that Representative Hoffman joins you in this crusade, and you should be complimented and admired...and we're all admiring you for the hard work you've done on this Bill and I'm going to vote 'yes', and I hope everyone else in this chamber does. Thank you very, very much."

Speaker Biggert: "The Representative from Cook, Representative Lang."

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

Speaker Biggert: "He indicates he will."

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Lang: "Representative, I support your legislation, but I just want to make sure I understand how frivolous is de...is defined in the...in the Bill. It's one thing to say that we're going to, in essence punish these people for wasting time in the court system, so, now they think to make sure it's done so they have their due process. So, how are we going to define the term frivolous?"

Speaker Biggert: "Representative Turner."

Turner, J: "Representative Lang, it is noisy in here, you may not of heard me respond to that question earlier. What I did at that time, was indicate that we have defined frivolous within this piece of legislation and basically frivolous means the same thing that it does in the Supreme Court rules with...with regard to civil findings, but essentially, what the statute says, the proposed statute says, 'is that the case, the lawsuit would not be well grounded, in fact, or would not be warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.' And I think that does mirror the Supreme Court rule although it might be in the Code of Civil Procedure, I can't recall with certainty."

Speaker Biggert: "Representative Lang."

Lang: "Thank you. Let me ask you about a policy consideration. The standard of proof in a criminal case is different than that in a civil case. If filing these papers are deemed frivolous and 'good time' is taken away, that in essence is adding to somebody's sentence in an indirect way. Should we not then have a separate criminal definition of the term frivolous for these purposes, so that we're meeting a higher standard? I think you know what my question is asking. I...maybe we shouldn't, I'm not sure, I'm just

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asking your opinion on it."

Speaker Biggert: "Representative Turner."

Turner, J: "That is an excellent question and I'll try to respond to it the best way that I can. The suit itself, of course, would be filed in Civil Court and in as much as it's filed in Civil Court seeking monetary damages. It seems to me that the proper burden of proof would be a preponderance of the evidence instead of beyond a reasonable doubt, since it's not a...a criminal law concept. You know that already. I think the question really becomes, I don't know if you're going to ask this next as a follow up whether or not this will withstand constitutional muster and as much as we are taking good time away. I don't think we can equate that however to a sentence from the court. I think that the good time is something that they're able to...to earn, administratively as provided by statute. So, in as much as it is an administrative judgement as to whether or not to give the good time credit and in as much as the filing is of a civil nature, I do believe that the preponderance is the proper burden of proof and I think this will certainly be challenged constitutionally, but I think it will withstand a...a constitutional challenge. It is a very good question, Representative."

Speaker Biggert: "Thank you. I just take this opportunity to introduce one of our former colleagues, Representative, former Representative Tom Homer in the back of the room. On your time, Representative Lang. Proceed."

Lang: "Thank you. Introduce these folks on somebody else's time, would you. Representative, thank you, for the compliment on the question. I think that was an exceptionally fine answer as well. Is it the Civil Court that determines this is frivolous and then how does...how does this work into

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the administrative function of removing that good time?
How is that reported to the administration?"

Speaker Biggert: "Representative Turner."

Turner, J: "The court, under which the motion is made for a finding of a frivolous lawsuit, would make the determination, that would be the Civil Court. Upon a finding of a frivolous lawsuit, that would then be reported to the Department of Corrections who then would deduct the 180 days. I think that answers your question."

Speaker Biggert: "Representative Lang."

Lang: "Well, who makes the motion to declare it frivolous? Is a state's attorney going to go as well and or will...who, who actually will have this...make the motion to have it declared frivolous?"

Speaker Biggert: "Representative Turner."

Turner, J: "Who's ever representing of course the defendants in the case. Normally that would be the Attorney Generals Office. I think on rare occasion it might be the State's Attorney's Office and I would guess Representative that..."

Speaker Biggert: "Representative Turner, proceed."

Turner, J: "I would guess this motion would not be made in many cases or in most cases, but when it would be made then, it would be made by defense counsel, probably the Attorney Generals Office and certainly I would also guess if the court will use it's discretion and this is a...a rather severe penalty and will only make the finding in the most blatant cases, but we hope it will have the deterrent affect as designed in the wording of the statute."

Speaker Biggert: "Representative Lang, if you can draw your remarks to a conclusion."

Lang: "Thank you. I, I thank the Sponsor for his answers. Let me just say I support House Bill 1248. Representative

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Turner has done a fine job putting this together. I know with the help of Jay Hoffman, who was the original Sponsor of this, I thank him for his answers, it's well thought out, it's well meaning and it's, I think it will do what it's intended to do. So, I intend to vote 'aye'. Thank you."

Speaker Biggert: "Thank you. There being no further discussion, Representative Turner, to close."

Turner, J: "Thank you, Madam Speaker. In closing, I'd just like to thank Representative Hoffman and Representative Cross for all of their input in helping to formulate this legislation. I move for a favorable finding."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 1248 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, please take the record. On this question, there are 104 voting 'aye', 4 voting 'nay', 5 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1277."

Clerk Rossi: "House Bill 1277, a Bill for an Act amending the Illinois Health Facilities Authority Act. Third Reading of this House Bill."

Speaker Biggert: "The Representative from Jersey, Representative Ryder."

Ryder: "Thank you, Speaker. Twelve seventy-seven, is the gnome Bill that Representative Dart and I discussed yesterday. What it does, is allow the Illinois Health Facilities Planning...Health Facilities Authority to assist in private and profit entities, and it also includes the surgi-centers that we discussed yesterday. Be happy to answer any

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questions."

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

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

Speaker Biggert: "He indicates he will."

Schakowsky: "Thank you. Representative, you amended the Bill yesterday, could you just refresh my memory now, that became the Bill, right, and what it does?"

Speaker Biggert: "Representative Ryder."

Ryder: "No Representative, it did not. It included the word surgi-center and the litany of health providers that could be assisted by the authority. It did not become the Bill. It was simply a one word insertion. Prior Amendments added to the Bill, and that simply added one word. A single word."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "So many facilities now would be included and covered by this?"

Speaker Biggert: "Representative Ryder."

Schakowsky: "How many additional facilities that weren't before this Act?"

Speaker Biggert: "Representative Ryder."

Ryder: "Representative, it's my recollection, and only recollection, I'm not reading from this, that the for-profit facilities number in the teens. I think it's less than twenty, and surgi-centers, if they are constructed and as of this point, we're simply proceeding in that way. We don't know exactly where we're going to be. I know that's less than twenty as well."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Thank you Representative."

Speaker Biggert: "Thank you. The Gentleman from McHenry,

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Representative Skinner."

Skinner: "Madam Speaker, I think I've changed my mind on this subject matter. I thought surgi-centers were basically a way to allow doctors to finance facilities to compete with hospitals which were necessary. However, the most recent rack-up of empty beds in the City of Chicago and suburban Cook County, indicate there are some 14,000 empty hospital beds in Chicago and suburban Cook County. And no one has the guts enough, no political leaders have the guts enough, to say these hospitals are necessary. So, it seems to me, it's time to help the market decide which hospitals stay open and which hospitals close. The more surgi-centers we have, the more hospitals will close. So, I would argue for it in an affirmative vote."

Speaker Biggert: "Thank you. I see no further discussion. Representative Ryder to close."

Ryder: "Thank you, Speaker. And thank you for those who questioned and spoke in favor of the Bill, I would also ask for an 'aye' vote."

Speaker Biggert: "The question is, 'Shall House Bill 1227 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 105 voting 'aye', zero voting 'nay', 11 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read...Committee Announcements please."

Clerk Rossi: "Committee Reports. Representative Churchill, Chairman from the Committee on Rules to which the following Amendments were referred, action taken on April 26, 1995, reported the same back with the following recommendations:

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Do approve for consideration, Floor Amendment #3 to House Bill 224; Floor Amendment #4 to House Bill 226; Floor Amendment #3 to House Bill 568; Floor Amendment #4 to House Bill 656; Floor Amendment #3 to House Bill 1322; Floor Amendment #6 to House Bill 1384; and Floor Amendment #11 to House Bill 2076. Also the Personnel and Pensions Committee, will meet today at 12:30 in D-1 of the Stratton Building to consider the following Floor Amendments: House Bill...Floor Amendment #3 to House Bill 323."

Speaker Biggert: "Thank you. Mr. Clerk, please read House Bill 1424."

Clerk Rossi: "House Bill 1424, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Biggert: "The Lady from St. Clair, Representative Younge on House Bill 1424."

Younge: "Thank you, Madam Speaker. House Bill 1424, provides that to be an eligible purchaser at a scavenger sale, a person must affirm that he or she is not a relative of the property owner, or has not been delinquent in the...a prior transaction. Having to do with the purchase of delinquent property tax. This Bill is an effort to firm up and make more solid, the prohibition against the person aiding the nonpayment of real estate taxes by first of all, letting them become delinquent and then going in and have a relative purchase them at a scavenger sale. The law requires that a person affirm as a process of getting a certificate of purchase that they're not bidding on the delinquent taxes at a scavenger sale for some other person or person who has an interest, or they haven't been a part of any transaction where it was not completed in a prior year. This Bill would add the fact that you can't be the relative...a delinquent property owner can't be a relative

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of a person who owes taxes and they go in a scavenger sale and buy it up at a lesser amount and therefore defrauding the public. The intent of the Bill is to stop the theft or defrauding of the public in reference to delinquent taxes by having a relative buy first of all, for the person who is responsible for the taxes not paying them, and then having a relative go in at a scavenger sale and buy up the property at a lower amount."

Speaker Biggert: "Thank you, the Gentleman from Vermilion, Representative Black."

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

Speaker Biggert: "She indicates she will."

Black: "Yes. Representative, I think I've got some concerns with this Bill, but let me...what Committee did it come through? I don't have the sheet in my file."

Speaker Biggert: "Representative Youngue."

Youngue: "Revenue Committee. It came through the Revenue Committee."

Speaker Biggert: "Representative Black."

Black: "All right. If it came through the Revenue Committee, I would think it got a rather thorough hearing. What was the vote? I'm sorry, the file does not reflect the Committee vote."

Speaker Biggert: "Representative Youngue."

Youngue: "It went to a subcommittee and a majority of the people in the subcommittee voted in favor of it, and so far as I know, the vote was 12 to nothing, or unanimous, in order to get the vote out of committee."

Speaker Biggert: "Representative Black."

Black: "All right. Let me focus on my concern. Are you saying that if I have a piece of delinquent property, let's say

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that I have a piece of rental property, and it was delinquent and at the scavenger sale, I send my brother to bid on that and hopefully buy back that property from the tax scavenger or at the tax sale, you mean my...if my brother does that, then we lose the property? Is that what your Bill is saying?"

Speaker Biggert: "Representative Youngue."

Youngue: "Yes. What the Bill says is, that your brother can't get a certificate to participate in that sale, because what happens is, that a person who is delinquent in the payment of their real estate taxes, send a relative in, in order to participate in a scavenger sale and therefore get the property for less money than what is rightfully due. It's a way of avoiding the payment of real estate taxes, and so this Bill would say that you can't get a certificate of participation in these sales if you are a relative of a person who has a property interest and the taxes are unpaid."

Speaker Biggert: "Representative Black."

Black: "Now I see. Thank you very much for that answer. That clears that whole situation up. In fact that answer, and being able to focus on the Bill has changed me from an opponent of the Bill to where I intend to support you. In fact, well thank you Representative, you've been very helpful. Madam Speaker, Ladies and Gentlemen of the House. To the Bill. This Bill is on Short Debate and I stood in opposition, but now she has focused...she's focused on what the Bill does. In fact, now I...you know, every once in a while an idea comes up that after you get it through your head and after the Sponsor explains it, you wonder why it's taken us so long to do that. Now I see what she's trying to do, is to shut off a scam that has been available to

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redeem tax delinquent property and the Sponsor of the Bill is right on target. I...in all due respect to her, I'm even sorry now I got up thinking I was going to oppose it. I really appreciate her precise answers and now I've joined with her and the Bill. I'm glad it's on Short Debate. I don't think anyone ought to vote against the Bill, and I stand now saying let's vote on the Bill. It's a good idea."

Speaker Biggert: "Representative Younge to close."

Younge: "Thank you, Madam Speaker. I move for the passage of the Bill."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 1424 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 116 'ayes', zero 'nays', zero voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1489."

Clerk Rossi: "House Bill 1489, a Bill for an Act amending the Southwestern Illinois Development Authority Act. Third Reading of this House Bill."

Speaker Biggert: "Representative Stephens."

Stephens: "Thank you, Madam Speaker. It's a very simple Bill. We did this Amendment I believe yesterday...maybe the day before. The Amendment became the Bill. I will remind the Body that it amends the Southwestern Illinois Development Act to provide the authority shall not exercise any power of quick take, eminent domain granted by the General Assembly within the corporate limits of a municipality or unincorporated area of a county, unless the governing

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authority of the municipality or the county board authorizes the authority to do so. I am glad to be joined in sponsorship by Representative Holbrook and I would move its passage and be glad to respond to any questions."

Speaker Biggert: "The Representative from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Madam Chairman. Madam Chairman, this is an excellent Bill. I would urge all my colleagues to vote for it. It's supported both by the local county and municipal governments in that area and will help restore confidence in this organization SWIDA. Thank you."

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

Dart: "Rep...Mr. Speaker, I would like to yield my time to Representative Hartke please."

Speaker Biggert: "Well Representative Hartke hasn't been recognized yet, but Representative Hartke, please proceed."

Hartke: "Thank you very much, Madam Speaker, Members of the House. Will the sponsor yield for a couple of questions?"

Speaker Biggert: "He indicates he will."

Hartke: "Representative Stephens, is there been a problem in your Southwestern Illinois Development area that precipitated the need for this legislation?"

Speaker Biggert: "Representative Stephens."

Stephens: "A problem of perception I suppose. This Southwestern Illinois Development Authority, does not have quick take authority, and they had quick take authority at one time. Because of a problem in one of the deals that they helped put together, and they took a awful lot of public heat and their credibility decreased rather drastically I would say, among the public. When they...when the language...that gave them original quick take power sunsetted, the

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Legislature chose not to renew it. This Bill is an attempt to help give them a...restore faith, the faith of the public in this authority. We think this authority is an essential tool in economic development in our area. Right now, they have to come to the General Assembly as many others do, and we're just simply saying, we're also going to assure you further local communities, that your local county board or your local municipality will also sign off on this project before it proceeds, and it what's something that new president of SWIDA endorses, their Executive Director endorses it, and I would like to report to them next week at their meeting, that the Legislature has let them have this additional ability to convince the public, that someday we shall probably restore quick take authority."

Speaker Biggert: "Representative Stephens, how big is the Southwestern Illinois Development Authority? How much of an area are we looking at here?"

Speaker Biggert: "Representative Stephens."

Stephens: "Madison and St. Clair Counties for sure. I believe that's it."

Speaker Biggert: "Representative Hartke."

Hartke: "Okay. In this legislation, does it actually restore quick take authority to those counties? I don't think it does, does it?"

Speaker Biggert: "Representative Stephens."

Stephens: "You're correct, it does not."

Speaker Biggert: "Representative Hartke."

Hartke: "But that's your hope in some future legislation to give them back that authority, is that the precursor or what you're planning on doing in the future?"

Speaker Biggert: "Representative Stephens."

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Stephens: "I think that after they've...regained the public trust, that that may be an appropriate question and I would be glad to work with them to that end."

Speaker Biggert: "Representative Hartke."

Hartke: "Well, in the past then I guess, if a municipality or township or some governmental entity needed to use quick take authority, they would be then going to the Southwestern Illinois Development Authority for that quick take provisions or whatever. Could the authority then take it for that local government?"

Speaker Biggert: "Representative Stephens."

Stephens: "The authority could only come to us on its own projects. If a municipality came to the Legislature wanting quick take authority, that would be a separate issue. They could however, let's say for instance, we have light rail going from East St. Louis through Belleville to Scott Air Force Base, and as we proceed there, as quick take authority is needed, if SWIDA were handling that they would represent the interest of the municipality and or the county in those cases."

Speaker Biggert: "Hartke."

Hartke: "But if SWIDA had quick take authority, could they be not named as part of the project and then they could give that authority and do the quick take without bothering the State of Illinois or the General Assembly?"

Speaker Biggert: "Representative Stephens."

Stephens: "No they could not."

Speaker Biggert: "Representative Hartke. Your time is..."

Hartke: "All this legislation does is say that before someone does, that those units of local government that are involved in the system sign off on the project?"

Speaker Biggert: "Representative Stephens."

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Stephens: "That's correct."

Speaker Biggert: "Representative Hartke."

Hartke: "Personally, I see no problem with this legislation and I think it's a good deal. It's great that governments can work together and cooperate and I think that's what this is all about and I commend the Sponsor."

Speaker Biggert: "The Lady from St. Clair, Representative Younge."

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

Speaker Biggert: "He indicates he will."

Younge: "Right. Representative Stephens, did you say that the...what this Bill does is require the Southwestern Development Authority to ask the...get a local approval from the municipality before any quick take power could be taken?"

Speaker Biggert: "Representative Stephens."

Stephens: "Yes."

Speaker Biggert: "Representative Younge."

Younge: "Is it your intention to change this Bill in anyway?"

Speaker Biggert: "Representative Stephens."

Stephens: "No, I have no intentions of changing it. It's written and approved. Unless there's a drafting error that you can make me aware of, I will pledge that there will be no changes in this Bill."

Speaker Biggert: "Representative Younge."

Younge: "Thank you for answering my questions."

Speaker Biggert: "Thank you. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Just to indicate that because of potential conflict of interest, I will be voting 'present' on this Bill."

Speaker Biggert: "Thank you. Seeing no further discussion, the

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Gentleman to close, Representative Stephens."

Stephens: "Thank you. Just for the purpose of legislative intent, I want to make it clear that the governing authority referred to as far as municipality, is the elected board or council of the appropriate municipality, and with that, I urge an 'aye' vote."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 1489 pass?' All those in favor vote 'aye', 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, please take the record. On this question, there are 108 voting 'aye', none voting zero, and eight voting 'present', and this Bill having a Constitutional Majority, is hereby declared passed. Mr. Clerk...Mr. Clerk proceed with the announcements."

Clerk McLennand: "Committee Room changes. At 12:00, Appropriations General Services, will be meeting in Room D-1, not in Room 114. Appropriations General Services, at noon in Room D-1. Pensions. Personnel and Pensions will meet at 12:30 in Room 114. Personnel and Pensions, Room 114 at 12:30."

Speaker Churchill: "Representative Churchill in the Chair. Mr. Clerk, do you have a Motion?"

Clerk McLennand: "Representative Black, pursuant to Rule 715, and having voted on a prevailing side, move to reconsider the vote by which House Bill 1172 failed."

Speaker Churchill: "All those in favor of the Resolution will vote 'aye', opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 82 'aye', 19 voting 'no', eight voting 'present', and the Motion is successful. The Bill will remain on Third

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Reading. Ladies and Gentlemen of the House. It is now the intention of the Chair to go to House Resolution 39, which is to honor the death of a former Member. Will all of the Members please rise? Will the guests in the gallery please rise, and join us in a memorial for the passing of one of our former Members? Mr. Clerk, will you please read House Resolution 39?"

Clerk Rossi: "House Resolution #39:

WHEREAS, The members of the House are saddened by the death of a true statesman and friend, who labored on behalf of equality and justice for all the people of the State of Illinois; and

WHEREAS, The death of the Reverend Corneal A. Davis, former Dean of the House of Representatives, marks the end of an enduring career of fortitude and great zeal for the challenges of life; and

WHEREAS, Reverend Davis was born in Vicksburg, Mississippi, and graduated from Tugaloo College; after service in World War I, he moved to Chicago to attend John Marshall Law School; and

WHEREAS, Reverend Davis began his lifelong career in the political world as an Aldermanic Assistant and as a license inspector for the City Clerk of Chicago; and

WHEREAS, In 1942, Reverend Davis was elected to serve in the 63rd General Assembly of the House of Representatives, beginning a legendary career of 36 years of service to the people of Illinois from the 1st District, the 20th District, and the 22nd District; as a member of the House, he became the first African-American to serve as Chairman of the Public Aid and Public Health Committees, and he also served as Assistant Minority Leader and as Assistant Majority Leader; and

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WHEREAS, As a member of the House of Representatives, Reverend Davis was a pioneer in the struggle for equality of all people, regardless of race or creed; for he took up the challenge of changing the laws of the State of Illinois and of enacting new laws to protect the rights of people and to expand the opportunities for the underprivileged of our society; and

WHEREAS, One of the crowning achievements of the legislative career of Reverend Davis as a member of the House of Representatives was the enactment in 1969 of the Fair Employment Practices Act, which made a significant contribution to ensure that all the people of Illinois are given the chance to excel; and

WHEREAS, Upon his retirement from the House of Representatives in 1979, Reverend Davis did not withdraw from public life but became a member of the Chicago City Board of Election Commissioners and worked for the Chicago Housing Department, and, in 1981, he again served the Democratic Party as a member of the Legislative Redistricting Commission; and

WHEREAS, Reverend Davis will be remembered for his never ending determination to help people and to make the world a better place to live; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby offer our sincere condolences to the family of the Reverend Corneal Davis upon his death, for his life was a victory over obstacles and his efforts paved the path of success for generation upon generation to follow; and be it further

RESOLVED, That a suitable copy of this resolution be presented to

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his daughter, Yvonne Maul, her children, and grandchildren, as our tribute to a great man, the Most Reverend Corneal Davis.

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Lou Jones."

Jones, Lou: "Thank you, Mr. Speaker. I am going miss Deacon as we call him in my district. I sit on...my district is the same district that Reverend Corneal Davis was a State Rep., and I can remember when I first got elected, maybe about two weeks after I got elected, he had his grandson Albert Maul call me and ask me if I would please meet with him, and I did. I'm telling you, I talked to him at least once a month, in fact I talked to him about three and a half weeks ago, when they put him in a nursing home. This man...you can't say enough about this man. This man was tremendous. This man was a wealth of information. He told me before I could even start to serve, as a State Legislator in this district, that I would have to know the history of my district, and he said, you was not born and raised in Chicago, so you don't know anything about the district that you will now be representing. I used to go and sit and talk with him, and he would tell me all about the Black Metropolis, Bronzeville, all of the greats that came out of the district, Nat King Cole, Sarah Vaughn, where they lived. Lou Rawls, where Lou Rawls' father's church was...uncle's church was. He would tell me the history of the district. The district is one of the...if I'm not mistaken, the oldest African-American district in the city, where people...African-Americans migrated from southern parts of the country. They would get off the train...he told me they would get off the train, the train use to be right there on 12th and Michigan, and they would come to the nearest south side and, what we call now the

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Black Metropolis and Bronzeville, but he gave...he told me all of the history of that area, and as a result, I've gotten very involved in revising that area along with some other African-American Legislators. The one thing he use to tell me all the time, that how hard it was down here when he came down here as a State Representative, how hard it was, him being an African-American. And he always said he would live to see them tear down the train station where he use to have to sleep because they would not rent them rooms. They couldn't...the hotels would not rent African-Americans a room to sleep, so he use to sleep a lot of nights in the railroad station, and he told me, he said, 'baby, I'm going to live to see them tear it down', and he did. And, I'm just telling you that I'm going to miss him, because I use to go sit and talk with him for hours at a time, and anyone that knew him, he had a real gruff heavy voice, and he could just talk, and he could just give you information. There is going to be a book, a book right now is being published. He had started to write it, I think his grandson Albert Maul is going to continue...continue the book and I would just like to say that the State of Illinois is missing a great person and Lou Jones personally will really miss, Deacon as I called him, Corneal Davis."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Representative Jones has talked so much about the rich history that we gathered from Corneal Davis. I had the pleasure, and I mean every bit of that pleasure of serving with him from 1974, 1975 until he retired in 1979. Those of us that had that opportunity were rewarded handsomely, every day, by listening to this Gentleman and his talk of

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the history of Chicago, the people he represented, and yes, the trials and tribulations that he faced right here in Springfield, Illinois, when he became the first African-American to become a Member of the House. He's a pioneer. He was a pioneer in representing his people here in Springfield, in the State of Illinois, but he was also a pioneer in thought, courage, concern, compassion, and understanding for all people of Illinois. Every time he spoke, he had an important word to tell us. Every word he issued was filled with compassion, concern, dedication, and yes, meaning, because when Deacon Davis spoke, everybody in this state listened. I mean it when I tell you, those of you who didn't have the opportunity to serve with him, you missed a giant of a man. The person who will reward us handsomely over the years for the ability to have worked with him. So, as Representative Jones talks about the experiences that she had with him on a personal basis, all of us that served with him were rewarded for the many times that we had an opportunity to talk to him. We will miss him because this institution will always miss a giant of a person, an individual that led us in so many directions and so many good causes. We can only hope with the day comes for us to meet our Maker, we will have so many good things to take with us when we meet that Judgement Day. So to Corneal Davis, Deacon Davis, Dean of the House, 36 years in this institution, we send our good wishes, God Bless, and may he rest in peace forever. Thank you very much. And Mr. Speaker, on behalf of the Republicans and the rest of the Members of the House, we would like to make sure that we are added as cosponsors of this Resolution in his honor."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook,

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Minority Leader Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen. I rise in support of the Resolution. Corneal Davis was Member of this chamber when I first arrived in 1971. He was playing a very active and leading role in the debate of the Chamber at that time. He had done that for many years prior to that. His political history was extremely interesting, because I know several of you on that side of the aisle will be pleased to know that he began his political career as a Republican, but soon saw the light and became a very active and involved Democrat. Having been elected to serve in the House, He traveled to Springfield and the first night that he was in Springfield, he slept in the Springfield train station because he could not get a room in any of the local hotels, because of his race. That certainly defined his activity here in the House. It certainly defined the role that he played on many critical issues such as the establishment of the Illinois Fair Employment Practices Commission, the adoption in Illinois of fair housing laws, and the advancements of the interests of minorities of all levels of state government. For those of us who were privileged to serve with him, he will leave an very enduring memory. Certainly, he greatly affected and changed my participation here in the House. He was a man who was very helpful and very beneficial to everyone who served with him, and he was vigorous and vital until the very end. A very wonderful person. We shall miss him very, very much."

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

Currie: "Thank you, Speaker and Members of the House. I too rise in support of the Resolution. I didn't have the honor of serving with Deacon Davis, but I certainly knew him well

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during the years that I did serve in this Assembly. He couldn't get a room in Springfield when he came down in 1943. And on Inaugural Day he invited friends and family to join him here in the Capitol City to see him sworn in, the first African-American in this House, and he wanted to take them out for a nice lunch after swearing in, but he couldn't find a place to take them because as with the hotels in Springfield, the restaurants were not open to people of his race either. I've heard a lot about the Deacon from people who served with him, even in the years that drew his service to an end, and what they said is, that of course he had been here 36 years, he'd heard it all before, sense of deja vu, and he tended to sit in his seat, rather like some of the somnolent Senators on the other side of the rotunda, but any time an issue came up that mattered in the areas of civil liberties, of human rights, of justice, no matter how sleepy he looked, the Deacon wasn't. He leapt to his feet and he made important, memorable speeches right on the mark, right on the money. He leaves us an important legacy. He did pave the way for the many African-Americans, many members of other minority groups, who have since joined up in this Chamber and in the Senate across the way, but he also left us a legacy in terms of the way that all of us, African-Americans, Latinos, white, the way all of us think about the issues of fair play and justice in our society. It wasn't just the Fair Employment Practices Act, or fair housing laws, it was a quality of mind and a perspective on the importance of human dignity for all people. That was the Deacon's legacy and I'm proud to have come after him."

Speaker Churchill: "The Lady from Cook, Representative Davis."

Davis, Monique: "Thank you, Mr. Speaker. I too join my voice in

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support of this Resolution. I met Corneal Davis after becoming a Legislator, but I found him to be a Gentleman and a Scholar. He was a brilliant man who not only served in Springfield, but he served the community from which he came. He saw his role as making a difference in the lives of a number of people, and I do believe he achieved that. His picture hangs on the wall in my office, and I'm very proud and pleased to know that a person like Corneal Davis served in this Body for 36 years. I think if we saw him today, he might be laughing. Thank you."

Speaker Churchill: "Is there leave to add all Members as cosponsors? Leave is granted. Representative, Minority Leader Madigan, now moves for the adoption of House Resolution 39. All in favor will signify by saying 'aye', any opposed will say 'nay'. In the answer, the 'ayes' have it, and House Resolution 39 is adopted. The House will now stand in recess until the hour of 2:00 p.m. The House will come to order. The Members will be in their seats. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Brady, Chairman from the Committee on Personnel and Pensions, puts the following Amendment was referred, action taken on April 26, 1995, reported the same back with the following recommendation: Do approve for consideration, Floor Amendment #3 to House Bill 323. Representative Andrea Moore, Chairman from the Committee on Elections and State Government, to which the following Amendment was referred, action taken on April 26, 1995, reported the same back with the following recommendations: Do approve for consideration, Floor Amendment #4 to House Bill 682."

Speaker Daniels: "The House will stand at ease for ten minutes. We still have a Committee meeting, so we'll stand at ease

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for ten minutes. The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker for your indulgence. I know there is a lot activity in the Capitol here today, and I would just like to extend my warm wishes I'm sure for all of my colleagues to all the retired teachers in the State of Illinois."

Speaker Daniels: "And I'm sure as they look down on Members of the Assembly, many of them taught some of the Members here, but I'm sure all of them gave us A's when we were in school, right? Let the record reflect that Amendment #3 to House Bill 323 is now being distributed. That is the Amendment dealing with the retired teachers of the State of Illinois and the Teachers Retirement System, is now being distributed on the floor. Could we please have your attention, Members of the House. Members of the House, can I please have your attention. We have one Committee that's still meeting in Room D-1. As soon as they adjourn and finish their business we'll open Session. We will turn immediately to House Bill 323, Amendment #3, which deals with the Teachers Retirement System and the Amendment Sponsored by Representative Brady to deal with that issue. So, as soon as the Committee finishes its work we'll turn to the Teachers Retirement System Amendment. So we'll stand at ease until the committee is done. The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, before you go to that Amendment and that Bill, we would want a Democratic caucus."

Speaker Daniels: "We will honor that request, but we'll first open up the House, we're standing at ease now, Representative Madigan. Then we'll go to the Bill, we'll read the Bill into the record and then we will go to your

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caucus. How long do you feel you'll need?"

Madigan: "No more than an hour."

Speaker Daniels: "No more than an hour, okay. Thank you. The House will come to order. The Members will be in their seats. On the Order of Second Readings, House Bill 323. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 323 has been read a second time previously. No Committee Amendments. Floor Amendment #3, offered by Representative Brady, has been approved for consideration."

Speaker Daniels: "Okay. This is the Teachers Retirement System and this is Amendment #3 to that system, which is sponsored by Representative Brady to deal with the problem of health insurance. Representative Brunsvold, for what purpose do you arise, Sir?"

Brunsvold: "Request a Democratic Conference, Mr. Speaker."

Speaker Daniels: "It's my understanding you'll need approximately one hour, is that correct, Sir?"

Brunsvold: "That's correct, Mr. Speaker."

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. As long as the Democrats are going to conference, we...the Republicans will conference in Room 114."

Speaker Daniels: "Okay. There has been a request for a Democrat caucus in Room 118 for approximately one hour. There has been a request for a Republican conference in Room 114 for approximately the same time. The House will stand in recess until the hour of 3:15. The House will come to order. The Members will please be in their chairs. House Bill 323, Representative Brady. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 323, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. Floor

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Amendment #3, offered by Representative Brady, has been approved for consideration."

Speaker Daniels: "Would all Members please be in their seats. Would unauthorized guests please remove themselves from the Chamber. We need to have unauthorized guests please remove themselves from the Chambers. Representative Pugh, your guests must remove themselves, we are now in Session. Representative Brady, Amendment #3."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the Assembly. Amendment #3 to House Bill 323 deals with the issue of retired teachers health insurance, an issue that we've been working on for many months. It's an issue that deals with security and fairness. The security for retired teachers throughout this state who educated many of us and many of those we know, 32,000 of them. Who are in a situation right now that they don't know if they'll have health insurance the beginning of July, nor do they know if their premium will quadruple. This legislation provides for a fixed premium for them in the next fiscal year. It provides for the same type of benefits. It provides for a considerable cost savings by rewriting the program and bringing it into the CMS state program. It provides for relief for those annuitants who receive the minimum annuity and it provides a system of security for those individuals throughout this state. It...we have gone through numerous compromise with many of the agencies. This Amendment has the support of the IEA and the Retired Teachers Association, as well as TRS, and I ask for your favorable approval."

Speaker Daniels: "The Gentleman from Cook...the Gentleman from Cook, Representative Dart for what purpose do you arise?"

Dart: "A point of order, Mr. Speaker. Our Members are just

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arriving out of their caucus. We would appreciate the courtesy to wait to discuss a Bill of this importance until they have all arrived. We have always done that courtesy for your caucus when you were in the Minority, Sir and we would ask to have the same courtesy shown to us so our Members could be on the floor. They feel very strongly about this issue. Our caucus ran over a couple minutes. We'd ask for the courtesy to hold off on this so we could hear Representative Brady go into detail about this major change in a system that everyone is very concerned with."

Speaker Daniels: "Well, Representative Dart, you said 3:15, it's 3:30. But at your request, because you would like us to hold up and hold the people's business still, we will wait...we will wait until your Members get up from their caucus. We saw you coming to the floor, we thought you were all going to come up here quickly and be ready to act on teachers health insurance and the retirement provisions so that we can make sure our retired teachers are taken care of as soon as possible. So we'll do that. The House will stand at ease pursuant to the Democrats request for another five minutes. Okay. I've been advised by the Minority Leader of the House that they are prepared to move forward. So, Mr. Clerk...okay...we are on Amendment #3 to House Bill 323. Is there any discussion on Amendment #3? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you. Thank you very much, Mr. Speaker, and Members of the House. Have we...have we had an opening statement on what Amendment #3 has done? I'm sorry, I missed that. So I may be a little repetitious in what...in what I may be asking. Has there been any questions asked, Mr. Speaker?"

Speaker Daniels: "I'm sorry, Sir."

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Hartke: "Has there been any discussion on the Amendment at all?"

Speaker Daniels: "No, Sir there has not been."

Hartke: "No...no questions? Well, I'm sorry I missed it. We were still having a downstate caucus. Would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hartke: "Mr. Brady, is this...is there any deadline on this piece of legislation? Is it good for more than one year or is it just a one year program?"

Speaker Daniels: "Representative Brady."

Brady: "This is a continuing program."

Speaker Daniels: "Representative Hartke."

Hartke: "I guess my second question is, as I look at the program it doesn't look as strong as I'd like to see this for the downstate teachers. We know that they deserve their health insurance coverage. We have continued a program in the past of 3/4 of their premiums. It's my understanding that the...that there will be tax now placed or a percentage placed upon...on the salaries and payroll of the present teachers who are teaching in the State of Illinois, is that correct?"

Speaker Daniels: "Representative Brady."

Brady: "There will be a contribution made by active teachers to fund...to help fund the program that provides them with the security of ongoing health insurance as they retire, yes."

Speaker Daniels: "Representative Hartke."

Hartke: "And so there is this guarantee that the 1/2% tax on the teachers, presently teaching in the system, that 25 years from now, whatever, that there will be health care coverage available for those individuals?"

Speaker Daniels: "Representative Brady."

Brady: "Yes, Representative. Same as you and I."

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Speaker Daniels: "Representative Hartke."

Hartke: "Will those...will this tax that those teachers are paying...will that go toward their health insurance coverage today?"

Speaker Daniels: "Representative Brady."

Brady: "Will go toward their health insurance coverage today? The active teachers make a contribution, Representative. The same as they make a contribution to their pension program. When they retire, the pension program benefits them through a monthly annuity. The same will occur with this. This is a contribution they will be making so they can benefit from health insurance. The security of having health insurance, something they don't have right now. Security of having health insurance by payments. Active teachers are now provided with health insurance by their local school boards, as I understand it. So, I think the answer to your question is 'no'."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes. It's my understanding under this, that those retired teachers, spouses and children and so forth, they will be required to purchase their insurance through the system on their own for their dependents, is that right?"

Speaker Daniels: "Representative Brady."

Brady: "No requirement. They will have the same opportunity to enroll in this program as they have historically had. No requirement on dependents, no requirement on them themselves."

Speaker Daniels: "Representative Hartke."

Hartke: "I think this Bill also requires...must, that the State of Illinois must, at least contribute the amount of the payroll tax that is contributed by the teachers, is that right?"

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Speaker Daniels: "Representative Brady."

Brady: "Yes, Representative. The state must match the teacher contribution."

Speaker Daniels: "Representative Hartke, you only have..."

Hartke: "What is the estimate of the tax that you're going to be collecting from the active teachers?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, there's been a fiscal note filed and I think you'll find that indicates that in the first fiscal year that's \$22 million and on an annualized basis because of the way we're starting this program, when we're starting it, it would be about \$24 mil."

Speaker Daniels: "Representative Hartke, you want to bring your line of questioning to a close."

Hartke: "So if the teachers are contributing \$22 million that means the state must contribute \$22 million as well. You're starting this six months late. What is going to happen for this six month lapse period in here that we have the program not underway yet?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, we're not starting this six months late. Our intention and the timeliness of this issue is so that we will be able to provide a continuum of security of health insurance for all retired teachers. This system will be transferred over to CMS six months into our fiscal year. For the first year the legislation calls for the new...the annuitants to pay a premium like they paid in the past and receive the same benefit."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

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Hoffman: "Yes. Representative, in reading the Amendment I saw nowhere where it indicated that the present funding level of 75% would statutorily be maintained. Is that in this Bill?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, what the Bill clearly states, is that the premium ratio to the annuitants will be based on 75% for those who opt for an HMO in their program or who are not in an area that has an HMO and 50% for the others who don't opt for the HMO. And it talks about the ratio of premium and how they relate to each other, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, where in the Bill does it say that the person who opts for an HMO will...the 75% will be maintained? Because it's my understanding that, that does not indicate that."

Speaker Daniels: "Representative Brady. Representative Brady."

Brady: "Representative, on page 11 of the Bill, line 32 it says, the 'TRS benefit recipient instead selects major medical coverage. The premium for the TRS benefit recipient shall double'. That means the same thing."

Speaker Daniels: "Representative Hoffman."

Hoffman: "No...no it doesn't, Representative. It says nowhere in this Bill that the 75% will be maintained. Show me where it says, in the Bill, that the 75% will be maintained. It doesn't say that. And what you just pointed to, does not indicate that. Isn't that correct?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, what I clearly said is, the Bill indicates that the ratio of subsidy will be 75%, 50%. That is clearly what the Bill indicates. The ratio of subsidy, that all I've said and I've cited the area where it alludes

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to that."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well that's just right, it alludes to it, it doesn't say it. So for the people who are here today and everyone who talked to me, everyone who called my office, everyone who is concerned about this issue maintained one thing, one thing. They said, #1, first and foremost we want to insure that our present health benefits are maintained at 75%. Nowhere in this Bill, not one place in this Bill that you can point to, you say it alludes to it, but nowhere in this Bill does it maintain that. In addition to that, this Bill indicates and indicates that if you are going to get the maximum benefits which may or may not be 75% coverage, which may or may not, depending on the whim of the Legislature, year in and year out whether...if you're going to get the maximum amount of coverage that you have to limit the choice of your doctor. Isn't that right, Representative?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, this Bill provides for an ongoing source of health care coverage for those individuals who have nothing at the end of this fiscal year. This Bill clearly states that the ratio of subsidy between those who select HMO coverage and those who don't, will be 75 to 50%. The mechanism is funded, Representative, by the State of Illinois' contribution and by active teacher contributions. Just like any self-insurance program, it must live within its means. That's the purpose of this and those are the way the numbers work out."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, what you're doing is you're aluding to something that's apples and oranges. What

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you're aluding to is the premium if an individual elects HMO as opposed to not elect HMO. You're not eluding to the subsidy. The subsidy right now is at 75%. Nowhere in this Bill does it indicate that that will be maintained. In addition to that, nowhere in this Bill does it indicate that individual teachers, who have given their life to teaching our children, will have the dignity and the respect of choosing their own doctors, like all present state employees can. To say and to indicate that these are not state employees, in my mind, is ludicrous. They're state employees. They deserve to be treated with respect. They deserve funding for health care. This Bill will not do it."

Speaker Daniels: "Our guests in the gallery are reminded there will be no demonstrations. The House will come to order. The Lady from Cook, Representative Davis."

Davis, M.: "Mr. Speaker, I wanted to yield my time to Representative Hoffman."

Speaker Daniels: "Representative Hoffman, Representative Davis felt that she needed you to have some more time. Representative Hoffman."

Hoffman: "Well, Representative, I think that I concluded everything I wanted to say. I mean, I reached a crescendo there, Mr. Speaker, and I don't know that I can...that I can do that again. So..."

Speaker Daniels: "Good idea."

Hoffman: "If I could, I would yield to some other Member, such as Representative Lang."

Speaker Daniels: "Okay. You cannot. But I will call upon Representative Schakowsky, the Lady from Cook."

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

Speaker Daniels: "He indicates he will."

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Schakowsky: "In the first six months, beginning July 1st, 1995 through January 1st, 1996, I wondered how we're going to pay for the program?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, the state will make a contribution, as needed, in the first year to provide for the premium to be paid to Blue Cross/Blue Shield as it is now."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So the cost to the state and the cost to the TRS employees, you're saying the TRS annuitants will be the same in the first year. There won't be any additional cost?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, in the first year, the legislation, because of the process of enacting the system, provides for the annuitants to pay what they paid last year plus an inflation factor for the cost of medical increases, as based on what the actuary study indicated. The state will fund the program because teacher contributions won't start coming in until August or later. The state will provide the money up front."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "And what will that amount of money be that the state will have to pay?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, that will depend, but the state will match the teacher's contribution of \$22 million, is the estimate for this year."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "And so, this program will cost the state an additional \$22 million that we weren't going to spend before?"

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Speaker Daniels: "Representative Brady."

Brady: "That's absolutely right, Representative. The state feels that...we feel that the state has something to provide here, and we are going to provide the \$22 million matched with the teachers."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I don't disagree that it's our obligation to do that, but I was wondering if there have been any provisions in the budget that will allow for this \$22 million increase?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, you know we've been marking up the budget and have found various areas to cut. It is our belief that we can find the two...\$22 million."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, Representative, the Governor has said that he will veto the Bill, that there is not the money for that. Are you proposing something that's real or something that's just a show here that the Governor will not support?"

Speaker Daniels: "Representative Brady."

Brady: "The only Bill I know that the Governor will veto is the one that your side of the aisle provided for \$66 million. We feel the Governor will work with this Bill."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Representative, there are a number of changes that will negatively impact on retirees. You have a plan here that changes, instead of retired teachers having to have 10 years of creditable service under TRS, if you're over 62 years old, currently you need only five years, you're changing that to 10 years as well. Are you saying that someone who has now worked for maybe nine years as a school teacher and may be ready to retire will find that if

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they're 62 years old that they will not be eligible for this plan? And how many people will be affected by that change?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, that was the amount suggested by TRS."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, I don't know what that's suppose to mean. It seems to me that there are a number of teachers, 62 years and over, who are going to be adversely affected, that this has changed the rules of the game. They may have served nine years, instead of ten, but now...and it used to be that they only had to serve five years to be eligible. I wondered if you've at least looked at how many teachers might be negatively impacted by this? It seems to me it would be your responsibility to at least know how many teachers are going to be falling through the cracks."

Speaker Daniels: "Representative Brady."

Brady: "Representative, we're informed that these are primarily part time teachers who don't need it. But the fact of the matter is, Representative, we've had to deal with this responsibly to try to put forward a piece of legislation that could be enacted. Ten years, we feel, is a fair amount. It's an amount that is like other comparable pension systems as they provide. Ten years is a responsible, equitable amount that we think we can pass the General Assembly and provide the teachers the security that they need and deserve in a timely fashion."

Speaker Daniels: "Representative Schakowsky, your time is coming to an end."

Schakowsky: "Well, if I could just respond to that and then just to the Bill. You may think that this is very responsible. I think a number of teachers who've been playing by the

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rules and who thought that they had 10 years, are now going to be questioning whether this is such a very responsible thing. And I think there are many teachers who are going to fall through that crack. Let me... To the Bill, Mr. Speaker. If I could just have a couple more seconds. I talked to a lot..."

Speaker Daniels: "Two more seconds. All right, bring your remarks to a close, please."

Schakowsky: "Thank you. I will quickly. I talked to a lot of teachers, as I'm sure many people did, and I think the notion of their being really forced through the way the premiums are going to be structured, forced into HMO's, away from their regular doctors, that there will be a number of teachers who are going to fall through the crack, that there will be a \$20 million tax on active teachers. This proposal is not even a worthy beginning. We owe much more to these teachers, and we should just scrap this and go back to the drawing boards for something better."

Speaker Daniels: "Further discussion? The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of this Bill. It's a responsible Bill. It ends about eight months of true trauma for retired teachers. This is not a new problem. This problem was around this time last year and nothing was done. We've been badgered and cajoled in this Chamber to get something done, get something done and now we have and now we're saying, 'let's wait, let's wait, let's don't do this, let's start over.' This is a good, responsible attempt. It gives additional relief to our most senior teachers and it brings common sense to a pending crisis. And I urge everyone to support this legislation, because it will finally bring some common

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sense to this problem that's been looming out there for this entire Session. I urge you all to vote for this legislation. Thank you."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Brady, a number of teachers currently, have procured their own health care insurance, for instance, through Blue Cross - Blue Shield. Would this now throw them into a state system that doesn't pay its bills?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, it's an optional program for them to opt into and my understanding is that...and certainly the intent is, we are going to pay the bills with the appropriation, Representative..."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Representative Brady, and if you've answered this already, I apologize. Does this not jeopardize the percent that these teachers will have to pay? Is there no guarantee that the 75% figure will be arrived at, will be reached and will continue to be so? Because, it's my understanding you took that 75% figure out of the legislation."

Speaker Daniels: "Representative Brady."

Brady: "Representative, the 75% figure and the 50% figure that are used in the legislation, are used for the purposes of a ratio. The only fixed figure is the half a percent teacher contribution for the benefit, matched by the state. Based on how the numbers come in, the cost of medicine and the amount of annuitants that enroll and the amount of dependents that enroll, there could be greater than a 75%

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subsidy, there could be less. This is the way we're providing the system, based on last year's numbers that we think's equitable, that we think's fair and that we think provides the security that we can provide today and pass it in a budget that gives retired teachers the insurance that they so desperately need, without risking quadrupling of their rates."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Brady, one last question. Why is it in the last three months, you have refused to take a vote on the legislation I am cosponsoring, which would provide for the continued and funded portion for the teachers health insurance at the same percentage that exists today? We have done this successfully with the Pension Bill that I sponsored last year. We've put this legislation into the...into the House approximately three months ago. We have repeatedly asked that it be discharged and placed in your committee. We have repeatedly asked that it be heard. Why would you not let this Bill be heard? Why would you not allow debate and why would you not allow a vote? Because as the past Chairman of the Pensions Committee, I certainly would have done that, because this issue is so important to teachers. And we have been denied time and time again, from addressing this issue in your committee."

Speaker Daniels: "Representative Brady."

Brady: "Representative, I don't know that I can speak for...for why the issue has not come up. I can tell you, that had we moved on your issue, we would have been acting irresponsibly. One of the benefits that we've been waiting for is actuarial studies. And frankly, one of the ways we can afford to provide this program, afford hopefully to provide affordable premiums for the annuitants, is that

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by...by providing the program we're providing with managed care alternatives, with self-insurance alternatives, we believe we can stay...save the state over \$40 million over the next five years. Your program would have been irresponsible, would have wasted \$40 million over the next five years. You had nothing to back it up, other than writing a blank check. It was time to be responsible, Representative, so we would have a long-term solution, not just a one year fix."

Speaker Daniels: "Representative Granberg, are you there? Okay. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill."

Speaker Daniels: "To the Bill."

Granberg: "Representative, I am certainly disappointed in you and the performance of the Majority Party. Last year we presented a solution, a long-term solution, to the pension funding problem of this state. The teachers' pensions have been underfunded since 1982. We were looking at an \$18 billion unfunded liability in this state. Everybody has not recognized the problem; the administration did not recognize the problem. But last year we worked on a bipartisan basis to reach a resolution on a bipartisan basis for the long-term security of our teachers. You voted for that, Representative. The solution we patterned this year was after that solution, and you would not give that Bill the opportunity to be debated. If you call this irresponsible, then I assumed you called our pension funding plan last year irresponsible. It is the same type of measure. Representative, for us to play games with retired teachers, I think is uncalled for. We worked together last year to resolve this. We said yesterday we could see what was going to happen. Retired teachers were

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going to be used as pawns in a political gamesmanship so you could provide political cover for your Members, because for three months our Bills have been denied. We cannot get votes; we cannot address the problem. You have refused to address the problem, and now in one day because the retired teachers are here, surprise, look what happens! Representative..."

Speaker Daniels: "You want to bring your remarks to a close, Sir?"

Granberg: "I would just say to you and I think the Members of this Body certainly understand, the retired teachers understand what a charade this is, and that is a sad comment. That is a sad comment on this process - when we could have worked together to resolve this issue. This is nothing; we all know it. It's a mirage; it's a scam just to allow your people political cover. It's embarrassing. The retired teachers and every teacher in this state deserve better treatment than this. This does nothing for the integrity of their process. It is an embarrassment. It's a political ploy and I don't want to be associated with it."

Speaker Daniels: "The Gentleman from DuPage, Representative Persico."

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

Speaker Daniels: "He indicates he will."

Persico: "Representative Brady, in your initial comments, when there were many people that were not on the House floor and they might have missed it. Does the...since this a...consists of 1/2 of 1% contribution by active teachers, does the IEA support this Bill, this Amendment?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, the IEA fully supports that. They

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believe that security of their teachers is important, as does the Retired Teachers Association. Yes, they do."

Speaker Daniels: "Representative Persico."

Persico: "So in other words, Representative, because this 1/2 of 1% contribution will provide a stable source of income for future retired teachers, this would be a way...a selling point for active teachers to support this legislation? This is why IEA is in support of this?"

Speaker Daniels: "Representative Brady."

Brady: "For that reason, as well as the security of knowing there will be an ongoing program, Representative."

Speaker Daniels: "Representative Persico."

Persico: "Representative, are there any other, in your research, are there any other surrounding states that have dealt with this particular problem?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, other states have dealt with it in different ways. Indiana, for instance, offers nothing for their retired teachers. And some other states that we've surveyed leave it all and put it all in the place of the local school boards. Many states look to teachers' salaries as a contribution. And, fact, some go as high as 2%. We would be the lowest with 1/2 of 1%."

Speaker Daniels: "Representative Persico."

Persico: "Well, thank you, Representative. And to the Amendment and to the Bill. As an active teacher who will be contributing this 1/2 of 1%, obviously I'm very concerned. I think this is a very good Bill, a very good compromise on a very difficult issue that we had to solve this particular year, and as a Representative of the district that I represent and thousands of retired teacher (sic -teachers), I intend to vote 'aye' on this Amendment and House Bill

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323."

Speaker Daniels: "The Gentleman from Macoupin, Representative Hannig."

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

Speaker Daniels: "He indicates he will."

Hannig: "Yes. Representative, this plan, I understand will be administered by the Department of Central Management Services. Does that mean that for the first time, we'll acknowledge that the state...that these retired teachers are state employees?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I think in our dealing with this, we all recognize the situation that retired teachers are placed in. We all feel for them; we understand the need for security. We are not defining whether or not they're state employees or not. We do understand the obligation that we are going to provide them with. We understand that. We're using CMS because they are the most affordable mechanism to provide the best benefits at the least cost because of the existing state association. You can read into it what you wish, Representative. The underlying factor is that at least this side of the aisle, I believe today, will support something that will provide long-term health insurance for retired teachers. I'm not sure about that side of the aisle."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes. Representative, I support the concept that retired teachers are state employees. I just asked you a simple question. Do you believe that concept and does this Bill recognize that concept?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I think I spoke pretty clearly to that."

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This Bill does not speak to that. This Bill speaks to the state providing a system of security for health insurance for these teachers. You can read into it what you want, but we're prepared to provide that security for retired teachers that they need."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, it sounds to me like the answer to that is, no. So I'll just move to some other questions. Representative, are there any start-up costs that would be associated with this transition to a new system?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, that would depend on the negotiations that CMS takes with Blue Cross - Blue Shield versus self-insurance."

Speaker Daniels: "Representative Hannig."

Hannig: "Do you have any idea on what those amounts might be?"

Speaker Daniels: "Representative Brady."

Brady: "As I said, Representative, that depends on the bids and the quotes that they receive. If Blue Cross - Blue Shield can provide an affordable program that we can stay with. It would provide managed care and so forth. There obviously wouldn't be any start up costs because we would be continuing with that program. If we go into the self insured program that CMS would provide for, there would be some start up costs but they would be offset somewhat through some cash flow."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, Representative, let me ask about the participants in the plan. Why are we raising the premiums by 8%? Could you share with us where that amount came from?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, as we tried to...as we've tried to bring

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together the actuarial studies on what the cost of insurance is going to be, exactly how we can bid out with Blue Cross - Blue Shield and other providers for a self-insured program versus a self insured program, the actuary gave us a range of health care costs. We're taking one of the lower health care inflation indexes of 8% to try to provide just a system of equity."

Speaker Daniels: "Representative Hannig."

Hannig: "Okay. Representative, in the past from time to time, the state has become a slow payer of medical bills to medical providers for state employees. Does this create any priority for payments for retired teachers under this new scheme that you're proposing?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I prefer you didn't refer to my legislation as a scheme. But if you've read the legislation, you see that there's an independent trust fund set up that keeps it separate from everything else, so it would be self contained in that."

Speaker Daniels: "Representative Hannig."

Hannig: "And what should happen, Representative, if there's a miscalculation and we should come near the end of a fiscal year and find ourselves with not enough money to get through? Is there a mechanism that we would...that someone and somehow that those medical bills incurred would be paid?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, because if we go into the...the only risk would be if we went into a self-insured program and, of course, there's cost savings attributed to that, but there's also a buildup that would provide a cushion for that, if we went into a self-insured program."

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Speaker Daniels: "Representative Hannig."

Hannig: "Is there any guarantees that the Director of the Department of CMS, who apparently will have these...this authority that he will...to set these premiums, that he will consult in any way, shape or form with a representative of the retirees before he sets these premiums?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I think the legislation speaks to what his direction will be. The...and it speaks to offering the same benefit package today."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I have an inquiry or at least a question of you, the Speaker."

Speaker Daniels: "State your question."

Phelps: "I've been fairly quiet through this Session, and I feel like that this issue, among many others, has kind of been bridled upon us pretty quickly. You know we've had rhetoric about this issue from our side of the aisle since day one of the Session. But I would hope, and I know that you've given some time and been very patient, that we have a good extended debate on this issue that many of us that put our lights on, many times I know you suspect we would yield our five minutes to someone else, but not to take that for granted on this particular debate, because it has been sprung upon us and quite conveniently a day when the teachers...retired teachers are here. So perhaps take that into consideration, I'll go on. I appreciate that."

Speaker Daniels: "Representative Phelps, any Member has a right to move the previous question, which is subject to a

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majority vote of the House. We will comply with the majority vote of the House in dealing with those issues. We will recognize each Member that is recognized for the purpose of which they stand and respond to it. As you know, we have already been in debate for a half an hour on the Amendment. That when the Bill is called on Third Reading, we'll also be in debate, too. But I do not control the Members of the House in terms of what they would ask the Chair to do. And if a Member does call for a move the previous question, will be recognized for that purpose. But you may then now question the Chair or rather question the Sponsor or address the Bill as you please, Sir. Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I didn't think I'd ever hear anybody from the podium admit they didn't have control, but maybe that's good. I don't know."

Speaker Daniels: "Well, I think it speaks to each Member of this House as being a strong individual leader."

Phelps: "Ask of the Sponsor a question, if he will?"

Speaker Daniels: "He indicates he'll yield."

Phelps: "Thank you. Representative Brady, would you support senior citizens, whether they be retired teachers or anyone with a different occupation, if and when they reach that point and time in their life that they had never been on welfare, public aid assistance and live in a small house, maybe have a couple, \$3,000 in the bank, and have to go into a nursing home or hospital and find out within a year or so, within that particular situation, they have exhausted all their assets, their home, which the Public Aid takes a lien upon those who get public assistance now and use up their cash. Would we not pay that bill for health care?"

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Speaker Daniels: "Representative Brady."

Brady: "Representative, with all due respect to an issue that I know is very important to you, the gallery is surrounded with retired teachers. The purpose of this legislation is to provide security, health insurance for retired teachers. We've debated that issue; I don't think it's appropriate to discuss that at this point in time. There's people in the gallery; there's 32,000 retired teachers around the State of Illinois that need timeliness of this legislation. If we don't act soon, a notice will go out to them telling them there is nothing for them to look at as far as a subsidy. I know universal health care is important to you. But right now, the issue in front of us, the issue that this legislation deals with, is to provide the security of health insurance for retired teachers, and I think we need to focus on that, Representative."

Speaker Daniels: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I'll agree we need to focus on that, but this question is related. Let's make it more specific. Then a retired teacher finds her or himself in this situation. Would you support a tax to continue or increase public aid funding for those who would need it in that time of their life, whether they'd be a retired teacher? And I hope if you want to focus it on that, fine, because we're passing the tax to take care of them in this situation. Would you, if they have not been on aid all their life and then find themselves in a nursing home, whether they be retired teacher or not and would need funding, and if we don't have enough money, would you support a tax for that?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I don't want...I don't want to belabor

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the issue that I just did, but again, you're off base. That's not what we're talking about. And second of all, this isn't a tax. First of all, retired teachers aren't paying a tax. We're asking for a contribution for future benefit from active teachers, supported by the IEA. Now, if you want to address the piece of legislation that sits in front of you, I'm more than willing to do that. If you'd like to talk about the issue of universal health care in committee or at any other time, I'll be happy to do that. But the pressing issue, the pressing issue that we have folks in the gallery and the 32,000 retired teachers are facing, is upon us. And let's try to focus on that, please."

Speaker Daniels: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I'll finish my remarks. I'm disappointed that the Gentleman didn't recognize and evaded my questions, because I really think it boils down to the same thing, no matter how you try to..."

Speaker Daniels: "Bring your remarks to a close, Sir. Representative Phelps."

Phelps: "No matter how you try to explain it, you can't avoid. We're going to have to face these type of expenses. Those people that have...whether they've worked all their life or can't find work. This is a very poor excuse of a Bill, and it is as phony as the day as which you've chosen to present it with the people in the gallery, trying to convince them that you're trying to do something worthwhile. I'm very disappointed that we haven't had a bipartisan input, and I would like to see us try to come to grips if this Bill does fail. I'll vote 'no'."

Speaker Daniels: "The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "Indicates he will."

Deering: "Representative, isn't it traditionally common knowledge that if you join an HMO or if you're under HMO coverage, you have a reduction of benefits, as compared to a major medical plan?"

Speaker Daniels: "Representative Brady."

Brady: "Absolutely not, under my understanding."

Speaker Daniels: "Representative Deering."

Deering: "Well, it's my understanding, Representative, that if I belong to an HMO, I don't get a choice of a my doctor. I don't get a choice of different pharmacist that I may want to go to. If I have to have a major operation, I have to precertify. Under major medical, it's my understanding that I am free to do almost anything related to a medical procedure on myself or one of my dependents without jumping through all these hoops, at many times not the professional physician that I choose. Is...do you not agree with that?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I don't know what you mean by professional physician, but if you're suggesting that physicians who are tied in with an HMO program are not professional, I think you ought to correct yourself publicly. Secondly, it is not my understanding at all. In fact, many less hoops to jump through in HMO's. Yes, many people know you have a limited choice of physician, but you also have, in some cases, extended benefits, extended programs and lower deductibles, making it more affordable for people, Representative."

Speaker Daniels: "Representative Deering."

Deering: "Well, Representative, I don't think I have to apologize to any professional physician because clearly you've taken

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my remarks out of context. But nevertheless, is it not true under this proposed law, that if I'm a retired teacher and I live outside of the State of Illinois, I am not required to join an HMO; therefore, I can purchase major medical coverage, which is better coverage, at the same price that an instate teacher is going to be paying for HMO coverage or a higher subsidy. Is that not correct?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, you're correct in that we are not going to penalize people because they don't live within 25 miles of a managed care network; you are correct there. I think your assumption that they get better coverage, more affordable coverage, is incorrect. Everything I've read about HMO's is that they don't provide any less coverage and, in fact, they provide less dollar contribution from those who enroll."

Speaker Daniels: "Representative Deering."

Deering: "Well, Representative, in the analysis of the Bill, which I believe is correct, it says, and I assume this is for instate retired teachers, the premium for major...for the major medical option will be twice the premium for the managed care option. So now you're telling me that I can get better coverage with an HMO cheaper. Then why does it cost so much more to purchase a major medical package?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, as you well know, providers throughout the state and nation are providing through more favorable rates for HMO's because of the managed care concept. We all know this. The volume is a factor; the type of care they can provide is a factor and that's the reason for the difference in the subsidy."

Speaker Daniels: "Representative Deering."

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Deering: "Well, let's switch gears here a little bit. How many public pension systems do we have in the state, that the state oversees?"

Speaker Daniels: "Representative Brady."

Brady: "I believe there are five."

Speaker Daniels: "Representative Deering."

Deering: "And with the exception of the Retired Teachers Pension System, what kind of medical coverage and benefits do retired state employees in the other four pension systems receive and how are they funded?"

Speaker Daniels: "Representative Brady."

Brady: "Everyone except community college employees and the retired teachers are in the state employee funded plan."

Speaker Daniels: "Representative Deering."

Deering: "I'm sorry. I didn't hear your last comment. Everyone except community college employees and retired teachers are what?"

Speaker Daniels: "Representative Brady."

Brady: "Are in the present CMS state funded program."

Speaker Daniels: "Representative Deering."

Deering: "But who funds their insurance? Who pays the insurance premiums for those retired state employees in those four pension systems?"

Speaker Daniels: "Representative Brady."

Brady: "The state, Representative."

Speaker Daniels: "Representative Deering, your time is out. Will you bring your remarks to a close? Representative. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in reluctant opposition to House...to Amendment 3 to House Bill 323. You know, I am clearly for the Resolution of the problems with the TRS system. As I've stated

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several times on the floor, in fact, you'll all recall me being very noisy about the...all the Amendments regarding TRS being ignored by the Majority Party. We had a plan that worked. I can't vote for a proposal that doesn't work. I can't vote for it just because there are some people in the capitol city today who are very much for some resolution to the problem, and they think this may be their only opportunity to resolve the problem. Are we going to pander to the people in the gallery, even though they know there are better solutions to the problem out there? And are we going to say this is your only chance, so you better take it now and try to coerce them into supporting this, even though they know it's not in their best interest? I don't think so. Targets listen up. Targets and Freshmen on both sides of the aisle, this is a tax. This is a tax on retired teachers, it's a tax on current teachers, it's a tax on the teachers in the City of Chicago. The teachers in the City of Chicago have nothing to do with the TRS problem. The TRS problem is one that was made in the City of Springfield. The TRS problem is one that has not been resolved by Republican Governors of this state. The TRS problem has nothing to do with the teachers in the City of Chicago. And yet we're going to tax the teachers in the City of Chicago and tax other teachers, active teachers and retired teachers to try to resolve a problem that we made. We should not be passing the buck to people who it should not be passed to. We need to resolve the problem. So let's not pander to people and say you better be for this. And many people who have said in committee that they're for it will tell you privately that they're only for it because they have to be for something. They have to be for something. Well, Ladies and Gentlemen, this is something,

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but it sure doesn't resolve the problem of the retired teachers' insurance in the State of Illinois. It calls for keeping the same system between July of this year and January. How are we going to fund it? We haven't funded it before. It calls for different classes of people, where some will pay more based on age, some will not. It calls for a system where people that want to keep their own doctor will pay twice what a person that wants to go into a managed care program will pay. And yet those of us in the General Assembly don't have to pay twice the premium. The premium may be different, but it's not twice. It's not a double penalty on us, if the Members of the General Assembly who are on a CMS insurance program choose to avail themselves (sic - themselves) of keeping their own doctor. Why should these people be punished? So it sets up different classes, possibly rendering the Bill unconstitutional even if it passes, because we know that courts don't like to set up different classes of people. It calls for an appropriation from payroll taxes; it calls for an appropriation that we haven't done. We have a bad history in this state. This Body has a bad history of funding insurance programs. It has a bad history of funding pension programs. What is the proof to these people in the gallery and the 32,000 retired teachers in this state, that we will live up to the obligations of appropriation in House Amendment #3? So, Ladies and Gentlemen, this is a tax, it's a tax, it's a tax. Targets and Freshmen, beware - it's a tax. This is a tax coming to you from the anti-tax party. The party that says, we won't tax you, but they want to increase fees; they want to increase taxes. They want to tax people who are not even involved in this problem, 20 million dollars of tax. This

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is a bad deal; we have a better one. There might be a better one in the Senate. Don't grab the bait. Don't vote for a tax that will embarrass you. Don't do it. Vote 'no'. And, Mr. Speaker, I have a parliamentary inquiry."

Speaker Daniels: "Your time's up. Representative Lang, for what purpose do you arise?"

Lang: "Thank you, Mr. Speaker. I have a parliamentary inquiry. May I state it, Sir?"

Speaker Daniels: "State your inquiry."

Lang: "Thank you. Has the Pension Impact Note been filed, Sir?"

Speaker Daniels: "It's not due yet. All right."

Lang: "But has it been filed, Sir?"

Speaker Daniels: "It's not due yet. When it's timely, we'll answer the question. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Will I be able to yield my time to Representative Deering? Mr. Speaker. Mr. Speaker."

Speaker Daniels: "I'm sorry."

Dart: "Could I yield my time to Representative Deering?"

Speaker Daniels: "Can you yield your time? Sure. If you don't have anything to say, we'd be happy to let Representative Deering use your time. Representative Deering, Representative Dart thinks that you could say great things about this, so we're going to recognize you."

Deering: "Thank you, Mr. Speaker."

Speaker Daniels: "You're welcome."

Deering: "Representative Brady, back to the line of questioning that I was proceeding to. Your last answer to my last question was, the state...the state funds health insurance premiums for all other retired state employees except retired teachers. How much of a subsidy do those state employees receive? Is it 50%, 25%, 75%? What's the

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subsidy for the other retired state employees in the state?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, I think you know as well as I do what the subsidy is for state employees, but I think the focus is, what's the difference. The difference here is that for state employees, we provide health insurance while they're an employee. We don't do that for teachers while they're working and active in the district."

Speaker Daniels: "Representative Deering."

Deering: "Well, Representative, thank you for avoiding to answer the question. I know it's 100%. Retired teachers are the only state employees, retired state employees, that we do not fund their health insurance premiums fully. And since you mentioned the fact of retired teachers, Article X of the Illinois State Constitution does not have a caveat or an exemption in it, that says because you're a retired teacher, you're a second class citizen in the eyes of the State of Illinois. It doesn't say that anywhere in the Constitution. We set down the rules and regulations for these teachers to teach our kids. They have to put up with a lot of stuff that they don't like because of actions that's taken in the General Assembly. They're not second class citizens, Sir, and I think that in the behalf of all retired teachers, whether they're downstate or Chicago, we should make them and put them on a level playing field with other retired state employees. Let's pass the right Bill that keeps the benefits at the same level. It doesn't cost the retired teachers any more money, puts them on the same level playing field, and let's fully subsidize their health insurance so they are not treated as second class citizens. And I beg of you and Members of the other side of the aisle

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to vote down this measure and let's do the right thing, not a 'band-aid' approach."

Speaker Daniels: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I've noticed in this Chamber that when the volume of the voices rises, when the words get the loudest, when the demagoguery gets the most gross, that we don't do very good work. What I have noticed is when we get down to the business that we're here to do, that we do a good job. We have a problem with providing health care for those who have retired under the Teachers Retirement System. It wasn't a problem created by those who have retired. It was a problem created by someone who interpreted an Internal Revenue Service Code in a certain way that says we can't do the way we've done business before. And if we do nothing today, if we follow the advice of those who have raised their voices on the other side of the aisle, then the people that are in the gallery, the people that were here, the people that are at home and the people that have taught us will pay four times as much for their health care in July as they do in June. So we went to the folks and said, 'What can we do about this?' And the active teachers said, 'We'd like a program so that when we retire, it'll be there. And we're willing to pay something for that now.' And to those active teachers that took...stood up at the plate and said, 'We'll help out, I think we owe some credit.' And the Retired Teachers Association came and they said, 'We know that medical care will be changed. We know that their medical care is changing in our communities and managed care is part of what we do.' And they stood up to the bat and they also helped out. They said, 'We're not asking for you to pay

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everything.' Although I'm sure they'd like for us to do that. Everybody wants to have somebody else pay, but these are teachers. These are people who are responsible. These are people who know that with every right goes a responsibility, and so they're willing to say, 'We'll work with you on managed care. We'll work with you and the benefits. Give us a system that is predictable and give us a system that works.' And this Bill does that. Now for my friends on the other side of the aisle who are suggesting, it ain't my Bill, it isn't my program. You voted against it. Well this is our offer. This is your chance to tell the teachers that taught you how to write, the teachers that taught me math and that teacher is here today. The teacher that taught me World History and American History and kindled in me a respect for government and a respect for the legislative process that allows me to live my dream when I come to work everyday in this Chamber, and he's here today. They said, 'We understand that this problem is here. We didn't cause it. We want to help to solve it.' And they did. They worked together to provide a compromise that we think works. A compromise that gives some assurance that health care will be available for retired teachers in the future. A system that provides the opportunity for active teachers to know when they retire, they've got a shot at health care. I'm not going to tell you it's perfect, because I'm not sure that it is. I'm not sure that anything that we produce here is perfect, but it is your opportunity, your opportunity to say to the retired teachers that you talked to today and last week and the ones that you're going to go home and see next month. It's your opportunity to say, 'When I came to Springfield, I listened to what you said. I appreciated what you did and

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I did my best to help you with your health care.' Now if you believe that voting 'present' or if you believe that voting 'no' on this Amendment and this Bill is doing your best for the retired teachers, I'll leave you to explain that to them. But I'm doing my best, I'm supporting this Bill and I'll support a better Bill when we work it out, if we work it out, but I have no guarantee of that. So I want to be counted with the teachers on this Bill."

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know there's no such thing as a perfect solution to any problem. There is no such thing as a perfect Bill that is ever passed out of this House or this General Assembly. No Bill, no legislation has been absolutely perfect. You know, a good compromise...the best definition I've ever heard of a good compromise is something that no one's happy with. Well let me tell you something, the Retired Teachers Association are on board this program. There's the association of the 32,000 retired teachers in Illinois are on board this program. The Illinois Education Association is on board this program. They're on board the program. Teachers pay 8%, state employees and you and I pay 11 1/2%. Yes, because we also get health care. These teachers cannot wait until July 1 for an answer. They've got to have certainty in their lives. They've retired; a lot of them have taken five plus five and had no idea, nor did I, that all of a sudden, there was no money there to pay for their health care premiums. We have teachers in this state who are living on the minimum of somewhere around \$550 a month and on July 1, the money runs out to subsidize their premiums.

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They can't wait; they need an answer now. This solution, though it may not be perfect, is indeed a solution. It's one everyone can live with. It's one that provides retired teachers with certainty that they will have health care coverage and certainty that they can have affordable health care coverage. This is not a perfect solution, but it is a good solution. It's one that everybody agrees with, and the Association of Retired Teachers agrees with. And I'll tell you what, if you really want go home, back to your districts, and this may be the only opportunity you have this Session to deal with this issue, do you really want to go home and tell 32,000 retired teachers that I voted against or I voted 'present' because I didn't think the Bill was perfect? I don't think you really want to do that. I'll tell you what, if there's anybody that's determined, and I'm married to a teacher, if there's anyone that's determined, it's current teachers and retired teachers. They are determined and they deserve, they deserve the best that we can do. And they deserve the passage of this Bill. I don't think that you really want to go home, having voted against it or took the cowardly way out and voted 'present'. Vote for this Bill and let's give some certainty to the lives of retired teachers and let's do it now."

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

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

Speaker Daniels: "Representative Hartke, it's nice to have you back, Sir. Representative Hartke, the Gentleman from Effingham."

Hartke: "Thank you very much, Mr. Speaker. Will the Sponsor yield again, please?"

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Speaker Daniels: "He said he'd be happy to."

Hartke: "Thank you. Representative Brady, I listened to my colleagues on this side of the aisle asking some questions. One of those questions asked you by Representative Hoffman was about the allusion to the 50, 75%. As I talked to many of the retired teachers that were here today, some 3,000, they instilled upon me, they wanted to re-maintain the status quo. Now the status quo to them is that right now they're paying 25% of their health care coverage, which to many of them is at least 1/4 of their, or higher, of the retirement pension check that they're receiving."

Speaker Daniels: "Representative Brady. Whoops, excuse me."

Hartke: "You said that the state would be covering them somewhere between 50 and 75%, depending upon the cost for the system of that particular year. Is that correct?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, what I said is, in the first year their premium's fixed, at last year's premium plus 8%. As Central Management Services negotiates to provide self-insurance or Blue Cross - Blue Shield, we'll determine what that is. If they can negotiate very successfully or if they can provide a very strong self-insurance program, we are anticipating the benefit could be very similar in a ratio of 75 to 50% managed care versus traditional care. That's how...what the Bill says, that's all I've said and that's all we can do. What we're trying to do is provide a long term solution. Actuarial projections are what it depends on and the way CMS negotiates the future program."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, maybe I'm wrong, but it's my understanding that the total health care premium for the Teachers Retirement System this current year is approximately \$88 million. Is

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that correct?"

Speaker Daniels: "Representative Brady."

Brady: "Representative, we're not...I'm not sure I can answer that question for you. I...our projections were based on the actuarial, and it depends on when you bring dependent care coverage in there and that."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, trust me, I think that's pretty close. So about \$88 million because when I see this, and maybe I'm wrong, because I'm not an actuary, but if we're going to collect \$22 million from the present teachers at the .05% contribution as you call it, I'll call it a tax, and the State of Illinois is going to match that contribution, that \$44 million. That appears to me to be about half the amount that's absolutely necessary to cover the premium cost for health insurance through 1996. Half, and I think that's where you're coming from when you talk about 50 to 75%. I think what we're guaranteeing the teachers is, the retired teachers, that they're going to have to come up with half of their insurance costs. That's my perception. I don't know how in the world we're going to reach this bridge in the next six months, but I think we're going to need \$33 million to do that. What have the Chicago teachers got to do with this? Is their health insurance problem...program in trouble, too, or why are we even mentioning the Chicago teachers health insurance, and why are we taxing them the .05?"

Speaker Daniels: "Representative Brady."

Brady: "Two reasons, Representative. One is the same Federal ERISA Law that applies to the TRS system, we believe applies to the Chicago system because it's underfunded as well, and we want to provide in this mechanism, this

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legislation, the same capabilities to help that out. Secondly, there's transferability between the two systems and this provides equity."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, you plan on transferring some of the Chicago teachers' dollars into the downstate teachers' dollars system?"

Speaker Daniels: "Representative Brady."

Brady: "No, Representative. What I said is, a teacher can transfer from one system to the other."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, that's what I understood you to say. There's the possibility of transferring from one to another."

Speaker Daniels: "Representative Brady."

Brady: "I'm not sure how you interpreted it, but a teacher can have reciprocity if they transfer out of the Chicago teacher...out of the Chicago school system into the rest of the state. That's what I was referring to."

Speaker Daniels: "Representative Hartke, your time is running out. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Amendment. I think my friend and colleague, Representative Wennlund, said it quite well and I would further simply say that, you know, I've always defined a dilemma as a situation you find yourself in, in which either of the choices you make to get yourself out of the dilemma isn't a very enjoyable choice. But you have to make those decisions, and that's what we are about to do. You know, I don't know why we want to sit here and talk about some of the issues that have been raised. You know, I feel very fortunate that many of my teachers, many of the people who taught me when I was in school, are still living

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and I visited with some them today. And I think all of us need to step back and realize, you know, these are the people that taught us. Government doesn't give you anything. Don't get up here and say we're going to put \$70 million in your health insurance fund, Merry Christmas. They taught us better than that, at least they taught me better than that. We don't print any money here, we take it from the taxpayers of the State of Illinois and then redistribute that money. So they know, they know that no one on this floor is going to jump up and give their pension system a gift of any money. They know where it comes from; they've been paying those taxes for a number of years. I think one of the...one of the things we need to focus on is the fact that, I believe, not everyone shares my belief, but I believe we are in this crisis currently and you can say for a number of reasons, but what precipitated the crisis was a...an advisory, a ruling, whatever you want to call it, from the Internal Revenue Service that says, supposedly, you can no longer use interest income from your investment pool to pay retirement benefits, i.e. health insurance for your annuitants. Well, I don't agree with that. And I think some of our energy would be better spent seeking a way to ask the Internal Revenue Service out of Washington D.C. to reexamine that. I always thought some of their rules and under ERISA, that they were aimed at private company pension plans. I've never felt that they were after public pension plans by saying you could not use this investment income. And to the argument that well...well, you're underfunded, a very legitimate argument. And many of us have sponsored legislation for years to address that problem, and the fact is we did address that problem, all of us that were here a

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year ago, and made it a continuing appropriation, and we've addressed that unfunded liability situation. And I think that's further evidence that we could take to the Internal Revenue Service and say, 'Look, there's no reason why we can't use a reasonable amount of interest income to pay for a very important part of these retirees' benefits, that being the health insurance plan.' So, you know, I don't think we want to get into a battle here, where we say that our plan is better than yours or yours is better than ours. The bottom line is, we've been working on this for a month. I commend Representative Brady and all of those people that have been meeting and addressing the situation. They have come up with a situation that does indeed meet the immediate crisis, may very well meet the crisis in the out years, but certainly addresses the problem in a way that is fiscally responsible, fiscally responsible and addresses those problems that the retired teachers were here to talk to us about today. So, I suppose everyone's mind is made up as to how they're going to vote. But the difficulty you face in voting 'no' or voting 'present' and my plan was better or I had a plan and it didn't get called, the people that taught you and I, many of them were here today. They understand how this process works. My government teacher was here, I'll guarantee you he knows how this process works. I think he probably shakes his head a little bit at what it may have evolved into from his textbook, but the bottom line is, when he left he said, 'You know, you've addressed my concerns. You've made it a little more peaceful for me and my wife this evening, and I know you will continue to work on this problem.' I commend Representative Brady, the staff, the Senate, all of those that have tried to find a way out of this particular very,

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very difficult problem that I don't believe was any of our direct making that sit in this Chamber. We've addressed it; you have a chance to address it with your vote. I intend to vote 'aye'. I think that is how the retired teachers want me to vote, I think that is how they want you to vote."

Speaker Daniels: "The Gentleman from Kendall, Representative Cross."

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

Speaker Daniels: "He indicates he will."

Cross: "Thank you. Representative Brady, I appreciate your hard work and efforts on what I believe has become a very complicated issue. And in trying to address this or solve this problem, one question comes to my mind and I would appreciate you trying to answer. And...can you explain to us how we got into this problem or what caused this problem?"

Speaker Daniels: "Representative Brady."

Brady: "Yes, Representative. About four months ago, when we were sworn in, it came to our attention that the TRS Board brought it to our attention that there was a 19, I believe, 91 ERISA Law that was passed in Washington that held the tax exempt status of our fund responsible, if we were to continue to use pension moneys to pay retired teacher health insurance. As you may or may not know, the State of Illinois authorized authority to subsidize up to 50% of the...the retired teachers' health insurance years ago and increased that, I believe, in 1989 to 75%. When this ERISA Law was found, concern about violation of federal laws and negotiations with the IRS took place. And based on those, the TRS Board felt that they could no longer use the pension money to subsidize the health insurance situation.

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We've negotiated, as I understand, as best we could with Washington; there's just no giving. The IRS is saying this is the way it's gotta be. So given that and given the risk of not changing, we attempted immediately to look into the situation and resolve it as best we could. We completed studies and provided the legislation that we feel is a very good, strong, compromise legislation with all the parties involved and supported frankly by all the parties involved."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative Brady, what...what are the consequences or what happens if we don't pass this Bill today?"

Speaker Daniels: "Representative Brady."

Brady: "If we fail to enact this legislation and any other legislation, for whatever reason, the teachers that you see in the gallery and retired teachers and the other who make up the 32,000 retired teachers throughout the State of Illinois will see their premiums quadruple. Many of them can't afford to quadruple their premiums. They will either lose health insurance or the quadrupling of those premiums will provide a significant impact on their quality of life."

Speaker Daniels: "Representative Cross."

Cross: "Thank you. Just a couple more question, Speaker. Representative, I'm not sure if you've answered this earlier, but I'm concerned about what...nationwide, how do other states, and with respect to whether or not, I'd like to know whether other states require a contribution from active teachers to finance their health insurance plan and if ours is comparable or if this legislation is handled in a comparable manner as other states?"

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Speaker Daniels: "Representative Brady."

Brady: "Representative, in trying to come up with a solution, we surveyed various other states. The majority of them don't provide a state solution, that the local school boards are in charge of continuing the health insurance that is provided while they're active. Those states that provide a...a retired health insurance benefit, the majority of those ask the active teachers for a contribution while they're active to be able to provide that benefit. When we looked at that, we looked at what they provided and determined that we wanted to lessen the impact as much as possible, yet provide an affordable beneficial program to the annuitants throughout this state. As I may have said earlier, some states go as high as a 2% teacher contribution. We found that a 1/2 of 1% contribution, again that I'll state is supported by the IEA, we are the least in a...active teacher contribution provide this benefit."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative Brady, can you review for us the number of people involved in...I mean this has obviously been a compromise and it's been a complicated issue. You've spent a lot of time on it. Who all was part of the compromise? Who all had input? And if you can go through that for us."

Speaker Daniels: "Representative Brady."

Brady: "As you well know, Representative, there were numerous meetings throughout the State of Illinois sponsored by TRS, the IEA as well as the State Retired Teachers' Association. We have negotiated and discussed in earnest throughout the last four months. We've worked with the Governor's Office to try to come about with a program that the Governor would

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be able to support in the long run. We've worked with the Senate, and we've also worked with actuaries to try to grasp on how we might be able to increase benefits..."

Speaker Daniels: "Bring your remarks to a close, Sir. Representative Brady."

Brady: "Representative, we looked at actuarial studies and we worked with all parties involved."

Speaker Daniels: "The Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. This, again, like truth-in-sentencing and like so many other issues, is an issue that for the last three months from the other side of the aisle, we've heard about our inaction or our failure to act in this area. Well, we have acted decisively in this area. Representative Brady and many others have put together a program that addresses...addresses a crisis, a problem that many thought was without solution. This is a program that is supported by working teachers, by retired teachers and people who deserve the benefits of this program. And to be able to have come up with this compromise, to be able to have come up with this piece of legislation, in light of all the criticism and all our failure to act, quote, unquote, is really a remarkable thing. And I commend, not only Representative Brady, but the others who have worked on coming up with a solution to reward the people, reward those people who have sent so many children through the system and made Illinois a proud place to get an education. And so I strongly, strongly urge a 'yes' vote on this Amendment, a 'yes' vote on the Bill and its passage over to the Senate. Thank you, Mr. Speaker."

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

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Representative Parke."

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

Speaker Daniels: "The previous question has been moved. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The Gentleman, Representative Brady, to close."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen in the gallery. This is a very important issue. It's an issue, as we look in the gallery and we see those who are most affected by it, as we look throughout the state in our meetings, 32,000 people. Various references have been made to second class citizens to what we ought to do to prove to the people. Well let me tell you something, if you think you can vote 'no' and go back to your districts and look your teachers, whose association has supported this Bill, you can look to your retired teachers, whose association has supported this Bill and you can look those retired teachers and tell them that I chose not to provide security, that I chose not to provide resources so that you could have health insurance, I think you've got another thing coming. That's not a vote I'd like to take and go back into my district. I think every one of us ought to vote 'aye'. You can come up with a better proposal later, we'll look at it. But this is the best proposal on the table now. And if we don't pass this, retired teachers are going to lose health insurance and their premiums are going to quadruple. And if that's what you want to go back to your district and tell your retired teachers, vote 'no'. If you want to support your retired teachers, you vote 'yes'."

Speaker Daniels: "The Gentleman has move for the adoption of Amendment #3. All those in favor signify by saying 'aye';

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opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments? Further Amendments?"

Clerk McLennand: "No further Amendments. A Pension Impact Note has been requested on the Bill, as amended, and has been filed."

Speaker Daniels: "Third Reading. Mr. Clerk, House Bills - Third Reading. Read House Bill 323."

Clerk McLennand: "House Bill #323, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this Bill."

Speaker Daniels: "The Gentleman, Representative Brady."

Brady: "Thank you, Mr. Speaker. I think we've thoroughly debated the Amendment. The Amendment became the Bill. I think it has been thoroughly debated and I ask for a favorable vote for all retired teachers and active teachers throughout the State of Illinois."

Speaker Daniels: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I think that we have probably on the Amendment have debated this issue as much as...as many people would care to hear. However, I think that what is important here is contained in a letter that I recently received from various individuals who are down here today. They wrote me and let me read you and I'd like to share this letter with you. 'Dear Representative Hoffman, Although I do not reside in your district, I would like to thank you for your continued support of retired teachers of the state.' And then it goes on and on. And they said, 'We do not support part of the solution to this crisis, being tied to managed care and subsidizing current...and subsidizing currently by...by currently employed teachers. No, no, no. Keep up the good work, we appreciate it.' So don't tell me...don't tell me that everybody is in

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agreement on this Bill. Don't tell me and demagogue this issue by saying that if you vote 'no' or you vote 'present' and you vote for this sham, that you are for retired teachers. Don't tell me, Representative, that if you have some genuine problems with this Bill, because it does not indicate what the level will be as far as funding, don't tell me that you don't care...we don't care about retired teachers, because we have a Bill on this side of the aisle that'll fund it at 75%. It'll fund it from now until infinity, and it'll make sure that retired teachers in this state are treated with dignity and respect. Don't tell us, if we vote 'no' or 'present', that we don't care about people who taught us because we do, Representative. And don't demagogue this issue anymore. It's amazing to me, it is amazing to me, that on the day just because they happen to be in the Capitol, we would call the Bill and call this type of a Bill that is going to cost retired teachers. It's going to hurt them more and it's going to cause them to lose benefits. Don't tell me that. Rep... Mr. Speaker..."

Speaker Daniels: "The Gentleman, Representative Tenhouse, the Gentleman from Adams."

Hoffman: "...joined by the...Mr. Speaker."

Speaker Daniels: "You were completed with your remarks, Sir. If you would like to continue to address this, we haven't heard enough from you yet, so we'd like to hear more. Representative Hoffman, please imply your wisdom upon us."

Hoffman: "Yes. Mr. Speaker, the only reason I rise is to be joined by the requisite number of people to take this off of Short Debate."

Speaker Daniels: "Do you care to say anything further, Sir? The Gentleman from Adams, Representative Tenhouse."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'no'. Okay. Rule is 64. The Gentleman has moved the previous question. All those in favor signify by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 63 'ayes', 51 'noes', none voting 'present'. The previous question has been put. Representative Brady, to close."

Brady: "Thank you, Mr. Speaker. Ladies and Gentlemen, again I ask for your 'aye' vote for the security and the interest of retired and active teachers throughout the state. Demagoguery is when you stand up and rant and rave and provide no solution. This is a solution. This is a solution that was crafted after compromise. And I stand here and I tell you, if you vote against this solution, you're voting against retired teachers and you're voting against active teachers. Consider that. I ask for a 'yes' vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 323. All those in favor signify by voting 'no'...'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 64 Republicans voting 'yes', 11 Democrats voting 'yes' for 75 but 35 'no' and 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 162 - Second Readings. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #162, the Bill's been read a second time previously."

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Speaker Daniels: "Any Amendments?"

Clerk McLennand: "No Amendments. All Notes have been filed."

Speaker Daniels: "Joined by Iowa McGowen, who is a state central committeewoman from Chicago. Welcome. Mr. Clerk, take House Bill 162 out of the record. Committee Reports."

Clerk McLennand: "Committee Report from Representative Meyer, Chairman of Committee on Veterans Affairs, to which the following Bills and Amendments were referred, action taken on April 26, 1995, reported the same back with the following recommendations: 'do approve' for consideration Floor Amendment #2 to House Bill 1522; Floor Amendment #1 to House Bill 1937."

Speaker Johnson, Tim: "Representative Johnson in the Chair. If we could have a little order so we can... We'll now proceed to the Order of House Bills - Second Reading. Mr. Clerk, read House Bill 226. If we could give the Lady your attention."

Clerk McLennand: "House Bill #226, a Bill for an Act relating to school lands and facilities. Second Reading of this House Bill. Committee Amendment #1 was referred to Committee. Committee Amendment #2 was adopted. Floor Amendment #3 was referred to Rules. Floor Amendment #4, offered by Representative Lindner, is approved for consideration."

Speaker Johnson, Tim: "If we could, again, give the Lady your attention and break up the caucuses on the floor, so Representative Lindner can address the Amendment. The Chair recognizes the Lady from Kane, Representative Lindner, on Amendment #4. Proceed."

Lindner: "Yes, thank you, Mr. Chairman. Floor Amendment 4 becomes the Bill. This was originally the School Impact Fee Bill, sponsored by the school districts. And to move this through committee, I made a pledge to the groups that

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were in opposition to this Bill, which were the home builders and the realtors and the Illinois Municipal League that we would not move this Bill until we had an agreement of all parties. We met the other morning. They are still meeting and it was the agreement of all those groups that House Bill 226 would be moved out of the House as a vehicle Bill, as the parties are still negotiating on the school impact fee, and we will hope that we will have an agreement to put on that Bill. So I would ask your support to move this out."

Speaker Johnson, Tim: "Questions on the Amendment? The Chair recognizes the Lady from Cook and if we could give the Lady your attention. Representative Schakowsky, proceed. You have questions of the Sponsor."

Schakowsky: "Yes, thank you, Mr. Speaker, I do. Will she yield?"

Speaker Johnson, Tim: "She indicates she'll yield."

Schakowsky: "First of all, actually before I ask a question, I'd like to request a Roll Call vote on this Amendment."

Speaker Johnson, Tim: "Your request is noted."

Schakowsky: "Thank you. Representative, you're asking us to vote now for a Bill that has been completely gutted. Is that...is that right?"

Speaker Johnson, Tim: "Representative Lindner."

Lindner: "That is correct."

Speaker Johnson, Tim: "Representative Schakowsky, further questions?"

Schakowsky: "Well, what do you intend that this Bill is going to do and when it gets to the Senate? Why...Why should Members of this Body be voting in favor of this Bill? You told us it does nothing now. What are the compelling reasons for us to cast an 'aye' vote in favor of this Bill that does nothing right now?"

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Speaker Johnson, Tim: "Representative Lindner."

Lindner: "Because all of the parties are in agreement that they do want a School Impact Fee Bill, and they're working hard to come to an agreement on this issue. There has been no agreement yet, and tomorrow...They met in Springfield twice this week. Tomorrow they will meet again, and in hopes that there will be an agreement on this issue. And all of the groups who are involved in this, who are the school peop...the school districts, the home builders, the realtors and the Illinois Municipal League, all have the same goal in mind. There are details that are not worked out yet, and it was the agreement of all parties that I would move this Bill out as a vehicle Bill, so that the language that all parties agree to can be put on this Bill after it is out of the House."

Speaker Johnson, Tim: "Further questions, Representative?"

Schakowsky: "Representative, if you're saying that there is going to be an agreement as early as tomorrow on this legislation, then I'm still confused as to why you would ask us to vote for a complete shell Bill. It sounds like some sort of agreement is imminent, and there's still time as you have seen today for even complicated legislation to be crafted at the drop of a hat. Why can't we do that?"

Speaker Johnson, Tim: "Representative Lindner."

Lindner: "If I said that, I did not mean to say that, that a final agreement will be reached tomorrow. I said that they are meeting again tomorrow, and I hope that they will reach some kind of an agreement. But I do not expect final agreement to be reached before Friday, which is the time for getting our Bills out of the House."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Well, to this Amendment..."

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Speaker Johnson, Tim: "To the Amendment."

Schakowsky: "...which becomes a Bill, which becomes nothing. I would certainly say that there are probably enough vehicles in the Senate that are going to come over, enough opportunities in Conference Committee for us to craft, if there's going to be an agreement, to actually amend one on. I know that the parties have been working, but they have been unable to come up with an agreement at this time. For the Majority Party to ask us now to pass out a Bill that has absolutely nothing in it in the hopes that the parties may or may not come up with an agreement, I think is an unreasonable request and frankly, I think it is unnecessary. If there is an agreement, there will be plenty of places for us to amend it on and for us to deal with it in a timely way. I urge a 'no' vote on this Amendment."

Speaker Johnson, Tim: "Thank you, Representative. Further questions? The Chair recognizes the Lady from Cook, Representative Monique Davis. Representative Davis, proceed. Questions of the Sponsor. Your light was on, Representative."

Davis, M.: "I apologize."

Speaker Johnson, Tim: "Okay."

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

Speaker Johnson, Tim: "Well, Representative Schakowsky refuses your yield of time. So, the Chair recognizes the Lady from Kane, Representative Lindner, to close on the Amendment."

Lindner: "Yes, thank you. I kept my pledge not to move this until we had a meeting of all the groups that were interested in this legislation. They all did agree the other day in the offices, the Republican offices, that they would agree to let me move this out as a vehicle Bill, and

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I would ask for your favorance...favorable vote on the Amendment."

Speaker Johnson, Tim: "There's been a request for a Roll Call vote. So the question is, 'Shall Floor Amendment #4 to House Bill 226 be adopted?' All in favor, vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 76 voting 'yes', 30 voting 'no', 6 voting 'present'. And the Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill 301."

Clerk Rossi: "House Bill 301 has been read a second time previously. Floor Amendment #8 has been approved for consideration. It is sponsored by Representative Mautino."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Bureau, Representative Mautino, on Amendment #8. Proceed."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I ask for adoption of Amendment #8 to House Bill 301. This deals with the...basically with the detention homes and the funding for the employees, the reimbursement rate. This will eliminate the dates so that anyone who is the 1990 date, so that any of those who are qualified to receive, may receive the funding. Be happy to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kendall, Representative Cross. Proceed."

Cross: "Thank you, Mr. Speaker. I simply rise in support of this Amendment. I've been working with Representative Mautino on it and I'm in full support and I would appreciate a

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'yes' vote. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Will, Representative Wennlund."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor, vote 'aye'; opposed vote 'no'. The 'ayes' have it. And...The question now is, 'Shall Amendment #8, Floor Amendment #8, to House Bill 301 be adopted?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The Motion's adopted. Mr. Clerk, further Amendments?"

Clerk Rossi: "No further Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill 314."

Clerk Rossi: "House Bill 314 has been read a second time previously. Floor Amendment #7 has been approved for consideration. It's sponsored by Representative John Turner."

Speaker Johnson, Tim: "Out of the record. Mr. Clerk, read House Bill 320...Oh, further Amendments? Amendment #7 is out of the record. Mr. ... Representative Turner, what's your desire?"

Turner, J.: "I'd like to proceed, Mr. Speaker, if I may."

Speaker Johnson, Tim: "You desire to withdraw this Amendment? Amendment #7."

Turner, J.: "I would like to withdraw Amendment #7 and Amendment #8 and proceed with Amendment #9, if I can do so at this juncture?"

Speaker Johnson, Tim: "Your request is granted. Mr. Clerk, further Amendments?"

Clerk Rossi: "Floor Amendment #8 has been withdrawn. Floor

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Amendment #9, offered by Representative John Turner."

Speaker Johnson, Tim: "Proceed. To clarify, we are on House Bill 314, Amendment #9. Representative Turner, on the Amendment."

Turner, J.: "Thank you, Mr. Speaker. The Amendment will become the Bill. Provides that a delinquent minor may be confined in a jail or a place ordinarily used for the confinement of prisoners in a police station, if the minor is substantially separated by sight and sound from the adult population. The provisions are inapplicable to Cook County. The Bill also increases the penalty of incarceration that may be imposed for a minor, the juvenile delinquent, from 30 days to 60 days."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Cook, Representative Dart. Representative Dart, questions on the Amendment. Proceed."

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

Speaker Johnson, Tim: "Yes, he indicates he'll yield."

Dart: "Representative, just for starters. This Amendment does not apply to Cook County. Is that correct?"

Speaker Johnson: "Representative Turner."

Turner, J.: "I'm sorry, Representative. I could not hear you."

Speaker Johnson, Tim: "Perhaps it would help in hearing the question, if the Gentlemen and Ladies of the Chamber were to listen to Representative Cross...or Representative Dart and Turner and lower the volume. Representative, you wish to reiterate your question?"

Dart: "Yeah, Representative, just for starters, this does not apply to Cook County. Is that correct?"

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "I want to be very specific about this. The provisions which would allow the juvenile to be housed in a

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jail or a facility normally for adults, do not apply to Cook County. The provisions, which increase the possible penalty, short of DOC for juvenile delinquents from 30 to 60 days, do apply to Cook County, as well as all other counties in the State of Illinois."

Speaker Johnson, Tim: "Further questions, Representative?"

Dart: "So, Representative, just...I'm...I...this is the first I've seen this Amendment. To get clarified hear... To be clarified, the last time we were dealing with this subject, we dealt with one, pretty much one subject matter, which was the confinement of juveniles in jail facilities. In this one, we're talking about confinement of juveniles, in addition to extending the period of time the juvenile could be detained - in just Cook County though?"

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "All along we've been speaking about the confinement of juveniles, so we haven't switched subject matters. The concern from your side of the aisle and from some on our side of the aisle was whether or not Cook County should be allowed to house juveniles in adult facilities. And because of considerations from colleagues on your side of the aisle, we took those provisions out. The provision which would allow a court in very unique circumstances to incarcerate a juvenile delinquent up to 60 days would apply to Cook County and all other counties. However, the incarceration venue, the place of incarceration for Cook County juvenile delinquents would be in juvenile detention centers. It would not be in the Cook County jail or any other safety complex in Cook County normally used for the housing of adults."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "So, then as far as confinement of juveniles in Cook

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County, no change whatsoever in that law. Confinement of juveniles outside of...no change in the location, the situation, the place they can be confined. Inside...outside of Cook County, we're dealing...we're changing both the amount of time and also the physical place where they can be confined?"

Speaker Johnson, Tim: "Representative Turner."

Turner, J.: "That is correct."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Thank you very much. Now, for starters, on the additional time that we can confine a juvenile, under what circumstances are we going to allow the courts to confine a juvenile for a longer period of time? What age group are we talking about here and under what circumstances are we going to allow them to be confined for a longer period of time?"

Speaker Johnson, Tim: "Proceed."

Turner, T.: "The provisions that have applied up to now still apply and those provisions apply to ten year olds and above. If you look in the Juvenile Court Act, and I know you are familiar with that, you will find that in the delinquency part of the Juvenile Court Act, the provisions where individuals are incarcerated, who are deemed to be juvenile delinquent, apply to ten year olds and above. Those provisions still apply. And as far as when the court would impose a 60 day sentence, I am sure those instances would be very rare, just as they are very rare now where 30 days are imposed. The only thing it does, Tom, is right now essentially, the court can sentence a juvenile to 30 days or send them to the Department of Corrections and there really isn't anything in between. This gives the court just a little bit more leeway in that it would...it

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doubles the penalty, but it still does not go above 60 days and there is still that gap between 60 days and the Department of Corrections."

Speaker Johnson, Tim: "Representative Dart, if you could bring your comments and questions to a close."

Dart: "Thank you. Just so I am clear ,too, because last year we had talked about a similar Amendment, this is for the extra 30 days is for sentencing, as opposed to the length of time that a juvenile could be detained because... We were dealing with the length of time for detention last year.."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. If you wish to answer that question and then proceed to Representative Hoffman, go ahead and answer the question."

Turner, J.: "Mr. Speaker, I do wish to answer that question. It is a very good one and I think Representative Dart needs to be aware that we are talking about here, where the juvenile is picked up, deemed to be a danger to himself or to others, either by warrant or by an arresting officer, these provisions apply to that, as far as where the juvenile can be housed. And it also, then applies to the dispositional phase where the court hands out or metes out the sentence. So, it applies to incarceration of juveniles frankly, that are pre-judicatory and post-judicatory."

Speaker Johnson, Tim: "Thank you. Thank you, Representative. The Chair recognizes now, the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman, proceed."

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

Speaker Johnson, Tim: "He indicates he will. Proceed."

Hoffman: "Representative, it is my understanding from Representative Dart's questioning, that actually this Bill does more than what it originally did and your original

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intent which would be to allow juveniles to remain in adult facilities. Isn't that right?"

Speaker Johnson, Tim: "Representative Turner."

Turner, T.: "Well, it does...it changes one other provision and that is just to give the court discretion in disposition to go from 30 days to 60 days, and as I already explained previously, the court could only go 30 days as a maximum sentence or choose the Department of Corrections. This would allow a court to go 60 days or choose the Department of Corrections. That would be the only difference. I hope I am addressing your question."

Speaker Johnson, Tim: "Representative Hoffman. And again, if we could give Representative Hoffman your attention. This is an important Bill, an important question. Representative Hoffman, proceed."

Hoffman: "Well, the concern obviously is, I mean, I have been a proponent of that provision, giving judges discretion to allow a juvenile to remain in detention for up to 60 days. Is that what this would do in addition to what it did previously?"

Speaker Johnson, Tim: "Representative Turner, proceed with your answer."

Turner, T.: "As part of the disposition, yes. The normal rules as to when the juvenile must be brought to an adjudicatory hearing would still apply and essentially, I believe that those provide that if a juvenile is incarcerated, that they are supposed to be brought to an adjudicatory hearing within 10 days. Now, I think that you are well aware however, that there are exceptions where that can be extended for 30 days and in very rare exceptions, for an additional 30 days. So, you have to be clear though, that the dispositional part, which was 30 days as a maximum

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shorted DOC, is now 60 days under these provisions."

Speaker Johnson, Tim: "Representative, further questions?"

Hoffman: "Well, when I had a similar Bill, there were major concerns that were raised regarding the problem with overcrowding in detention centers. So, if we allow the judiciary to potentially sentence a juvenile for up to 60 days into a juvenile detention center, the already overcrowded system which is busting at the seams, would be even more overcrowded. So, there were many counties who were in opposition to this provision. And in addition to that, we decided to add a provision to the law that would give each chief judge the administrative authority in those counties that have detention centers, an order to make a determination as to whether they would hold them for up to 60 days based on their capacity, because, Representative, what could happen here under your Bill, is a person from your county or a judge from your county could potentially sentence an individual juvenile to 60 days and that juvenile is held dispositionally in the St. Clair County Detention Center and we could already be overcrowded. So, what you are doing is impacting the ability of another county to maintain the population of their detention center by virtue of that disposition. And that is a concern that was brought forward, without giving the local judges who run these detention centers, that authority. Could you respond to that?"

Speaker Johnson, Tim: "Representative Turner."

Turner, T.: "Yes, do you want me to do so? There were several notes filed, Representative, a Judicial Note, a Fiscal Impact Note. I don't have it in front of me, but I think at least one other note, and they...none of those notes indicate that there is a problem as you have just

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suggested; however, I will give you that what you have raised, is certainly legitimate and it... I guess my response to that would be it is just like anything else. If a juvenile needs to be incarcerated, then I think that we need to have a system and a statute that allows for that incarceration just like our adult prison population. It clearly will fold the Department of Corrections level now, but if a new defendant becomes a convicted felon and needs to be incarcerated, then we have to do that because the public of the safety (sic-safety of the public) is paramount."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Like I am saying, I am not disagreeing with you, Representative. What I am saying is, I think because of other provisions, you are probably forcing me to vote 'present' on this Bill...on this Amendment because what it could do, is it could impact the already overburdened juvenile detention centers and take away local county jurisdiction over how long individual juveniles have to serve in that detention center. I think my chief judge should be able...or needs concerns to make that decision."

Speaker Johnson, Tim: "Representative Turner, your time has expired, but if you want to respond to that question, proceed."

Turner, T.: "Yes. Thank you, Mr. Speaker. Representative, again, I know you are asking legitimate questions, but I don't want you to miss the point, that this is designed to alleviate a problem that counties have and that is that they are in a position right now where they cannot house juveniles. They will be allowed to do so. We will not have to use juvenile detention facilities in every single instance. If the county is in a position where they can

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separate their adult population from their juvenile population, they will be allowed to house those juveniles there. So, should...I think address the question that you are raising about those sixteen counties where juvenile detention facilities are in existence."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermillion, Representative Black. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Amendment, and I rise in strong support of the Amendment. I have a file here, probably an inch thick, just to show you some of the newspaper articles, not only from Springfield, but Vermillion County and all around the state. And what we are attempting to do with this Amendment, is to bring a little degree of control back to each county. Now, keep in mind, Cook County is no longer affected by this legislation and we did that at the request of many of you from that county. What I would like to do rather than go into some of my personal experiences with this, is just to read very briefly to you, from a letter from the assistant State's Attorney of the county of Vermillion. Now, this Gentleman and I are not of the same political party. So, I wish you would really listen to what Mr. 'O'Donahue' who deals with this every day, is saying in a letter to me of March 21. 'I don't need to convince you, but if anyone in the legislature remains unconvinced, they should have the responsibility to handle juvenile delinquents for awhile. On 17, March, 1995, Vermillion County tried desperately to locate a detention space for a repeat juvenile offender who has consistently demonstrated his willingness to break the law and any order of the court. We could not locate a space and we were forced to release the minor on home confinement.

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Incidentally, he has never obeyed home confinement. This release demoralizes the police, demoralizes the community and anyone who works in the juvenile justice system, certainly myself. It reduces juvenile law enforcement to a joke. Every facility in the state, and there are only 16 approved detention facilities, reported they were over capacity for their own delinquents and could not take any from Vermillion County and this occurred in March. It only gets worse in the summer. I have worked in two state's attorney's offices. The need to return to us, some measure of control over these delinquents is critical. Anything less is detrimental to every community in Illinois.' I only wish I could persuade everyone to support this Bill on detention. I would ask, I would hope that everyone understands the very critical need we are facing. That is all we are attempting to do, is to give the counties some degree of control over where to put these juveniles, particularly those who are violent. There is no attempt whatsoever, in the Gentleman's Amendment, to commingle a juvenile with the general adult population, none whatsoever. That is a canard if you bring it up. What we are asking is, that if we can separate substantially by sight and sound, a juvenile offender from the general adult population, please let us hold them rather than turn them loose, back on the streets where they brag about the fact that the law can't touch them. It only makes common sense. I believe you will see the necessary wavers from the federal government. I rise in strong support of the Gentleman's Amendment and in even stronger support of the Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed say 'no'. The 'ayes' have it. The main question is put, and on Amendment #9 to House Bill 314, Representative Turner."

Turner, T.: "Thank you, Mr. Speaker. I ask for a favorable support for this Amendment."

Speaker Johnson, Tim: "All in favor of the adoption of Amendment #9 signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The Motion is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill 320."

Clerk Rossi: "House Bill 320 has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Erwin, has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Erwin. Proceed on Amendment #2."

Erwin: "Thank you, Speaker. I rise to offer Amendment #2 to House Bill 320. This is an Amendment to the Child care Capital Development Act which the main Bill was approved by...in Committee, the Privatization Committee, 12 to 0. Essentially, what the Amendment does is, deletes references and any mention, frankly of state funds. As the Bill was passed from Committee, it contained references to an amount of GRF fund that would be nice to be able to deposit in this fund which will help leverage and access private and not-for-profit dollars to help try and establish a better availability of child care facilities in this state. We have deleted all mention of GRF funds and I know of no

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opposition."

Speaker Johnson, Tim: "The Lady has offered Floor Amendment #2 to House Bill 320. Any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky. Proceed."

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

Speaker Johnson, Tim: "She indicates she will."

Erwin: "Thank you. Representative, I am quite familiar with the Illinois Facilities Fund which has been trying for...successfully for a long time to expand the availability of child care centers in Illinois. Without the General Revenue Funds...without the General Revenue Funds, how does this legislation now, how will it help expand the availability of child care centers in Illinois?"

Speaker Johnson, Tim: "On a response, Representative Erwin."

Erwin: "Thank you. Thank you, Representative Schakowsky. Let me say that the Illinois Facilities Fund has essentially authored the Amendment. So, I have worked very carefully with them in drafting this. They have basically...are the overseer of the fund and it appeared without the finalized...with, as you know, without final negotiations on a budget. There was some reluctance in terms of sighting a specific amount of GRF funds. So, we are basically establishing the authorization and the instrument, if you will, the lending instrument... The Illinois Facilities Fund believes that we will be able to attract federal dollars for this fund. So, we should not be under the impression that it is only state GRF funds. It is a revolving loan fund, that basically not-for-profit child care institutions that serve low income families, would be able...those facilities would be able to access very low or non interest loans for capital expansion. So, it is my anticipation, Representative, that state dollars

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will at some point be invested in this and I just want to make sure that they instrument is created so that it is doable and in a mechanism that will actually work if and when the dollars actually do get put in."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Is there anything in this Amendment that should funding be available, that it may be used for the purpose of this revolving loan fund, or does it simply take out all reference to the use of GRF dollars?"

Speaker Johnson, Tim: "Representative Erwin."

Erwin: "Thank you. No, actually, Representative, it specifically cites the use of the funds on page 5. 'The use of the funds shall create a revolving loan program to be used exclusively to make loans.' You can read it. It does absolutely, set out the parameters under which loans will be made to facilities serving low income families and as I said, the Illinois Facilities Fund was instrumental in drafting this language. I have, of course, wanted the Reference Bureau and the Department of Children and Family Services, to also make sure that this is something that can work. It is a unique entity, in that it is a fund that is essentially going to be administered by a not-for-profit outside agency. So, I know that these funds do exist at the federal level and in other states, it is a little unique for us at this point. So, we are essentially want to get it legally empowered and established and then you and I can go hunting for the money."

Speaker Johnson, Tim: "Further questions? Representative Schakowsky of your colleague."

Schakowsky: "To the Bill."

Speaker Johnson, Tim: "To the Bill. To the Amendment."

Schakowsky: "To the Amendment. Sorry. I am well acquainted with

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the Illinois Facilities Fund which has done great work in Illinois in leveraging money and financing of day care centers which are badly needed in Illinois. I believe that even without the allocation of GRF funds at this time, the authorization for using federal and other monies, will mean that more children in Illinois will have an opportunity to have quality day care facilities in Illinois and I would urge adoption of this Amendment."

Speaker Johnson, Tim: "Further discussion on the Amendment? Hearing none, the question is, 'Shall Floor Amendment #2 to House Bill 320 be adopted?' All in favor signify by saying 'aye'; opposed by saying 'no'. The Motion is adopted. Mr. Clerk, further Amendments?"

Clerk Rossi: "No further Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill 1069."

Clerk Rossi: "House Bill 1069 has been read a second time previously. Amendment #3 was adopted in Committee. No Motions have been filed. Floor Amendment #6, offered by Representative Lindner, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #6, the Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Thank you. The Amendment becomes the Bill. Both the Amendment and the Bill were requested by the State's Attorney and the head of the Child Advocacy Center in Kane County. These... Both of these Amendments are number one, to correct a definition of 'sexual penetration' for situations that we are finding in child abuse cases and also, to provide the needed support for a special tool for the hearsay exception for child sexual abuse prosecutions. I would entertain any questions on the Amendment."

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Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Cook, Representative Dart. Questions of the Sponsor, Representative."

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

Speaker Johnson, Tim: "Indicates she will. Proceed."

Dart: "Thank you. Representative, initially in the portion of the Bill dealing with changes to the definition of 'sexual penetration', could you explain to me the reason why you are making the changes? And if it is pursuant to a case, if you can give me the cite on it and the factual basis as to why?"

Speaker Johnson, Tim: "Representative Lindner."

Lindner: "Representative, it is not pursuant to any specific case, but it is pursuant to the kinds of situations with sexual penetration, that the child advocacy centers are finding to do with children. And in f1, it was to clarify a prior grammatical error. In f2, the change is to cover a situation that is found in child pornography, basically the people who work in this area looked at all other combinations and were trying to specifically spell this out to get at all the combinations that they are finding in these sexual abuse cases."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Thank you. I follow you on Section 1, the change there. Now, in Section 2 or Section 3, I am still concerned. I don't mind the language you have there, but I just want to make sure by making these changes, when you get specific as we are doing in this area right here, you exclude things that aren't specifically laid out. Now, is there... Are we sure, with this language here, that we are not excluding anything there by specifically delineating this type of behavior? And the reason I mention this to you is just

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because, at this stage, I find it really... That is why I like to rely, Representative, on a case, if there was a specific case in mind because that would tell me that there has been a problem in this area, we are making the change pursuant to a court case or specific fact situation that is wrong. And when we aren't doing it for that reason, I get very concerned that we are making a change which might look good, but in the effect, could actually contract the number of situations where this would apply and cause us more problems down the road. So, I just want to be very clear as to why we are doing this, so we don't in our effort to clarify things, we are not contracting and making things a little more difficult."

Speaker Johnson, Tim: "Is that a question, Representative?"

Dart: "Yeah. It was as to...specifically as to the particular reason. What is the reason it was detailed to you? Was there a specific situation that they face that there is a problem here?"

Speaker Johnson, Tim: "Give the Lady your attention in response. Apparently, you want a response to the question. Representative Lindner, proceed."

Lindner: "I cannot name a specific case. These were obviously cases that the Child Advocacy Center and the State's Attorney's Office in Kane County encountered. And in these cases, they found that the definition was not addressing the situations that they have found in sexual penetration in child abuse cases. I can call the state's attorney for you after this and find out, you know, if there were specific cases named, but these were situations that they have found were not covered by the deposition...definition. They are not just trying to make something sound better, but they are trying to get at things so they can prosecute

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these people for sexual abuse."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And I understand it, Representative, and I would appreciate it if you could get that back to me, because I have not heard this problem expressed to me by any other groups and it is...we have larger groups than just the Child Advocacy Group in Dupage. And in particular, number three, in particular, I know that I have been involved in prosecutions involving that particular thing and we have never had a problem with that definition. So, I would be very interested as to why number three is being changed since I have never had a problem with that ever."

Speaker Johnson, Tim: "Representative..."

Dart: "And as to... Now, this second portion of the Bill, dealing with the 115 10 hearings and expanding on that, what is the... Was there a problem? Was a case thrown out based on...or was the statement found inadmissible because they relied on notes? What is the rationale behind Section (e)?"

Speaker Johnson, Tim: "Representative Lindner."

Lindner: "Yes, that is true. There are judges who are interpreting the hearsay exception and will not allow people from the Child Advocacy Center to testify, particularly if they are connected with the State's Attorney's Office."

Speaker Johnson, Tim: "Further questions? Representative Dart, if you could bring your questions to a close."

Dart: "In regards to that final section, Representative, have you checked with... There has been two or three supreme court cases, in particular on the constitutionality of the 115-10 Section of their statutes here in which they delineated the rationale behind it and second forth, why we allow this

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unique hearsay exception. Have you checked with those sections to make sure we do not run against the constitutional parameters laid out in those cases?"

Speaker Johnson, Tim: "Representative Lindner, if you just want to answer that question, your time has expired. But go ahead and proceed and answer the question specifically."

Lindner: "Yes, I have not personally read the supreme court cases."

Speaker Johnson, Tim: "Any further discussion? Seeing none, the question is, 'Shall Floor Amendment #6 to House Bill 1069 be adopted?' All in favor, signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill 1322."

Clerk Rossi: "House Bill 1322 has been read a second time previously. Amendment #1 was adopted in Committee. No motions have been filed. Floor Amendment #2, offered by Representative Ryder, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #2, the Chair recognizes the Gentleman from Jersey, Representative Ryder. Representative Ryder. The Gentleman is coming in the door and perhaps you could restate the question. I guess there is no question. Representative Ryder on Amendment #2 to House Bill 1322. Proceed."

Ryder: "Thank you, Mr. Speaker. We have two Amendments on this Bill. Floor Amendment 2 becomes the Bill. It makes changes and additions in the provision of the Alternate Health Care Delivery Act. This is the second of two Bills dealing with recovery centers, post surgical recovery

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centers. It changes the numbers in the demonstration projects, and I'll be happy to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke, on the Amendment."

Hartke: "Thank you very much, Mr. Speaker. Will the Gentleman yield?"

Speaker Johnson, Tim: "Indicates he will."

Hartke: "Representative Ryder, I had difficulty hearing, but I think you were indicating that there are going to be some demonstration projects in southern Illinois with rural health clinics."

Speaker Johnson, Tim: "Representative in response."

Ryder: "Representative Hartke, you do a good job of reading your Bill and your analysis. This does provide additional opportunities in the pilot programs for downstate Illinois, limited to population services."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Could you give the Body some indication possibly where these demonstration clinics may be?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Sir, the demand for the pilot projects and since they are pilot projects, they do have to be approved with the certificate of need through the health facilities board, but the demands has been great and we found that once the certificate is issued, that they have been in operation very, very quickly. I can't guess as to the length of time to do the application or for that matter, the length of time to do construction, but I would think clearly within twelve to eighteen months."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "What does Amendment #2 do to Amendment #1?"

Speaker Johnson, Tim: "Representative Ryder."

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Ryder: "Representative Hartke, Amendment 2 becomes the Bill. So, Amendment 1 is out. Amendment 2 contains some of the provisions of Amendment 1, but Amendment 2 becomes the Bill."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Which provisions of Amendment #1 are included in Amendment #2?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, it provides for additional demonstration projects, provides for two, it was originally one, in Chicago two, it was previously 1 in Cook County outside of Chicago, at least one of which must be owned and operated by a children's hospital, provides for two or four of which was originally two. In cities of 50,000 or more, not eligible within other covered areas, with at least two in counties with under 175,000 population. Also, provisions for eight children's respite care centers in Chicago, Cook County, other collar counties and downstate and rural counties."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, in rural counties, and I consider rural to be under 30,000, those would be downstate counties which would be void of hospitals or other clinics and so forth. Can you specifically tell me how many are scheduled for that area?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, the children's respite care centers are allocated, too, in rural areas I believe. You have a correct definition of that. The recovery centers do have the additional. It would be in counties under 175,000, I think that covers your counties and my counties, but it does require to be in cities of a certain size in order to justify a population base to make it work in a

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demonstration process."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, when I think of rural health clinics I don't think of counties under 175,000 and I really don't think you do either. Sangamon County here is probably 175,000 and sure not lacking in health care or clinics. Yes, go ahead, I think you want to interrupt me."

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, if I said above 175,000, I was not accurate. I meant to say under \$175,000, I'm sorry under 125,000 people. I apologize. There is a 50,000 requirement on a city, but the counties, to be a part of that, are 175,000 and under. I apologize if I wasn't clear."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes. I would hope that I would be able to continue this line of questioning here a minute. I notice you are going to have Amendment #3 and I would like to also talk about it a little bit, but that is not before us now. These rural clinics, are they going to be in cooperation with the federal government?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Yes."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Illinois law does not allow for nurse practitioners to work in rural health clinics without the direct supervision of a doctor and that has caused some problems downstate in approval of some of the things that we are doing, and has caused, even though supported by the federal government, many of these rural health clinics are under question and the Illinois Medical Society has had some problems with that. Do you foresee any problems with these, if we have

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nurse practitioners working in these clinics?"

Speaker Johnson, Tim: "Representative Ryder, if you could bring your comments and responses to a close."

Ryder: "Representative Hartke, you correctly state federal law. You are a wise and learned Legislator. I believe that these laws...that these recovery centers do have to operate under federal and state laws..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Dupage, Representative Roskam."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it and the main question is put. Representative Ryder on Floor Amendment #2."

Ryder: "Thank you, Mr. Speaker. Amendment #3, I thought I just did Amendment #2."

"Speaker Johnson, Tim: \$, "We moved the previous question on Amendment #2."

Ryder: "I'm sorry, I ask for a favorable vote."

Speaker Johnson, Tim: "All in favor of the adoption of Floor Amendment #2 to House Bill 1322, signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it and the Motion is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Ryder, has been approved for consideration."

Speaker Johnson, Tim: "On the Floor Amendment #3, the Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. Amendment #3 to House Bill 1322 takes care of a technical problem that occurred when a couple of facilities made application and there was some technical problems. This is simply language necessary to ensure that

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the application's as...have been filed were appropriate and can be handled by the...under the alternate Health care Delivery Act and the Health Facilities Planning Board. It is truly technical and I will do my best to answer any questions that you might have."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Cook, Representative Lang. Proceed, Representative."

Lang: "Mr. Speaker, not to the Bill, but a point of personal privilege, if I might."

Speaker Johnson, Tim: "Proceed."

Lang: "Thank you. On behalf of all of us on this side of the aisle, I would make a Motion now, Sir, or at least inform the Chair, that we are asking for a Roll Call vote on every Floor Amendment and on every Motion to move the previous question, and I ask that... If we were in a courtroom, Sir, I would ask that that be spread of record. So, I am asking you now to acknowledge that we are asking for a Roll Call vote, Sir, on everything. Do you acknowledge that, Sir?"

Speaker Johnson, Tim: "I'll acknowledge it as you requested, yes."

Lang: "Sir, Mr. Speaker, there is nothing in the rules that requires me to do it Bill by Bill. I am suggesting now that we are asking that it be done on every Bill."

Speaker Johnson, Tim: "We will certainly acknowledge that request. Do you have further questions of the Sponsor?"

Lang: "I haven't spoken on this Bill, yet. I might later."

Speaker Johnson, Tim: "Further questions? The Chair recognizes the Lady from Cook, Representative Flowers, on Amendment #3. Proceed."

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

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Representative Jan Schakowsky."

Speaker Johnson, Tim: "I was going to recognize Representative Schakowsky. Go ahead, Representative Schakowsky."

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

Speaker Johnson, Tim: "He indicates he will."

Schakowsky: "You know, I realize that now we are talking about a technical Amendment, Amendment #3, but I really do want to make the point that in Amendment #2, you created a whole new category of health care motto, the children's respite-care center, that not a single question was asked about. The Bill was not discussed in Committee. It got no opportunity on the Floor, and this is a major change in the health care delivery system in Illinois. And Representative Roskam, who would be free to respond because I am using his name in debate, cut off debate on this very important, major change in health care delivery in Illinois. And so now, the only opportunity will be to discuss it on Third Reading, Representative, and I really feel that we were given short shrift and that this issue, not we personally, but this issue, deserves much more than it has gotten in this Body. I would like to ask why it is that you did not refer Amendment #2 a major policy initiative to Committee, so that we could discuss it fully?"

Speaker Johnson, Tim: "Do you wish to respond, Representative?"

Ryder: "Representative, I... Representative, I have been informed that Amendment #2..."

Speaker Johnson, Tim: "Would you give the Gentleman your attention in response? Representative Ryder."

Ryder: "Representative, it is my information that Amendment #2 did go to Committee and it was approved by an 8 - 0 vote."

Speaker Johnson, Tim: "Representative Schakowsky."

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Schakowsky: "Excuse me. What Committee did that Amendment #2 get referred to?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, as we... Representative, I apologize. We went back to the computer to get this and it was presented in Committee, it was Rules, and it is my apology to you."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "You know, I really wish my colleagues would pay attention to this piece of legislation, because it is a major change in public policy. So, then I ask you again, Representative, don't you think that this Body, that this issue, deserves to be debated at the very least, so the people can deliberate this kind of major policy change?"

Speaker Johnson, Tim: "Representative Ryder, do you agree that this issue needs to be debated?"

Ryder: "Representative, I think we are debating it. I will be happy to answer your questions now on the Bill, Amendment #3 please."

Speaker Johnson, Tim: "Further questions, Representative?"

Schakowsky: "Well, quite frankly, Representative, I agree with your characterization of Amendment #3 as a technical Amendment. I don't have any problems with it. I look forward to more fully debating Amendment #2 and therefore, the Bill on Third Reading, but I really do think and I would hope that as a reasonable person, that you might agree with me, that this deserves more attention than it has gotten and that is ever going to get in this House."

Speaker Johnson, Tim: "Further questions? The Chair recognizes the Gentleman from Kankakee, Representative Novak. Proceed."

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

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Speaker Johnson, Tim: "He indicates he will."

Novak: "Yes. Representative Ryder, on Amendment #3, can you indicate what hospitals that are affected by this Amendment?"

Speaker Johnson, Tim: "Representative Ryder."

Novak: "For my edification and for other Members' edification?"

Ryder: "Representative, I would be glad to answer that and I know that you will be glad to hear the answer for the reason, Sir, that what has happened is that hospitals and others have made applications under the previous Act which had limitations. There were not enough slots for the applications that were made. One of the hospitals; therefore, there was not received an award, but is still interested in participating happens to be in a place called Kankakee. The other one I think, is in another downstate facility. I think it is Champaign. They have made application. There weren't sufficient slots. This Amendment makes sure...excuse me. Their application was appropriate. They had the necessary criteria. Their application was judged to have the sufficient number of points under that system, but because there weren't sufficient slots, therefore, they weren't fortunate in the decision. This means that even though those facilities may have withdrawn an application, they are still to be considered under the...any decision making for the new numbers...licenses in the event you are joining to help make them possible."

Speaker Johnson, Tim: "Further questions, Representative?"

Novak: "Yes, Representative, and what is the name of this program that these hospitals that apply to, I believe it was with the Department of Public Health, is that correct?"

Speaker Johnson, Tim: "Representative Ryder."

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Ryder: "This is the surgical recovery center alternate surgical recovery center..."

Speaker Johnson, Tim: "Representative, proceed."

Novak: "Yes. Thank you, Mr. Speaker. To the Amendment, I certainly rise in support of this. I think this is reasonable legislation. It effects a number of hospitals around the State of Illinois that did qualify and as Representative Ryder indicated, there were not enough slots. This is not any type of subterfuge legislation or anything in a surreptitious manner. This is honorable legislation and I think it is certainly going to help Premiere Hospital in my area. Representative Winkel's area would benefit and I think another hospital in Representative Winter's area. So, I would ask my colleagues on both sides of the aisle to adopt the Amendment."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang, on the Amendment."

Lang: "Thank you, Mr. Speaker. Have you acknowledged my request for a Roll Call vote on this Bill, Sir?"

Speaker Johnson, Tim: "Yes, I will so acknowledge."

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

Speaker Johnson, Tim: "Indicates he will."

Lang: "Representative, how much are these respite-care centers going to cost us?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative Lang, the respite-care centers are not part of Amendment 3; however, my understanding in Amendment 2, to which you are in advertently making reference, Sir, the cost is the cost of the hospital or the medical provider as to...for them to construct. It is not a cost to the state. As a result, I don't know how much they

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might cost. If I wasn't completely in answer to your question, please clarify and I will be happy to do so."

Speaker Johnson, Tim: "Representative Lang, was your question answered adequately?"

Lang: "Let me just go on. The Hospital Association was opposed to Amendment 2. Are they opposed to Amendment 3, also?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, I think we disagree. My understanding is the Hospital Association is at best...or excuse me, is at worst neutral. If you have information contra to that, please let me know because I happen to have been present when the Hospital and Health care Systems' Association representative was discussing this Bill, and I think there is language within the Bill that was made specifically. I don't know if it is in Amendment 3 or Amendment #2, but language that was specifically added to those Amendments to satisfy some of the concerns. I will not represent, Sir, to you that they are in support of it, but I think at worst, they are neutral."

Speaker Johnson, Tim: "Representative, proceed."

Lang: "Thank you. My understanding was that they were opposed to Amendment #1 or the underlying Bill, which became part of Amendment #2 and that that provision has still not been changed. So, not necessarily the provisions regarding the respite-care centers, but some other issues. So, I am just interested as to whether or not they are opposed to Amendment #3 in any way."

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "If I may respond, Sir, before consideration on Third Reading, I will seek a clarification as to their positions, so I can speak accurately as to that. I am under the impression that there is language contained in Amendment #2

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that addresses those concerns, perhaps not to their complete satisfaction, I don't wish to represent that. But it is my understanding that there are portions of that that do address their concerns and I will be happy, and I commit to you, Sir, that by the time we consider this on Third Reading that I will clarify that and be able to speak authoritatively as to their position and why they have taken that position, Sir."

Speaker Johnson, Tim: "Further questions? Representative Lang."

Lang: "Thank you for that answer, and I'm sure that even before we seek their advice, they will be coming to us to tell us how they feel about the Bill. So, if I understand Amendment #3, this is redefining what it would be classified as rural so that two particular projects can be built?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, that is not the way that I look at it. The important part, I believe, is that applications have been made by a couple of facilities: the Kankakee and the Champaign facilities. One of them may have even been withdrawn when they didn't win the center that they had sought, even though they were adequate applications, and in fact, judged to be adequate. This indicates that they are still in the decision making process, when these decisions are made for the additional facilities that are authorized in Amendment #2. I just want to give those folks who tried previously and were not successful, an equal chance, in the case a better than equal chance, to participate for future awards if we are fortunate enough to pass this Bill, which then creates additional slots."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Parenthetically, Representative, the Hospital Association

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in a statement of position of March 16, albeit before your Amendments today, was opposed to this Bill. You may want to discuss these issues with them. I would invite you to do that. I have nothing further at this time. Thank you."

Speaker Johnson, Tim: "Further debate? The Chair recognizes the Gentleman from Saline, Representative Phelps. Proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Phelps: "Representative Ryder, I guess we need to try to isolate my remarks to Amendment 3, but it is going to be difficult without resorting back to 1 and 2, knowing our history and experience in the Committee. How is your memory? Is it pretty good? We are going to have a check list here. Well, I have got a photographic brain, but I am out of film. But I think I can remember what you said in Committee was something about you expressed the intent to add language about the subacute centers, the post surgical recovery care centers and then here we have in Amendment 2 a whole new category of respite-care centers, and I just would hope and I know I heard you say something about Third Reading; you might have more clarification. But in that Committee, I remember asking you, and I think it was Billy Paige who was actually testifying for...on behalf of the Bill or Amendment. And had really promised the Committee that is all the intent of the substance of the Bill would be, that there would be no intent to add something else and further action. If I recollect, it was this Bill. I may be mistaken, but I am pretty sure. So, what is your reaction?"

Speaker Johnson, Tim: "I guess that was a question, Representative. Representative Ryder, do you wish to

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respond?"

Ryder: "Representative, I would never doubt your memory. I am certain that it is much better than mine. If I am fortunate enough to adopt this Amendment to the Bill, I will most certainly seek to refresh my memory between now and the time that the Bill is heard on Third Reading. First of all, to determine what was said in Committee, secondly, to find out if that which we have adopted, meets with any approval by the Hospital Association and finally, to be prepared to talk in as much detail as necessary, concerning the respite-care for children."

Speaker Johnson, Tim: "Representative Phelps, further questions? The Chair recognizes the Gentleman from Grundy, Representative Spangler."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' I understand you have requested a Roll Call and you will receive a Roll Call. So, the question is, 'Shall the main question be put?' All in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'yes', 52 voting 'no'. The Motion prevails. Representative Ryder on Amendment #3, Floor Amendment #3 to House Bill 1322. Proceed."

Ryder: "I would ask for your favorable vote on Floor Amendment #3."

Speaker Johnson, Tim: "Acknowledging again, your request, Representative Lang. All in favor of the adoption of Floor Amendment #3 to House Bill 1322 vote 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 108 voting 'yes', 3 voting 'no', 4 voting 'present', and Floor Amendment #3 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Johnson, Tim: "Third Reading."

Clerk McLennand: "A fiscal note has been requested on the Bill, as amended by Amendment #2 and 3."

Speaker Johnson, Tim: "A fiscal note has been requested and has apparently not been filed. So, the Bill will be held on the order of Second Reading. Mr. Clerk, read House Bill 1384."

Clerk McLennand: "House Bill #1384, a Bill for an Act in relation to regimented juvenile training. Second Reading of this House Bill. Committee Amendment #1 was referred to Rules. Committee Amendment #2 was referred to subcommittees. Floor Amendments #3, 4 and 6 have been referred to Rules. Floor Amendment #5, offered by Representative Winters, has been approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #5, the Chair recognizes the Gentleman from Winnebago, Representative Winters."

Winters: "Mr. Speaker, you may withdraw Floor Amendment #5."

Speaker Johnson, Tim: "Request is granted. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #6, offered by Representative Winters, is approved for consideration."

Speaker Johnson, Tim: "On Floor Amendment #6, the Gentleman from Winnebago, Representative Winters. Proceed."

Winters: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Amendment #6 becomes the Bill. I explained on Monday that this amends the Juvenile Court Act to create a 3 year joint pilot project within the seventeenth judicial

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circuit. It is used as a juvenile intake center and as a juvenile work camp. This pilot project shall end on June 30, 1998, and I would move the adoption of the Amendment."

Speaker Johnson, Tim: "On the Amendment, the Chair recognizes the Gentleman from Clinton, Representative Granberg. Questions of the Sponsor?"

Granberg: "Mr. Speaker, frankly, I'd had my light on earlier to make a point of order. I was going to ask, after you dealt with that last Bill to recognize me. Sir, earlier...on that last Bill, on Amendment #2, we had some Members raise concerns. You did not recognize them. This happened earlier today with Representative Jones and others on issues that were very important to them. The previous Bill is very important to Representative Schakowsky and others. We hope this is not a continued pattern because none of us want to see this process bogged down, and so we would hope the Chair would be reasonable in allowing Members to answer questions that are important to themselves and their constituents."

Speaker Johnson, Tim: "I certainly intend to do that, Representative. Thank you for your point. Further questions? Representative... The Gentleman from St. Clair, Representative Hoffman, on the Amendment. Questions, Representative?"

Hoffman: "Yes. Will the Sponsor yield."

Speaker Johnson, Tim: "He indicates he will."

Hoffman: "Yes. Representative, I believe that this is the Bill that you...that we took out of the record previously. Is this the Bill that indicates that if you commit a Class 4 felony and you are a juvenile, or is this the Amendment that indicates if you commit a Class 4 felony and you are a juvenile, or if you commit...potentially commit a Class 3

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felony and you are a juvenile, that you would only have to serve 14 days in this juvenile training camp?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "This Amendment specifically includes Class 1 and 2 as felonies that are not applicable. It has to be understood that any crime of violence or forcible felony are also excluded and that the pilot project administer may also reject a minor who has a history of violence."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "Yes. Representative, how do you define in this Amendment what is a violent act?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "The crime of violence is defined in the Crime Victims Compensation Act. It is also a forcible felony as defined in Section 2-8 of the Criminal Code and also, specifically includes all Class X, Class 1 and Class 2 felonies. A layman's definition of a crime of violence would be battery, use of force."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "Well, last time we had talked about that under the Crime Victims Compensation Act, is defined in such a way that it doesn't include many offenses that many people on this side of the aisle would consider violent. And what you are saying in this Amendment... I think there are many problems with it, but number one, the first problem I see is that there are certain crimes of violence that individuals under this very Bill would only be required to serve 14 days in a juvenile training center."

Speaker Johnson, Tim: "Representative Winters."

Winters: "We already discussed this point. It is simply an

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option that the juvenile court judge has. It is up to his discretion. If he feels that it is a crime of violence, he would not assign them to this program. The whole point of it is, they need an additional option for those kids who are not doing crimes of violence."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, the point is, and I think everybody needs to know this, the point is, there are certain aggregous offenses that people would find aggregous that are Class 3, Class 4 felonies that are not defined under the Crime Victims Compensation Act as being violent, then an individual who commits these heinous acts would only be forced to serve 14 days in this little boot camp. Representative, the second question that I have, is there any empirical evidence that you know of, that any type of long time lasting effect, as far as ensuring the juveniles will not commit further crimes, can be made on these juveniles in only 14 days?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "You just made my point for me. That is the idea of running a pilot program, is so that we can find the empirical evidence to expand this statewide. I also talked to numerous juvenile probation officers and other officers of the law, to the judges that deal with juveniles everyday in court. They think it is an excellent idea and one that they would like as an option."

Speaker Johnson, Tim: "Further questions, Representative?"

Hoffman: "Yes..."

Speaker Johnson, Tim: "Proceed."

Hoffman: "I had forgotten. We would like a Roll Call on this Amendment."

Speaker Johnson, Tim: "Your request will be acknowledged."

Hoffman: "Thank you. I would like to speak to the Bill, if I

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could, in my remaining time."

Speaker Johnson, Tim: "To the Amendment."

Hoffman: "I think everybody needs to pay attention to this, when they vote on this Bill. Now, if you are not from the Rockford area, we will be sending state taxpayers' dollars to run this little pilot project that will allow violent juveniles who commit Class 3 and Class 4 felonies, to only serve 14 days in this little pilot juvenile training camp. Now, I have no idea, no idea, nor is there any empirical evidence that I know of that indicates that you can impact these violent juveniles in 14 days. Now, we have juvenile boot camps that we run...are beginning to run in the State of Illinois that last six months. Maybe we can do something, and there is empirical evidence that you can do something in that time, but 14 days simply don't cut it. Why would I or anybody else in this state want to send taxpayers dollars to allow these juveniles, who commit violent acts in Rockford, free on the street in 14 days. I urge a 'no' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Dart. Representative Dart, proceed."

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

Speaker Johnson, Tim: "He indicates that he will."

Dart: "Representative, initially... What I want to get clear here is this is a pilot program for a boot camp, correct?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "This should be termed as an intake center and as a work camp, not as a boot camp. It is an entirely different idea from the boot camp and should not be confused with that."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Then what are you basing the design and how this is going to work on, seeing that it is not a boot camp, what are the

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other intakes that you are going to be using as a model?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "The model is based on the need for patrolmen for police officers on the beat, who pick up a first and second time offender, that currently have no place to lodge them while they seek testing for drug or alcohol use, whether they are runaways or whether they are a criminal offender. They have no place to house them during the initial stages of talking to the parents and talking to that youth, to decide what the consequences of their action is going to be. That is where it comes from."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Representative, my concern is based on, because of the fact that you are saying that this is different than a boot camp, this would be an intake center. My concern is, the fact that we have had these boot camps up and running. We have been using them in quite a few locations around the country. And the problem is with that is, one of the problems that they are running into as a matter of fact, is the fact that the theory behind boot camps are that you get people when they are young, which your Bill does which is fine, but you have the time and the resources to try and work on that individual, to try and turn that person away. I cannot see how, and it defies reason, how you can begin to try to work on this child in a period of 14 days. It defies reason. The whole theory behind... As I said, I know you are not modeling after boot camps, but the next thing we have to model, are the boot camps. The whole theory is you have the time and resources. Well, we don't have the model here and we don't have the time. How are you going to overcome that?"

Speaker Johnson, Tim: "Proceed, Representative."

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Winters: "That is exactly the point, that we are not dealing in a boot camp situation. You have to understand that boot camps are designed and are currently being used for the juveniles who already are hardened criminals with a long history of criminal activity. This is not designed to work in that area. It is designed only for first or second time offenders, who are committing nonviolent crimes. It has nothing to do with boot camps and it is an entirely different model."

Speaker Johnson, Tim: "Representative, proceed."

Dart: "But, Representative, you are incorrect though, because boot camps that we do have now are specifically the opposite of what you said. You cannot be a repeat offender and be into the boot camps. You can't be. That is the whole theory, and both is, we get you while you are young. That is what you are trying to do here, which I understand, but my point is, is your Bill only allows them 14 days to attempt to do this and of those 14 days, they only have to do two of them consecutive at a time, over weekends and the like. I just find it very hard to see how we are actually going to be able to arrive at the result that you are talking about here and that is why I would love to have a model or some other state or somebody that has some degree of success with this, because it is quite an experiment that we are talking about here because your offense, though it is limited now, you are still dealing with people who do offenses such as dealing with selling over 500 grams of cannabis and things like that. They are people we are talking about. That is selling over 500 grams, that is someone who is dealing drugs. They are going to be in this program. We have got to be very concerned about something like that, when we are experimenting on a 14 day basis with

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this. What is your response to that?"

Speaker Johnson, Tim: "Representative, do you wish to respond?"

Winters: "There are two points. One, the boot camps that you are talking about... You can only have one adult offense, but you can have an unlimited number of juvenile offenses and still be eligible for those boot camps and those are the people that are targeted for the boot camp, which again, is different than the work camp. You asked for the specific model of what worked. The Cook County Sheriff's Work Alternative Program is a model that this is based on. Now, that is based on adults. It started with DUI, not criminals, but people charged with DUI, has expanded to first time misdemeanors and first time felons. They have, at a success ratio, I believe it is approaching 90% of those people never come back through the system, never come in contact with a criminal justice system again. It is designed on work, not on a boot camp, but on a work camp style, they report to that work camp on weekends at exactly...parallels this, except minus for juveniles, and that is based on adults."

Speaker Johnson, Tim: "The Chair recognizes the... Do you want your four seconds or do... Okay. Proceed."

Dart: "Representative, just in closing, I was going to say that, I agree with what you are trying to do here. My problem is, and will remain, the fact that I just do not see how we can possibly accomplish what you are talking about in 14 days when 14 of them don't even have to be consecutive. I have a problem with that. I agree with the theory of what you are trying to do, but I just don't see how we can do it in 14 days."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg. Proceed, Representative."

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Representative Granberg."

Granberg: "Sorry, Mr. Speaker, I was talking to Representative Ryder. I didn't mean to..."

Speaker Johnson, Tim: "I'm sure that dialogue would be one we would all be interested in. Proceed."

Granberg: "It was very, very fascinating."

Speaker Johnson, Tim: "Proceed."

Granberg: "Will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates he will."

Granberg: "Representative Winters, if I understood the questioning correctly, and I just want to make sure I do before I vote on this, this would go for a project in Rockford? That is correct?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "This is designed to work within the seventeenth judicial circuit. That consists of two entire counties: Boone and Winnebago. The presumption is as Rockford is the major population center that that would be the location."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And is it limited to accepting juveniles from that area alone?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "Yes, any juvenile that is in the juvenile court system of the seventeenth circuit court. So, I would assume that that would be limited to those juveniles."

Speaker Johnson, Tim: "Further questions, Representative?"

Granberg: "Thank you. So, you have a facility that is going to be built in that circuit alone, you have a facility that will only be allowed to take juveniles from that circuit alone. Does the \$400,000 for this project come from that circuit alone?"

Speaker Johnson, Tim: "Representative Winters."

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Winters: "The facility will not be constructed, but will be leased on a short term basis for the three year pilot. There will be very little construction costs. It is very possible that some of the staff may come from outside the seventeenth judicial circuit. So, it may be spread in other areas of the state within commuting distance of Rockford."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Does the funding for your local project, that will only take local juveniles, come from only local residents?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "I'm sorry, can you repeat that? I'm having a little trouble understanding..."

Speaker Johnson, Tim: "We can give the Gentleman your attention. Give Representative Granberg your attention, so that you can ask the question and have it heard. Proceed."

Granberg: "Thank you. So, this is a local project. It is only allowed to accept local juveniles and so I assume, it is all local money that is being used for this local project, that only impacts local juveniles. Is that correct?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "This is not only a local project, it is a pilot for the entire state. I think that it is a model that will work very effectively on the first time juveniles. The idea of a pilot is to find out exactly what the best way to run it is. We may save money in your district when you choose to put a juvenile work camp in your area and if it is a failure, if it doesn't work, then we saved money because we didn't try to put it in your district."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So, I assume, Representative, from your answer that this comes out of state money for your local project for

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our juveniles that reside in this circuit in your local circuit. And this comes out of State General Revenue Funds, is that correct?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "The funding source is not secure at this point. It could be federal or... I would like it to be federal. It could be state, it could be local monies."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So, the Bill as drafted, does that call for only local funds to be used for your local project that only impacts local juveniles?"

Speaker Johnson, Tim: "Representative Winters."

Winters: "Not at all. We think it is going to affect juveniles all over the state. When they see this as a model, they will stop committing crime. It also does not identify where the source of money will come from."

Speaker Johnson, Tim: "Further questions, Representative?"

Granberg: "To the Bill, Mr. Speaker."

Speaker Johnson, Tim: "To the Amendment..."

Granberg: "To the Amendment..."

Speaker Johnson, Tim: "Representative."

Granberg: "Thank you, Representative, for your answers. I just need to know, because when I go back to my district, I need to tell my people that we need a juvenile facility but I voted to send state money for juvenile facility in your district, where only juveniles from your district can go. So, how do I explain to my people that when we need this facility and we need to send our juveniles some place... I'm sorry, they can't go to Rockford, but I voted for funding for Rockford because they can only accept juveniles from that area. So, if I am Representative Bost, I'm Representative Klingler, or Representative Poe or

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Representative Jones, I've got to go back and say, 'I think funding for this juvenile center in Rockford is more important than the money in my district, because we want to send money to Rockford to take care of their juvenile problem, because that is more important than taking care of the juveniles in my district. So, I just want to understand that before I voted on your Amendment. Thank you.'

Speaker Johnson, Tim: "Representative Winters, you have fifteen seconds. Do you wish to respond?"

Winters: "The money, again, is not denoted. It is up to the county board to ask for state money, to ask for federal money or fund it themselves."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kane, Representative Hoeft. Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. I would like to call for the question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', 49 voting 'no'. The Motion prevails. Now, on Floor Amendment #6 to House Bill 1384, the Gentleman from Winnebago, Representative Winters."

Winters: "I think this is an excellent pilot that will serve very well in the State of Illinois. I think other judicial circuits will pick it up and I would ask for your favorable vote on this Amendment. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall Floor Amendment #6 to this Bill be adopted?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk, take the record. On this question, there are 66
voting 'yes', 48 voting 'no', 1 voting 'present'. The
Motion prevails. Amendment #6 is adopted. Mr. Clerk,
further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill
1459."

Clerk Rossi: "House Bill 1459 has been read a second time
previously. No Committee Amendments or Floor Amendments
have been approved for consideration."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read House Bill
1881."

Clerk Rossi: "House Bill 1881, a Bill for an Act amending the
Counties Code. Second Reading of this House Bill.
Amendment #1 was adopted in Committee. No Motions have
been filed. Floor Amendment #2, offered by Representative
Andrea Moore, has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes on Floor Amendment
#2, the Lady from Lake, Representative Andrea Moore.
Proceed."

Moore, A.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the
House. Floor Amendment 2 is a Bill that comes from Lake
County. It primarily affects only counties in the
Northeastern part of the state and it is in regard to storm
water management. Currently, there are two agencies that
are in effect and they are being funded by the levy. This
Bill which is different from the Bill you may have seen
last year, provides a reduction in property tax that
corresponds to the fees that would go in place. The...
This Bill is supported by the Home Builder's Association,
the Realtors, the Governor's Task Force, and I would be

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happy to answer any questions."

Speaker Johnson, Tim: "Okay. On the Amendment, the Chair recognizes the Gentleman from Effingham, Representative Hartke. Proceed."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I would like a Roll Call on this Amendment if you could be so kind as to acknowledge that."

Speaker Johnson, Tim: "I will acknowledge that. Further questions?"

Hartke: "Yes. Representative Moore, would you answer some questions please?"

Speaker Johnson, Tim: "She indicates she will yield."

Hartke: "Okay. Thank you. This has been a contentious Bill for quite some time with the realtors in Illinois. Are they in support of this Amendment?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Yes, Representative, they are. And when we came to the Committee, they had some concerns with it and we have subsequently met with them and with the Home Builder's Association and have put...that is where the corresponding reduction and property tax comes in."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Okay. You indicated that the Home Builders were also in support of this?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Yes, they are...they, too, were part of the negotiations and do support: both the State Home Builders, The Greater Chicago and also, Lake County."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "And what about the Illinois Farm Bureau and their concern? Has that been addressed?"

Speaker Johnson, Tim: "Representative Moore. Representative

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Moore in response."

Moore, A.: "Thank you. The Farm Bureau, I am told, wants a referendum, so they are not supporting, but they have been part of the negotiations."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So, the Illinois Farm Bureau is opposed to this legislation because they wanted to see a referendum. Is this a backdoor referendum or is it a tax increase without a voice in it? Are there fee increases in this?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "The fees are to fund two of the agencies that are currently being funded by the levy. So, it is a different funding source than is currently being implemented. Only two of the counties in the state have implemented this management agency."

Speaker Johnson, Tim: "Representative Hartke, you can proceed. Representative Moore, I am not sure that Representative Hartke received a response to his question in response to the specific Amendment, is that Farm Bureau in support of this? I believe that was your question, Representative Hartke."

Hartke: "Yes. I think she answered that sufficiently. She said the Farm Bureau was opposed."

Speaker Johnson, Tim: "Okay. Proceed."

Hartke: "Now, you said this is a different type of funding mechanism. What type of funding is this?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "This is fee based funding that would be implemented on a watershed basis. As an example, Lake County has four different watersheds, which is how you need to manage water and currently, one of the watersheds which has Representative Gash's district in it, has been implementing

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through drainage districts management plans for a number of years. They will not require the same level of funding for mitigation of storm water as the other three watersheds. So, this is thought to be a more equitable way to implement any kind of storm water management plan."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "And so, the farmers in the area are concerned because their land maybe leans toward one direction. They will be assessed a fee for the water runoff that may be occurring off of their land and this is based on what, just the number of acreage? What about soil type?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Actually, the fees are going to be implemented on...by the impervious surface. So, farmland has no impervious surface, so the fees would not be there."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "The farmland is not then a pervious surface, a porous surface I guess you would say, where it would soak up...land and rain, correct?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "I didn't understand the question."

Speaker Johnson, Tim: "Do you want to repeat the question, Representative?"

Hartke: "What do you mean by 'pervious'?"

Speaker Johnson, Tim: "Proceed, Representative. Did you hear the question?"

Moore, A.: "Yes. It is impervious surface and something like asphalt or concrete is impervious surface, it will not absorb any storm water, it runs off. Farmland, on the other hand, absorbs and needs the storm water...the rain water."

Speaker Johnson, Tim: "Representative, if you could bring your

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questions and comments to a close."

Hartke: "Well, I... If farmland is not impacted by this because they don't have porous coverage on the soil, why would they be opposed to it, if there will be no fees imposed upon them?"

Speaker Johnson, Tim: "In specific response, give you an extra half of a minute to respond. Representative Moore."

Moore, A.: "Thank you. They are in favor of the service charge concept, Representative, but it was the referendum question that kept them from supporting."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang, proceed. Representative Lang, do you have questions of the Sponsor?"

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

Speaker Johnson, Tim: "Indicates she will. Proceed."

Lang: "Can you tell me what collar counties this legislation affects?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "The counties included in the northeastern Illinois Planning Commission."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, for the uninitiated, could you tell us what those are?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "The counties that surround Cook."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, in other words, all the collar counties?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Except Cook."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, that is what makes them collar counties, because it is except for Cook. They surround Cook like a collar. So,

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it would be collar counties. So, all the collar counties, except for Cook, support this and that is...it's for them. Correct?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Good analysis, Representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, this is why it takes so long on the floor, Ladies and Gentlemen. It takes an hour and a half to get...to find out a simple answer to a simple question. There is something in here about revenue bonds. Do you want to tell me about those?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "The revenue bonds are provided in this Amendment so that implementation of the watershed management plans can go forward. The revenue bonds would be reduced by the fees and they are connected...all of them are connected to a five year financial plan that must be submitted to the county board."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "You gave us a whole list, Representative, of people, organizations and places within those collar counties other than Cook that support this legislation. Who does not support this legislation?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Well, the only people I know are the Farm Bureau and that was just recently brought up by one of your Members."

Speaker Johnson, Tim: "Representative Lang. We need Representative McPike here to respond to that, but we will make do."

Lang: "You mean historical figure McPike?"

Speaker Johnson, Tim: "Particularly in connection with farm issues, yes."

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Lang: "Yes. Representative, why is the Farm Bureau opposed?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "I am told that they agree with the service charge concept, but wanted a referendum included in the legislation."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Is that what Representative Hartke told you or what the Farm Bureau told you?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "That is what the Farm Bureau had in their letter to the management agency last week."

Speaker Johnson, Tim: "Representative Lang."

Lang: "You did not talk to them personally?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "No, I did not."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, don't you think that if you had talked to them personally, you might have found some way to resolve their problem? Representative Hartke is a reasonable man, usually."

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "I'm sure that I could have convinced them had I only known that they were opposed to my Bill, but since I didn't until today, I didn't have an opportunity to meet with them."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, what you are saying is, that they are opposed and they told someone else, but the someone else never told you?"

Speaker Johnson, Tim: "Representative Moore, do you wish to respond?"

Moore, A.: "Actually, they did not sign in against this Bill in Committee and so I was not aware of it. I know that they

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have worked with the agency in Lake County for about nine months, and last week they sent a letter to the agency that said that they did not...well, they supported the concept, that they wanted a referendum included in the legislation."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Let me ask you this. Do you think you could resolve your problems with the Farm Bureau if given the opportunity?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Well, after nine months of negotiations, evidently it was concluded that we could not."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, except you just said you didn't know they were opposed until today. So, what negotiations took place with them for the last nine months? Maybe if you took this Bill and took it out of the record and just spent this evening talking to the Farm Bureau and Representative Hartke, that obviously represents them well, you might be in a position where you could put this Bill in a posture where you could get a unanimous vote. By the way, Mr. Speaker, we ask for a Roll Call vote on this."

Speaker Johnson, Tim: "You are so acknowledged. Representative Moore, do you have anymore response to this?"

Moore, A.: "No."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Adams, Representative Tenhouse. Proceed with your twenty seconds."

Tenhouse: "Thank you. Thank you. The Municipal League is okay with this legislation?"

Speaker Johnson, Tim: "Representative Moore."

Moore, A.: "Yes, Representative."

Speaker Johnson, Tim: "We will add a minute onto your time, Representative Lang. Proceed."

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Lang: "Well, thank you. I just have an inquiry of the Clerk, if I might proceed. We have got an Amendment with no number on it. I need to know the LRB number of Amendment #2 if I could get it."

Clerk Rossi: "The LRB number of Amendment #2 is LRB8904660dnkBAM04."

Speaker Johnson, Tim: "Proceed."

Lang: "Has that Amendment been printed and distributed? We don't seem to have it. We have Amendment that ends BAM03 which is numberless, but we do not have BAM04. I have been corrected. We do have it, but perhaps the Clerk can tell me what BAM03 is. It doesn't have a number in it."

Speaker Johnson, Tim: "What is your inquiry, Representative?"

Lang: "Well, in my file, Sir, I have got an Amendment that was adopted presumably in Committee with that LRB number that ends BAM03 and there is no number in the line that says Amendment number whatever."

Speaker Johnson, Tim: "Ask the Clerk to respond."

Clerk Rossi: "Oh three is Committee Amendment #1."

Speaker Johnson, Tim: "Further questions? The Chair recognizes the Gentleman from Adams, Representative Tenhouse."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 68 voting 'yes', 44 voting 'no'. The Motion prevails. The Chair recognizes the Lady from Lake, Representative Andrea Moore, on Floor Amendment #2 to House Bill 1881."

Moore, A.: "Thank you, Mr. Speaker. This is good legislation that allows for storm water mitigation in counties that

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suffer from serious flooding. I would respectfully request an 'aye' vote."

Speaker Johnson, Tim: "All in favor of the adoption of Floor Amendment #2 to House Bill 1881 signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 58 voting 'yes', 54 voting 'no', 2 voting 'present', and the Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. A fiscal note and a state mandates note, as amended by Amendment #2, has been requested on the Bill and has not been filed."

Speaker Johnson, Tim: "The Bill will be held on the order of Second Reading. Mr. Clerk, read House Bill 1576. Representative Churchill."

Clerk Rossi: "House Bill 1576, a Bill for an Act amending the Minimum Wage Law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Representative Ryder in the Chair."

Ryder: "Continuing in the order of Second Reading, Mr. Clerk, what is the status of House Bill 2076? Representative Ryder in the Chair."

Clerk Rossi: "House Bill 2076 has been read a second time previously. Amendment #4 was adopted in Committee. No Motions have been filed. Floor Amendment #9, offered by Representative Winters, has been approved for consideration."

Speaker Ryder: "Representative Winters on Floor Amendment #9."

Winters: "Okay. Excuse me a minute, Mr. Speaker. Let me get the right Bill. This Floor Amendment #9 may be withdrawn."

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Speaker Ryder: "Floor Amendment #9 is withdrawn. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #10, offered by Representative Winters."

Speaker Ryder: "Representative Winters on Floor Amendment #10."

Winters: "Thank you, Mr. Speaker. This Floor Amendment adds to the Bill provisions found in House Bill 2077, excludes Project Jump Start, but adds block grants, trying to consolidate block grants and also, technology utilization to implement that in the schools. There should be no cost to that. I move the adoption of this Amendment."

Speaker Ryder: "And on that, the Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "I stand in support of this Amendment. We find that the removal of the Jump Start money and adding the ability of school districts to have technology training for its teachers, certainly adds to this legislation as well as money block grants for scientific literacy. So, we do stand in support of this legislation and hopefully, it will be one of those things that help to improve our schools in Illinois."

Speaker Ryder: "Any further, Representative? Representative Pugh, did you have your light...did you wish to speak on this issue? Alright. Thank you. Then the Chair recognizes the Gentleman from Cook, Representative Dart."

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

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

Dart: "Representative, what are the provisions here dealing with the transfer of the saving bonds and interest funds that they... the districts shall annually transfer, in an amount equal to the guaranteed energy savings, what are those provisions regards to?"

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Speaker Ryder: "Representative Winters."

Winters: "That provision provides that if part of an energy... of a guaranteed energy savings contract is funded with bonded indebtedness, the district must transfer every year an amount equal to the guaranteed energy savings from the educational or operations and maintenance funds to pay off that bond. There has been some cases where they are paying the minimum on the bond rather than the energy savings that are entailed in that, I think was the purpose of the bonds. So it accelerates the payment of the bonds based only on the savings to the district."

Speaker Ryder: "Representative Dart."

Dart: "So what it's just the limited amount... the transfer is for... what exactly is going to be the transfer, just that one amount, what was that again? You said the transfer?"

Speaker Ryder: "Representative... sorry to interrupt, Representative. Representative Winters."

Winters: "It's simply... if when the bonds are sold, there is an estimated energy savings that the school is by the consultants is guaranteed that they're going to find. It transfers that amount of money into paying off the bonds."

Speaker Ryder: "Representative Dart."

Dart: "I have a question about the provisions dealing with the members and standards... of the standards and act... there's a standards counsel being reimbursed. What are those provisions and how much is that going to cost?"

Speaker Ryder: "Representative Winters."

Winters: "The Occupational Skill Standards Credentialing Council today are not reimbursed at all. And they're having troubles keeping enough people on that council to actually function. So what it would do, is reimburse their expenses when they come to the meeting, they meet six times a year,

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the estimating cost is approximately \$13,000 per year total. There are no salaries included, it's simply mileage and lodging."

Speaker Ryder: "Repres... were you finished, Sir? Representative Dart."

Dart: "Mr. Speaker, before I forget, I want to ask for a roll call on this Bill. Can you acknowledge that request?"

Speaker Ryder: "On the Bill or on the Amendment, Sir?"

Dart: "On the Amendment. Thank you."

Speaker Ryder: "We will acknowledge that request."

Dart: "And I also had a question as far... the \$13,000, where would that money be coming from?"

Speaker Ryder: "Representative Winters."

Winters: "It will be absorbed in the State Board of Education budget."

Speaker Ryder: "Representative Dart."

Dart: "Thank you. In the provisions regards to the competitive grants for funds appropriated from the Illinois Math and Science Academy. What is the changes that we're making there and why are we having to do that?"

Speaker Ryder: "Representative Winters."

Winters: "I'm sorry, I was distracted, I didn't get the question."

Speaker Ryder: "Ladies and Gentlemen, the noise level has reached the point that the Sponsor of the Amendment and the Gentleman asking the questions are having difficulty hearing. Please reduce the noise level. Representative Dart."

Dart: "Thank you. There's provisions in here allowing the state board to provide competitive grants from funds appropriated for the Illinois Math and Science Academy. Why... why are we doing that? What is the purpose behind us making that

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change?"

Speaker Ryder: "Representative Winters."

Winters: "That provision allows school districts themselves to do in-service training, if they have the expertise, so they don't have to spend money on outside consultants. It also allows colleges and universities in the State of Illinois and the Math and Science Academy, which has a unique set up and special expertise in teaching those subjects. It allows them to compete for grants to do these in-service trainings. This is the academy in Aurora."

Speaker Ryder: "Representative Dart, your time is drawing nigh."

Dart: "Yes. Just a final question. Regards to the change in... allowing the superintendent of education to provide assistance to the public schools for improved utilization and technology. Why is that necessary? Is he not presently allowed to do that and if not... I mean, if so, then why are we going to have to put this in statute?"

Speaker Ryder: "Representative Winters."

Winters: "This gives a statutory authorization to do what is presently being done. It's a question of whether or not they have the authority, so it simply clears that up."

Speaker Ryder: "Representative Dart, for 20 seconds. No further questions. The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang, I'm going to give you the extra 10 seconds that Representative Dart didn't use. I'm giving you this as..."

Lang: "I'll just wait, Sir for the time to run out."

Speaker Ryder: "Well I'm giving you this as a gift."

Lang: "Now. Now can you add 10 seconds, Sir?"

Speaker Ryder: "I'm sorry, Sir, you used it."

Lang: "That's all right. Mr. Dart I'm sure used this time wisely."

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Speaker Ryder: "Indeed he did, as are you."

Lang: "I would like to use my time wisely but I can't find my notes, so bear with me."

Speaker Ryder: "It's a small problem for you, Sir."

Lang: "Will the Sponsor yield?"

Speaker Ryder: "Was that part of your notes?"

Lang: "Thank you."

Speaker Ryder: "The Sponsor indicates he will yield. Representative Lang."

Lang: "Thank you. Representative, where are you? Wave. Oh there you are, way over there. Thank you. I see very competent staff around you tonight. Hello competent staff. Nice to see you. Wave back. It's okay, we're friendly here. It's a new world in the Illinois House. We're very friendly."

Speaker Ryder: "Representative..."

Lang: "Representative, I see... I see a whole series of Bills here as part of your Amendment that were once Sponsored by Representative Cowlshaw. Where these not part of another Bill that failed?"

Speaker Ryder: "Representative Winters."

Winters: "Two of the provisions in this Bill were part of House Bill 2077. That Bill failed because of the presence of Project Jump Start."

Speaker Ryder: "Representative Lang."

Lang: "I didn't hear the last part. Because of the presence of what, Sir?"

Speaker Ryder: "Representative Winters."

Winters: "My belief is, that Bill failed because of the presence in it of Project Jump Start which is not in this Amendment, it was removed."

Speaker Ryder: "Representative Lang."

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Lang: "So, did you vote for the other Bill?"

Speaker Ryder: "Representative Winters."

Winters: "I have no idea, to tell you the truth."

Speaker Ryder: "Representative Lang."

Lang: "Well, so I gather you didn't think Project Jump Start was a good idea that should be part of this Bill, is that correct?"

Speaker Ryder: "Representative Winters."

Winters: "I'm fully in support of the two provisions that are in here."

Speaker Ryder: "Representative Lang."

Lang: "Is Representative Cowlshaw upset that you didn't include Project Jump Start in this Bill? Wouldn't she like to see it in here?"

Speaker Ryder: "Representative Winters."

Winters: "Oh. You're asking me the... the mental state of another Representative? Is that what I understand? I can't tell you that."

Speaker Ryder: "Representative Lang."

Lang: "Well, no. I'm not really that concerned about her mental state. Is that what you asked me? No. I'm really not. Let me ask you a question, Sir. Of these... this has four different Bills in it, House Bill 795, House Bill 796, House Bill 2077 and House Bill 2078. Did all of those get out of committee?"

Speaker Ryder: "Representative Winters."

Winters: "Yes, 795, 796 were put into the original Bill in committee, 2078 was also, 2077 got out of committee on its own. They were all... the other three were all initially part of this Bill once it came out of committee."

Speaker Ryder: "Representative Lang."

Lang: "Have you made any changes in any of these from the form

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they were in however they went through committee?"

Speaker Ryder: "Representative Winters."

Winters: "The only change in 2076 was removal of the charter district language."

Speaker Ryder: "Representative Lang."

Lang: "And so other than that, all four of the Bills that are part of Floor Amendment 10, are in exactly the form they were in when they went into and then came out of committee?"

Speaker Ryder: "Representative Winters."

Winters: "The answer is, that there was one change and that was removal of Project Jump Start, but other than that there were no other changes in those four Bills."

Speaker Ryder: "Representative Lang."

Lang: "Was there any opposition to any of these four Bills when they went through committee, either by a Member of the committee or by anyone filing a witness slip?"

Speaker Ryder: "Representative Winters."

Winters: "The only opposition that I am aware of was on House Bill 2077 when it dealt with teacher licensing. That language was removed before it came out of committee. That was the only opposition that I am aware of."

Speaker Ryder: "Representative Lang, in 29 seconds or less."

Lang: "Would it be fair to say that all four of these are projects of the State Board of Education, Sir?"

Speaker Ryder: "Representative Winters."

Winters: "I believe that would be eminently fair."

Speaker Ryder: "Representative Lang."

Lang: "Well, I think you've done an excellent job asking... answering these important questions and I appreciate you doing that. The Speaker, Mr. Speaker you have acknowledged our request for a Roll Call, Sir?"

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Speaker Ryder: "That is not necessary. A Roll Call has previously been sought. No further discussion. We'll move to the Amendment. The Gentleman moves for the adoption of Floor Amendment #10 to House Bill 2076. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment, 108 voting 'yes', none voting 'no' and 3 voting 'present'. Amendment #10 to House Bill 2076 is hereby adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #11, offered by Representative Mautino."

Speaker Ryder: "The Gentleman from Bureau, Representative Mor... Mautino. Apologies. On Floor Amendment #11."

Mautino: "Thank you, Mr. Speaker, Members of the House. Amendment 11, is an Agreed Amendment between the State Board, the Taxpayers Federation, the IEA and the Alliance. It will add in the term, 'administrative agency' and into the Code regarding recomputation of state aid and this is following, I'll give... the best way to do this is an example. If a school district goes to the Property Tax Appeal Board, or not a school district but a factory, and has their assessment reduced. Under the current law, an adverse decision affecting the school districts that have objected, would not qualify for recomputation. It has to be under current law an adverse court decision. This puts in an administrative agency adverse decision. So the districts are not guaranteed reimbursement or relief but they would at least be... it would be eligible for it. I'd be happy to answer any questions."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman

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from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I just would like to rise in support of... of Floor Amendment #11. Representative Mautino and I have looked at this situation. I talked to just one of my school districts, that of Dixon, Illinois, and their total three year exposure, under current tax objection cases, that could affect adversely their school over all operating budget is \$171,467.60. Floor Amendment 11 will at least allow a review by the Illinois State Board of Education and see if there is some possibility of a little bit of relief in the area of this type of problem in our school districts. Right now they're facing one tax objection case that exposes them to \$73,000 in their budget. So I certainly support this, as Representative Mautino says, I believe we've got the agreement of everybody on this issue. So I certainly would recommend a 'yes' vote on Amendment 11. Thank you."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Monique Davis. Representative."

Davis, M.: "Thank you, Mr. Speaker. I too rise in support of this Amendment. It brings equity in reference to those who file for tax appeals and yet it doesn't hurt the school districts. I would urge people to vote 'yes' on this Amendment. Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, I smell a double whammy here. Last year... last year, I talked about how the school districts, in my district, were not allowed to get more state aid because they lost assessed evaluation as result of the tax cap. And in fact, one State Legislator even wrote a column about it and ended up getting reelected amazingly enough."

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He's standing in the back row. I fail to see how this differs, this problem differs, from what I outlined last year. We have an individual school district who has a drop in assessed evaluation. And yet, according to the school aid formula, they still have the assessed evaluation. And so they don't get more state aid, even though they cannot access the money locally. Now I hope some proponent at some point, can explain what the difference is between what is going to occur to everyone in the six county area of Chicago and what has occurred to every district in the five collar counties for the last four years and what is happening in the individual districts that the Sponsors are concerned about. I would ask for a roll call on this please. I might want to write a column."

Speaker Ryder: "The Chair recognizes the Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I'd like to defer my time to my illustrious colleague, Larry Wennlund."

Speaker Ryder: "Representative Wennlund is seeking recognition? The Gentleman from Will, Representative Wennlund, you have some extra time."

Wennlund: "Thank you, Mr. Speaker and thank my illustrious colleague Representative Woolard. Will the Sponsor yield, Mr. Speaker?"

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

Wennlund: "Yes. Representative Mautino, is the only change in this Amendment adding in that a decision of an administrative agency, like the Property Tax Appeals Board, in addition to an adverse court decision for the purpose of recomputing claims by school districts?"

Speaker Ryder: "Representative Mautino."

Mautino: "The reason that we've included administrative agency is

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that the State Board of Education would... it was not specifically enclosed there, so if you did not actually go to court and fight this in court and get an adverse decision from the court system, you couldn't qualify for the state board to even look to see if you were able to recoup any of that money. So we needed to put that in to clarify that it can be either an adverse court decision or an agency decision and that would include the Property Tax Appeal Board."

Speaker Ryder: "Representative Wennlund."

Wennlund: "That begs one more question and the question is, that if they recompute after the PAT, Property Tax Appeals Board decision, and there's an administrative review action filed. How does the... how does the state board... how are they able to readjust it, because a court could later reverse that reduction? If you understand what I mean. If the Property Tax Appeals Board rules one way and within 30 days an administrative review action is filed and the court reverses it. How does that, I mean, how does the school district or the State Board of Education know whether or not, in fact, a court later in administrative review action, can take one or two years?"

Speaker Ryder: "Representative Mautino."

Mautino: "Let me put in the form... let me give you a specific example and I'll use the specific case that brought this up. The local... one of our local factories, in fact, did go to the Property Tax Appeal Board and received a reduction of basically a million dollars, a little shy of a million dollars. So since there was an objection filed and there's already a formula which the state board operates from, for recalculating for loss of assessed evaluation. Because... so right now, had this not been done at the

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Property Tax Appeal Board, but had been done in a regular court, it would go automatically to the state board, they would say yes your objection is founded, there is a reduction in your assessed evaluation and so we'll reformulate. The specific case here would be a... if you take the assessed evaluation, the school districts are going to lose about 130 grand. If the state board is allowed to review it. If they can take the Property Tax Appeal Board decision, just as they would any other court decision and review it, they may recover about 64,000 in the course of a three year period. So it's not... it will them... let the state board do something they cannot do now. The other option would be just to go straight to Circuit Court and try and overturn this decision. That's why the language was actually written up by the attorneys for the factory and that's why the Taxpayers Federation is in favor of it."

Speaker Ryder: "Representative Wennlund."

Wennlund: "Thank you very much, Representative Mautino. That clears it up. I understand what you're trying to do here and I agree with it. Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. As Regional Superintendent of Schools, there were a number of errors made that reflect the same problem that Representative Mautino has had in his district. These are tragic errors that stop needed resources from going to the schools of the State of Illinois. It happens virtually across the state. I think this is a good Bill. I think it deserves the support of virtually everyone in the Chamber."

Speaker Ryder: "The Chair recognizes the Gentleman from DuPage,

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Representative Biggins."

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

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

Biggins: "Representative, on the draft that I have it says, this takes place only in the event of an adverse court action. Is... what is an adverse court action in this case?"

Speaker Ryder: "Representative Mautino."

Mautino: "If the... if the school district were to actually go to a court, to the court system, and file this objection and the court would overrule and say that the factory or that the entity that was seeking the relief was correct, that would be an adverse court decision and those are the operative words here, court decision. The Property Tax Appeal Board does not have that same affect."

Speaker Ryder: "Representative Biggins."

Biggins: "All right, now if, I'm not sure I understand the whole incident or scenario here. The property was appealed to the Property Tax Appeal Board and a reduction was granted to the taxpayer? A large industrial property, one property? Can you tell me which property it was please?"

Speaker Ryder: "Representative Mautino."

Mautino: "This is Libby-Owens Ford, it's a factory in Ottawa, Illinois. We have the... and the district which brought the objection is the Ottawa High School District."

Speaker Ryder: "Representative Biggins."

Biggins: "And so the PTAB reduced the assessment and then did they go to Circuit Court?"

Speaker Ryder: "Representative Mautino."

Mautino: "No, at this point they have not gone to Circuit Court. This... by enacting this and giving the option to go back for review on that formula they may not have to. This is a situation that would apply in Representative Mitchell's

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district or Hoeft's, anywhere throughout the State of Illinois. So it could save the school districts the cost of litigation as well."

Speaker Ryder: "Representative Biggins."

Biggins: "Would this enable properties appealed in the County of Cook to take advantage of the taxing districts at the same opportunity to increase taxes later on?"

Speaker Ryder: "Representative Mautino."

Mautino: "Could you repeat that? I couldn't hear over the level."

Speaker Ryder: "I would ask that you please give the Gentlemen your attention. I would ask that the conversation in this aisle please remove yourself to the back. The Gentlemen interns, I'm speaking to you. I would ask that the conversation in the front please break up. Please let's have some order, so that we might be able to listen to the debate. The guys in the back are okay. Representative Mautino."

Mautino: "It was his turn."

Speaker Ryder: "All right. Representative Biggins, it's your turn, Sir."

Biggins: "Thank you. Have you sought the opinion of anybody from the Cook County Assessors Office or Board of Tax Appeals?"

Speaker Ryder: "Representative Mautino."

Mautino: "No. I have not discussed this with the Cook County Assessors Office."

Speaker Ryder: "Representative Biggins."

Biggins: "Well, if there is a person in the Chamber right now who knew what that opinion might be and if she was standing in the balcony and if she nodded a certain way, yes for approval or no for..."

Speaker Ryder: "The Chair will not recognize any demonstrations

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from the gallery. Anything further? Representative Biggins."

Biggins: "If this were to be... this applied statewide so it will affect all counties and tax that have matters that go to the Property Tax Appeal Board, is that right? So if Cook County... if Cook County's unable to go to the Property Tax Appeal Board, this would apply to decisions that are affecting Cook County property assessments."

Speaker Ryder: "Representative Mautino."

Mautino: "They too then, would have the ability or the opportunity to be reviewed by the State Board of Education, yes."

Speaker Ryder: "Representative Biggins. You have a minute, Sir."

Biggins: "I'm done, Sir. Thank you."

Speaker Ryder: "Nothing further? The Chair recognizes the Gentleman from Grundy, Representative Spangler."

Spangler: "Mr. Speaker. I move the previous question."

Speaker Ryder: "The previous question has been moved. All those in favor of putting the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question shall be put. The Chair calls on Representative Mautino to close. He's moves for adoption of Amendment #11 to House Bill 2076. A roll call has been requested. All those in favor of the adoption of that Amendment please do so by voting 'aye'; those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment, there are 98 voting 'aye', 5 voting 'no', 7 voting 'present'. The Amendment is hereby adopted. Any further, Mr. Clerk?"

Clerk Rossi: "No further Amendments has been approved for consideration. A fiscal note has been requested on the

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Bill, as amended, by Floor Amendment #10."

Speaker Ryder: "Mr. Winters, a request for a fiscal note has been adopted, on Amendment 10 and Amendment 11. The Bill will be held on Second Reading. Excuse me. Request for fiscal notes, as amended by... Mr. Clerk, what's the status?"

Clerk Rossi: "A fiscal note has been requested on the Bill, as amended, by Floor Amendment #10. That note has now been filed."

Speaker Ryder: "Anything further, Mr. Clerk?"

Clerk Rossi: "Nothing further."

Speaker Ryder: "Third Reading. Mr. Clerk what is the status of House Bill 568, Sir?"

Clerk McLennand: "House Bill 568 is on the Order of Second Reading. Floor Amendment #3, offered by Representative Wennlund has been approved for consideration."

Speaker Ryder: "The Gentleman from Will, Representative Wennlund on Floor Amendment #3 to House Bill 568."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 is a very simple Amendment. It merely deletes everything after the enacting clause to give us an opportunity to work on appropriate language. We're going to move it over. The intention is to move it over to the Senate while we continue to work on the appropriate language, and I move it's adoption."

Speaker Ryder: "You've heard the Gentleman's Motion. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Schoenberg. Representative."

Schoenberg: "Thank you, Mr. Speaker. Before I ask the Sponsor some questions, make a statement. I'd like to make a parliamentary inquiry?"

Speaker Ryder: "State your inquiry, Sir."

Schoenberg: "How many votes... we're all pretty familiar with the

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nature of this Bill and that it's a preemptive measure and I would like to know how many votes this will require for passage?"

Speaker Ryder: "Sir, the Chair would rule that adoption of this Amendment requires a majority of those voting."

Schoenberg: "To extend the logic further. Since the Amendment will become the Bill, when the Bill is on Third Reading, how many votes will the Bill... House Bill 568 require for passage, then?"

Speaker Ryder: "Sir, in the event that the Amendment is adopted, the Bill becomes a vehicle. It does not preempt home rule. As a result it will require 60 votes, the normal majority for passage. Any further parliamentary inquiry?"

Schoenberg: "No. I'd like to ask a question of the Sponsor."

Speaker Ryder: "Sponsor indicates that he will yield. Representative Schoenberg."

Schoenberg: "Thank you. Mr. Wennlund, what is your intention more specifically on what language you would like to apply ultimately in the course of the negotiations? In other words, how would you like, since you are the Chief House Sponsor, how... what is your most preferable outcome for House Bill 568, when it's sent over to the Senate?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "Well frankly, Representative Schoenberg, I'd like to pass it in it's original form."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "Well... well since the Amendment will cut the Bill and is it your intention then when this Bill does go over to the Senate that you will seek to restore the original language through a Senate Amendment to this House Bill?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "No. No, I will seek to... to amend, to have the Bill

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amended in the Senate with language that's agreeable with... with the original intention of the Bill."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "But the origi... but the original intention you indeed want to keep intact, that's correct?"

Speaker Ryder: "Representative Wennlund."

Wennlund: "Absolutely."

Speaker Ryder: "Representative Schoenberg."

Schoenberg: "Mr. Speaker, before I continue further I'd like to ask for a Roll Call Vote on Floor Amendment #3 and in the event that it does receive the necessary... the required number of votes, I would like to seek a verification. May I continue please, Sir?"

Speaker Ryder: "Your request Sir is acknowledged. You will receive that which you have requested, and if you wish to continue, you certainly may."

Schoenberg: "Actually this... actually this is to the Amendment. The... and I think we all need to pay close attention. I think we need to pay close attention to this because on the surface and I hope I'm not reading this wrong, but on the surface it would appear that this is a parliamentary maneuver, in order to circumvent in this Chamber, the requirement for a super majority vote. The Sponsor's intention, as he's clearly stated, is to indeed preempt home rule. Now, I'm not going to address the question of the merits, the policy merits, on whether this is sound public policy. I'm going to address the preemption of home rule, because in it's very essence, should we have any preemption Bill, any language in the Senate which is added to preempt this... to preempt home rule, that would mean in it's rawest form, in a suburban community, if in Naperville or in Wilmette or in Worth or wherever you're from, if your

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suburb wished to have a zoning ordinance, a zoning ordinance which sets some perimeters and some limitations on where there could be a gun store, based on any form of preemption of home rule that wouldn't be prohibited by any type of state law. Moreover, the Members of the General Assembly should be aware that on March 23, responding to my request, the Village of Wilmette overwhelmingly and unanimously voted to sue the State of Illinois for any preemption of home rule because they feel that whether it's on gun control or whether it's on any other measure, that this indeed sends a very dangerous precedent and essentially abolishes the prerogative that any suburban community would have to enact gun control, any other community safety ordinance or any form of zoning. This indeed sets a very perilous constitutional..."

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

Schoenberg: "Thank you, Mr. Speaker. In closing... in closing, this is a Bill that is extremely antagonistic to suburban communities. We have all, time and time again spoken of the need, in the suburbs, to preserve the integrity of home rule and to keep these... and to keep decisions on a local basis. I can't think of any decision that's more to the core of a local communities prerogative than how to determine it's zoning, it's safety. I would urge that we not proceed any further with this Bill. That frankly, this Bill represents a parliamentary way of sidestepping the fact that there's..."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I too rise in very strong opposition to Amendment #3. Let me suggest to you as Representative

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Schoenberg has eloquently said a moment ago, that this is truthfully just an end run, a parliamentary maneuver to get around the rules of this Chamber. To get around, in deed, the Constitution of the State of Illinois. We hear a lot about preserving constitutions these days and most particularly, those who are trying to preserve a provision of our Federal Constitution, let me suggest to you, that in the State of Illinois we have a very strong home rule provision in our State Constitution. That... to preempt that requires a... a super majority of the legislative Body and rightfully so, to take away the right of communities. So, here today on... on House Amendment #3, we are saying we know the constitution say's this, and we know it's with good reason, but, you know, we're going to get around that, because on our issue, we're going to just get around that and pretend like it isn't something that preempts. It say's 'preempt state regulation' right on the board. I mean if ever there has been a more blatant, you know, misapplication of our rules and a misinterpretation, this is clearly one. I don't want to argue the merits or demerits of preemption right now because I feel very strongly for it, but let me suggest to you that I think that this is clearly an indication that the proponents of this Bill do not have the votes, and I think that what we ought to be doing is debating House Bill 568 on it's merits now, this week, the deadline is Friday. Let's hear the merits of this Bill and let's vote it up, up and down. I think this is sort of 'chicken way' to go about trying to preserve something that is a very, very serious invasion of the rights of communities of this state, and I urge a very strong 'no' vote on Amendment #3."

Speaker Ryder: "The Chair recognizes the Gentleman from Rock

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Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, previous speakers have indicated that this is a infringement on local rights. Local governments, rights to pass laws, well let me indicate to you that we do preemption Bills on this floor all the time. We have the power here to control what goes on between communities in this state when it becomes unfair for honest citizens to go from one area to another and become in jeopardy of... of being arrested or fined for that activity. I don't think anybody on this floor believes that a person traveling through Evanston for example, ought to be arrested for having a gun in the car when he's going and proceeding to do a legal activity in this state that we approve. And that's what... that's what can happen and what has happened in this state today. Those individuals traveling through a town can be arrested, charged with a \$500 fine and six months in jail for pursuing a legal activity in this state, that's what can happen. We have to as a state, take jurisdiction just as a federal government takes jurisdiction over interstate activities that we as states might infringe on... on federal activities, that's our job. We have to tell the cities in this... in this state that this belongs to the state jurisdiction and not to local government. Home rule is not... I believe not really something we ought to consider here because this is, as I said, an activity between communities that puts other citizens in jeopardy. The anti-gun people on the floor will use any means they can to defeat any Bill dealing with guns, it's as simple as that. They're going to do anything they can to knock down gun issues. Forty one states, listen 41 states have preemption, 41 states. This is an

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illegal constitutional issue, as a speaker had said, 'well 41 other states have done it and they don't have any problem.' We just happen to be too far behind, and this Bill as far as I'm concerned, is 14 years too late. Morton Grove should of never done it 14 years ago, we should stop it now, but it's gone to the point now where we got a lot of people that don't want to do this. We should of done it 14 years ago. I support Representative Wennlund's Amendment to gut the Bill, we'll send it to the Senate and construct some... some decent language that can be accepted and I would ask for your support on this Amendment."

Speaker Ryder: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

Weaver: "Mr. Speaker, I think you're establishing a dangerous precedence here. I would ask that you remind the folks that are speaking on this Amendment to refine their remarks to the Amendment itself, not on what the constitution says, either state or federal or what the... what the individual Sponsoring the Bill may or may not intend to do with it. I think we need to refrain from... from supposition and we need to confine our remarks to the... to the Amendment at hand."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman from Adams, Representative Tenhouse."

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

Speaker Ryder: "The previous question has been put. The Chair recognizes Representative Dart. For what purpose do you rise, Sir?"

Dart: "Thank you, Mr. Speaker. I have a parliamentary inquiry?"

Speaker Ryder: "State your inquiry, Sir."

Dart: "Thank you, Mr. Speaker. Amendment #3 by its title says it's the... the Act may be cited as a local Government

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Firearms Regulation Preemption Act. I would ask the parliamentary inquiry that this is out of order because of House Rule 7-20 which requires that the Bill... requires 'that there is specific language limiting or denying the powers or functions of the language,' and I would also quote to the Illinois Revised Statutes 5 ILCS57D/7 as well and I'd ask for a parliamentary inquiry to make sure we are proceeding properly here and that this Amendment is in fact in order."

Speaker Ryder: "Sir, the Chair is confused by your inquiry. For what reason is it that you are objecting? Representative Dart."

Dart: "Sir, my... my inquiry is that whether or not this Amendment is in fact in order, because it does not spell out the preemptions as are required by the statutes that I cited, as well as by the House Rule 7-20, which is sort of specific in saying what has to be laid out. It's not in the Amendment, I want to find out if this Amendment is in order or not?"

Speaker Ryder: "The Chair rules that the Amendment is in order for the reason that the Amendment removes the entirety of the Body of the Bill. The Bill, therefore, becomes a vehicle. And it is not as a result required to... to comply with the citations that you just gave, Sir. Representative Lang, for what reason do you... seek recognition."

Lang: "Yes, thank you, Mr. Speaker. To continue the parliamentary inquiry, the Bill says on it's face that it's a Preemption Bill, merely deleting the Body doesn't change the title of the Bill. They should of changed the title. But, they didn't change the title. The title still say's on it's face that it's a preemption Bill. Therefore, the

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Bill must say what it preempts, even if it is what we would call a Shell Bill or a Vehicle Bill under the Rules of the Constitution, under the rules of this House, it does not say that and therefore is on it's face, out of order."

Speaker Ryder: "Representative, the Amendment before us is the issue on which we're voting, not the title Sir. As a result the Chair's ruling will stand. The Motion has been put. All those in favor of putting the previous question should say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question... the previous question shall be put. Representative Wennlund to close."

Wennlund: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I think we all know what it is, the Amendment replaces everything after the enacting clause and that's as simple as that. It would allow us to set up additional time with... with which to work with the Bill, I move for it's adoption."

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

Lang: "Yes, I would move to overrule your decision on my parliamentary inquiry, Sir."

Speaker Ryder: "Sir, I'm... I don't believe that that Motion is timely. Since we have preceded with business since the ruling of the Chair. However, the Chair will recognize you. The issue before us is should the Chair be sustained. All those in favor sustaining the Chair shall vote 'yes'. All those opposed shall vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 71 voting to sustain the Chair, 39 voting 'no', and 1 voting 'present'. The Chair's ruling shall be sustained. We shall now move to a vote on

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Amendment #3 to House Bill 568. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. For what reason do you rise, Representative Lang?"

Lang: "Thank you, Representative Schoenberg clearly asked for a Roll Call and a verified vote should it receive the requisite amount."

Speaker Ryder: "I apologize. He did. The Chair was in error. The Chair recognizes that, and the Chair will take a Roll Call Vote. All those in favor of adopting Floor Amendment #3 to House Bill 568, do so by voting 'aye'; those opposed vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On the adoption of Floor Amendment #3, 64 have voted 'yes', 48 have voted 'no', and 3 have voted 'present'. Mr. Schoenberg, do you persist in your request for a verification?"

Schoenberg: "Mr. Speaker, I'd like to withdraw my request for a verification."

Speaker Ryder: "The Gentleman has withdrawn his request for a verification. Something further, Representative? For what purpose do you rise?"

Schoenberg: "Yes, thank you, Sir. I have one additional parliamentary inquiry."

Speaker Ryder: "Please state your inquiry."

Schoenberg: "My inquiry is Sir, since this is a vehicle Bill and on the assumption that it does return with an Amendment from the Senate. If it is a preemption Bill, what is the ruling of the Chair as to how many votes it will require for passage?"

Speaker Ryder: "The Chair will rule on that when the issue is before the Chair and not until then. The Chair... this

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Motion to adopt Floor Amendment #3, to House Bill 568 is hereby adopted. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments."

Speaker Ryder: "Third Reading. Mr. Clerk, please read House Bill 568."

Clerk McLennand: "House Bill 568, a Bill for an Act concerning Local Regulation of Firearms. Third Reading of this House Bill."

Speaker Ryder: "Representative Wennlund on House Bill 568."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think everybody knows by now that... that it's a vehicle Bill. We're going to send it over to the Senate to continue to work on the appropriate language. The original intention of the Bill is still there and as I stated in debate. And it's something that... several of us, Representative Brunsvold and myself have been working on to draft appropriate language with... with the attorneys involved and I ask for the passage of this Bill. Thank you."

Speaker Ryder: "Mr. Lang, were you seeking recognition? For what purpose are you seeking recognition, Sir?"

Lang: "Thank you, Sir. Parliamentary inquiry. How many votes will this take to pass?"

Speaker Ryder: "The Chair rules that this will require the requisite majority of 60 in order to pass. Mr. Lang, do you have further inquiry?"

Lang: "Thank you. Sir, the Constitution of the State of Illinois, Article VII, Section 6, Subsection (g) the General Assembly by a law approved by the vote of 3/5 of the Members elected to each House may deny or limit the power to tax or any other power or function of a home rule unit. Sir, by the title of the... the Bill as it is now

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we're preempting rights. If you're preempting rights of home rule units it requires 3/5 whether or not... whether or not the body of the Bill specifies what those preemptions are. The constitution requires that if anything is being preempted, any function of a home rule unit, it requires 3/5 votes. So, it wouldn't matter whether you specify it a thousand things or zero things, if it's a preemption Bill on it's face by it's title, the Constitution of our state, an oath you up... that you swore to uphold Sir, indicates that 3/5 vote would be required and could I..."

Speaker Ryder: "Mr. Lang, the Chair has ruled. The Chair retains the rule. Do you wish to make any further Motions, Sir? Mr. Lang."

Lang: "I would move to overrule the Chair."

Speaker Ryder: "Mr. Lang has ruled to overrule the Chair. The vote is, 'Should the ruling of the Chair be sustained?' All those in favor of the Chair say 'aye'; or excuse me, vote 'aye'; all those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 73 voting to sustain the Chair, 40 voting 'no', 2 voting 'present'. And the ruling of the Chair has been sustained. Proceeding on to the discussion on the issue, the Chair recognizes the Lady from Cook, Representative Fantin."

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

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House..."

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Speaker Ryder: "Mr. Schoenberg, before you begin, I would like to ask... I would like to ask that the Members... I will give you your time Sir. I would ask the Members to confine the remarks to the content of the Bill before us, as it currently exists. Representative Schoenberg, you may now begin."

Schoenberg: "Thank you, Sir. I hope your not going to decide, I'm going to be making much ado about nothing. What I would like to do is address the title of the Bill, since the title of the Bill is Bill's content. Essentially to elaborate on a point that Mr. Brunsvold made earlier, but before I do so, Mr. Speaker and Ladies and Gentlemen of the House; Mr. Speaker, I'd like to request a verification on the Bill and a Roll Call Vote if it should receive the necessary number of votes for passage."

Speaker Ryder: "Mr. Schoenberg, the Chair will acknowledge that and will attempt to do a better job of remembering the acknowledgement on this one, than I did on the last one. You may proceed."

Schoenberg: "I have the same difficulties with my wife, if it's any consolation, Sir."

Speaker Ryder: "I appreciate your consolation. I feel consoled. You may proceed."

Schoenberg: "Thank you. The constant mis... the constitutional issue, as far as the State Constitution, is a rather clear one. In article... in Article 1, Section 22, it is... that is this basis within the State Constitution that any preemption of local ordinances would be illegal. More or... moreover, if you would check the debate within this constitutional convention for the 1970 Illinois State Constitution, the delegates to that convention specifically stated in debate, that local governmental units indeed have

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the right to regulate firearms on a local level. Moreover, if you look at the federal law, the Code of Federal Regulations Section 178.38, under the heading of Transportation of Firearms; indicates that a person shall transport lawfully possessed firearm from place to place regardless of local law. The interpretation... the legal interpretation of the federal language for this code is clearly interpreted that providing the case of a vehicle without a compartment separate from the drivers compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console. The Federal Act essentially provides protection for the transportation of firearms and there is no reason which exists to eliminated home rule powers. This is ultimately a question of the preemption of home rule. I would strongly urge the Members on the basis of my earlier comments and the comments that others have made, that if you indeed care about the integrity of home rule, particularly those of you who live in the suburbs and care very deeply about how we in the General Assembly seek to impact zoning ordinances and every other fundamental part of local suburban living then I would urge you to vote against this Bill. Thank you."

Speaker Ryder: "Thank you, Representative Schoenberg. The Chair recognizes the Gentleman from Champaign, Representative Johnson."

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

Speaker Ryder: "The previous question has been put. A Roll Call has been requested. All those in favor of putting the previous question shall vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On

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this issue, there are 72 voting 'yes', 42 voting 'no', and 1 voting 'present', and the previous question shall be put. The Chair recognizes the Gentleman from Will, Representative Wennlund to close."

Wennlund: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I think we've had enough debate on the Bill. We know exactly what it does. I would ask for your 'aye' vote. Let's move this on to the Senate and continue to work on the language until we can find something suitable. I appreciate your time. Thank you very much. I ask for an 'aye' vote."

Speaker Ryder: "The question is, 'Shall House Bill 568 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 voting 'yes', 51 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk... Mr. Schoenberg, your correct and I forgot again. We'll take another Roll Call. The question is, 'Shall House Bill 568 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 voting 'yes', 51 voting 'no' and 1 voting 'present', and Mr. Schoenberg has requested a verification. Representative... Mr. Schoenberg, do you persist in your request for a verification? Mr. Clerk, please read the Roll of those voting in the affirmative."

Clerk McLennand: "Those Representatives voting in the

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affirmative: Representatives Ackerman. Biggert. Biggins. Black. Boland. Bost. Brunsvold. Churchill. Cowlshaw. Currie, Julie. Davis, Monique. Deering. Granberg. Hannig. Hartke. Hassert. Hoffman. Holbrook. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Kubik. Lachner. Lawfer. Leitch. Mautino. McAuliffe. Meyer. Mitchell. Moffitt. Murphy, Harold. Murphy, Maureen. Myers. Noland. Novak. Pankau. Parke. Pedersen. Persico. Phelps. Poe. Roskam. Rutherford. Ryder. Salvi. Skinner. Smith. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Woolard. Zickus. and Mr. Speaker."

Speaker Ryder: "Questions of the affirmative, Representative Schoenberg? Representative Schoenberg."

Schoenberg: "Representative Myers?"

Speaker Ryder: "Representative Myers is in the back. Additional questions?"

Schoenberg: "Representative Mitchell?"

Speaker Ryder: "Just a moment. Representative Moffitt requests verification. He's at the Clerks, well. May he have verification? Leave to be verified. Thank you, Mr. Schoenberg and your request was?"

Schoenberg: "For Mr. Mitchell?"

Speaker Ryder: "Mr. Mitchell is in his seat. Any further?"

Schoenberg: "Mr. Ackerman?"

Speaker Ryder: "Mr. Ackerman is in his seat. Any further?"

Schoenberg: "I apologize."

Speaker Ryder: "Representative Hartke requests leave for verification? Leave is granted."

Schoenberg: "Mr. McAuliffe?"

Speaker Ryder: "Representative McAuliffe is in his seat, as he is always."

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Schoenberg: "Sorry about that."

Speaker Ryder: "Any further, Mr. Schoenberg?"

Schoenberg: "I'm doing almost as well as you were earlier, Sir."

Speaker Ryder: "Thank you..."

Schoenberg: "Representative Wojcik?"

Speaker Ryder: "Thank you for reminding me. Representative
Wojcik is in the back by Representative Ackerman...
Representative Cowlshaw, for what reason do you rise?"

Cowlshaw: "I want to ask leave to be verified please?"

Speaker Ryder: "May the Lady be verified, Sir? Representative
Schoenberg."

Schoenberg: "Mr. Roskam."

Speaker Ryder: "Excuse me, Sir. Representative Schoenberg, by...
may Representative Cowlshaw be verified?"

Schoenberg: "Certainly."

Speaker Ryder: "She has leave to be verified and your request is
of Representative Roskam? Representative Roskam is in the
back. Do you acknowledge him, Sir? Representative
Schoenberg, in the back of your Chamber. Representative
Roskam. Anything further? Anything further,
Representative Schoenberg?"

Schoenberg: "Is Representative Deuchler... is Representative
Deuchler listed as voting?"

Speaker Ryder: "She is not voting. Any further, Sir?"

Schoenberg: "Nothing further, Sir."

Speaker Ryder: "Thank you. On this question, there are 63 voting
'yes', 51 voting 'no', 1 voting 'present'. And this Bill,
having received the Constitutional Majority twice, is
thereby declared passed? The order of House Bill Second
Reading. Mr. Clerk, what is the status of House Bill
2313?"

Clerk McLennand: "... Bill #2313 has been read a second time,

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previously. No Amendments, no note requests."

Speaker Ryder: "Third Reading. House Bill 2338, Mr. Clerk."

Clerk McLennand: "House Bill #2338. Bill's been read a second time, previously. Floor Amendment #1, offered by Representative Biggert, has been approved for consideration."

Speaker Ryder: "Representative Biggert on House Amendment #1 to House Bill 2338."

Biggert: "Thank you. Thank you, Mr. Speaker. House... Floor Amendment #1 is Amend House Bill 2338, by deleting the provision allowing the Human Rights Commission Supplement and Award, to include compensation for damages and attorney fees, accruing after the date of the public hearing. This Amendment is in re... this Bill is in tandem with House Bill 741. And this is the result of negotiations between the Human Rights Commission, the Human Rights Department and the Management Association. And the provisions that are in deletion here, are in response to requests by the Management Association. And I would ask for a... adoption of this Amendment."

Speaker Ryder: "Anything further? The Chair recognizes the Lady from Lake, Representative Gash. Representative Gash? The Lady indicates she doesn't wish to speak on the issue. The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang."

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

Speaker Ryder: "Gen... the Lady indicates that she will."

Lang: "Hi, Representative, having a nice night? Having a good time tonight? Yeah? Good. Let me ask you about this. Does this effect at all the Bill you passed yesterday? Or the one you had the Amendment adopted to, regarding the Human Rights Act to House Bill 741?"

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Speaker Ryder: "Representative Biggert."

Biggert: "The only effect is that in negotiations between the Management Association, the Human Rights Commission and the Human Rights Department, was the fact that in discussions, this was... this deletion was at the request of the Management Association, to this Bill. This is an agency Bill, but I've been working on both House Bill 2338 and 741. But it does not really have any affect on 741."

Speaker Ryder: "Representative Lang."

Lang: "Mr. Speaker, the noise in here is just shameful. Can you preempt... can you preempt this noise, Sir?"

Speaker Ryder: "Representative, you are right and I would ask that the parties that are conversing in the aisles, on your side, please re... return to the rear of the Chamber. Especially the two gentlemen that are speaking rather loudly to your left. I would ask the parties... I would ask the parties on this side to retire to the rear of the Chamber so that the Members may have your attention. And it only takes 60 votes to do that preemption, Representative Lang. Please proceed."

Lang: "Thank you. I'm actually shocked and appalled by the noise level in here. Representative, I didn't hear one cottonpicking word of your answer, but I'm going to proceed anyway. Oh, I did hear one thing. You said that the Management Association was in there negotiating. Who were they negotiating with?"

Speaker Ryder: "Representative Biggert."

Biggert: "With the Human Rights Commission and the Human Rights Department. And myself and you and everybody else that's been involved working on House Bill 741."

Speaker Ryder: "Representative Lang."

Lang: "Well, with all due respect, I don't recall being involved

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the in negotiations of this particular Bill, but was there anyone in the room when you were negotiating this that might be considered an advocate for the litigants in this department?"

Speaker Ryder: "Representative Biggert."

Biggert: "You mean the litigants as the... somebody who would be bringing a complaint or a charge before the department? A... no."

Speaker Ryder: "Representative Lang."

Lang: "Well, you aren't suggesting to us then, that this is an agreed Bill, where all of the parties that use this procedure have gotten together and have agreed on this language?"

Speaker Ryder: "Representative Biggert."

Biggert: "No, that's not the way I answered the question. What I said was, that I have... was asked to carry House Bill 741, which we discussed the Amendment, yesterday. I was also asked by the Human Rights Commission to carry House Bill 2338. And in the negotiations of both of those Bills, between the Management Association, the Human Rights Commission and the Human Rights Department, we reached an agreement where both Bills would be brought to the House Floor. I had a concern because the language in these two Bills was different, so this really was to make this Bill, in the respect, where they are dealing with same subject to be the same, as what's in House Bill 741."

Speaker Ryder: "Representative Lang."

Lang: "Well, I'm sorry, maybe it's the noise level or maybe I'm tired. Are you saying this is in 741? Or it parallels 741?"

Speaker Ryder: "Representative Biggert."

Biggert: "What I'm saying was that... that it deletes any

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language that would have made it different from 741."

Speaker Ryder: "Representative Lang."

Lang: "So in 741, did we... did we delete the provision for review by the Commission of these orders by the hearing officer?"

Speaker Ryder: "Representative Biggert."

Biggert: "It was never in 741. But if this Bill were to pass and 7... House Bill 741, it would have added something that we didn't really want to be in either Bill. Or to be in 741. Or to be the law in Illinois. So it was deleted."

Speaker Ryder: "Representative Lang."

Lang: "Did this proposal and your Amendment go through a committee?"

Speaker Ryder: "Representative Biggert."

Biggert: "Through the Rules Committee."

Speaker Ryder: "Representative Lang."

Lang: "You can't even keep a straight face, can you, Speaker? Did this go through a..."

Speaker Ryder: "I... Representative Lang, please confine your remarks to the Bill and not to my face. The Chair takes..."

Lang: "That would be my pleasure, Sir."

Speaker Ryder: "The Chair takes offense easily."

Lang: "Did this go through a Substantive Committee?"

Speaker Ryder: "Representative Biggert."

Biggert: "House Bill 2338 did. This Amendment did not."

Speaker Ryder: "Representative Lang."

Lang: "I want this time back that you've stolen from me, banging your gavel, Sir. Did you say that this was in another Bill?"

Speaker Ryder: "I wanted to hear you speak, Sir. Representative Lang."

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Biggert: "House Bill 2338 was in the Judiciary Civil Committee and it was debated there. And I know that you were there and I was there."

Speaker Ryder: "Representative Lang."

Lang: "Well, the key question is who else was there? Were there any opponent witness slips to the Bill at that time? I'm talking about the Amendment that you're presenting to us now, Representative, not 2338."

Speaker Ryder: "Representative Biggert."

Biggert: "I think that originally the Management Association was opposed to this part of this Bill and did file a slip."

Speaker Ryder: "Representative Lang, you have 17 seconds."

Lang: "Well, 17 plus what you owe me for banging the gavel, Sir."

Speaker Ryder: "I will give you three bangs of the gavel, Sir."

Lang: "Thank you very much. So we haven't had any hearing on this Amendment, is that correct?"

Speaker Ryder: "Representative Biggert."

Biggert: "Yes... no, that's not right, Representative Lang. We had a hearing in Rules Committee."

Speaker Ryder: "Representative Lang, for three bangs of the gavel of time, Sir."

Lang: "Thank you. Well, is it fair to say we've had no testimony on this Bill or this Amendment in any committee, Rules or otherwise?"

Speaker Ryder: "Representative Biggert."

Biggert: "Well, it was part of the Bill that was put in and we did have testimony, as the House Bill of 2338."

Speaker Ryder: "Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Ryder: "Representative Lang, with his reprieve. Your

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clock is running, Sir. Representative Lang.'

Lang: "Thank you, it took to 4:49 for my light to be on. We're going to keep track of these valuable seconds. Representative, so, there has been no hearing on Floor Amendment 1, where the public could come and debate it. Where someone who is opposed to it, could put in a witness slip. Where we could hear what the problems presented by this Amendment are, that's correct, isn't it?"

Speaker Ryder: "Representative Biggert."

Biggert: "No, Representative Lang, because this language was in House Bill 2338. And it was discussed and there was opposition to this language when it was presented in the Judiciary Committee."

Speaker Ryder: "Representative Lang."

Lang: "Now, I understand. So the language that will be left in the Bill, after the Amendment was already debated in committee and there were opponents. Who were the opponents and what was their problem with the Bill?"

Speaker Ryder: "Representative Biggert."

Biggert: "The problem was of having what is being deleted. And the opponents were the Management Association. And then we had further discussion as to these two Bills and this was decided that this language would be removed."

Speaker Ryder: "Representative Lang."

Lang: "So the only opponent to this Bill in committee was the Management Association and it's the Management Association that's been furthering these changes in this Act. So what you were doing was conforming the Bill to what they would like to see in the Act and there were no opponents to what you wanted to do in 2338 other than they, is that correct?"

Speaker Ryder: "Representative Biggert."

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Biggert: "As far as I know and nobody's suggested that. That's correct, but I think that... that part of this was opposed by the Management Association, but there were also things that were added to House Bill 741 that were proposed by the department and by the commission. So, it wasn't just one side dictating to the other, what should be done. And the Bill was really a compromise of which you were involved in. Maybe not on this particular Amendment, but on other parts of it."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. Well, as you know, I voted for your Amendment on House Bill 741. I thought that was very well crafted. Very well worked. I was just concerned about the process by which this Amendment has reached the Floor. So, there's some concern on our side of the aisle about what your side says is 'sunshine in government' and what our side says is 'an inability to debate these things openly'. So, I just wanted to establish that we haven't really debated this openly, at least through the Rules Committee. Why is it this went to the Rules Committee and not back to the Civil Law Committee as other Amendments have?"

Speaker Ryder: "Representative Biggert."

Biggert: "I understand what you're saying, Representative Lang, but obviously this is the 26th of April. And I think with the negotiations that took place and trying to get the other Bill in the form that we wanted, we probably didn't have the time to spend on this that would have been desirable if we'd had many more weeks."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. So, you have an Amendment 2 on this Bill also, do you not?"

Speaker Ryder: "Representative Biggert."

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Biggert: "That's correct. And there were... there were three places in that Amendm... or there were three places in the Bill where referred to the same Sections as House Bill 741. And the language was a little bit different. So this really was to actually mirror the language of House Bill 741 exactly."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. Mr. Speaker, I would request a Roll Call Vote on this Amendment. I'm joined by the requisite number of folks on my side of the lane, in the center. Thank you very much."

Speaker Ryder: "Representative Lang, raising both hands on your behalf, does not count as two votes, but I'll try to remember to give you a Roll Call Vote. No further seeking recognition. The Lady has moved to adopt Floor Amendment #1 to House Bill 2338. All those in favor vote 'aye'; all those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, there are 1... on this issue, there are 112 voting 'yes', none voting 'no', and 2 voting 'present', and Floor Amendment #1 is adopted to House Bill 2338. Mr. Clerk, any further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Biggert, is approved for consideration."

Speaker Ryder: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. As I just discussed, Floor Amendment #2 to House Bill 2338, has fo... three provisions. One it amends the provision in the Bill that refers to employers' right to use of arrest information. Second, it provides that the parties may settle a complaint with or without the commissions approval and the

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settle shall act as the full and final resolution of that matter. And three establishes the requirement of a timely filed written motion to amend a complaint, pending before the commission. And these three Amendments are to conform and mirror the language that was adopted in the Amendment to House Bill 741. And I would ask for a... the adoption of Floor Amendment #2."

Speaker Ryder: "Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I would like to donate my time to Representative Lang."

Speaker Ryder: "Donations are not appropriate. If you wish to yield your time, you may do so. The Lady's yielded her time to you, Representative Lang. You may begin now."

Lang: "Thank you, Sir, and the first thing I'll do is ask for a Roll Call Vote, joined by all kinds of folks. They're all here."

Speaker Ryder: "Your side looks a little... sparse, I would say, but I think there's sufficient hands. Raising two does not help. Representative Lang, on the Bill. Or on the Amendment."

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

Speaker Ryder: "The Lady indicates that she'll be happy to yield to your questions, Representative Lang."

Lang: "Hello, Representative. Hi, I'm back. Nice to see you. Is this a good night for you, so far? Doing all right? So, Representative, there's one Section of this Bill that deals with the issue of arrest information. You're changing that to the fact of an arrest. Didn't we do that in 741?"

Speaker Ryder: "Representative Biggert."

Biggert: "Yes, we did, Representative, and thank you for your

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vote on the first Amendment. This was to conform the language to the Amendment of House Bill 741. There has been a little difference in the way that it was written, although it had the same intent. I had a problem with having two Bills that had different language in them, which was directed to the same issue."

Speaker Ryder: "Representative Lang."

Lang: "So why not just delete the language in this Bill, rather than changing it. Why repeat the language in two different Bills?"

Speaker Ryder: "Representative Biggert."

Biggert: "Because I had... had promised the... both parties, the Management Association and the Human Rights Commission, that I would carry their Bills. And I felt in order to fulfill what I had said I would do, that I would... would carry both Bills, in case one or the other did not pass, the the language in that would be in law."

Speaker Ryder: "Representative Lang."

Lang: "So even though 741 is on its way, you're really asking us to vote for this to help you fulfill your commitment to these folks. Which I'm certainly happy to do. I just wanted to find out why we're doing that. The next question I have, is you've inserted 'language that a complaint by being amended by leave of the hearing officer for cause shown upon a timely written motion and reasonable notice.' But there doesn't seem to be a definition of timely and there doesn't seem to be a definition if reasonable. How are we suppose to know what those... what those are? What they mean?"

Speaker Ryder: "Representative Biggert."

Biggert: "Not in the Bill. Fit the standard for timely is something that goes beyond just the words that are included

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in this paragraph. I think that's the standard that's been used throughout the Human Rights Act."

Speaker Ryder: "Representative Lang."

Lang: "Well, you're talking about a department that takes like a hundred years to get a case heard, so I don't know what they know about timely. Representative, I don't think there's a definition of this term, either 'timely' or the word 'reasonable notice', within the confines of the Act. It seems to me, that there... this is a slight but important flaw and I'm wondering if you'd be interested in taking this out of the record and coming back with an Amendment 3, that defines these terms, so that we understand what they are?"

Speaker Ryder: "Representative Biggert."

Biggert: "Having done both these Bills, I know that it is in House Bill 741. So I would be more agreeable to... if it's not found in the Act, to put it in, over in the Senate or suggest that it be added there. Because I don't think that anybody on this House Floor wants to hear this again. And with your indulgence, if it's not in here, I would ask that it would be put in over in the Senate."

Speaker Ryder: "Representative Lang."

Lang: "Speaker, I will want my five minutes when Representative Schakowsky's five minutes are up. So, I'd like to tell you that now."

Speaker Ryder: "Sir, I'll be happy to recognize you and give you time equivalent to that which I am doing now. The Chair will choose who speaks next. You ca... you may finish your time that was given to you by Representative Schakowsky, Sir."

Lang: "Well, I think that's gone, Sir, but I'd appreciate a question or two more. Thank you, very much."

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Speaker Ryder: "Chair's giving you an extra minute."

Lang: "Thank you. The Chair is very free with it's time. Representative, I don't want to change 741, but you've indicated that you want to pass this Bill and have it be a good Bill, and I'm just simply indicating to you, we do have two days left. Obviously, these Bills go through the Rules Committee with no reference to a a Substantive Committee, so it won't take you very long to get it out and do it right. And I'm going to vote for this. I'm just simply suggesting that we define these terms. Come on, how about it?"

Speaker Ryder: "Representative Biggert."

Biggert: "Representative Lang, I think there's a definition in here of 60 days, as far as the timeliness. But at this hour, I can't find it."

Speaker Ryder: "Representative Lang."

Lang: "Well, Representative, I can only ask you with fervor to make this change so that we understand your Bill. You can change it or not, as you wish. Thank you."

Speaker Ryder: "Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Ryder: "Previous question has been put. All those in favor of putting the previous question, say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question shall be put. Representative Biggert to close. The Lady moves for the adoption of Floor Amendment #2 to House Bill 2338. All those in favor of adopting that Amendment, vote 'aye'; those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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Amendment, there are 114 voting 'aye', none voting 'nay', and 1 voting 'present'. The Amendment is hereby adopted. Any further Amendments, Mr. Clerk?'

Clerk McLennand: "No further Amendments. A Fiscal Note and Judicial Note have been requested on the Bill, as Amended by Amendment #1."

Speaker Ryder: "Representative Biggert? Representative Biggert, a Fiscal Note and a Judicial Note request have been filed. What is your pleasure?"

Biggert: "Mr. Speaker, I would move that the notes are inapplicable and I think that there was not really a change by either of these Amendments."

Speaker Ryder: "Representative, it's necessary to separate the issue and have separate votes on your request that the Fiscal Note is inapplicable. And then we will deal with the Judicial Note. The question is, 'Is the... Representative Lang? For what purpose do you rise, Sir?'"

Lang: "Do we not get the opportunity for debate on the Representative's Motion?"

Speaker Ryder: "No, you do not, Sir. Representative, the Chair will offer you the extraordinary opportunity of debating this issue, if you would do your very best to limit your remarks. Otherwise, I'll have to bang the gavel three times again. Representative Lang."

Lang: "So in other words, the Chair will afford me my rights under the Rules and under the Constitution of the State of Illinois?"

Speaker Ryder: "Representative, you may talk, for as long as you wish, with the understanding that your conversation will be delaying us from our departure this evening. With that admonition, I'm happy to hear what ever you have to say. Representative Lang."

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Lang: "Actually, about 50 people on this side, are prepared to go to dinner. Your folks have to stay. We're fine, Sir, but thank you very much. Sir, I don't understand how a... a request to hold the Note Act inapplicable makes any sense here at all. Anything that affects the Human Rights Act, anything that affects the Human Rights Commission, affects their ability to do their job and could clearly affect the... the fiscal impact upon that agency. So to say that the Note Act is inapplicable, is... is contrary to what makes sense, given what she's trying to do here. So accordingly, 'no' votes are appropriate. And we would ask for a Roll Call on this Motion."

Speaker Ryder: "You shall receive a Roll Call. The Motion is, 'That the Fiscal Note is inapplicable?' All those who are in favor of the Motion shall vote 'aye'; all those opposed shall vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, the voting is 63 'aye', 52 'no', and none voting 'present', and the Fiscal Note Act is hereby ruled inapplicable. The Lady is... asked and moved that the... that the Judicial Note is inapplicable. And on that the Chair recognizes, Representative Lang."

Lang: "Now, Mr. Speaker, a... on... on this one, I can't be wrong. This is on the Judicial Note Act. When you limit the right of litigants in the commission to pursue their rights within the commission, it forces all these cases into the courts. Forces all the cases into the courts! I will tell you in advance, I'm going to vote for the Bill. But when you force these cases into the courts, you clearly have an impact on the dollars in the judicial process. So to say that the Judicial Note Act is

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inapplicable is nonsense. It clearly will cost some dollars. We're entitled to know what those dollars are. I would recommend 'no' votes and I would request a Roll Call Vote and a Verification, Sir, should it get the requisite number."

Speaker Ryder: "Your Motion and request will be acknowledged, assuming the Chair can remember that far. The Motion is, 'That the Judicial Note Act is not applicable.' All those in favor will vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this issue, 64 have voted 'yes', 52 have voted 'no', none have voted 'present', and the Gentleman has requested a verification. Representative Lang, do you persist in your request for verification? Sir, Representative Lang."

Lang: "Well, I've been been thinking this over very carefully, Mr. Speaker, and due to the lateness of the hour, yes I prefer a verification."

Speaker Ryder: "Mr. Clerk, please read the Roll of those voting in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative: Representatives Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait.

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Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik.
Zabrocki. Zickus. And Mr. Speaker."

Speaker Daniels: "Questions of the Affirmative Roll Call.
Speaker Daniels in the Chair. Representative Lang."

Lang: "From our side of the aisle, Sir, we just want to
acknowledge that we're happy that the real Speaker is here,
and we're happy to see you today."

Speaker Daniels: "I'm always delighted to be here."

Lang: "Alright. Are you ready for my verification, Sir?"

Speaker Daniels: "Move fast."

Lang: "Representative Cowlshaw?"

Speaker Daniels: "Representative Cowlshaw. The Lady in the
Chambers? Representative Cowlshaw. Remove Representative
Cowlshaw."

Lang: "Representative Winters?"

Speaker Daniels: "Representative Winters. Representative
Winters. The Gentleman here? Remove him. Representative
Ryder, Representative Moffitt, Representative Bost and
Representative Churchill, leave to be verified."

Lang: "Representative Parke?"

Speaker Daniels: "Representative Parke. Is the Gentleman in the
Chambers? Remove him. Further questions?"

Lang: "Representative Deuchler."

Speaker Daniels: "Representative Deuchler. In the center aisle
or in the aisle on the Republican side."

Lang: "Representative Wojcik?"

Speaker Daniels: "Representative Wojcik. In the back."

Lang: "Representative Poe?"

Speaker Daniels: "I'm sorry. Say that again. What's the name?"

Lang: "I said Representative Poe, but I see him hiding in the
back."

Speaker Daniels: "Okay, Representative Poe is there. Further

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names?"

Lang: "Would Representative Cross be under his desk?"

Speaker Daniels: "Representative Cross..."

Lang: "Oh, he's sitting at his desk."

Speaker Daniels: "...is at his desk. Further questions?"

Lang: "Representative Salvi?"

Speaker Daniels: "Representative Salvi..."

Lang: "Is on the phone."

Speaker Daniels: "...is on the phone by his desk. Further questions? Further questions?"

Lang: "Bear with me, Sir. Representative Saviano?"

Speaker Daniels: "Representative Saviano. Skip Saviano. He's on your side of the aisle, cutting deals."

Lang: "Where he belongs, Sir, where he belongs."

Speaker Daniels: "He's spying. Further questions? Okay, just about done. Ticktock, ticktock, ticktock. Time is running out."

Lang: "Representative John Jones?"

Speaker Daniels: "Representative John Jones. John Jones. Representative Jones."

Lang: "He's behind me, Sir. I keep finding your Members on my side of the aisle."

Speaker Daniels: "You have some redeeming value over on that side."

Lang: "They're probably looking for votes for some of their not so great Bills."

Speaker Daniels: "Perhaps. That'll get 'em to 118. Further questions?"

Lang: "Yeah, bear with me, Sir."

Speaker Daniels: "No, no, you bear with us. Further questions?"

Lang: "I've been bearing with you very well."

Speaker Daniels: "Okay, you've got... I think you're out of

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questions, Sir."

Lang: "Well, I might be and so no further."

Speaker Daniels: "Okay. No further. This issue having received 61 'ayes', 52 'nays' and the question of the Judicial Note is held inapplicable. Now the Lady moves for the adoption of Amendment (sic - House Bill) 2338... Excuse me, take...This Bill goes to Third Reading. 2338 - Third Reading. Read the Bill."

Clerk McLennand: "House Bill #2338, a Bill for an Act that amends the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Biggert. Representative Biggert. Take the Bill out of the record. House Bill 2331, Representative Ryder. Read the Bill, Mr. Clerk. This is Second Reading."

Clerk McLennand: "House Bill #2331, the Bill has been read a second time previously. Committee Amendments #1 and 2 were referred to subcommittee. Committee Amendment #3 was withdrawn. Committee Amendment #4 was adopted. Floor Amendment #8, offered by Representative Ryder, has been approved for consideration."

Speaker Daniels: "Floor Amendment #8, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would ask that Floor Amendment #8 be adopted. It was heard in committee today. We did send the Amendment to committee. The Insurance Committee gave it a complete examination and they voted, I believe, by Attendance Roll Call to report it to the House. Be happy to answer questions, Sir."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, I have a full two page analysis of what this does. It would be nice if you would explain that to us, so I don't have to take my time asking you to do

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that."

Speaker Daniels: "Representative Ryder."

Ryder: "Sir, I know that you're concerned about sending these Bills to committee, which is what we did. Committee had a full and ample opportunity to do it. It contains many provisions requested by the Department of Insurance. The Insurance Committee was able to examine it, the kind of procedure that you've been talking about this evening. There are a number of items that are contained herein. If you wish, I'd be happy to spend several minutes explaining it. Unfortunately, we're on your time and I would like to allow you to ask questions."

Speaker Daniels: "...Representative Lang."

Lang: "Mr. Speaker, I don't think it's appropriate for me to have to use my time to ask the Sponsor to tell us what's in the Bill. He's responsible to tell us that in his explanation. So, it seems to me that without taking my time, you ought to be asking the Sponsor to explain what his Bill does. You're not interested in doing that, Sir?"

Speaker Daniels: "Sir...Sir, he will answer your questions. If you have questions, ask him."

Lang: "Sure. Representative, can you go line by line and explain to us what your Amendment does, Sir?"

Speaker Daniels: "Representative Ryder, do you care to respond to that?"

Ryder: "Absolutely. I would be happy to give you a full and complete discussion of what it does. Floor Amendment #8 deals with investments and allows groups of affiliated insurance companies to jointly invest in short term investment pools. This will facilitate management of cash and short term investments, reduce the cost of cash management, allow purchase of larger denominations short

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term issues, resulting in greater net yields. It removes provisions which would of limited health care providers' ability to seek to recover amounts assigned to them until the Guaranty Association determines its liability under a failed insurers coverage. The Life and Health Guaranty Association and promulgating rules to implement language adopted by Public Act 88-364, the department was made aware of possible adverse legal consequences in the implementation of the Amendment. Insurers and agents do not have adequate information to comply with that part of the Public Act 88-364 to be repealed. Errors in delivery of the notice would likely lead to unnecessary litigation. This Amendment does not affect delivery of the disclaimer and summary of coverage to those purchasing other types of policies as required by Public Act 88-364. It further amends language proposed by the Guaranty Fund concerning power to intervene in cases involving an insolvent insurer where the fund is a creditor or potential creditor. The original language was deemed to be overly broad and fund...Guaranty Fund Counsel suggested and approved the changes that we have. As an alternative to the proposed change and definition of an account administrator, the department has developed language to apply ERISA fiduciary standards to account administrators of medical care savings accounts. This language was developed to address industry concerns. And finally, Sir, risk-based capital insurers that are organized pursuant to Article IV of the Illinois Insurance Code, reciprocal insurers may be very unique insurers due to various relationships between the reciprocal it's insured and any sponsoring association. This is particularly true for single state reciprocals. Due to these special relationships there are some question

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as to the appropriateness of the application of all aspects of risk-based capital to Illinois licensed only reciprocals. This Amendment allows the Director of the Department of Insurance to establish by rule conditions, that is to say, partial applications of risk-based capital regarding adequate capital should any entity seek exemption. Further questions, Sir?"

Speaker Daniels: "Representative Lang, you have a minute left."

Lang: "Thank you, Mr. Ryder. I appreciate the fact that you very clearly told us what this Amendment does and I know we all understand it now. Were any of the parts of this Amendment brought to a substantive committee before yesterday?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I didn't hear your question. But if your question was, did any of these parts of the Amendment go before substantive committee, they did this after...yes, earlier today before the Insurance Committee."

Speaker Daniels: "Representative Lang."

Lang: "But not before today. Why couldn't the Department of Insurance have been ready with this if these were such serious problems? Why did they wait until today to give this to you?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, they did not. In fact, they've been in discussion with the appropriate parties as a result of the original Bill and the Amendment has been filed for some days. It was passed out of Rules Committee and set for hearing today."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "Indicates he will."

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Granberg: "Thank you. Representative Ryder, obviously I'm not as adept in insurance matters as Representative Lang, because I do have a couple of questions on what you read. First of all, you referenced Public Act 88-364. Can you tell me what Public Act 88-364 is? What it entails? And why we are attempting to amend it...Amendments, amend it with your legislation?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I believe that that Public Act is a disclosure Act to require disclosure of certain facts and information by the Guaranty Fund."

Speaker Daniels: "Representative Granberg."

Granberg: "And why are we changing that legislation by your Amendment, Representative? Does that impact certain types of policies? Are we expanding the types of relationships by your Amendments?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, it won't affect the policy. Simply the agent in promulgating the rules to implement the language adopted by that, the department became aware of possible legal consequences that were adverse to the implementation of the Amendment. So, in response to those consequences, the agent or excuse me, the department then came to me and indicated we want to correct that false impression. We want to help the insur...the agents in this case. In order to do this, I think it was a responsible move on the part of the department. As you know, Sir, when rules are promulgated, that it is called upon for public comment. And in many cases, the public comment to the rules is sufficient to answer...to bring these matters to our attention. And, in fact, the rules are sometimes changed to accomplish that fact. In this case, the department felt

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that to be responsible to the concerns that were raised by that Act and by those rules, they actually came to the General Assembly and have asked us to adopt this Amendment, concerning a disclosure in order to be fair with the agents and to avoid, what they felt would be, the adverse cost of litigation to clarify something that appeared to be a problem. And as a result, this...it is our hope that this litigation, or excuse me, this legislation will avoid that costly litigation."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. So, if I understand this correctly, the adverse consequences that are potentially...are anticipated by the department are...attempted to be addressed by your Amendments. The potential adverse consequences would be any litigation that might take place under Public Act 88-364. Is that what you're referencing, Sir?"

Speaker Daniels: "Representative Ryder."

Ryder: "Yes."

Speaker Daniels: "Representative Granberg."

Granberg: "And the fiduciary standards you are discussing in your Amendments, because the department has now done this by legislation instead of by rule, this would be beneficial to the agents who live in my district, the independent insurance agents and others, anyone who deal in this type of...who deal in this type of business or area of expertise?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, were you making reference to the...the changes under the medical care savings account?"

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, that also referenced Public Act 88-364, the change in the medical savings account or is

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that a different provision in your Amendment #8?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, the Public Act that you cite, 88-364 does not affect the Medical Care Savings Act. That's a different provision in the Bill, and that's the one in which we're reacting to...and establishing ERISA fiduciary standards, which are tougher than those that were presently in the law. So, we're trying to make stronger fiduciary standards in the case of the medical care savings accounts, but we are not addressing 88-364 under that ERISA situation."

Speaker Daniels: "Representative Granberg."

Granberg: "So, by applying the ERISA standards to the medical savings account language, you're increasing the scrutiny or increasing the standard at that level. Can you just briefly describe what the standard is currently and how that would increase in scrutiny by the ERISA standards?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, I apologize that I'm not familiar with the specific federal law...I am accustomed to ERISA standards, which I acknowledge to be a rather high standard on behalf of fiduciaries and as a result, I felt that when this Amendment was proposed..."

Speaker Daniels: "You want to bring your answer to a close."

Ryder: "And therefore, I thought that the ERISA standards were stronger, offered more protection for the accounts."

Speaker Daniels: "Representative Granberg, just bring your line of questioning to a close."

Granberg: "Thank you, Representative. I appreciate your frankness, because when you talk about the ERISA standards, I'm not sure what that is referencing quite frankly. And I had hoped the department would know how that standard would

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increase. So, I'm a little concerned about the impact on what would happen to my constituents. So...but I appreciate your frankness, Representative, as always. So with that, Mr. Speaker, I would ask that we have a Roll Call on the Amendment so that people have an opportunity, if there hasn't been adequate explanation either on the ERISA standards and its applicability to the existing Public Acts or not, so I would ask for a Roll Call."

Speaker Daniels: "The Gentleman from Adams, Representative Tenhouse."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. Representative Ryder moves for the adoption of Floor Amendment #8. 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 107 'ayes', none voting 'no', 6 voting 'present'. This Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bills - Third Reading. House Bill 2331. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2331, a Bill for an Act concerning the regulation of insurance practices. Third Reading of this House Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. You've heard the Amendment, which becomes a major part of the Bill. The remaining part has been considered in committee and was, indeed, passed. I'll be happy to answer any questions."

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Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Thank you, Representative Ryder. Could you briefly, Representative, if you have the opportunity, to describe briefly the previous Amendments? I'm only familiar with Amendment #8 and your description of that...the contents of that Amendment, Sir."

Speaker Daniels: "Is that Amendment #8? You asked about Amendment #8?"

Granberg: "The Bill, I think the Bill, Mr. Speaker, has Amendments that were previously adopted. I, frankly, I think the Members, on our side at least, need to have some idea as to what's entailed in those Amendments, Sir."

Speaker Daniels: "Representative Ryder, could you explain the Amendments to the Bill."

Ryder: "Representative, in order to clarify if I can, Amendment #3 became the Bill. And then the Amendment that we just adopted, I added to that. I'll be happy to give you information concerning Amendment #3 and the highlights therein, if you wish."

Speaker Daniels: "Representative Granberg."

Granberg: "Briefly, if you don't mind, Representative."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The most significant elements of House Bill 2331, which is the Department of Insurance Financial Corporate Regulatory Division's proposals are as follows: The Disclosure Material Transaction Act requires insurance companies to report material acquisitions and dispositions of assets from material non-renewal, cancellations, or revisions of seeded re-insurance programs. It will provide the department additional information, in a timely manner, which may indicate a company is or may be in financial difficulty. The purpose

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of this is to provide further information concerning the financial status of an insurance company, so that the purposes of the department to ensure the financial strength the department's offering insurance in the state can be maintained. It applies risk-based capital requirements to PNC companies; currently they apply only to LAH companies. Amends the Medical Care Savings Account Act by changing the definition of account administrator. We talked about this previously. And deleting the requirement of a report by the director, information for which the department would have no way of assessing. The director was reluctant to be putting his name on a report on facts the department could not verify. Clarifies the director's general powers to hold documents confidential. And, I believe that it clearly states within the Workers' Compensation Act and the Workers' Occupation Disease Act, the director's authority to conduct financial examinations of group self-insurance pools, so that we can be certain of the integrity of those pools on behalf of the department and those good folks who are the working men and women of this state."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you very much, Representative. So, when you talk about the extra protection afforded the pooling efforts, that's pursuant to the legislation we passed in recent General Assemblies, that allows small businesses to pool for insurance purposes?"

Speaker Daniels: "Representative Ryder."

Ryder: "That's correct."

Speaker Daniels: "Representative Granberg."

Granberg: "And when you...when you referenced, again for my purposes, the ERISA standards that would increase the standard that would afford more protection to the consumers

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who purchased or who are involved in the medical savings accounts. Is that correct or can you expound on that just briefly?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, thank you again for allowing me to state this as specifically as I can for purposes of legislative intent, that the adoption of the ERISA standards for fiduciary responsibility as it deals with the medical savings account is meant to be a stronger, a more comprehensive standard than the standard that exists today."

Speaker Daniels: "Representative Granberg."

Granberg: "And I assume the Department of Insurance was the party that initiated this. And I also assume, Sir, that the insurance companies and their representatives were also in favor of this change that would apply a stricter standard in regard to medical saving accounts. I would also assume, Representative Ryder, that the consumer groups who might have been represented, were they represented in the negotiations in this matter?"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, there were concerns raised when I presented this Bill in committee the first time. That's the purpose for the Amendment that you just heard today. I would suggest to you that all objections of any of the consumer groups and provider groups that may be important to those of us, and especially you and I, on this floor have been met."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. I appreciate your frankness and the time to answer those questions. One last question, if you could address it. So, I assume any and

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all opposition has been removed by the purposes of your Amendments and everyone is in complete agreement, including the independent agents and all who affect the medical savings accounts area and the other..."

Speaker Daniels: "Representative Tenhouse."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. Representative Ryder. The Gentleman moves for the adoption of House Bill 2331. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 108 'ayes', none voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 40. Excuse me, take that out of the record, Mr. Clerk. I want to...House Bill... House Bill 1881. What's the status of that Bill, Mr. Clerk?"

Clerk McLennand: "House Bill #1881 is on the Order of Second Reading. It was held pending filing of a State Mandates and a Fiscal Note which has been on the Bill as amended by Amendment #2. They have now been filed."

Speaker Daniels: "Move that Bill to Third Reading, Mr. Clerk. The Order of Business - Consent Calendar - Second Reading - Second Day. Read those Bills, Mr. Clerk."

Clerk McLennand: "Consent Calendar. House Bill #970, a Bill for an Act to amend the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Second Reading of this Bill. House Bill #1382, a Bill for an Act that amends the Illinois Guaranteed Job Opportunity Act. Second Reading of this Bill."

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Speaker Daniels: "Third Reading. Now on the Order of Third Readings - House Bill #40. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #40, a Bill for an Act that amends the Criminal Jurisprudence Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Novak. Representative Granberg, do you want to handle that Bill for him? Representative Granberg."

Granberg: "Mr. Speaker, thank you. I believe Representative Novak is out of the Chamber briefly. He shall return shortly, if you want to come back to it or..."

Speaker Daniels: "If you want to run it, with leave of the House, we'll let you do it. Leave of the House, Representative Granberg will handle it for Representative Novak. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. House Bill 40, that I'm a proud Sponsor of, provides that in a post-conviction proceeding, before a crime victim may be subpoenaed by the defendant, that a defendant must first petition the court and then give notice to the victim. The victim is then authorized to appear and object to the requested subpoena and also has the right to be represented by the State's Attorney if he or she so chooses. The court then shall grant the request for the subpoena, only if - only if - and to the extent, it determines that the subpoena seeks evidence that is material enrollment - material enrollment - to that post-conviction hearing. Further, the term, 'crime victim'..."

Speaker Daniels: "Representative Novak, I think you need to rescue your Bill. Representative Novak is taking over for Representative Granberg, I... Representative Novak."

Novak: "Mr. Speaker, I thank you very much. I heard I was in a

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little trouble down on the first floor, so I had to rush back up here with... Representative Granberg, I know he tries very hard. But let me just explain this Bill. About five years ago, a lady in the City of Kankakee, her four children were burned in a fire and her live-in boyfriend was convicted, and subsequently he's on death row in Pontiac State Penitentiary. He was convicted and since he is going on automatic appeal to the Illinois Supreme Court for the death penalty, his attorneys have been filing subpoenas and asking for extraneous information, material, totally irrelevant to the case. They're asking for her employment records, any public speeches she was making on behalf of victims' rights. So she came to me last year, and we passed this Bill out of the House and it went in to the Senate, but it got...sort of got caught up in the bureaucracy over there, and I would like to advance this Bill. I think it's pretty good for harassment of victims because it's important because in a situation like this, she was really subjected to a lot of harassment and undue influence for information, personal information, about her life that had nothing to do with the case. So I certainly entertain any questions."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 40. 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? Short Debate, Mr. Lang. Have all voted who wish? The Clerk will take the record. On this question, there are 111 'ayes', none voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang, what purpose do you rise?"

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Lang: "Well, on a point of order. Short Debate is one thing; allowing no debate is another. Mr. Novak was the Sponsor of the Bill. My light was on; I'm entitled to speak, Sir."

Speaker Daniels: "It goes to the opposite side, than comes back to here. Okay, we'll remember that next time. Were you an opponent, Sir? How did you vote? House Bill 258. Read the Bill, Mr. Clerk."

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

Speaker Daniels: "Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. House Bill 258, as amended, simply moves up the effective date of the transition of Sangamon State to the University of Illinois from January of 1996 to July of 1995."

Speaker Daniels: "Further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, with the requisite number of individuals, we would ask that this be moved off of Short Debate."

Speaker Daniels: "Any questions?"

Hoffman: "Ah yes, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Now, Representative, it's my understanding that you have replaced the original Bill, which would essentially allow the colleges and universities to retain the funds. Is that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is that provision regarding the retaining of funds going...is that in any other piece of legislation or we just gonna drop that for the Session?"

Speaker Daniels: "Representative Weaver."

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Weaver: "Because of the estimated three to four million dollars fiscal impact, we thought that it would be better to delay implementation of that issue for another year and make some more substantial use of the Bill by transferring Sangamon State."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does this have anything to do with the effective date of the transfer of Sangamon State to the University of Illinois? Is the Bill that would make it effective as of July 1st of 1995?"

Speaker Daniels: "Representative Weaver."

Weaver: "I think it's deja vu all over again. Yes, that's exactly what I stated in my opening remarks."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, the reason...I'm trying to figure out what Amendments, Representative, I'm not...I'm trying to figure what Amendments have and have not been adopted. It's my understanding that Amendment #1 replaces the Bill. That would do what you just said; however, also would cause the transfer of governance of Sangamon State to U of I and the transfer of all the contracts and agreements to Sang...from Sangamon State to U of I. Is that right?"

Speaker Daniels: "Representative Weaver."

Weaver: "As I understand it, that has to be part of it. If you're going to transfer the University of Sangamon State to University of Illinois, you have to transfer everything that goes along with it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, essentially what this does by transferring all the contracts and other items, there would be some type of a fiscal impact. Wouldn't there? And what would that be?"

Speaker Daniels: "Representative Weaver."

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Weaver: "Ah, well, they have requested some transitional money, but...no, the contracts that are in force would still continue to be enforced. There would not be any fiscal impact over and above what is currently going to impact Sangamon State."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, isn't it true, Representative, the University of Illinois has requested \$2,000,000 in order to carry out this transfer?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well, that may very well be the case; that is not part of this legislation, and that would have to be dealt with in the appropriation process."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, but, Representative, isn't one part and parcel of the other? If we don't have this legislation, then we don't have to expend the \$2,000,000 for the transfer. Isn't that correct?"

Speaker Daniels: "Representative Weaver."

Weaver: "No, that is not correct. We don't have to give them a dime."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, is it your intent to do this transfer then, without any appropriations?"

Speaker Daniels: "Representative Weaver."

Weaver: "We, on this side of the aisle, attempt to leave the appropriation process up to the Appropriations Committees. That will be under review, possibly as soon as this week, and if not so, later next week."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, my question is to you, since you are the Chairman of that Appropriations Committee, as to

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whether the \$2,000,000 is going to later be put in the budget. I mean if we don't do this, if we didn't do this, it is my understanding that the University of Illinois would not be requesting this \$2,000,000. So by doing this, what we're essentially doing, is we're costing the state \$2,000,000 that could be potentially used for other purposes. Isn't that right?"

Speaker Daniels: "Representative Weaver."

Weaver: "Representative, the legislation transferring Sangamon State to the University of Illinois has already been signed into law. So, we can debate all night long whether or not that transfer ought to happen. But it's going to happen. It's already in law. Now how much the Appropriation Committee decides is appropriate to help in that transfer is something the Committee has yet to decide. I cannot answer for the full Committee, Sir."

Speaker Daniels: "Representative Hoffman. Being no further discussion, Representative Weaver, to close."

Weaver: "Thank you, Mr. Speaker. This Bill is simply to, at the request of the University of Illinois, to move up the process a little bit to make it more feasible for them to assimilate Sangamon State into there situation. And I ask for a positive vote on House Bill 258."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 258. 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 110 'aye', none voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 314. Read the Bill, Mr. Clerk."

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Clerk McLennand: "House Bill #314... House Bill #314, a Bill for an Act that amends the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Daniels: "Representative Turner."

Turner, J.: "Thank you, Mr. ...Thank you, Mr. Speaker. We discussed this Bill at length this afternoon when we addressed the Amendment. But essentially the Bill does provide that in counties with populations under 3,000,000, juveniles may be in certain narrowly drawn circumstances, housed in jail facilities which are also used for adult prisoners. In order to be legally housed in jails, a juvenile must be confined in such a manner so that there will be substantially no contact by sight, sound or otherwise between the minor and adult prisoners. They must be kept separate from confined adults and may be not at any time be kept in the same cell, room or yard with confined adults. And for purposes of this Bill, substantially no contact by sight, sound or otherwise shall mean the absolute least contact by sight and sound obtainable and shall never be more than infrequent, inadvertent and inconsequential visual or auditory contact. The Bill extends from 30 days to 60 days, the period during which a juvenile can be detained by order of the court. I'd be glad to answer any questions."

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

Flowers: "I would like to yield my time to Representative Dart, please."

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

Dart: "Thank you, Mr. Speaker. In issue, I'd like to ask to have this taken off of Short Debate, and I'm joined by the requisite number of hands. Thank you, Mr. Speaker. Will the Sponsor yield?"

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Speaker Daniels: "Indicates he will."

Dart: "Representative, you've made changes in regards to the confinement of juveniles in jails. Prior to this time, that has been prohibited. Isn't that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Well, not totally. There is a provision where they can be confined in a jail for a certain amount of time while the probation officer, the juvenile probation officer, is contacted. But essentially, I think what you're getting at, generally the answer would be, yes, except for that specific exception."

Speaker Daniels: "Representative Turner...or Dart. Representative Dart."

Dart: "Thank you. The reason I ask, Representative, is because it's been a concern voiced to me from a couple of people and also from my reading of it. Is...one of the rationales behind us prohibiting that was that there were, by us allowing children to be housed in the same area with adults, we would jeopardize federal money and so we're making a 180 in that. What is in this Bill... What has been written into this Bill to ensure that we do not lose the federal money that we would be receiving because of this big change in the law?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, as to that specific question, there is disagreement as to whether or not we are actually receiving those federal monies, and if we have received any, they have been very minimal. The Bill itself does not address that particular question, but this Bill has been designed to alleviate counties without juvenile detention facilities. The cost has been astronomical to these counties without those facilities, and I will state

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unequivocally that the federal regulations are still in existence. And certainly, we need to consider those and when we pass this Bill, we need to inform our State's Attorneys and our local sheriffs that there still are federal regulations that need to be addressed and caution our sheriffs and our State's Attorneys that they are to be aware of those. At the same time, I think it's necessary for the state to take action on this, instead of sitting around waiting for the feds. to do so, and having done all that, passing this, I would encourage you and other Representatives to contact their Congressmen and Senators to change those federal regulations which you have mentioned."

Speaker Daniels: "Representative Dart."

Dart: "Representative, and just so I am clear on this fact then. What is the federal requirement then that we are trying to work around here so we are not in violation?"

Speaker Daniels: "Representative Turner."

Turner, J.: "I don't have the language specifically in front of me, but essentially, Representative, what that compels, being in the federal regulations, is that the adults and the minors must be separated under separate roofs...roofs, so that they're never in the same physical facility."

Speaker Daniels: "Representative Dart."

Dart: "Is it your feeling, understanding that this language here using substantially removed...and the language that you've provided here, which I agree is a lot better than it was. Is it your understanding that that would comply with that as it is now, or is it something still where we'd have to work for a change in the federal law or are we jeopardizing money?"

Speaker Daniels: "Representative Weaver...or I mean

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Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, I would hope that this statutory language would comply with the federal regulations, but I certainly would not want to pass judgment that someone some place along the line would interpret our language not to comply with the federal regulations."

Speaker Daniels: "Representative Dart."

Dart: "The final question was this. The second portion of this Bill deals with extending the amount of time that a juvenile can be held in a facility. Is it not inherently inconsistent to, in one sense we say because we have such overcrowding, we need to really sort of cut back on the rules so we can allow juveniles in situations we'd otherwise not want them in. And at the same time, we're saying, 'Oh yeah and by the way, we're going to extend the period of time you can hold them in places.' Thus increasing the overcrowding in the juvenile detention facilities, because that's the heart of the reason here, is that we...these juvenile detention facilities are overcrowded, and we need to use these facilities in the meantime, but yet now we're expanding the time. Is that inconsistent at all?"

Speaker Daniels: "Representative Turner."

Turner, J.: "No, because we are expanding the space that juveniles can be held. Certain counties will be able to comply with this. I...my guess is that all counties will not be able to comply. But for those that can comply and make the separations substantially by sight and sound, then we...in those instances have created additional space for juveniles, so I think it is very consistent."

Speaker Daniels: "Representative Dart."

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Dart: "But won't...but I mean the thrust of what you're working on, is it not for the... My understanding of it was was for... You were not seeking this change in the law to be used as a place for children to be sentenced to or children to be held as part of an adjudication, but more so for the period of time in which the...prior to a child being taken to court and the like. I mean this wasn't suppose to be used as an alternative to a regular facility, is it?"

Speaker Daniels: "Representative Turner."

Turner, J.: "It is not to be used as an alternative to the Department of Corrections. The Bill itself does address the question of where a juvenile can be housed after disposition has been meted out by the court, but is primarily concerned with the housing of the juvenile part of the adjudicatory stage, but the disposition portion certainly, if a jail is able to comply with the 'no context substantial by sight and sound' would be able...you would be able to utilize that facility."

Speaker Daniels: "Representative Dart."

Dart: "Representative, I would support the idea of using these facilities as the intermediary holding place for a juvenile prior to adjudication, but if we're going to start using this as a place where they can serve their sentence, I think we're making a very big mistake here, because the juvenile detention centers are suited for...they have all the resources for handling a juvenile who is serving his sentence there. They have the educational facilities. They have everything else that we're trying to give these juveniles. If we're allowing counties to sit there and say that we're going to sentence you to whatever, Mr. Juvenile, and we're going to have you serve it in the county jail, then, I mean, that's a tremendous mistake. My thought on

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it was that this was just for a temporary setting, prior to adjudication, but not to be used as a place after adjudication for the sentencing. To say, I mean, jail, I mean you can't have your local...sheriff watching the child in the appropriate way that you would have it going on at a detention facility. Is that your intention that we can use it for both though?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, you raise a good point, but you have to keep in mind a couple of things. First of all, I would not anticipate that in every single instance just because the statute allows for a juvenile to be held in jail, that that juvenile will be held there. Certainly you have to, I believe, rely upon the discretion of the State's Attorney, the juvenile probation officer and the sheriff to make sure that if a juvenile needs certain services that aren't being offered, that juvenile should not be housed in the local facility, but should be sent to a special detention center. Also, I would indicate, too, that as far as education, the School Code still would require that the county provide education just as it does now, whether that would be the particular school district, whether it is...whether...that education is given in the county facility or the detention home for juveniles, it would still be applicable either way because the School Code would still apply."

Speaker Daniels: "Representative Dart."

Dart: "Thank you, Mr. Speaker. To the Bill. I underst...The Sponsor of this Bill has put in countless hours working out the details of this Bill and has... in good faith worked on this with a lot of different parties. And I understand the problem he's trying to get at; however, I rise in opposition to this Bill because of the fact that I see us

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setting up basically secured care on the cheap, where we're going to allow for situations where juvenile, though the intention may not be that, it can easily be done, that where the county will be allowed to house children who are sentenced on different offenses, and not even necessarily serious offenses, to spend their time in a local jail. The detention facilities not only have the resources, but they also have the personnel who have the time and ability to handle these children, to deal with them as they see fit. Now, we're not talking necessarily about the hardened criminals here. We're talking about some juveniles who have not made serious violations of the law. I have seen county government in operation before, and there is sometimes a penchant when the state's been cutting off money to try to do things on the cheap, and I could see where this might become a very appealing option, which is very troubling. To say, I appreciate all the Sponsor has done and I reluctantly rise in opposition to this."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. It's not often that I would disagree with my seatmate, Representative Dart. But two weeks ago at my request...or contiguous to my seatmate, two weeks ago at my request, Representative Turner took this out of the record in an effort that we can sit down and forge a compromise on this, because there were serious concerns about what he was attempting to do and how it would impact various areas across the state. In response to that request, he's now exempted the City of Chicago because of their concerns, and he is attempting to address the concerns downstate in rural areas where our county jails and our facilities can be used because juvenile

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detention centers are so far away and a great expense to our counties who don't have a great deal of money. Representative Turner has been kind enough to work with all the groups that have been involved in this. I certainly respect what he has done, and I rise in favor of the Bill, and I would ask my colleagues to do so as well. Thank you."

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

Skinner: "Mr. Speaker, this Bill is one that is designed specifically to allow the McHenry County Board to utilize the jail, which was opened in 1972 and abandoned when the new courthouse addition and jail was constructed, as long as the county board and the sheriff can keep the juvenile substantially out of sight and sound of the adults. I hear one of the Democrats suggesting that we're trying to do something on the cheap. Well, you can call it that. Yeah, we're trying to save a couple hundred thousand dollars a year in McHenry County that has gone to transporting juveniles as far away as St. Clair County to stay overnight. Goodness knows how many...how few hours they got to sleep, and then to bring them back to McHenry County. We discovered that this problem exists all over the county. Representative Black introduced a Bill, the Chief Sponsor of this Bill, Representative Turner, introduced a Bill. They've all been collapsed in this Bill, and we found virtually everybody in the state wants it except Cook County. And I guess they would like us all to tour the 'Audi Home' to see what a splendid facility is, how it's not overcrowded, how there's no problems."

Speaker Daniels: "The Gentleman from Adams, Representative

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Clerk. House Bill 1755. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1755, a Bill for an Act concerning an Advisory Committee on Primary Care and Medical Education. Third Reading of this House Bill."

Speaker Daniels: "Representative Krause."

Krause: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm pleased to present House Bill 1755. We had an opportunity left yesterday afternoon when we adopted Amendment #2, which became the Bill, to discuss it. This Bill establishes the Advisory Committee on Primary Care Medical Education. It comes out of the Special Joint Task Force on Family Physician Shortage, which was created by the General Assembly last year to address the issue of the undersupply of primary care physicians, especially in underserved areas. The Bill does create the committee that would be responsible for an evaluation of the state's medical education system, review the physician output from each school in the state and would make policy recommendations to improve the supply of primary care physicians. I ask for your consideration and would be pleased to answer any questions on this Bill."

Speaker Daniels: "Any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "Rep... First, I'd like to take this off of Short Debate and I'm joined by the requisite number of colleagues. Representative, does this still, this Bill as we're considering it tonight, still create the Primary Care Medical Education Advisory Committee?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct. It creates the Advisory Committee."

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

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

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

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 314. 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. This question, there are 96 'ayes', 10 voting 'no', 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does the Lady from Sangamon rise?"

Klingler: "Mr. Speaker, on the previous Bill, House Bill 258, of which I was a Cosponsor, I had voted 'yes', but it did not record on the board. I would like the record to reflect that I voted 'yes'."

Speaker Daniels: "The record will so reflect. House Bill 741. Read the Bill, Mr. Clerk."

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

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 741 amends the Human Rights Act in relation to filing of position statements within the Illinois Department of Human Rights; issuances of notices of default; fact-finding conferences; reports regarding

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investigative charges; time limits for investigations in determinations by the Human Rights Department; dismissal charges; settlements; review of the Human Rights Commission of the Department's dismissal and default decisions and findings and recommended orders of hearing officers; alternative hearing procedures and review of recommended orders. I'd be happy to answer any questions."

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

Davis, M.: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Davis, M.: "Are there any more money... Is there any more money being given to the...this department, Representative?"

Speaker Daniels: "Representative Biggert."

Biggert: "Representative Davis, I think that when this Amendment was presented, and the Amendment becomes the Bill, I think that I said that...that right now we are trying to find more money within the budget because it's a problem in the Human Rights Commission and the department that there are many charges and many complaints being brought, and they are not being heard. And the delay is now over four and a half years before a charge is even investigated by the department."

Speaker Daniels: "Representative Davis."

Biggert: "There is also, within this Bill, is mediation which has been...has been a pilot project by the department, so that...that is going to be full blown mediation. Also, there is alternative resolution dispute legislation, which hopefully will alleviate some of the backlog and the cases that are to be filed later."

Speaker Daniels: "Representative Davis."

Davis, M.: "Yes, how many people...I mean how many cases are...do

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you have backlogged? I mean if there are a number of cases that are already backlogged, we have how many? How many are there and what is the specific plan?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think at this time there's about 7,000 cases that are backlogged for a period of four and a half to five years. The plan is, that by this Bill, we are going to emphasize that there has to be a reduction in the backlog, and that's the reason for this Bill. This Bill is the plan. It gives more time for investigation by the department..."

Speaker Daniels: "Representative Davis."

Davis, M.: "Mr. Speaker, we are requesting again and being joined by a requisite number of colleagues that this Bill be taken off of Short Debate. Representative, it appears that you have...a large backlog. You don't have a lot of money that you are placing to deal with new cases. If these cases are dismissed because the investigations are not completed in 395 days, which is now almost impossible, what are the complainants to do next? What is their next recourse?"

Speaker Daniels: "Representative Biggert."

Biggert: "Well, one would be judicial action, to go to the federal courts through the EEOC. Another would be to go to the alternative dispute resolution. Another would be to go to mediation. Another one would be to work with the other party for settlement. The other one would be...hopefully, to find the money within the budget, so that as was in the case of the industrial commission, there were extra hearing officers brought in to...to go...to do away with the backlog and to move ahead with the cases that are pending now and relieve the commission and the department of those cases as expeditiously as possible."

Speaker Daniels: "Representative Davis."

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Davis, M.: "Mr. Speaker, in my five minutes I have been able to ask two questions, because this Representative is slowly giving a dialogue and not just answering, and it is not fair, unless each of us has five minutes. Now if she has five minutes and I have five minutes, that is something else, but she shouldn't use my five minutes to talk on the questions I want to ask. How much does the department estimate the cost of implementing this Bill will be, Representative?"

Speaker Daniels: "Representative Biggert."

Biggert: "Just a moment. Just a moment, Representative, I have to dig that out. As you might notice, this Bill, and I am sorry if I take all your time, but the Bill is 49 pages, so it is not as if it's something that can be answered readily."

Speaker Daniels: "The Gentleman is standing right next to her if you would like to take a look. Okay. He is looking up the answer to your question. Representative Biggert, with the answer."

Biggert: "Representative, there were notes filed on this from the Human Rights Commission, which estimated that for the alternative dispute resolution, the expenditures could be 321,000. Expenditures for administrative hearings, \$1,000,000. Expenditures for general counsel, \$111,000 and expenditures for commission and support staff of \$51,000. Under the Human Rights Department, there would be an expenditure of \$1,900,000. Now I have to say that these included things like equipment, telecommunications..."

Speaker Daniels: "Okay, we're at six minutes now. I'm going to put another minute on here. Representative Biggert or Representative Davis, do you have another question to ask?"

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Davis, M.: "Yes, I do and I should be given two more minutes because this is a little preposterous."

Speaker Daniels: "You're already over six. So, you are on the sixth...seventh right now."

Davis, M.: "I would like to know...I would like to know from Representative Biggert. What does she think the results will be in reference to the Bennett versus Bombellow case? Are you aware that this lawsuit scenario is likely with the passage of this legislation?"

Speaker Daniels: "Representative Biggert."

Biggert: "I believe that you are referring to a class action suit that was brought when there was a backlog of cases, and... Is that correct?"

Speaker Daniels: "Representative Davis."

Davis, M.: "Yes, I am aware, yes."

Speaker Daniels: "Representative Biggert."

Biggert: "Well, we certainly wouldn't want to cause a class action suit like that, and that is why we have been seeking within the budget, and after this Bill goes to the Senate, to determine if we will have enough money to..."

Speaker Daniels: "Okay. You've got to bring your question or answer to a close. Representative Davis."

Davis, M.: "To close. Very much...I really appreciate the opportunity, but it appears that we are putting the cart before the horse. I mean to pass this kind of legislation and we don't have the dollars, and the legislation itself is going to create a greater number of lawsuits. And I'm just not sure that's what we want to do. Thank you, Mr. Speaker."

Speaker Daniels: "Okay. The Gentleman from Cook, Representative Lang. You're up, Sir."

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

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Speaker Daniels: "She says she will."

Lang: "Representative, how are you? We seem to be spending a lot of time together this evening. Now earlier, you had that other Bill regarding the Department of Human Rights and we referred to House Bill 741. This is it, isn't it?"

Biggert: "That's correct."

Speaker Daniels: "Representative."

Lang: "Well, I am glad to see that we have gotten there finally. What will your Bill do regarding the backlog of cases?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think that that was virtually the same question that Representative Davis asked me. I will be glad to respond again. This Bill really does not affect any case prior to January 1st of 1996. This Bill really goes into effect for any cases which are filed after that. What we hope to do, is to be able to alleviate the backlog of those cases by funds which might be found in the budget. But, the other thing that this does is to force the commission and the department, through these measures, to operate on a more timely basis. So, hopefully we will be able to alleviate this. This isn't fair for complainants. It's not fair for respondents to have to wait the length of time that they are for...right now."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Some have suggested that we merge the Department of Human Rights and the Human Rights Commission together. Would that be one of your ultimate goals here?"

Speaker Daniels: "Representative Biggert."

Biggert: "Well, the process that I have gone through on this Bill is...is enough for one year, but I think that that is a possibility. I think that with this administrative law review, the way that it's set up to have to go through the

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department and then to the commission is somewhat cumbersome, and is unique to...to this...to the Human Rights Act. However, it is somewhat similar to the National Labor Relations Board in having the regional office, which would act somewhat similarly on the federal level to the department and the labor board as the commission. So, it's not without precedent, but I think it is a rather cumbersome procedure and would like to look at that, and maybe we could work together at some point, if you are interested in that."

Speaker Daniels: "Representative...Representative Lang."

Lang: "Now at the urging of Representative Scott and myself and others, you have completely removed the Section regarding non-economic damages. Is that correct?"

Speaker Daniels: "Representative Biggert."

Biggert: "That's correct, Representative Lang, and I thank both you and Representative Scott for working with that. I think that that was an issue that was really not the major focus of this Bill, which is really to speed up the investigative and the administrative process of the commission in this Bill. And that it was...it was not what I wanted to see. So, I thank you for working with that."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. Mr. Speaker, Ladies and Gentlemen, to the Bill. I rise to support of House Bill 741. You know in the past for many years, I've been a very loud voice against the attempts of the proponents of this Bill to make these similar changes in previous years. However, at the urging of myself and Representative Scott and others, they have worked long and hard to craft a Bill that goes a good way toward protecting litigants, toward cutting back the backlog in this department, and to make it work. I believe

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strongly that their efforts to craft a Bill that we can all support are efforts that merit a good, close look by this House. And I believe that we should applaud the proponents and the Sponsors of this Bill for sitting down, for trying to come to some resolutions on these matters, and for making a good faith effort to address the concerns and problems that people who were opposed to these measures previously had. So again, I thank the Sponsor; I thank the proponents. My time is almost up. I think I will leave a few seconds. I would urge pass...passage of House Bill 741."

Speaker Daniels: "The Gentleman from Adams, Representative Tenhouse."

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

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

Biggert: "Thank you, Mr. Speaker. House Bill 741 would streamline the investigative and adjudicative processes under the Human Rights Act, and I urge 'do pass'."

Speaker Daniels: "The Lady's moved for the passage of House Bill 741. All those in favor signify by voting 'aye'; opposed by voting 'no' The voting is open. This is final passage. 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 99 'ayes', 5 voting 'no', 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 931. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #931, a Bill for an Act that amends the Property Tax Code. Third Reading of this House Bill."

Speaker Daniels: "Take the Bill back to Second Reading, Mr.

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Speaker Daniels: "Representative Schakowsky."

Schakowsky: "And how many members are on this Advisory Committee?"

Speaker Daniels: "Representative Krause."

Krause: "The membership, very quickly, are pro bono members: One from the Medical Society, the Academy of Family Physicians, the Chapter American Academy of Pediatrics, one member from the Society of Eternal Medicine, the American College of Obstetrics and Gynecology and then one member from each of the eight medical schools, the Rural Health Association, the Primary Health Care Association. Fifteen members."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So, this creates a 15 member Advisory Board. And have we determined how much it's going to cost the state to do that?"

Speaker Daniels: "Representative Krause."

Krause: "The committee is pro bono."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "No, but clearly there must be some cost to the state to staff, et cetera, such a new entity."

Speaker Daniels: "Representative Krause."

Krause: "The Fiscal Note shows that a staff person, shared by the Board of Higher Education, the Department of Public Aid and Public Health for personnel, equipment and travel would be \$58,875."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. So this creates a new 15 member Advisory Committee that will cost the state an additional \$58,000 and it seems to me that it's met all the qualifications, Representative, to be - and I know you'll be honored and thrilled to be the recipient of a Grow Award - and I want to congratulate you on the Grow Award. Thank

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you."

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Speaker Daniels: "It's appropriate that you hand out the Pat Quinn Award, Representative Schakowsky. Further discussion? The Gentleman from Saline, Representative Phelps. Pat Quinn Award."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this piece of legislation. I commend Representative Krause for her leadership. And this is a series of several Bills that we've been working together to try to advance the primary care medical education and coordinate activities at this level with this board, I think we'll reach the goals that we've been working for. Thank you."

Speaker Daniels: "The Lady, Representative Krause, to close."

Krause: "Thank you, Mr. Speaker. We've had an opportunity to discuss this. This does address a very important issue here in the State of Illinois, and I ask for the support of the House for House Bill 1755."

Speaker Daniels: "The question is, 'Shall House Bill 1755 pass?' 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? Remember this is the recipient of the Grow Award. Have all voted who wish? One hundred...Mr. Clerk, take the record. There are 111 people favoring the Grow Award, none voting 'no' and 1 voting 'present'. And in honor of the award, this Bill having received the Constitutional Majority, is hereby declared passed. House Bill 1787. Read the Bill, Mr. Clerk."

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

Speaker Daniels: "Representative Kubik."

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Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1787 is a proposal that was offered by the Department of Revenue. It deals with the issue of pull tab and jar games. And it does a variety of things, all of which are...some of which are technical clean ups and some of them are codifications of existing rules. And I don't know of any opposition to the Bill. I'd move the adoption of House Bill 1787."

Speaker Daniels: "The Gentleman from Winnebago, Representative Scott."

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

Speaker Daniels: "He indicates he will."

Scott: "Representative Kubik, I...really you said this does a variety of things. Could you explain to us a little bit what some of those things are?"

Speaker Daniels: "Representative Kubik."

Kubik: "Sure. It does a couple of very exciting things. It allows the department to double the number of special permits a licensed organization may receive who have pull tab and jar games. It permits a pull tab and jar game licensee to conduct a single pull tab or jar game event at another location for no more than seven consecutive days. It prohibits the department from issuing more than two special permits to any one organization and it adds technical clean-up language that was omitted from a Charitable Games Clean-Up Bill in the 88th General Assembly. And it also incorporates House Bill 1787, which amends the Illinois Lottery Law to stipulate that when a...that when determining whether a prize award is less than \$600, the amount of the wager must first be deducted, equalling net winnings."

Speaker Daniels: "Representative Scott."

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Scott: "Two special pull tab and jar game permits per year per licensee. What's the law right now?"

Speaker Daniels: "Representative Scott (sic - Kubik)."

Kubik: "Since the Bingo and License and Tax Act permits two special permits to be issued annually, and charitable entities generally conduct pull tab and jar games during the two specially permitted bingo games, allowing two permits to be issued for pull tab and jar game licensees will coincide with established practice in the Bingo Act."

Speaker Daniels: "Representative Scott."

Scott: "So, is that codifying then the current law?"

Speaker Daniels: "Representative Kubik."

Kubik: "Essentially what happens is when people hold bingo games, they also hold pull tab and jar games. They're allowed two bingo games. What we're saying...and at the same time, we allow them to do pull tab games. This is a regulation of the department we're codifying into law."

Speaker Daniels: "Representative Scott."

Scott: "Amendment #1 is part of the Bill, also. Is that correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Scott."

Scott: "In your analysis here, that what you're going through the bingo and the pull tabs and the jar games, you didn't mention this threshold level of what has to be paid by the sales agents for the lottery. Could you explain what that change is and how it differs from the current law?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes, Representative. What it does is, this really incorporates the provisions of House Bill 1787 into the Bill. Apparently, the federal law allows...the IRS allows

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you...you do not have to report winnings, gambling winnings, less than \$600. What this does and the law says, 'Net of winnings'. So what this Bill does is basically codify that whole item. So, for example, if I buy a \$5 lottery ticket and I win 600 bucks, the federal law says that I've actually, net of winnings, won \$595. So, the licensee who's selling this game, the 7-Eleven, wherever, they can pay out the winner and there's no reason to...the IRS, you don't have to report it."

Speaker Daniels: "Representative Scott."

Scott: "The provision that requires the pull tab suppliers to collect 5% at the point of sale, does that affect positively or negatively the amount of money going to the Department of Revenue?"

Speaker Daniels: "Representative Kubik."

Kubik: "That is Amendment #2... Floor Amendment #2 took that provision out."

Speaker Daniels: "Representative Scott."

Scott: "One more question with respect to the pull tabs and the jar games. If I'm a not-for-profit group that runs pull tabs now and jar games, based on the Bill in its entirety with the Amendments, am I going to be able to run less games than I do now, more games or the same amount?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Scott, this would allow you one more game. Most bingo licenses are allowed..."

Speaker Daniels: "Okay, Representative Kubik, please bring your answer to a close. The time is expired. Representative Kubik, to close."

Kubik: "I think it's been very educational. I would move passage of House Bill 1787."

Speaker Daniels: "The Gentleman has moved for the passage of

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House Bill 1787. 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 107 'ayes', none voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1894. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1894, a Bill for an Act that amends the Retail Installment Sales Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Under the provisions of House Bill 1894, retail operations issuing retail charge accounts would no longer be required to take the extra and meaningless step of having the customer sign the credit agreement, after having previously signed an application listing the terms and conditions. This will reduce confusion for the customer, as well as eliminate unnecessary paperwork for the issuer. House Bill 1894 updates another Section of Illinois Credit Statutes by eliminating the requirement that credit providers provide annual reports of the total finance charges assessed during the year. This was necessary when the finance charge was an allowable deduction for federal income tax purposes. And since those finance charges are no longer deductible, there is no reason for the mandate to remain on the Statutes. I'd be happy to answer any questions."

Speaker Daniels: "Any questions? The Lady from Cook, Representative Schakowsky. Ready with another award?"

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

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Speaker Daniels: "She says she will."

Schakowsky: "My concern, Representative, is just to make sure that we're not losing some consumer protections that are still relevant and so I have a couple of questions in that regard. Does this Bill mean that a credit card or a credit agreement becomes effective before 'truth-in-lending' disclosures are made?"

Speaker Daniels: "Representative Lyons."

Lyons: "I'm sorry, Representative. Could you ask me that again?"

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "I'm concerned that credit agreements or charge agreements or credit cards become effective before 'truth-in-lending' disclosures are made. Is that the case?"

Speaker Daniels: "Representative Lyons."

Lyons: "The credit agreement, when the customer signs the credit agreement, the terms are in that agreement that they signed."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "But, well in that regard, in the provision of that information to the consumer, does this Bill change that in any way? I thought that was the first part that you spoke to about the Bill."

Speaker Daniels: "Representative Lyons."

Lyons: "No, it does not change that."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Okay, then I'm confused about what you said the first part of the Bill...the first part of what the Bill does."

Speaker Daniels: "Representative Lyons."

Lyons: "It provides that the retail operations issuing a retail charge account would no longer be required to take the

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extra and meaningless step of having the customer sign the credit agreement, after having previously signed an application listing the terms and conditions."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So you're saying at this...under this Bill, having simply made application now, as opposed to having actually incurred debt, the disclosure will be in the credit...in the agreement and no longer at that second point."

Speaker Daniels: "Representative Lyons."

Lyons: "That's correct."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Secondly, without the provision of the total interest paid that we use to use for income tax purposes, is that information still on...I suppose I should know this since I get a credit card bill every month, but is that information still on my credit card bill? And at the end of the year, will I know what the aggregate amount that I have spent in interest is?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, your monthly interest amounts are on there. If you want the aggregate amount, you would have to request the total, the annual total."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, you know, having been for many years before coming to the General Assembly, this is to the Bill, Mr. Speaker. A...oh yeah, before I forget, I'd like to take this off of Short Debate and I'm joined by a requisite number of my colleagues to do so. But, to the Bill. It seems to me that we want to provide a maximum amount of consumer information, that though we don't any longer have the opportunity to deduct the amount of interest that we pay per year on our credit cards, it seems to me that that

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is very important consumer information, that it's not really burdensome for a creditor to tell us how much has been spent, especially since we want to, in this country, encourage savings. For many people, the use of credit cards is, in fact a problem, that seeing that amount of money that you pay in the aggregate over the year, I think is important consumer information. And while I don't think it's a huge deal, I think that this change is really not a necessary one and does detract from information that consumers could find useful. Thank you."

Speaker Daniels: "Representative Lyons. Representative Lyons. Is that it? Further discussion? Representative Lang."

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

Speaker Daniels: "She says she will."

Lang: "Thank you. Representative, where are you? Oh, hello. How are you? Having a pleasant evening? I ask everybody that, cause I'm really interested, because we've been here a long time. Representative, is this the Bill...Did we debate this yesterday? I seem to recall. I was confused yesterday and remain confused about whether consumers will still get the information they need to do their taxes, whether they'll still get the information they need to be able to get pay-off information if they want to pay off their loans? I don't think you want to keep consumers from that. You want to make sure you do something to help these businesses, but also make sure that it is not anti-consumer. Can you convince me this is not anti-consumer?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, this is not anti-consumer, because the information is available to the customer. It's available on their monthly statements, and anytime they want the information,

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they can write for that information."

Speaker Daniels: "Representative Lyons. (sic - Lang)"

Lang: "Does this apply to mortgages?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, it does not."

Speaker Daniels: "Representative Lang."

Lang: "And I...I know you probably answered this before. I'm sorry. But can you tell me which Amendments are on your Bill?"

Speaker Daniels: "Representative Lyons."

Lyons: "I'm sorry. I did not hear the question."

Speaker Daniels: "He wants to know the Amendments on the Bill again."

Lyons: "Amendment #2."

Speaker Daniels: "No. Just tell him which Amendments are on the Bill."

Lyons: "There's one Amendment. Amendment #2 was adopted yesterday."

Speaker Daniels: "Representative Lang."

Lang: "Can you tell me what happened to Amendment #1?"

Speaker Daniels: "Representative Lyons."

Lyons: "...Right?"

Speaker Daniels: "Representative Lang. Representative Lang."

Lang: "I didn't hear the answer. Can you tell me what happened to Amendment #1?"

Speaker Daniels: "Number 1, what happened to Amendment #1?"

Lyons: "Amendment #1 is in Rules."

Speaker Daniels: "Representative Lang."

Lang: "Tell me what a consumer would do if they...between the periods that they get this information automatically under your Bill, how do they access the information? How do they get total finance charge? How do they get a total pay-off

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information, for whatever purpose they have?"

Speaker Daniels: "Representative Lyons."

Lyons: "They would have to request that from the company which they have an agreement with."

Speaker Daniels: "Representative Lang."

Lang: "Does your Bill require that the company provide that information?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, it does. They would have to request the information. It would have to be provided within 60 days."

Speaker Daniels: "Representative Lang."

Lang: "Well, if I want to...if I have one of these loans, or one of these agreements, and I want to pay it off right away, if the...if the person who was getting me the information has 60 days, how do I pay it off right away? Isn't that going to cost me interest if I have to wait 60 days?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, if you want to pay it off right away, you would ask them for an immediate response so that you can pay it off right away."

Speaker Daniels: "Representative Lang."

Lang: "Except you said that your Bill says they have 60 days."

Speaker Daniels: "Representative Lyons."

Lyons: "They would have to do it within 60 days, if you make the request for them to do it sooner or you could add it up yourself and pay it off."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, you know as well as I do, if I don't add well and I send them the wrong amount, I'm not going to get a release, am I?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, but you could still request the information from them

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and pay off the correct amount."

Speaker Daniels: "Representative Lyons (sic - Lang)."

Lang: "Well, let's try it again. You say they have 60 days in your Bill to comply. I need the information tomorrow. How do I get it?"

Speaker Daniels: "Representative Lyons."

Lyons: "If you cannot add it up yourself, you would ask for the immediate information and pay it on that response. You're assuming they would not give it to you immediately."

Speaker Daniels: "Representative Lang."

Lang: "There's nothing in the Bill that requires them to give it to me immediately. The Bill says 60 days. So during that 60 days, finance charge continues to accrue. So that 60 days costs me money. I want to pay it off tomorrow. How do I do that, if you give them 60 days to give me the information?"

Speaker Daniels: "Representative Lyons."

Lyons: "If you have a better suggestion, I'll be happy to work with you."

Speaker Daniels: "Okay, you want to bring your answer to a close. His time's expired. Okay, is that it? The Gentleman from Adams, Representative Tenhouse."

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

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

Lyons: "I ask for your favorable vote on this Bill."

Speaker Daniels: "The Lady has moved for the passage of 1894. 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

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Clerk will take the record. On this question there are 92 'ayes', 11 voting 'no', 9 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2142, Representative Moffitt. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2142, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2142 was brought to me by one of my school districts. Those of you that represent downstate districts can understand that sometime getting qualified candidates to run for school board in certain situations can be a problem. I have one school district where they have a school board member who owns the only hardware store within the school district. That means anytime they need some basic hardware supplies such as, just would it be nails or hammer or pliers, paint, sandpaper, basic hardware supplies, they actually have to drive, I think it's 14 or 15 miles, to the nearest town that in a different school district that has a hardware store. This legislation would simply state that the person can be a school board member and can still own a business with which the school district does business, if it meets the conditions as follows: If the goods or services provided are not offered by any other business within the district and if the total aggregate purchase from that business for the entire year is 5,000 or less, does not exceed \$5,000. This would allow a school district to, for their tax dollars, to remain within the district - would provide for a lot more efficiency. All the other provisions would still apply as in the School Code, which specifies that if someone's on the school board

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they must...and you're doing business with the business that they own, you must disclose the interest that you have in that business and must abstain from voting. That's in the School Code now and would continue to apply. Are there any questions?"

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, what is the amount that we're talking about as far as the ceiling?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, would you repeat your question, please?"

Speaker Daniels: "Representative Dart."

Dart: "Sure. What would be the amount, the ceiling that would be the maximum that they would be able to bid into...or up to?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "During the course of the year they could not exceed \$5,000."

Speaker Daniels: "Representative Dart."

Dart: "What would...what is the present limitation now?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, the present limitation is \$2,000 and this would make it 5,000. That was based on the fact that the school district...in this particular case, the school district had been doing business with the hardware store for years, prior to the owner of the store becoming a school board member and they usually do not exceed 5,000. We talked it over and you'll notice that the Illinois Statewide School Management Alliance is one of the

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proponents. We worked with them and this is in line with about where the purchases had been in the past."

Speaker Daniels: "Representative Dart."

Dart: "How long had this...how long had this \$10,000 limit been on the books?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, Representative Lang is down here and offered to assist and he said the response to that should be probably a hundred years. I would like to take issue with that and I believe this was...the current School Code was passed, I believe, by the 86th General Assembly, that's being amended."

Speaker Daniels: "Representative Dart."

Dart: "Well, Representative, if you're relying on Representative Lang, you really are in trouble over there. The...My concern is is that the...is...I understand the problem you're experiencing in your district. Has this been a problem that has been brought to your attention as something that has imposed undue restrictions on other districts around the state? Was there any witnesses or evidence to that effect?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, no one else testified and not that I asked them to. I think that it's probably would be occasional problem in smaller districts. Probably the school districts that you're familiar with, you wouldn't have a situation where you'd only have one business within the entire school district, you'd have competitive businesses. This only applies if it's the only business within the district. You know, the larger the district the less likelihood that would occur, and that the person owning that business was a school board member."

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Speaker Daniels: "Representative Dart."

Dart: "Well, Representative, how is it that you will determine that this is that type of business is the only one that can deal with it? And in regards to a hardware store, what if you have some other store that has some of the similar types of things up for sale, but not the exact thing you may need? I mean, how is it you determine that there is nothing else in the district that can supply this? I mean, how is that determined in your Bill?"

Speaker Daniels: "Representative Dart (sic-Moffitt)."

Moffitt: "Representative, the burden would be, as I would see it, on the board member who owns that business and the school board is wanting to do business with them. They have to state it publicly, their ownership, and at that point they would be indicating that they would be complying under this that they're the only business within the district. So it would be stated in open meeting and, you know, established by the board itself."

Speaker Daniels: "Representative Dart."

Dart: "My concern, Representative, with this Bill, is the fact that perception definitely could be sought. But the reality also might be that the individual on the school board could have a vested interest in making sure that they're...these products are being bought by the school district for their purposes, namely, so that they can be the ones benefiting from this. My concern is a question of insider dealing, whether or not you're going to have someone on the school board making sure that it is perceived that there is no other place to go and get these items, and so, in fact, we have just doubled the amount they can go to without having to have the bid in and it could be insider dealing."

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Speaker Daniels: "Further discussion? The Gentleman from Williamson, Representative Woolard."

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

Speaker Daniels: "He indicates he will."

Woolard: "Representative Moffitt, in listening to the testimony, which I did not hear, did they cite that there had been instances where there were emergency needs in that school district that could not be met because of the lack of the limitation being exceeded?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I believe if they were described as emergencies, I believe those conditions, if, you know, truly an emergency, they could be waived. This is simply in the course of the year, the nearest hardware store, I believe, was 15 miles away. So 15 each way, you're talking a 30 mile trip. Probably an hour staff time, by the time you would travel that distance, stop, find a parking place, do your shopping and back. The school district felt that it would actually save them money to be able to buy locally. They had bought locally in the past. If they ever feel that buying locally is more expensive, they certainly do not need to buy locally. But they're feeling that it's costing them money by having to go out of district. They prefer to keep their tax dollars that were collected in the district, in the district, if at all possible. So they felt it would be less cost to the taxpayer, would be more efficient use of their staff time. It's not an emergency situation, it's just a case of good management and trying to save the taxpayers dollars."

Speaker Daniels: "Representative Woolard."

Woolard: "Was this the genesis of the school board itself or was this the school board member or the administration?"

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Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, it's the administration that I talked with. I can't even name you the name of the school board members. The administration, they had...it was my understanding they had talked about it as a board. The board would like to be able to purchase locally. And again, they have to disclose it. Right now they could do the same thing, only up to \$2,000, if the owner discloses his interest and abstains from voting. That's in the law now, that would continue. This would simply make it 5,000."

Speaker Daniels: "Representative Woolard."

Woolard: "Representative, do you know when the \$2,000 figure was implemented? Not too many years ago this number was 5,000."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, the Act that this is based on was adopted, the provision that we're looking at, I believe would either be in the 86th General Assembly or the 87th."

Speaker Daniels: "Representative Woolard."

Woolard: "In doing your research on developing this piece of legislation, did you look to see why the 86th or 87th General Assembly changed from the figure that it was, which was 5,000, and reduced it to 2,000?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I'm not aware of why that changed. Keep in mind, this is not opening it up in all situations. This simply says, 'in the event that a school board member owns a business and it's the only one in the district'. Otherwise, the 5,000 would not apply, so it is a rather narrow scope that it would apply to."

Speaker Daniels: "Representative Woolard."

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Woolard: "To the Bill. I happen to be a 12 year school board member in Carterville school district, which is a rural setting community in the southern part of the state, and during my tenure there I also owned the only lumberyard and hardware store in Carterville, Illinois. And I can honestly say, that there probably were times when the administration wished they had the ability or could come to my store and purchase more of what they had, but I had a self-imposed limitation that they couldn't shop in my store because I didn't want any consideration of any wrongdoing of any kind. I believe that the owner of the hardware store in my community today, would have the same feeling that I had then, and that they would not want to create any scene or any opportunity for anyone to question whether or not something was being done contrary to what was right or good. You know, I don't have any problem with believing that you, Mr. Moffitt, are doing something that is right for those people, but I wonder if that local businessman agrees with the plan that you're proposing. And I think that you may drive him off of the board rather than open the opportunity for him to provide services for that school."

Speaker Daniels: "The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, I move the previous..."

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

Moffitt: "Thank you, Mr. Speaker. I would just remind you that, number one, this Bill is supported by the Illinois Statewide School Management Association. As school board members, you have an obligation to do what is the best

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interest of the taxpayers, to make the best use of the tax dollars. That's the intent of this Bill, to get the most for the tax dollars. It's a very narrow scope, it does not say that you can always purchase up to 5,000. Only if you meet the condition that it's the only one within the district, then can you approach 5,000. Also, keep in mind it's permissive. If an owner does not want to sell, they certainly would not have to. So it'd be an individual decision, based on trying to make the best use of tax dollars in very tight economy. I would ask for a favorable vote."

Speaker Daniels: "The question is, 'Shall House Bill 2192 pass?' 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 98 'ayes', 6 voting 'no', 10 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1172. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1172, a Bill for an Act in relation to property tax. Third Reading of this House Bill."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we had a rather thorough debate on this Bill earlier in the day. It is a disclosure for a Tax Assessments Bill. I'd be happy to respond to your questions and would appreciate your support."

Speaker Daniels: "This Bill had been debated fully today. A Motion to reconsider had been reconsidered. The Motion to reconsider has passed. On this question, Representative Kubik moves for the passage. The question is, 'Shall House

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Bill 1172 pass?' 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? Take the record, Mr. Clerk. This Bill, having received 63 'ayes', 50 'noes' and 1 voting 'present', this Bill is hereby declared passed. Representative Churchill now moves that the House stand adjourned until Thursday, April 27th, 1995, at the hour of 9 o'clock a.m. All those in favor signify by voting 'aye'; opposed by voting 'nay'. In the opinion of the Chair the 'ayes' have it. Allowing perfunctory time for the Clerk, the House now stands adjourned until Thursday, April 27th, 1995, at the hour of 9:00 a.m."

Clerk McLennand: "Perfunctory Session will be in order. Introduction and First Reading of Senate Bills. Senate Bill 46, offered by Representative Persico, a Bill for an Act concerning site remediation (sic-to amend the Environmental Protection Act). Senate Bill 80, offered by Representative Zickus, a Bill for an Act to amend the Code of Civil Procedure (sic-concerning sanitary districts, amending named Acts). Senate Bill 169, offered by Representative Winters, a Bill for an Act concerning counties. Senate Bill 177, offered by Representative Jones, a Bill for an Act that amends the Commemorative Dates Act. Senate Bill 182, offered by Representative Schakowsky, a Bill for an Act to amend the Public Utilities Act. Senate Bill 240, offered by Representative Lang, a Bill for an Act to limit the civil liability of persons participating in equine activities. Senate Bill 256, offered by Representative Balthis, a Bill for an Act concerning various powers of municipalities and local liquor control commissioners. Senate Bill 270, offered by Representative Winkel, a Bill for an Act in

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relation to family mediation. Senate Bill 431, offered by Representative Lawfer, a Bill for an Act to submit a statewide advisor question to the voters relating to riverboat gambling, and amends the Election Code. Senate Bill 448, offered by Representative Noland, a Bill for an Act concerning pesticides. Senate Bill 543, offered by Representative Noland, a Bill for an Act to amend the Illinois Drainage Code. Senate Bill 580, offered by Representative McGuire, a Bill for an Act in relation to compensation for crime victims. Senate Bill 599, offered by Representative Winters, a Bill for an Act that amends the Cannabis Control Act. Senate Bill 600, offered by Representative Moffitt, a Bill for an Act that amends the Criminal Code of 1961. Senate Bill 602, offered by Representative McAuliffe, a Bill for an Act that amends the Illinois Police Training Act. Senate Bill 660, offered by Representative Biggins, a Bill for an Act that amends the Illinois Wage Payment and Collection Act. Senate Bill 679, offered by Representative Black, a Bill for an Act that amends the Circuit Courts Act. Senate Bill 691, offered by Representative Biggert, a Bill for an Act that amends the Unified Code of Corrections (sic-regarding domestic battery, amending named Acts). Senate Bill 694, offered by Representative Andrea Moore, a Bill for an Act that amends the Environmental Protection Act. Senate Bill 695, offered by Representative Leitch, a Bill for an Act that amends the Beer Industry Fair Dealing Act. Senate Bill 717, offered by Representative Krause, a Bill for an Act that amends the Liquor Control Act of 1934. Senate Bill 721, offered by Representative Zabrocki, a Bill for an Act in relation to prisoners reimbursement to the Department of Corrections for the expenses incurred by their incarceration. Senate

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Bill 729, offered by Representative Kubik, a Bill for an Act that amends the Illinois Income Tax Act. Senate Bill 731, offered by Representative Noland, a Bill for an Act concerning public food and agricultural research programs in Illinois. Senate Bill 736, offered by Representative Pedersen, a Bill for an Act that amends the Illinois Insurance Code. Senate Bill 766, offered by Representative Wojcik, a Bill for an Act that amends the Private Detective, Private Alarm, and Private Security Act of 1993. Senate Bill 776, offered by Representative Clayton, a Bill for an Act that amends the Illinois Highway (sic-Vehicle) Code. Senate Bill 777, offered by Representative Biggert, a Bill for an Act creating the center for business ownership succession and employment ownership (sic-to amend the Employee Ownership Assistance Act). Senate Bill 891, offered by Representative Lyons, a Bill for an Act that amends the Illinois Controlled Substances Act. Senate Bill 895, offered by Representative Zabrocki, a Bill for an Act in relation to fees. Senate Bill 931, offered by Representative Balthis, a Bill for an Act that amends the Illinois Municipal Code. Senate Bill 934, offered by Representative Biggert, a Bill for an Act that amends the Trusts and Trustees Act. Senate Bill 954, offered by Representative Wennlund, a Bill for an Act concerning eligibility for elective office (sic-to amend the Unified Code). Senate Bill 958, offered by Representative Black, a Bill for an Act to amend the Mechanics Lien Act. Senate Bill 967, offered by Representative Wojcik, a Bill for an Act that amends the Hotel Operators' Occupation Tax Act. Senate Bill 972, offered by Representative Tenhouse, a Bill for an Act that amends the Illinois Marriage and Dissolution of Marriage Act. Senate Bill 977, offered by

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Representative Ryder, a Bill for an Act concerning the liability of insurance producers, limiting insurance representatives and registered firms (sic-to amend the Illinois Insurance Code). Senate Bill 979, offered by Representative Pedersen, a Bill for an Act concerning insurance transactions. Senate Bill 1084, offered by Representative Cross, a Bill for an Act that amends the Condominium Property Act. Senate Bill 1094, offered by Representative Brady, a Bill for an Act relating to retirement and group insurance benefits for faculty and administrators of state universities (sic-to amend the Illinois Pension Code). Senate Bill 1149, offered by Representative Rutherford, a Bill for an Act that amends the State Officers and Employee Money Disposition Act. Senate Bill 1150, offered by Representative Meyer, a Bill for an Act concerning the responsibilities of the State Treasurer. Senate Bill 1152, offered by Representative Black, a Bill for an Act that amends the Public Officer Prohibited Activities Act. Senate Bill 1200, offered by Representative Cross, a Bill for an Act concerning libraries and Senate Bill 1204, offered by Representative Salvi, a Bill for an Act concerning child support. Introduction and First Reading of these Senate Bills. House Bill 821 (sic-Senate Bill 821), offered by Representative Wait, a Bill for an Act that amends the County Code. Introduction and First Reading of these Senate Bills. There being no further business, the House Perfunctory Session stands adjourned and the House will reconvene on Thursday, April 27th, at the hour of 9:00 a.m."

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