

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

59th Legislative Day

May 15, 1995

Speaker Johnson, Tim: "The House will be in the order...in order.

The Members will be in their chairs. The House will be in order. The Members will be in their chairs. The Chaplain for the day... Representative Johnson in the Chair. The Chaplain for today is the Pastor Philip Peterson of the Stavenger Lutheran Church in Seneca. Pastor Peterson is the guest of and the Pastor of Representative Steve Spangler. Guests in the Gallery may wish to rise for the invocation. Pastor."

Pastor Philip Peterson: "Let us pray. Oh, Lord God, Your prophets taught us long ago that what You require of us is to do justice, to love kindness and to walk humbly with You. We ask that You be with these Legislators as they gather today to do the business of this state. We pray that Your presence will be with them and that Your hand will be leading them, that they might be able to look beyond partisanship of politics and to work, not simply, for the Republican cause or the Democratic cause, but for the just cause. We pray that You will fill them with compassion and caring for their fellow human beings and we pray, oh Lord, that as Your presence is with them, You will give them wisdom to know what is right and empower them with the courage to act on it, as they strive to work for the good of all the people of this state. We thank You, oh Lord, for hearing our prayer. Teach us and lead us in Your truth, for Yours is the kingdom and the glory, now and forever. Amen."

Speaker Johnson, Tim: "Thank you, Pastor. We will be lead in the Pledge of Allegiance by Representative Durkin."

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

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for all."

Speaker Johnson, Tim: "Roll Call for attendance. Someone... Representative Currie, you are recognized to report any excused absences on the Democratic side of the aisle. Representative Currie."

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

Speaker Johnson, Tim: "The record will so reflect. Representative Rutherford is recognized to report any excused absences on the Republican side of the aisle. Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Let the record reflect that Representatives Tom Johnson, Representative Rosemary Mulligan and Representative Kevin Hanrahan are all excused today."

Speaker Johnson, Tim: "Have all recorded themselves who wish? Have all recorded themselves who wish? Have all recorded themselves who wish? Mr. Clerk, take the record. There being 112 Members answering the Roll, excused absences having been noted, a quorum is present and the House will come to order. Could I have the Members' attention? Could I have the Members' attention, just briefly, so we can give you an idea of what you can expect for today? The intention of the Chair is to convene now and to recess at approximately noon and then to reconvene at approximately 5:30 and work until whatever time we complete our business which we expect to be in the area of 9:30 or 10:00, but no one is holding us to any particular time. So, for those of you who are planning your schedules, committee schedules and otherwise, that is the intention of the Chair. Thank you. We will now proceed to the Order of Senate Bills - Second Reading. Mr. Clerk, read Senate Bill 146."

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Clerk Rossi: "Senate Bill 146 has been read a second time previously. No Committee Amendments. No Floor Amendments have been approved for consideration. A State Mandates Note 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...or Senate Bill 214."

Clerk Rossi: "Senate Bill 214 has been read a second time previously. No Committee Amendments. No Floor Amendments. A Judicial Note 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 Senate Bill 358."

Clerk Rossi: "Senate Bill 358 has been read a second time previously. Amendment #1 was adopted in Committee. No Floor Amendments have been approved for consideration. All Notes that have been requested on the Bill have been filed."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 454."

Clerk Rossi: "Senate Bill 454, a Bill for an Act concerning farm produce. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 549."

Clerk Rossi: "Senate Bill 549 has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note 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 Senate Bill 562."

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Clerk Rossi: "Senate Bill 562 has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Johnson, Tim: "Representative Spangler. Representative Spangler, in the back of the Chamber, do you wish to proceed on the order of...Senate Bill 562? He indicates he does. Again, what is the status of the Bill, Mr. Clerk?"

Clerk Rossi: "Senate Bill 562 has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, read Senate Bill 741."

Clerk Rossi: "Senate Bill 741 has been read a second time previously. Amendment #3 was adopted in Committee. No Motions have been filed. No Floor Amendments have been approved for consideration."

Speaker Johnson, Tim: "Third Reading. Mr. Clerk, will you please return Senate Bill 358 to the order of Second Reading? We will now proceed to the Order of Senate Bills - Third Reading. Senate Bills - Third Reading. Representative Hoffman, I see you looking forward with great anticipation to this order of business. Remember, I am a Cardinal fan. Mr. Clerk, read Senate Bill 818."

Clerk Rossi: "Senate Bill 818, a Bill for an Act in relation to emergency telephone systems. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Will, Representative Meyer, on the Bill."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 818 is a Bill that was amended in Committee. Both the Bill and the Amendment are pretty straight forward. The Bill, as amended, amends the

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Emergency Telephone Systems Act. It indemnifies an emergency telephone board or a unit of local government against civil damages in performance of their duties except for willful or wanton misconduct. It amends the Local Government and Governmental Employees Tort Immunity Act to include emergency telephone system boards and the definition of local public entity. It includes government offices within the scope of private business switch PBX service and includes hotels, motels and health care facilities within the scope of private residential switch service. It limits the liability of telecommunications carriers, designers and installers, maintainers, providers and suppliers. It delays requirements for 911 technical ability of private residential switches for one year to June 30, 1996 and to December 31, 1996 for private business switch service. It exempts PBX extensions that use radio transmissions to convey electrical signals between the telephone extension while servicing PBX. It passed out of the Senate 52 to 0 and out of Committee with 9 to 0 and I would ask for your favorable vote."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Lady from Cook, Representative Schakowsky. Representative Schakowsky, do you wish to proceed?"

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

Speaker Johnson, Tim: "Indicates he will."

Schakowsky: "Representative, what is an emergency telephone system board?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "An emergency telephone system board is required by law in counties or municipalities that provide a surcharge to pay for the installation of 911 systems in their communities or in their counties. It is a board that is required by law

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and it is established in our code."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "And how are the members of that board chosen?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I believe they are appointed..."

Speaker Johnson, Tim: "Representative Schakowsky, proceed."

Schakowsky: "Who are they appointed by?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, in the case of the municipality, I believe it is the mayor or the village president. In the case of the county, it would be the county board or the executive of the county."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Under what circumstances would a unit of local government serve as an emergency telephone system board?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I can give you a good example. In my home community, we wanted to implement and enhance 911 and for that, we of course, would have to pay for the installation of it, the implementation of it. We went through a referendum. The people of the community decided that they wanted to have 911 in the village and therefore, they also agreed to a surcharge through the referendum. At that point, the board was brought into being and they began to make sure that all of the telephones in the town or in the village were on the system. I would assume it would be handled the same way in the county."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "So, why is it that we want to exempt such a board or a unit of local government, which functions as a board, from liability for civil damages which could be as a result of some act of omission in connection with developing or

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operating or implementing an emergency telephone system?  
Why should they be exempt from liability?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, here again, communities or public agencies in the communities are already exempt from this...they are already exempt from this and this would bring those boards that are forced by law to be started up because of the surcharge, it would just bring them under the same type of exemption that public agencies and the communities are already receiving."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, is this Bill on Short Debate? Because if it is, I would like to take it off Short Debate..."

Speaker Johnson, Tim: "It is on Short Debate. That is correct."

Schakowsky: "I am joined, I believe, by a requisite number of hands."

Speaker Johnson, Tim: "Yes. With a little encouragement from Representative Schakowsky, there are a requisite number of hands including Representative Brunsvold's two hands."

Schakowsky: "And Representative Parke as well."

Speaker Johnson, Tim: "The Bill will be removed from the order of Short Debate. Proceed with your questions, Representative."

Schakowsky: "Would this exemption cover acts considered to be willful or wanton in nature?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "They are not exempted for acts that are willful or wanton."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Why are telecommunications carriers exempt from civil...from liability for civil damages as a result of any act or omission in connection with these...with developing, operating, or implementing a 911 system? Now, I am not

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talking about emergency telephone systems boards, I am talking about telecommunications carriers."

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, I... Representative, that is not covered in this Bill. I really wouldn't have a clue. Perhaps you could enlighten us."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "No. I was asking you, Representative. Let me ask you this. The Amendment changes the definitions of 'private residential switch services' and 'private business switch services'. What is a private residential and private business switch?"

Speaker Johnson, Tim: "If you would bring your response to a close, Representative Meyer. Your time has expired for Representative Schakowsky."

Meyer: "Well, under this Act, Representative, a private business switch service would be those that would include, I believe, governmental buildings...and the residential would be those...would be more residential nature. It could be hotels, motels, nursing homes, dormitories on campuses, those types of things where people would be in residence as opposed to a business entity such as the governmental buildings."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke, proceed."

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

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

Hartke: "Representative Meyer, we just formed a 911 board in Effingham and... Could you tell the Body how many members are on this emergency phone systems board?"



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Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, emergency telephone boards can be of various sizes.

I believe the law indicates that they can be no fewer than five. But as far as I know, they don't have a top end on this, Representative. I certainly would assume that those appointed, who would determine the number of individuals on it, would want to have a reasonable size so that it could be a good working board, but the law itself, I believe, reads no fewer than five."

Speaker Johnson, Tim: "Proceed."

Hartke: "Does the law specifically state where those individuals must come from within the county?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "When I read through the law, I did not see that it stated that. I would say that...again, it can be either a county or a municipality and in the case of the municipality that I was involved with, I was on the village board at the time, Representative, and we tried to get... First of all, we asked for people that were interested and the people that were interested put their names forward and then we worked with our police department and the fire department which handled the dispatching units...the dispatching responsibilities in the community and we were able to put together, I think, some pretty good representatives. They are people just like us. You step forward to do this job, others step forward to do the job of running 911 boards and take a great deal of pride in doing so."

Speaker Johnson, Tim: "Representative, proceed with the questions."

Hartke: "Well, Representative, it is my understanding that the law sets out specifically that a member of the major law

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enforcement agency in the county would be a member of the board or his representative. Is that true?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, Representative, I have the law here. It might take me awhile to go through it. I am not sure if you want me to spend all that time if you know the answer. Again, when we set up ours at a municipality level, we had...we have a representative from the fire department and we have a representative from the police department on it. Whether that is specifically in the law, I would have to check and if you would like to indulge me the time here, I would be happy to go through it."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, the reason I am asking these questions, I think that it could be political appointments then if we have more individuals than the law required, could we not be packing this board?"

Speaker Johnson, Tim: "Representative, do you wish to respond?"

Meyer: "Representative, I believe the law provides that everyone that is involved in the emergency dispatch system has a representative on it. I might also add, that the 911 board that I am familiar with at the county level has the emergency management office of the county involved with their 911 board also. And then in addition, as I indicated, there would be interested citizens or representative's community, maybe at the county level, that would be part of this board, also."

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

Hartke: "Yes. Since we are limiting liability somewhat to this board, I guess that would be for some misstep or whatever, not on purpose, but in case something happened, this would

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limit that liability. Do we require any training of the dispatchers and the individuals who receive the calls? Is there a setup requirement that individuals must, I guess, qualify for if they are manning the phones for this emergency system?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, Representative, none of that is covered. The employees of the communities are already immune from this, so we are not taking any action on dispatchers or people that would be manning those dispatch boards. Again, all dispatchers, to my knowledge, would be required to have training on how to use the equipment certainly within the department, and I would not believe for one minute that any community or county would put somebody on the board...on the emergency dispatch unit that wasn't adequately trained..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold. Representative Brunsvold, proceed."

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

Speaker Johnson, Tim: "Indicates he will."

Brunsvold: "Representative, I might have missed this in your presentation. Where did the information on this Bill come from?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Mr. Speaker, it is very noisy in here. I'm having a hard time understanding the question. Representative, I believe you asked where the information on...in this Bill came from. There were two sources that to my knowledge... One was brought to our attention...the first part about it...the immunity, which is what we have talked about here

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for the majority of the discussion. The immunity was brought to our attention by the county of Dupage; however, it applies to all municipalities and all counties. And really, if you think about what is being...what we are looking at here, Representative, you will see the significance on the state wide basis. We are... A board of this nature would not have the immunity that we are asking for and again, it is nothing more that we are asking for than what is already given to the...to those that are actually working the system, the dispatchers and whatnot. But what those people who will be sitting on that board will be doing, and again, they are volunteers for the most part. They are people out of our communities, they are the guy next door to you that takes an active interest in the 911 board or 911 system and wants to be part of government at that level. And if they didn't have this immunity, any time that a dispatch went to the wrong place, they could be open for tort and this would make them immune so that... Otherwise, we aren't going to find people that will man these boards and we aren't going to have a 911 system in some areas."

Speaker Johnson, Tim: "Representative Brunsvold."

Brunsvold: "Thank you. Just to note, that when this Bill passed back in...that created the referendum back in '86 or '87, I was the Sponsor of that Bill, Representative, and I guess you could say I helped create the board that you are talking about and the liability situation that you are dealing with now is not new. We have tried to do this and worked on this liability question for years. I guess my question...next question is... Representative Black and I both had 911 hearings earlier this year and I just wanted to know if some of the information from Bill Black's

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meeting or my meeting, which I sent out to all the Members that were interested in that meeting, people from Dupage County, I think Mr. Tuma, is that correct, Jim, from Dupage County? Mr. Tuma, do you know him?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Representative, I don't know Mr. Tuma. I can say that it was, in all honesty, that the Bill, as far as I know, was brought to our attention and came over from the Senate through Senator Dillard and Senator Dillard is my Senator and the County Board member Barbara Purcell who also lives in my...resides in my district, this was an issue that she brought to Kirk...Senator Dillard and myself and asked us to sponsor through the Senate and House. I am not sure exactly where she may have got the input. I do know that it is of great interest to those counties and municipalities that have the boards and I wasn't aware of your involvement in 911 before. I apologize. Quite frankly, I would thank you for that involvement because 911 is very well received in the area of the state that I represent and I personally feel that we have to have it and I would support that effort entirely."

Speaker Johnson, Tim: "Proceed."

Brunsvold: "Representative, now the liability question, I understand...I got confused a little bit about what else was on the Bill. Can you just very briefly, nothing big, just what other provisions are included in the Bill?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Yes, Representative, there were three parts through the debate here. We have addressed two of them. The third part is the requirements that 911 technical ability for private residential switches be extended for one year to June 30, 1996 and to December 31, which is a six month

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extension for a private business switch. Excuse me. It is the other way around, I believe. It is six months and one year. But at any rate, the extension and in checking with representatives from Ameritech, I just..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang. Lang, are you present in the chamber? Representative Lang, proceed."

Lang: "Thank you, Mr. Speaker. Just to announce that I have a potential conflict of interest in this matter and I will be voting 'present'."

Speaker Johnson, Tim: "Thank you. The Chair recognizes the Gentleman from St. Claire, Representative Hoffman. Proceed."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates he will."

Hoffman: "Yes. Representative, I agree with the original Bill as it came over from the Senate, limiting the civil liability for the emergency telephone system board; however, it appears that this Amendment greatly expands that immunity by adding telecommunication carriers, including wireless carriers, designers, installers, suppliers, maintainers of software, hardware or customer premises equipment to liability limitations described. So, what essentially this does, it would allow individuals to make faulty products and get away from the product liability aspects of current law and give an individual who may have been harmed by the negligence or the strict liability standards that go along with...liability, it would...gives them immunity from that. Do we really want to say to an individual who may have been severely hurt because of the fact that the switch didn't occur correctly or the fact that the software was not done correctly or the fact that the individual that works for

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the telecommunicator did not do their job correctly? Do you want to say, hey, you can't get any liability because...or you can't get a recovery from damages because this was not a willful and wanton act? The way I read this Bill, I think it goes a lot further than you intended to go, Representative. Is that your intent?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, Representative, as I indicated in my opening statement, that the Bill was amended. You have caught your citing a portion of the Amendment. Again, what we are after here is where there is willful or wanton wrong done, that is not covered under this Bill. It is the inadvertent mistake. I think that for the most part, our industry, our manufacturers do attempt to manufacture good products. I do not see as a part of this Bill, that letting them off the hook for that. Again, I think what you are representing, if it did occur, it would be willful and wanton and could be so proved in court."

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

Hoffman: "Well, Representative, my problem is that I think that the original Bill, as it come from over in the Senate, is a laudable goal because we many times have civilians who serve on these emergency telephone system boards. But what you are doing by the Amendment, is, you are saying, 'Hey, telecommunicators, you can make any mistake of gross negligence that you want, you can commit any type of strict liability product damage. If it is not willful wanton, if you don't do it intentionally, in other words, you are still going to get out of liability.' I don't think that is what you want to do. I don't think what we want to do in this state, is say to telecommunicators, now you have a

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free reign, as long as you don't do it intentionally, we don't care how bad people get hurt, how bad it looks if it takes fifty minutes to an hour to an hour and a half because of faulty switch in a telecommunications system after a person dials 911, that we are not going to hold you liable. I don't think that is what you want to do by your Bill, but that is a practical effect of this language. And I think everybody needs to know on this side of the aisle that what we are doing here, if you vote for this Bill, is what you are saying is, that you are giving carte blanche blank check to the telecommunicators, you are giving a carte blanche check to the software manufacturers, and no matter how much you mess up, no matter how much you screw up, if you don't do it intentionally and the person gets killed because they dialed 911 and nobody comes, there is no liability. That is not what we want in this state. What we want in this state is we want liability to be limited in a reasonable fashion. That is liability that would be limited to the members of the board, to the emergency services 911 board. I can be for that. I want to be for that. What I did when I was in the State's Attorney's Office in St. Claire County, is help set up the first 911 system in St. Claire County. But what we are doing by this, is we are not only...not only absolving the telecommunicators from any liability under this, but we could potentially be placing the liability back on the county. Because when a telecommunication company messes up by not having the proper switch, they are...the county is going to get sued, the board is going to get sued and it is all going to come back to roost on the emergency telephone system board. I am telling you, this is bad. This is awful. We cannot allow. We cannot allow in this state for



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a person who dials 911 and it takes an hour and a half because of a faulty switch of a telecommunicator and they die and they are maimed or they are hurt badly, we cannot allow them to be absolved of liability and this Bill would do that. Go back to the original Bill, take the Amendment off and we will support it on this side of the aisle."

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

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

Speaker Johnson, Tim: "I didn't understand, Representative."

Black: "Yes. I move the previous question, Mr. Speaker."

Speaker Johnson, Tim: "Representative Black has moved the previous question. The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Meyer to close."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the preceeding...the preceding Representatives, when they were talking, I think, used some key phrases. One of those key phrases was 'gross'. Gross would be willful and wanton, I think to any reasonable purpose...any reasonable person and I think that that can be proven in court. The previous speaker used the term 'reasonable' and again, that is what... I think that what we are doing is we are putting forward a reasonable type of an Amendment here. It is...does not involve itself with giving immunity from willful or wanton acts and I think that the people of this state are best served when we can deal with reasonableness and to take in...to take action against those actions that are willful or wanton. We are not absolving anybody of any liability in terms of willful or wanton acts and that is

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the way the Amendment is written and that is the way that it will be enacted in law. That is the way the courts would look at it. The Bill is a good Bill and I would ask for your favorable vote."

Speaker Johnson, Tim: "The Gentleman has moved for the passage of Senate Bill 818 and the question is, 'Shall Senate Bill 818 pass?' All those... Representative Granberg, prior to...you are recognized for what purpose? To request a verification?"

Granberg: "Thank you, Mr. Speaker. If this Bill receives a requisite number of votes, I ask for a verification."

Speaker Johnson, Tim: "Your request is granted. The question is, 'Shall Senate Bill 818 pass?' All those in favor signify by voting 'aye'; all those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', 42 voting 'no', 2 voting 'present'. Representative Granberg, do you persist in your request for a verification?"

Granberg: "Yes. Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Mr. Clerk, read those voting in the affirmative."

Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Bost. Brady. Brunsvold. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hannig. Hassert. Hoeft. Howard. Hughes. Jones, John. Jones, Lou. Jones, Shirley. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Murphy, Harold. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico.

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Phelps. Poe. Rutherford."

Speaker Johnson, Tim: "Excuse me. Representative Granberg, Representative Weaver has asked for leave to be verified. Your request is granted. Proceed with the Roll."

Clerk McLennand: "Ryder. Salvi. Saviano. Schoenberg. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Woolard. Zabrocki. Zickus, and Mr. Speaker."

Speaker Johnson, Tim: "Questions, Representative Granberg? Proceed."

Granberg: "Thank you, Mr. Speaker. Is Representative Salvi present?"

Speaker Johnson, Tim: "Representative Salvi is not present in the Chamber. Remove him from the Roll. Further?"

Granberg: "Is Representative Kubik here?"

Speaker Johnson, Tim: "Representative Kubik. Is the Gentleman present in the Chamber? He is present over here. Further questions?"

Granberg: "Representative Hanrahan."

Speaker Johnson, Tim: "Representative Hanrahan is not recorded as voting. So, I assume you do not want to verify him."

Granberg: "Thank you, Mr. Speaker. We are just looking at the vacant seats."

Speaker Johnson, Tim: "It is okay."

Granberg: "Representative Mulligan."

Speaker Johnson, Tim: "Representative Mulligan. Is the Lady present in the Chamber? She is not recorded as voting either. Let me remind you that there are three excused absences on this side."

Granberg: "Representative Wait."

Speaker Johnson, Tim: "Representative Wait. Is the Gentleman present in the Chamber? Representative Wait is not

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present. Remove him from the Roll Call. Further questions?"

Granberg: "Representative Wojcik."

Speaker Johnson, Tim: "Representative Wojcik is in her chair. Further questions?"

Granberg: "Representative McAuliffe."

Speaker Johnson, Tim: "Pardon me? Representative Poe did you say? McAuliffe."

Representative McAuliffe. He is in his chair."

Granberg: "Representative Pankau."

Speaker Johnson, Tim: "Representative Pankau is in her chair."

Granberg: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Wennlund. Representative Larry Wennlund. Is the Gentleman in the Chamber? He is in the middle aisle. Further questions?"

Granberg: "Just a minute. We are trying to avoid asking the people who have excused absences."

Speaker Johnson, Tim: "I understand."

Granberg: "Representative Brunsvold."

Speaker Johnson, Tim: "Representative Brunsvold. Is the Gentleman in the Chamber? Representative Brunsvold. The Gentleman is not in the Chamber. Remove him from the Roll Call. Further questions?"

Granberg: "Representative Woolard."

Speaker Johnson, Tim: "Representative Woolard. Is the Gentleman in the Chamber? Representative Woolard. The Gentleman is not present. Remove him from the Roll Call. Further questions?"

Granberg: "Representative Hannig."

Speaker Johnson, Tim: "Representative Hannig. Representative Hannig. Is the Gentleman present in the Chamber?"

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Representative Gary Hannig. The Gentleman is not present.  
Remove him from the Roll Call. Further questions?"

Granberg: "Representative Phelps."

Speaker Johnson, Tim: "Representative Phelps. Representative  
Dave Phelps. Is the Gentleman in the Chambers.  
Representative Phelps, are you in the Chambers? He is not  
in the Chambers. Remove him from the Roll Call. Further  
questions?"

Granberg: "Representative Schoenberg."

Speaker Johnson, Tim: "Representative Schoenberg. Representative  
Schoenberg. Is the Gentleman in the Chambers?  
Representative Schoenberg. The Gentleman is not present.  
Remove him from the Roll. Representative Zickus has asked  
leave to be verified, Representative Granberg and leave is  
granted."

Granberg: "No more questions, Mr. Speaker."

Speaker Johnson, Tim: "Representative Meyer, for what purpose do  
you rise?"

Meyer: "Mr. Speaker, I would like to place this on Postponed  
Consideration."

Speaker Johnson, Tim: "Your request is granted. Mr. Clerk, read  
House Bill... We will be at ease momentarily. Mr. Clerk,  
read House Bill...or Senate Bill 866. The House is no  
longer at ease. Read House Bill...or Senate Bill 866."

Clerk McLennand: "Senate Bill 866, a Bill for an Act that amends  
the Illinois Marriage and Dissolution of Marriage Act.  
Third Reading of this Senate Bill."

Johnson, Tim: "The Sponsor of the Bill, Representative O'Connor,  
proceed."

O'Connor: "Thank you Mr. Speaker. Senate Bill 866 amends the  
Marriage and Dissolution of the Marriage Act, authorizes a  
court to consider a child's needs in determining child

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support. Amendment #1 amends the code of civil procedures, the Right of Married Persons Act and the Joint Tenancy Act. And I would be happy to answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Before you start the clock on me, a parliamentary inquiry or actually an inquiry of the Clerk."

Speaker Johnson, Tim: "Yes."

Lang: "Has a Fiscal Note been filed?"

Speaker Johnson, Tim: "Mr. Clerk, has a Fiscal Note been required...filed?"

Clerk McLennand: " A Fiscal Note had been requested on the Bill on the...a Fiscal Note was requested on the 11th. The Bill was moved to Third Reading on the 10th."

Speaker Johnson, Tim: "Representative Lang, do you want to proceed with the question?"

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

Speaker Johnson, Tim: "Indicates he will."

Lang: "Thank you, Representative you gave a pretty short explanation of what this Bill does. Can you give us some more details, Sir?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "Representative, what the Bill actually does, I guess in some divorce proceedings, a judge has been stymied as to the individual needs of the children. So, what this Bill really does is clarify for the judges to determine the individual needs of the children in a divorce case. The Amendment on the Bill was basically on the land trust part, when people were getting divorced, they were having no problem with private property splitting that up amongst the folks and all this does is clarify land trust, handling it

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like private property."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So, this Bill deals with the protection of children. Correct?"

Speaker Johnson, Tim: "Could we give the Gentleman your attention. Representative Lang, do you what to restate the question?"

Lang: "Yes, the question is, I just want to make sure I understand, the main Bill and the Amendment deal with the protection of children. Is that correct?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "The main Bill more so than the Amendment, Representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, do you recall that there was an Amendment 2 filed in Committee? What happened to that Amendment?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "I believe that Amendment was sent to Rules Committee."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, that Amendment dealt with compilation of many Bills to protect the health, welfare and safety of children. Why did you resist that Amendment, Representative? Why did you want that Amendment in the Rules Committee?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "That Amendment wasn't presented to me until...moments before I sat down to present the Bill in this Amendment, Representative."

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "There was a need for a further look at it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, if you read the Amendment since, perhaps you have an opinion on it. You have probably read it since, maybe you

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want to send this Bill back to Second so we can attach Kids Initiative 95' onto this Bill. That will really protect children in the State of Illinois."

Speaker Johnson, Tim: "Proceed, Representative."

O'Connor: "Representative, your question is... I do not want to move this back to Second Reading. No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "This Bill...the main Bill also deals with...child support issues. I had a House Bill 1138 that would have suspended professional licenses from people that don't pay their child support. Don't you think that would be a good thing to do, so we can start forcing people to pay what they owe?"

Speaker Johnson, Tim: "On the Bill, Representative O'Connor."

O'Connor: "We passed similar language to that, Representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I didn't hear you, Sir."

Speaker Johnson, Tim: "Representative O'Connor, do you wish to repeat your answer?"

O'Connor: "Yes, we passed similar legislation to that and it is has already been signed into law."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I don't believe that's correct, but let' go on. There are people on this floor who are not attorneys. You are not an attorney. You got a Bill dealing with 'tenancy by the entirety'. Most people here don't know what that is. Can you explain what that is? What it does and why the people on this floor should vote for it?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "After speaking to a legal mind or two on our side of the aisle, Representative, it was explained to me that there are two forms of ownership of land that would be in



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one's own name or private ownership or in a land trust. All this Amendment is attempting to do is to treat the land trust the same as private property."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And in what way does this Bill set up treating a land trust the way as private property? What mechanism are we using that will change the way land trusts are handled to make them work like other forms of property?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "We are not changing the way they are handled. We're just trying to clarify it, not changing really anything, just trying to make a clarification."

Speaker Johnson, Tim: "Representative Lang, bring your question or comments to a close."

Lang: "Well thank you. So I'm not sure the Body knows what that clarification is, so we now talk about this Bill for four and half minutes I would dare say still nobody understands what your Bill does or what you are trying to do or what changes you are trying make. Can you enlighten us?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman...Well was that a question? Go ahead and just answer the question and then we will proceed to the..."

O'Connor: "Representative, it clarifies that beneficial interests in a land trust held in a 'tenancy by the entirety', shall be give the same effect, as to usual ownership of land in tenancy. In other words, you are back to the private property and the land trust."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

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

Scott: "Representative O'Connor, I want to follow up on what

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Representative Lang was just asking you about. Could you explain just for the Body in generally, what a 'tenancy by the entirety' is, and why we are doing it for that, and not necessary for tenants in common or joint tenants?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "Representative, tenancy by the entirety is created by a conveyance to husband and wife where upon each becomes cease and posses of the entire estate and after the death of one of the survivors takes the whole. Now this is legalese and I'm reading obviously verbatim..."

Speaker Johnson, Tim: "Representative Scott."

Representative Scott: "So, why do we not want to do it if this change is necessary so we can treat these land trusts, the same way that we treat other conveyances? Why do we not want to do it for tenancy in common or joint tenancy?"

Speaker Johnson, Tim: "Representative O'Connor."

Representative O'Connor: "Representative, I understand that can already be done."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Is that part of the same Bill now that you are amending?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "No."

Speaker Johnson, Tim: "Representative Scott."

Scott: "With respect to the original Bill, the body...the main body of the Bill, are you saying that the court right now cannot take the needs of the child into account?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "What happened in an individual case or two, the individual needs of the child, a judge got to a point where they weren't spelled out specifically like they are now in this Bill. The needs are more individually addressed, so judge has more flexibility."

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Speaker Johnson, Tim: "Representative, proceed."

Scott: "Well, it already...already says we can discuss the or it can take in to account the physical and emotional condition of the child and his educational needs. What other needs are we talking about that would come into account here?"

Speaker Johnson, Tim: "Representative, proceed."

O'Connor: "Representative, the reason for the change is the absence...the absence of a specific directive to the court to consider the needs of the child, have lead courts to hold that they need not take into account needs of the child when determining the amount of the child's support."

Speaker Johnson, Tim: "Proceed, Representative."

Scott: "Is that an Illinois Supreme Court case or is that one of the appellate districts?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "Representative, I am just quoting from a case, Temple vs. VanKempen. It is an appellate court case."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Which district is that, Representative?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "I don't know the...which district that's in."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, do you know if there are other courts that have interpreted that differently? I mean is this just...are we trying to pass a law because one court somewhere kind of went off on their own and came up with a different interpretation than everybody else has or is this something that is a widely held belief and this is just one of the cases?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "No, we are not trying to do that at all, Representative. We are trying to pass a law to help the

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children and the minors that are involved in situations like this. This is basically a law that we are attempting to pass to help children."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Is the term 'needs' defined anywhere in your Bill or in the body of the statute that you are amending?"

Speaker Johnson, Tim: "Representative O'Connor."

O'Connor: "The needs would have to be defined at the time of the hearing by the judge. I mean, needs are what we take for a child to sustain with his life here."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, if we are doing this in the name of trying to avoid other litigation and avoid potentially conflicting decisions, wouldn't it make sense to also define needs so that we don't get potentially conflicting decisions between one judge in one district who may think 'needs' mean one thing and a judge in another district who thinks it means something else."

Speaker Johnson: "Representative O'Connor."

O'Connor: "That is exactly what this Bill is attempting to do. It is trying to define a little better for the judges so that occurrence does not happen."

Speaker Johnson: "Representative, proceed."

Scott: "But you are still leaving it up to individual judges to determine what needs are. Why don't we define that a little bit better?"

Speaker Johnson: "Representative O'Connor."

O'Connor: "I think if you got into defining needs, it would be so all encompassing we have to trust the judges' decisions."

Speaker Johnson: "Further questions, if you could bring them to a close, Representative?"

Scott: "No, thank you, Mr. Speaker. I am finished."

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Speaker Johnson: "No further discussion. The Chair recognizes Representative O'Connor to close."

O'Connor: "I would ask for support on Senate Bill 866."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 866 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 103 voting 'yes', 0 voting 'no', 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Any announcements, Mr. Clerk?"

Clerk Rossi: "Committees will be meeting immediately."

Speaker Johnson, Tim: "The House will now stand in recess until the hour of 5:30p.m."

Clerk McLennand: "Attention Members: Members are encouraged to make their dinner arrangements for prior to 5:30. Members are encouraged to make their own dinner arrangements prior to 5:30."

Speaker McAuliffe: "The House will come to order. Mr. Clerk, any announcements? Committee Reports?"

Clerk McLennand: "Committee Reports. Committee Report from Representative Balthis, the Chairman for Committee on Cities and Villages to which the following Bills were referred: Action taken on May 15, 1995 reported the same back with the following recommendations. Do pass - Senate Bill 931. Do pass Short Debate - Senate Bill 107. Do pass as amended Short Debate - Senate Bills 256, 387, and 949. Committee Report from Representative Wait, Chairman of Committee on Transportation and Motor Vehicles to which the following Bill was referred: Action taken on May 15, 1995 reported same back with the following recommendations: Do

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pass - Senate Bill 70 and 624. Do pass as amended - Senate Bills 509 and 760. Do pass Short Debate - Senate Bill 559. Committee Report from Representative Pedersen, Chairman from Committee on Insurance to which the following Bills were referred: Action taken on May 15, 1995 reported the same back with the following recommendations: Do pass as amended - Senate Bill 978. Committee Report from Representative Ackerman, Chairman for Committee on Public Utilities to which the following Bill was referred: Action taken on May 15, 1995 reported same back with the following recommendations: Do pass as amended Short Debate - Senate Bill 598. Committee Report from Representative Saviano, Chairman for Committee on Registration and Regulation to which the following Bills were referred: Action taken on May 15, 1995 reported same back with the following recommendations: Do pass Short Debate - Senate Bill 859 and 613. Do pass as amended Short Debate - Senate Bill 1142, 1037, 831 and 717. Committee Report from Representative Deuchler, the Chairman for Committee on Financial Institutions to which the following Bills were referred: Action taken on May 15, 1995 reported the same back with the following recommendations: Do pass - Senate Bills 1083 and 552."

Speaker McAuliffe: "Supplemental Calendar Announcements."

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

Speaker McAuliffe: "Senate Bills - Second Reading. Senate Bill 70. Mr. Clerk, please read the Bill. Senate Bill 70."

Clerk McLennand: "Senate Bill #70, a Bill for an Act to amend the Snowmobile Registration and Safety Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker McAuliffe: "Third Reading. Senate Bill 107."

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Clerk McLennand: "Senate Bill #107, Bill for an Act in relation to the Hazardous Waste Fund. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments."

Speaker McAuliffe: "Third Reading. Senate Bill 265...256."

Clerk McLennand: "Senate Bill #256, a Bill for an Act concerning various powers of municipalities and local liquor control commissioners. Second Reading of this Senate Bill. Committee Amendment #1 and 4 were adopted. Committee Amendment #2 was withdrawn. Committee Amendment #3 failed. No Floor Amendments. No Note requests."

Speaker McAuliffe: "Third Reading. The Gentleman from Cook, Representative Dart."

Dart: "Inquiry of the Clerk. Are these Amendments printed?"

Speaker McAuliffe: "Mr. Clerk, please hold that Bill on Second Reading. Please read Senate Bill 387."

Clerk McLennand: "Senate Bill #387, a Bill for an Act concerning government administration. Second Reading of this Senate Bill. Committee Amendments #1, 2 and..."

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

Dart: "Thank you, Mr. Speaker. Is this Amendment printed? I don't believe any of the Amendments on the Supplemental are printed. I don't know how we can move them."

Speaker McAuliffe: "We will hold that on Second Reading. Mr. Clerk, please read Senate Bill 559."

Clerk McLennand: "Senate Bill #559, a Bill for an Act in relation to motor vehicles. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker McAuliffe: "Third Reading. Mr. Clerk, please read Senate Bill 624."

Clerk McLennand: "Senate Bill #624, a Bill for an Act concerning

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transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker McAuliffe: "Third Reading. Mr. Clerk, please read Senate Bill 931."

Clerk McLennand: "Senate Bill #931, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker McAuliffe: "Third Reading, please. Mr. Clerk, what is the status of House Bill...or Senate Bill 214 on Second Reading?"

Clerk McLennand: "Senate Bill #214 has been read a second time previously. It had been held pending a Judicial Note and the Judicial Note has been filed."

Speaker McAuliffe: "Third Reading. We will now proceed to the order of Senate Bills - Third Reading. Mr. Clerk, please read Senate Bill 64."

Clerk McLennand: "Senate Bill #64, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that amends the Vehicle Code that was filed on behalf of the Illinois State's Attorneys Association. It passed out of the Senate 51 to 2 to 0. By amending the Vehicle Code, it does one of...it does several things. One, it creates a ninety day period in which someone has to file a petition to rescind a summary suspension. Right now, there is no limitation for a defendant or one given a summary suspension notice. There is no time frame in which they need to file a petition to rescind. Second, it allows the Secretary of



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State's Office to take into consideration DUIs issued in other states. I will be glad to try to answer any questions you have. Thank you."

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

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

Speaker McAuliffe: "He indicates he will."

Lang: "Representative, we debated in Committee this issue of reducing the period of time to make a request for a hearing, down from the current two years to ninety days, which is what you proposed. How is it you came up with this ninety day period?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, frankly, at this point I don't believe there is any time frame in which someone has to file a petition to rescind a statutory summary suspension. The ninety day period, I believe you heard in Committee, was a date picked by the State's Attorneys Association or suggested by them. Right now, someone could conceivably file a petition to rescind a summary suspension at any time and when you do that... In reality, that is probably not going to happen. As you know, you are probably going to file that petition immediately or upon receipt of the summary suspension notice and I think everyone is probably listening to my answer, Representative, but I can...try to ask something else if you would... I have no idea what you asked me."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, the ninety day period, if I understand it correctly, is an arbitrary figure, in essence, picked out of the sky. It could have easily been one hundred and twenty or a hundred and eighty or fifty or any other number. Why was

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ninety picked?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, ninety days was picked because we had to pick a date. I guess it could have been one hundred and twenty, it could have been a hundred and eighty, but someone had to pick a date and ninety days seemed to be a fair date. In trying to make sure we have police officers available, to try to make sure that we have police reports available, to make sure that witnesses are available, ninety days seemed to be a fair time frame."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, aren't you concerned about the 'due process' problems that are inherent in giving such a short period of time? Don't we want to afford all defendants the opportunity to avail themselves to the court process and by reducing this to ninety days, don't you cut off some of their rights, especially since it is not until the forty-sixth day that somebody would avail themselves of this right. So, you are only allowing them forty-five days of due process."

Speaker McAuliffe: "Representative Cross." Cross: "No, Representative, we are giving them ninety days. It is ninety days from the date the statutory summary suspension notice is issued to the driver. He or she then has ninety days in which to file his or her petition to rescind the summary suspension. I'll give you a scenario on the problem we have and the reason we picked the date. And in reality, as I said earlier in trying to answer this question, is most people are going to automatically file their petition upon receipt of their summary suspension. But for the person that waits and doesn't do anything and maybe waits a year or two years later, when we don't have

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any witnesses around or the police report is gone or the police officer is retired, then we run the risk of having someone have their summary suspension removed from their driver's license abstract and their DUI or their summary suspension is lifted. So, I don't think... The 'due process' argument, with all due respect, is a relatively weak one given the fact that someone has three months or ninety days from the date that summary suspension ticket is issued."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, what about the problems of insurance? So, insurance companies everyday file lists of these DUI people... On the forty-sixth day, this person goes into this...on this list, the insurance company gets the list, the person's rates skyrocket, they may get put into a high risk pool. If the summary suspension is rescinded later, is there something in this Bill to require that somebody notify the insurance companies that the summary suspension has been lifted? How does this person who is going to be punished by this Bill, how do they get the clean bill of health if it is determined later that they deserve one? How will the insurance companies be notified of that?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, you are making the assumption that someone is being punished by this Bill. I don't see that...I don't follow that logic. If someone's driver's license is reinstated or their privilege to drive is reinstated, then to the best of my knowledge, the driver notifies... I see you are almost out of time, Representative. I hope I don't continue to take ten seconds to answer this question, but I think it is probably going to take a little while for the person..."

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Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you very much, Mr. Speaker. You had not turned on my five minutes, which I appreciated, and then I looked up and I saw I only had thirty seconds. Now, you can't have it both ways. I didn't have a full five minutes, Sir."

Speaker McAuliffe: "Representative Lang, you had five minutes, but I pressed the button up here, but I forgot to press the display because of my inexperience in the Chair. You did have five minutes, but you have an extra minute starting now."

Lang: "Actually, I have an extra thirty-three... Oh, thank you very much. Representative Cross, what are we going to do for these folks who suffer in their insurance policies, who later got a clean bill of health. If we are going to continue to notify insurance companies that people have had the automatic summary suspension, shouldn't we also notify them that the summary suspension has been lifted?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, we are talking about two different issues here. We are talking about a state's attorney's office prosecuting someone that has been charged with driving under the influence of alcohol. You are talking about insurance companies and the Secretary of State's Office and the exchange of information between those two entities. This doesn't affect the exchange of information between those two entities. If you want to address that in a different Bill, I would be certainly glad to talk to you about it, but this does not address that particular issue at all."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill, let me just say

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that, with all due respect of the Sponsor, he is as wrong as he can be. We currently have a law that the Sponsor wants to correct by putting some finality into it and I would agree that some finality is appropriate; however, however, to take a ninety day period and arbitrarily assign ninety days as the time limit, is unfair to litigants. We don't want to be unfair to these people just because they are accused of being drunk drivers. We don't want drunk drivers on the road, but to give them an unfair, in my view, unconstitutionally unfair arbitrary limit, just because they are accused of being drunken drivers is a limit that certainly is arbitrary, certainly is unfair to the process and demeans the system. We have to have a judiciary and a criminal justice system that is fair to litigants. We don't want to say that, 'you are guilty until proven innocent'. We want the innocent to remain thought of as innocent until they are proven guilty. Accordingly, this ninety day period is very arbitrary...excuse me, comes out of the sky in fact. It is a made up number by the Sponsor's own admission, and I would agree to some number that made sense, but this number does not make sense and I would recommend that we ask the Sponsor to go back to the drawing board and pick a number that is fair. This is not fair. I do not intend to vote for this."

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

Dart: "Will the Sponsor yield? Representative, I... Where is it...the ninety day period that you are putting in here, where...who is going to be notified of this and at what point will they be notified of it?"

Speaker McAuliffe: "Representative Cross."

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Cross: "Representative, that is a good question. I want to just double check the Bill. I... You are talking about procedurally...when the ticket is issued, et cetera? I'm not sure if it will be on the summary suspension notice, other than it being a statutory requirement, that the ninety days is the time frame. I don't know if we are going to actually apply it to the summary suspension ticket. That is a good question, though."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. The thrust of the question, my question, is this, is I think a lot of the concern or confusion is based upon the fact that there is this feeling that these individuals are going to be under the mis...they are going to misinterpret what we are doing here, namely, that they are going to be under the assumption that they can wait until...that they have ninety days in which to bring a statutory summary suspension. And if, in fact, that is on a ticket, that is what they might see it as. When the reality is, that the statutory summary suspension kicks in at the forty-sixth day regardless. And so, I guess, that has been the thrust of some of the concerns, is that we want to make sure that this in no way confuses people, so that here they are thinking that they have ninety days to come forward with their statutory summary suspension objection or motion and then all of a sudden, low and behold, on the forty-six day, it kicked in and they didn't realize that and they blew the date. I think that is at the heart of this. Maybe you can address that."

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, I think you asked a valid question or make a valid point, but I think in reality what happened here, and the reason the State's Attorney's Association

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suggested this and I don't...I think Don Hayes was in there that day...in Committee that day, in reality, anyone that gets a summary suspension notice or...most likely anyone, is going to immediately file a petition to rescind, most likely anyone that gets one. The case they had a problem with is someone waited two years down the road, let the summary suspension run, they went the ninety day period without a license and then they filed the petition, there weren't any officers around and the summary suspension was lifted. It was taken off the record. So, I think we are talking about a small group of people, a small percentage and it is... I mean, as I said earlier, we are putting it in the statute that they have a ninety day requirement to do that. I don't know if there is any confusion if they read their ticket and we make sure the ticket spells out the difference. So, maybe it is a matter of the Secretary of State's Office implementing or suggesting proper ticket forms, but I think we can alleviate that concern."

Speaker McAuliffe: "Representative Dart."

Dart: "Yeah. You know what? If we are proceeding ahead with this Bill, which it looks like we are, I would strongly suggest that we do that, because here is the way I envision it happening and it has happened on numerous other occasions. A police officer pulls you over, runs you through the drill and issues you the citation. If at the same time, he issues a citation to you, tells you you have ninety days in which to bring forward this hearing, that individual is going to sit there and think, 'Okay, I have ninety days, I don't have to come forward, I can...' And what happens normally to these DUIs, they will even hold off getting an attorney for a couple months sometimes to try and drag it out and see if they can handle it

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themselves sometimes even or get a public defender. And then low and behold, they waited the ninety days and in the mean time, their driver's license is gone on the forty-sixth day and then they got the thirty days hard time where they can't even get a judicial driving permit because that is prohibited under the law now. So, I guess if in fact this is something that we are going to go ahead with now, there is definitely going to have to be some real strong message, maybe even something even put on the citation by the Secretary of State which clearly delineates the period of time when the DUI...the summary suspension kicks in and to make sure that there is no confusion out there where there is police officers saying, 'You have ninety days to do this'. And low and behold, all of a sudden all these people, and it would be everybody, not a small group, every single person would all of a sudden have their driver's license yanked and they wouldn't have a chance to go in for a hearing. Would you agree to try to work on that then?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, I will be glad to work on that with the Secretary of State's Office. I guess, as I am just sitting here listening to your statement, right now on the back of the summary suspension ticket, I believe it says that the summary suspension ticket will go into effect on the forty-sixth day for a period of ninety days afterwards. There is probably already the potential for confusion and maybe we can ask the Secretary of State's Office to help in the preparation of these tickets to help clean it up because we are going to have three different issues. I think there is a definite need for this time frame or a window to require people to file their petition. And maybe



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we can work with the Secretary of State's Office to address all three dates or time frames."

Speaker McAuliffe: "Representative Dart."

Dart: "Yeah. Just real quickly. If you can work on that...because it can be very confusing, especially people who get these..."

Speaker McAuliffe: "Continue, Representative Dart."

Dart: "Thank you. If you could work on that because the individuals who are normally are getting these tickets aren't lawyers, they don't know what the difference is, especially if you have a police officer...cause I agree completely with what you are doing here. We don't want... These statutory summary suspensions, they are just piling up and especially in Cook County. They can't keep track of all this stuff. They can't even keep up with all the paper work there. So, we would want to get these off the call. So, I agree with what you are doing 110% here, but if we can just clarify so that these individuals who are not lawyers, who get these things, are not being confronted when the police officer is sitting there telling them, 'You have ninety days to come forward', and then low and behold, it is gone. So, if you could work on that with the State's Attorney's Office, I would appreciate it. Thank you."

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

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

Speaker McAuliffe: "Indicates he will."

Deering: "Representative, we have been talking for some time about the statutory suspension. I want to shift gears to the section in here that says, 'To get convicted of a second or subsequent violation of driving with a revoked or suspended license, it is a Class 4 felony if the original

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revocation was from another state with a similar DUI law'. Does this mean that if... What happens if this is my second DUI in state? Would that be a Class 4 felony?"

Speaker McAuliffe: "Representative Cross."

Cross: "Terry, was the question, 'Is a second DUI conviction in state a Class 4 felony?' I think that... I believe that is the current law now on a second conviction. Let me check on that...double check."

Speaker McAuliffe: "Representative Deering."

Deering: "I'm sorry, Representative, I wasn't aware of that, that that is a Class 4 felony now. What happens if... What happens if the DUI law in another state is .08 or .05 or something lower than the State of Illinois?"

Speaker McAuliffe: "Representative Cross."

Cross: "It's a good question, Terry, and the Bill is addressed to provide that if it is a DUI statute similar or comparable to the State of Illinois, then that suspension or conviction would apply in the State of Illinois."

Speaker McAuliffe: "Representative Deering."

Deering: "But how would you say another state's law was similar to the State of Illinois if our legal BAC level was .1 and another state was .5. How could you say that is comparable?"

Speaker McAuliffe: "Representative Cross."

Cross: "Terry, I am sorry. If you could repeat that..."

Speaker McAuliffe: "Representative Deering."

Deering: "If another state's law was .05 and Illinois remained at .1, how could you say then that another state's law was comparable to the State of Illinois?"

Speaker McAuliffe: "Representative Cross."

Cross: "The language of this Bill, Representative, says that...commits a violation of this Section or a similar

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provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section. I don't believe a .05...if another state is .05 and we are .10, it is substantially similar to the State of Illinois and that is not the purpose of this."

Speaker McAuliffe: "Representative Deering."

Deering: "So, who would make... Okay. I understand that you don't believe that that would be substantially similar. Is that not what you said, Representative? Representative, you said that you didn't think that it would be substantially similar, who would make that decision, some hearing officer?"

Speaker McAuliffe: "Representative Cross."

Cross: "A judge."

Speaker McAuliffe: "Representative Deering."

Deering: "Would that be a judge in the courts or an administrative law judge or an appointee of the Secretary of State? What judge?"

Speaker McAuliffe: "Representative Cross."

Cross: "It depends on whatever scenario under this Bill you are talking about, Terry. I guess it could be any of those that you are mentioning."

Speaker McAuliffe: "Representative Deering."

Deering: "Another section provides for enhanced penalties for second or subsequent violations of a DUI committed within a five year period of a violation of a law in another state. Can you give me an example on that one? If I got a speeding ticket in another state and got a DUI in the State of Illinois, would that give me an enhanced penalty?"

Speaker McAuliffe: "Representative Cross."

Cross: "I don't believe under this Bill it would."

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Speaker McAuliffe: "Representative Deering."

Deering: "But it doesn't say that. That is not what the synopsis says."

Speaker McAuliffe: "Representative Cross."

Cross: "It is what the Bill says. I am referring...I am directing you to page...if you want to...page 13, line 22. 'Every person convicted of committing a violation of this Section shall be guilty of an aggravated driving under the influence if the person committed a violation of this Section or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section'."

Speaker McAuliffe: "Representative Cross. Representative Deering."

Deering: "Can you tell us, for the record, for those of us who don't have a copy of the Bill in front of us, what would the enhanced penalty be?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, as I...as we talked about earlier, Representative, the enhanced penalty becomes...on a second or subsequent conviction is a Class 4 felony."

Speaker McAuliffe: "Representative Deering."

Deering: "Thank you, Representative, one last..."

Speaker McAuliffe: "Representative Deering."

Deering: "Thank you, Mr. Speaker, one last question. Representative, how many other states in the country have an aggravated DUI statute?"

Speaker McAuliffe: "Representative Cross."

Cross: "I have no idea."

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

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

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Speaker McAuliffe: "Representative Cross, will you yield to further questioning? He indicates he will."

Granberg: "Representative Cross, I believe I heard you correctly when you stated to Representative Deering, that if a person was convicted of DUI in another state and they came to Illinois and they were charged under this law, that they...they would have to be substantially similar under their violation of the other state. I believe you said that if that state had a .05 statute and if that person was convicted of DUI under the .05 statute, then that would not be substantially similar for the Class 4 felony subsequent conviction in Illinois. Is that correct?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, that is my interpretation of this language."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, would your interpretation...would you say, if a person was convicted of .09, that that would not be substantially similar either for purposes of your legislative intent?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, I'm not trying to be cute, but .09 in relation to what?"

Speaker McAuliffe: "Representative Granberg."

Granberg: "To the current law in Illinois, .10."

Speaker McAuliffe: "Representative Cross."

Cross: "With the idea that another state's conviction is at .09 where as ours is at .10? Well, I... You and I, I guess, can go back and forth on interpreting this. Once again, I am looking at the language of the Bill. A similar provision of a law of another state, I am not aware of other state's with .09. I am aware of other states with

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.08 and .10 and I think maybe a .15 and maybe as low as .05. So, if we are at...if some states have convictions at .10 and ours remains at .10, I think that would be a similar provision of a law of another state."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, what would be the difference between the .05 and the .09 in your definition of what would be substantially similar?"

Speaker McAuliffe: "Representative Cross."

Cross: "I guess I am having a hard... I'm not following that question, Representative."

Speaker McAuliffe: "Restate the question, Representative Granberg."

Granberg: "You said for legislative intent that you didn't think a .05 violation in another state would be substantially similar for purposes of your legislation to bootstrap up for the second conviction, which would make it a Class 4 felony. You then just stated that you did think that a .09 violation in another state would be substantially similar, sufficient enough for a violation of your legislation which would make it a Class 4 felony. My question to you is, how do you now distinguish between the .05 not being substantially similar and the .09 being substantially similar for purposes of legislative intent?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, what I answered earlier...I'm not aware of any state that has a .09. What I said and what I mean is, and I repeated it, if another state has .05, and Illinois is a .10, it's not substantially similar. If another state has .15 and we have .10, it's not substantially similar. I guess it gets a little close when we have...if we have .08 and another state has .10, whether

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or not that's substantially similar. I personally think given the, emphasis placed on .08 and .10, and in this state's attempt to reduce it, that if we did go to a .08 and another state remained at .10, that those would not be substantially similar violations. Would not."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, assuming that ours is still .10 for a DUI violation, what about .08? Would that be substantially similar or would that not be substantially similar?"

Speaker McAuliffe: "Representative Cross."

Cross: "I just said earlier, I don't think that would be."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, thank you Representative. So now it's .08, .07, .06, .05 or anything lower which would not be substantially similar for legislative intent for the purposes of your legislation, because it is an important difference and we don't know if we want bootstrap people from out of state into a Class 4 Felony conviction in Illinois what is substantially different. So, for purposes of the legislative intent then it is .08 or lower which is not substantially similar if ours is changed to .08 I would assume then that .06 or below would also be invalid. I appreciate the Representative's concern on this issue, but sometimes I wonder exactly what we're doing. We're giving people who are charged with driving under the influence another 45 days to apply for summary suspension rescission, when in fact, it takes affect in 45. Now, we're going to make it a Class 4 Felony for someone out of state if they have a prior conviction..."

Speaker McAuliffe: "Continue Representative Granberg."

Granberg: "If they have a prior conviction in another state under their DUI legislation, but it must be substantially

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similar, but we're not sure what that means. With due respect to the Sponsor, because I know what he's trying to attempt, I think we're a little...we're being a little, not discourteous, but we're not looking deep enough as to the policy behind this. Why in fact are we doing it? How does it mesh with current law? What's the most effective way to proceed? I would simply submit to this Body, that there are more important ways to do these things. That there are more important angles to look at. Or are there more important aspects to consider in trying to deter driving under the influence? And I don't think this does that, and I'm sure that is what the Representative is hoping to do, but we have other things to do in this Body, much more serious business, and if we really want to help keep drunk drivers off the road, then I think we ought to look at the people who blow over .20 and make sure that they don't drive again under any circum..."

Speaker McAuliffe: "The Lady from Lake, Representative Clayton."

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

Speaker McAuliffe: "The Lady has moved the previous question."

All those in favor signify by saying 'aye', opposed say 'nay'. The 'ayes' have it. The previous question has been moved. Representative Cross to close."

Cross: "Thank you, Mr. Speaker. This is really a very simple Bill. It does two things; (1) it says, if you're charged with a DUI you need to file your petition to rescind the summary suspension within 90 days; second, it says, states attorney's office, if someone has been charged with a substantially similar DUI crime in another state, you can use that conviction to enhance the charge in the State of Illinois. No more, no less. If it's a .10 violation in the State of Michigan, and we have a .10 here, you can use



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that conviction to enhance the penalty. I think it's a good Bill, and I'd appreciate an 'aye' vote. Thank you."

Speaker McAuliffe: "Representative Cross has moved for the passage of Senate Bill 64. All those in favor signify by voting 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 95 voting 'aye', five voting 'no', nine voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 95."

Clerk Rossi: "Senate Bill 95, a Bill for an Act amending the Illinois Pension Code and State Mandates Act. Third Reading of this Senate Bill."

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

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 95 amends the downstate police article of the Pension Code to allow surviving spouses to remarry without any loss of benefits, if the marriage occurs on or after the effective date of this Act. Currently, surviving spouses annuitants who remarry must forfeit the annuity. There has been a note filed by the Economic and Fiscal Commission that says that the cost of Senate Bill 95 has not been calculated but has estimated to be minor. Now, currently the Chicago Fire Fighters and the Chicago Police Funds allow widows to remarry without forfeiting the annuity if the widow is over the age of 60 when the marriage occurred or if the widow's annuity was first granted due to the member's death in service. Public Act 87-1265 changed the downstate firefighters article of the Pension Code to allow surviving spouses who remarry after

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July 1st of '93, to continue to receive the surviving spouse annuity. We're just wanting to bring the downstate police in the line with the other pension systems in the state. I'd be happy to try and answer any questions."

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

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

Speaker McAuliffe: "He indicates he will."

Black: "Thank you. Representative, my first question is...I don't understand this at all. You mean to tell me that you come to this Body and ask for a Bill that allows a surviving spouse to remarry? They already do that. What are you trying to do here?"

Speaker McAuliffe: "Representative Deering."

Deering: "Well, you're absolutely right, Representative. You know, we know that people in this state can remarry or can marry if they want to. This just protects the annuity of someone whose spouse may have been lost in the line of duty if they are a policeman or fireman."

Speaker McAuliffe: "Representative Black."

Black: "Well, now you're confusing me. You can only remarry if you lose a spouse? All right, what are you saying here?"

Speaker McAuliffe: "Representative Deering."

Deering: "No, you don't have to lose a spouse to remarry, I guess you could get divorced, which this Bill does not relate to to that. But this only deals with...this only deals with those individuals who work for a law enforcement or fire protection agencies that get killed in the line of duty or die and then the spouse decides that she wants to go out and still continue a fulfilling life and decides to marry someone, she can keep that annuity."

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Speaker McAuliffe: "Representative Black."

Black: "Well, I also see in your Bill that you're adding language that says, at any age. So I...what is this a...putting us...putting us in sync with the age discrimination laws or what?"

Speaker McAuliffe: "Representative Deering."

Deering: "Well, I don't believe that would be in violation of any age discrimination laws, but there are clearly instances probably where someone in the middle age of life, probably has a chance to unfortunately lose a loved one, and why should we hold that against that person if they want to remarry again some time down the road."

Speaker McAuliffe: "Representative Black."

Black: "Well, it appears to me that you're making this provision more liberal than the General Assembly retirement system. The surviving spouse has to be over the age of 50. You're saying that this can be any age. Does this mean if a widow only was married to this individual in the service of the police or fire service, was only married for six months and is 23, she can draw the pension?"

Speaker McAuliffe: "Representative Deering."

Deering: "No, Representative, I'm not saying that. I believe this Bill come from the Senate. As you can see, this is a Senate Bill, Senator Severns and Madigan, and I'm sure that's not Michael J. Madigan, but they carried this Bill. It passed unanimous in the Senate, and I'm just carrying on their good wishes of trying to protect these individuals who love other individuals that work for local...units of local government. And in this case, it could be a Member of the General Assembly, I guess. In my short tenure here, I haven't heard of any cases where this may have happened."

Speaker McAuliffe: "Representative Black."

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Black: "Well Mr. Speaker, to the Bill. I've tried to get this Gentleman to answer a question for the last two and a half minutes. All he's done is to evade the question. He hasn't even attempted to answer it. I don't know why he picked up this Senate Bill. I don't have any idea. I...but I'll tell you one thing, I'm shocked and outraged and appalled that you won't answer a question. If you don't know, say you don't know. I don't know why you picked up this...I'll tell you what you're doing, Representative. I just figured it out. What you're attempting to do with this Bill, you're attempting to put the downstate fire fighters and downstate police officers on the same plane as Chicago. Is that right?"

Speaker McAuliffe: "Representative Deering."

Black: "That's right, isn't it? That's what he's attempting to do, Mr. Speaker. All he's asking for is a little equity for downstate. Hah! I don't see anything wrong with that."

Speaker McAuliffe: "Representative Deering to close."

Deering: "Well, I just ask for a favorable Roll Call."

Speaker McAuliffe: "The Gentleman has moved for the passage of Senate Bill 95. All those in favor signify by voting 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 voting 'aye', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Please read Senate Bill 103."

Clerk Rossi: "Senate Bill 103, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Parke."

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Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 103, takes all the Pension Codes and puts it in compliance with the Internal Revenue Code...the Federal Internal Revenue Code, and it's more of a technical cleanup that needs to be done so that we're in compliance. I would ask the Body to support Senate Bill 103."

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

Granberg: "Thank you, will the Gentleman yield?"

Speaker McAuliffe: "He indicates he will."

Granberg: "Thank you. First of all, Mr. Speaker, I'm joined by a requisite number of my colleagues to take this Bill from Short Debate please."

Speaker McAuliffe: "All right, it will be moved from Short Debate."

Granberg: "Thank you. Representative Parke, were some of these measures the ones we discussed last year that we were necessarily being forced into compliance by the Federal Government?"

Speaker McAuliffe: "Representative Parke."

Parke: "Yes, Representative Granberg, that is correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "If I remember correctly from last year, Representative, there was some discussion about certain...certain of those items that we were dealing with. For the purposes of the Body on this side of the aisle, could you briefly go through the items that are not technical in nature or that are technical in nature regarding the subject matter? I think that this might also apply with the American Disabilities Act. So, if you could basically review the provisions, it would be helpful to this side of the aisle."

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Speaker McAuliffe: "Representative Parke."

Parke: "Representative Granberg, we have so many Bills that come before the Pension Committee in which you certainly and I have addressed, and I believe that maybe you might be confused. This does not relate to any of the ADA issues, and I know...I had...we had another Bill that did do that, but this Bill does not. In essence again, this only applies to the Federal Internal Revenue Code, and nothing more."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And House Amendment #1 was not added to the Bill, Representative?"

Speaker McAuliffe: "Representative Parke."

Parke: "Representative Granberg, I'm not sure if you're...this Bill has not been amended, that we're aware of, and any Amendments that had been put on...or have tried to be put on, have been referred to Rules, but there is no current Amendment on this Bill.'

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, thank you, Representative. I know from working with you last year on the continuing funding of the Pension Systems, we agreed on that, so, we offered the Amendment to do the continuing funding in the same manner for the Teacher's Health Insurance crisis, to continue the same level of reimbursements...continue the same amount of benefits, and I knew you would be interested in that because you were in favor of the continuing appropriations for pension funding. So, I did not know if you had opposed or...wherever this Bill was heard or what Committee, was opposed to House Amendment #1. So, do you know if there was vote taken on House Amendment #1 Representative?"

Speaker McAuliffe: "Representative Parke."

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Parke: "Thank you, Representative Granberg. I think I will refresh your memory. Amendment 1 to House...Senate Bill 103 was referred to the Rules Committee and I'm not sure what happened to it in the Rules Committee."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, thank you, Representative. Unfortunately, every time we've offered that Amendment, its been referred to the Rules Committee. So, we have not gotten a hearing on the plan to get the pension benefits the same in health insurance area, and that is indeed unfortunate. But with respect to Senate Bill 103, Representative, what group of persons would take advantage of the provisions cited in Section 1-116.1?"

Speaker McAuliffe: "Representative Parke."

Parke: "This legislation was developed and approved by all public employee retirement systems in Illinois, subject to the Retirement System Reciprocal Act as well as the Chicago Police and Fire Pension Funds. The Reciprocal Act applies to all the public employee pension funds except for the police and fire funds. And we think this helps take care of that problem."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So this would apply to a large number of systems, Representative, a large number of parties would be impacted by the Bill to come in compliance because of the federal limitations?"

Speaker McAuliffe: "Representative Parke."

Parke: "This will apply to all the public employee pension systems it the state."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And what would be the maximum salary that could be taken into account for pension purposes Representative,

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under Section 401, subsection A, subsection 17 of the Internal Revenue Code which is provided in Section 1-117 of your legislation?"

Speaker McAuliffe: "Representative Parke."

Parke: "The limit is 150,000, but it could be adjusted by the department...by the Comm...by the Federal Commissioner of Revenue."

Speaker McAuliffe: "Representative Granberg."

Granberg: "You said that could be adjusted by the Federal Internal Revenue Service?"

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'm sorry, Representative Parke. You indicated, I thought, that amount could be adjusted by the Federal Internal Revenue Service, and that could be adjusted upward, Sir, I believe? If you could just explain that briefly."

Speaker McAuliffe: "Representative Parke."

Parke: "Yes, Representative Granberg. On line 30 of the Bill and 30...and 1 and 2...excuse me, one of page two, says that the compensation limit may be adjusted from time to time by the Commissioner of Internal Revenue, and that is provided for by federal law."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you, thank you, Mr. Speaker. I want to thank Representative Parke and his efforts to answer those questions."

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

Lang: "Thank you. Representative...will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Lang: "Who do you intend to have this apply to that make over a \$150,000 a year?"



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Speaker McAuliffe: "Representative Parke."

Parke: "In essence, it says it's up to 150,000. It's not...we're not talking over that. It's up to 150,000 for new employees."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, all right. So who makes a \$140,000 a year that this is going to apply to?"

Speaker McAuliffe: "Representative Lang. Representative Parke."

Parke: "Again, any individual who is involved in the state...any of the state retirement systems, or local government pension funds."

Speaker McAuliffe: "Representative Lang."

Lang: "What would happen to the state pension system if we do not pass this legislation?"

Speaker McAuliffe: "Representative Parke."

Parke: "Well Representative, since it's an Internal...Federal Internal Revenue Code compliance, we could be out of compliance with federal code and lose our tax exempt status, and I don't think you nor any of us are intending to have that happen."

Speaker McAuliffe: "Representative Lang."

Lang: "So, your intent here is to have us comply with federal law, is that correct?"

Speaker McAuliffe: "Representative Parke."

Parke: "That is correct."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, you want to take an Amendment on this so that the State of Illinois can comply with federal law on the Clean Air Act or comply with federal law on Motor Voter. As long as we are going to comply with federal law, why don't we stop letting the State of Illinois being embarrassed in these areas, so why don't we do something about it?"

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Speaker McAuliffe: "Representative Parke."

Parke: "I think...isn't this...why are we playing 'Name That Tune'? I think I've heard this tune. I heard this song for the last three or four weeks, and you still get the same answer. We're only going to deal with this piece of legislation, only this Bill, and anything else that you would like to try and attach, you certainly have the right to try and do that, but right now, I prefer the Body to deal only with Senate Bill 103."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you for playing 'Name That Tune' with me, Representative. I'm partial to other game shows, but it seems to seem that you've made the statement that we're passing this because we're very concerned about making sure the federal government thinks that the State of Illinois is following all of their guidelines and all of their mandates upon us. And yet, we haven't done anything with Motor Voter, in fact, the Governor of this state is spending millions of dollars of our money defending...his failure to enact Motor Voter. We haven't done anything about the Clean Air Standards. We haven't done anything about the helmet laws. We haven't done anything about all sorts of requirements the federal government gives us. Why do we pick this one area? What about consistency in legislation, Representative?"

Speaker McAuliffe: "Representative Parke."

Parke: "I'm consistently trying to pass Senate Bill 103, and I would appreciate your support in doing so."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, let me go back to where I was before. Why do you use the figure \$150,000? Who's in the range of 130 or 140 or 147.5 that's going to be covered under this?"

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Speaker McAuliffe: "Representative Parke."

Parke: "Actually, Representative Lang, my Bill does not address the 150,000. That's already in federal law. We're just trying to explain what this will try and do. The 150,000 is already a federal statute...there's...federal law. There's not much we can do about that."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, what...perhaps I misunderstood something you said earlier. What different tax treatment takes place because we pass this legislation?"

Speaker McAuliffe: "Representative Parke."

Parke: "Well, actually, Representative, that's not the problem. We need to pass this Bill so that we're in compliance with federal law so that we don't have any kind of problem with the Internal Revenue Code for any of ours. I mean, after all, if we don't pass this, we could be out of compliance with federal the law, and lose the tax exempt status of these systems which would be a disaster for all the people that are expecting us to provide their retirement income so they can retire with dignity. This Bill is pretty straight forward, pretty clean. I understand that you have to keep debating it with all these different questions, but it's something that is necessary that we have to do, and I would ask that when you're done with your dialogue that we will put the vote...the Roll Call up there and pass it, so that we can protect the people that are covered under these employee pension systems."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you. To close my remarks...just to the Bill. I guess that our concern about the rules of the Internal Revenue Service are such that if Motor Voter had been mandated us on by the Internal Revenue Service, rather than

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United States Congress, I guess that would be part of this Bill. Thank you."

Speaker McAuliffe: "Representative Parke to close."

Parke: "Thank you, Rep...Speaker. I would just say that this is something that's necessary. It's something that we're going to have to do to comply with federal law. I'd very much like an affirmative Roll Call."

Speaker McAuliffe: "The Gentleman moves for the passage of Senate Bill 103. On that question, all those in favor signify by voting 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all...have all those who wish voted? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are all voting 'aye', none voting 'no', none voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 207."

Clerk Rossi: "Senate Bill 207, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentleman of the House. Senate Bill 207 is identical to a Bill that we have already passed in this Chamber. I believe it was House Bill 330, sponsored by Representative Erwin. What this Bill does, is to amend the Higher Education Student Assistance Act. It increases the maximum amount of the Monetary Award Program to \$3,900 from the current \$3,800, and for part-time students, it increases it from \$1,900 to \$1,950. Be glad to answer any questions you have."

Speaker McAuliffe: "The Gentleman from Sinclair, Representative Hoffman."

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Hoffman: "Yes, will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Hoffman: "Representative, if we've already passed this over to the Senate, why do we have to do this Bill?"

Speaker McAuliffe: "Representative Black."

Black: "I'd like to know the answer to that myself. Evidently, the...evidently the House Bill has gotten some bad biodiesel or something, and it's not making progress, but who knows, there's always hope."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, inappropriately sponsored probably I guess would be a better word for it. With regards to this Bill, is it exactly the same, it would raise by \$100 from \$3800 to \$3900 the amounts for the Monetary Awards Program?"

Speaker McAuliffe: "Representative Black."

Black: "Yes, it's exactly the same as the Bill sponsored by Representative Erwin. No change at all."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "I know I voted in favor of that, but just to clear it up. Does this have anything to do with giving any increase dollars to private firms for financial aid?"

Speaker McAuliffe: "Representative Black."

Black: "Well, you know in all honesty, Representative, if you're going to a private school in Illinois, say in Knox College or Illinois College, Illinois Wesleyan, Millikin, what have you, because of the difference in tuition figures, obviously if you have a constituent going to one of those private schools, the chances of them obtaining the maximum monetary award grant, would be higher certainly then it would be if they were attending Western Illinois University, or Eastern or Southern."

Speaker McAuliffe: "Representative Hoffman."

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Hoffman: "I guess wha...I understand that, but what I think I was referring to, Representative, there was a Bill that Representative Ryder was the chief Sponsor of. I just wanted to make sure...I haven't been able to look through the entire Bill. It doesn't have any provisions in there with regards to Representative Ryder's Bill. This is exclusively Representative Erwin's Bill, is that correct?"

Speaker McAuliffe: "Representative Black."

Black: "Yes, while I hold Representative Ryder in the highest esteem, I wasn't real thrilled with the Propriety School Bill myself."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, I take that as a 'no', because even though you do hold Representative Ryder in the highest esteem, I wouldn't think you would be the Sponsor of any legislation that would do the draconian types of things that Representative Ryder was attempting to do in his Bill."

Speaker McAuliffe: "Representative Black."

Black: "There's absolutely no language in here that would open ISACS Student Aid Program to Propriety Technical Schools."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "I apologize for the word draconian. I'm sure that it wasn't draconian, but I would support this Bill. I think everybody probably supported it earlier. I think this is something that...whose time has come. I would hope that Representative Erwin's Bill would also get out of the Senate, would be able to have the Governor sign both Bills."

Speaker McAuliffe: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong support of Senate Bill 207. I just want to assure my colleagues on my side of the aisle, that this is indeed identical to the House

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Bill which was approved earlier and we've been working very closely with Senator Watson, as well as Representative Black, and while we do hope the House Bill gets called, I think that this issue is much more important than who the Sponsors are. And I think this modest increase in the increase in the maximum award for Monetary Award Program is a very critical thing, and I was delighted to see the Governor include it in his budget recommendations. So I would certainly urge all of my colleagues to support Senate Bill 207, and I'm delighted to see Representative Black on the front end of this one."

Speaker McAuliffe: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I can't close any more eloquently than the remarks made by Representative Erwin. I urge an 'aye' vote."

Speaker McAuliffe: "The Gentleman moves for the passage of Senate Bill 207. All those in favor signify by voting 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'aye', five voting 'nay', three voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 260."

Clerk Rossi: "Senate Bill 260, a Bill for an Act in relation to the licensing of Respiratory Care Practitioners. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes, thank you, Mr. Speaker..."

Speaker McAuliffe: "Excuse me Representative Zickus, excuse me. Representative Weaver."

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Weaver: "Thank you, Mr. Speaker. Just a point of order. Before you close debate, please either recognize the people that have had their lights on for a considerable amount of time or ask for a previous question, one of the two."

Speaker McAuliffe: "Well, we didn't see your light because there was a card laying over the top of it. You're up on the top in the corner, so, I'll move the card and make sure we see you next time. Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. Senate Bill 260, creates the Respiratory Care Practice Act, to be administered by the Department of of Professional Regulations. It requires respiratory therapists to register with the department, prohibits the use of the title Respiratory Care Practitioner unless licensed under this Act. It does not prohibit the delivery of respiratory care by unlicensed persons if they do not use the title. It requires respiratory care services or procedures to be prescribed by a licensed physician, and excludes from the definition of respiratory care, the administration of drugs intravenously for the purpose of anesthesia. The Bill does not require a hospital, nursing home, long-term care facility, home health agency, health system or network or another organization or institution that provides health or illness care to individuals or communities to utilize licensed respiratory care practitioners when providing respiratory care. This has been around for a long time. The opposition has been removed to my knowledge. There is no opposition to it right now."

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

Granberg: "Thank you, will the Lady yield?"

Speaker McAuliffe: "She indicates she will."



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Granberg: "Representative Zickus, you indicated that all opposition has been removed to the Bill. It was my understanding that the Department of Professional Regulations was opposed to your Bill, is that correct?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The Department is now neutral."

Speaker McAuliffe: "Representative Granberg."

Granberg: "The department apparently was opposed to your Bill in committee, is that correct?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yea...they've changed their position since that time. I believe they were, but they have changed their position."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So they were opposed to your Bill in committee, and since that time, they have changed their position where they neutral? What caused them to change their position on your Bill?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The fact that it is revenue neutral. I believe their problem was the cost, and it is revenue neutral."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, the additional monies for the department to handle this new type of regulation will be taken care of. There will be no cost to the department at all? No cost incurred whatsoever in regulating the respiratory care people?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "That's correct."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And why would there not be any cost attributed to this legislation, Representative?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I'm sorry, would you please repeat the question?"

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Speaker McAuliffe: "Representative Granberg."

Granberg: "And why would there not be any cost attributed to your legislation?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The fees are set by rules and they'll be set high enough to co...to cover the costs."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And what do they estimate the cost to be, to administer the Act?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "I'm getting that information, but the estimates of a four year net revenues, is 303 to 80, and that projection indicates the profession will support the cost of the regulations. I'll get the cost figures for you."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Oh, you're getting the cost figures now? Fine."

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

Turner, Art: "Thank you, Mr. Speaker. I rise in support of this fine piece of legislation. I'm happy to stand as a Cosponsor with Representative Zickus on this fine piece of legislation. This is a piece of legislation whose time has come. It deals with the Respiratory Care Act for those who know...who may be in dire need of oxygen, I just wanted you to know that person who may be standing at your hospital bed on your...during the last minutes or your life, could be the respiratory therapist. These are people who are very qualified in their profession. The department has agreed to establish the requirements, the educational requirements, of those as to any other medical practitioner here in the state, and I just think that this is a Bill whose time has come. They have been before the Legislature

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before, it has passed out of this Chamber before, and I think all of us should be in support of this fine Act. Thank you."

Speaker McAuliffe: "The Gentleman from Rock Island, Representative Boland."

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

Speaker McAuliffe: "Representative Zickus."

Boland: "Just, she already replied that she would. Just a couple of questions. Is this Bill promoted by the respiratory therapists? Their organization?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Yes it is. Many years ago."

Speaker McAuliffe: "Representative Boland."

Boland: "Very good. That's a group that had contacted me earlier about this Bill, very early when I was running. One more question is all. What is the Hospital Association...their view on this Bill? Are they for it, against it, or neutral?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The Hospital Association has withdrawn all opposition to the Bill."

Speaker McAuliffe: "Representative Boland."

Boland: "Excellent. I'm also going to stand in support of this Bill, and hope that all of us on both sides of the aisle will support this good concept. Thank you."

Speaker McAuliffe: "Representative Granberg, the Chair inadvertently cut you off before, and I apologize. We'll start you off with another five minutes."

Granberg: "Thank you. I've been cut off by others. Representative Zickus, you said that you were going to tell me what the cost of administering the Act would be, so have you now received that information?"

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Speaker McAuliffe: "Representative Zickus."

Zickus: "Let me start with the summary. The four year revenue would be \$1,404,040. Four year expenses, one million one, seven sixty, leaving the net revenues of \$303,280. And the first year with the \$100 proposed application fee, would...they estimate 5500 applicants at \$550,000. The second year would be at the \$100 with 550 new applicants would be the 55, and the third year, they're anticipating \$744,040 giving the total revenues of \$1,404,040. The fir...total first year expenses would be \$328,588; second year, \$242,547; third year, \$257,100; fourth year \$272,526."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, thank you Representative. The cost that would be incurred by the regulation of the Act...the administering of the Act, would be over a million dollars for the four year period before it would sunset that. The cost attributed to the fees would more than cover that million dollar cost. Those fees would then be deposited into the Dedicated Fund in the department to administer the Act...to help administer the Act. It would be a net, no gain, or do you anticipate any gain for the cost of administering the Act, which would be deposited into the fund for the purposes?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "We would...there would be the \$303,280 net."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And the approximately over \$300,000 net, that would just be deposited into the Professional...General Professions Dedicated Fund, is that correct?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "Correct."

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Speaker McAuliffe: "Representative Granberg."

Granberg: "Does the department normally net that much money, and that surplus is deposited into that fund, or is this an exception you're making with this new Respiratory Health Care Act?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The \$303,280 is over a four year period, so it's really not a lot. The...I think the key is that it will pay for itself."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And that has been the department's policy in the past to charge more money than they need, so they can deposit the surplus into the General Professions Fund Account?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "What we're trying to do, is set the fees where they anticipate it will cover it if something unexpected happens and then there could be a problem, but this one, there should be enough leeway in it."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, I don't remember the genesis of this. You said there was no opposition, but what was the need to regulate this industry? Is it because of the health care and the technology involved? So these groups have come to you to be regulated? Was there any opposition by any group whatsoever, including the Illinois Hospital Association or any member that might not...or any party that might not be a member of the Respiratory Care Association?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "The Illinois Society for Respiratory Care, is the organization that's been behind this. My understanding is, they've been attempting to get this legislation passed for something like 12 years, and yes, in the past, the Hospital

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Association was opposed to it, I believe the Med Society was opposed to it, the Department of Professional Regulations was opposed it. They have since worked out the problems and the details so that they have...the Hospital Association and the Med Society have removed their opposition and the department is neutral on it."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So Representative, you also have a sunset provision in the Act? And I believe that it sunsets the year 2006, is that correct? Two thousand six? And..."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And I assume Representative, the purpose behind sunseting the Act, is to see if it is actually working effectively, that way, if it is not, then the Act itself will expire so would not need to be carried on. I would ask you simply to address that question briefly and I ask you, has any Act ever been sunsetted around here at the expiration of that date? Two weeks ago, we saw the Pension Law Study Commission, which was sunsetted, and we just created that again. So, to your knowledge and if you could ask the Representative from Professional Regulations, when the last time a group, which had a sunset, was actually sunsetted. So, in the last ten years, if you know any group, could you please tell me that we've actually let them sunset?"

Speaker McAuliffe: "Representative Zickus."

Zickus: "My understanding is, around the early 1980's, I think it was the horseshoers, and I think...what was it..."

Speaker McAuliffe: "Representative Zickus."

Zickus: "My understanding is the early '80's, the horseshoers was sunsetted and the sanitarians."

Speaker McAuliffe: "The Lady from Cook, Representative Wojcik."

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

Speaker McAuliffe: "The Lady has moved the previous question. All those in favor signify by voting 'aye'...by saying 'aye', those opposed say 'nay'. The 'ayes' have it, the previous question has been moved. Representative Zickus to close."

Zickus: "Yes, as you...this is an effort that has been around for a number of years. You can see it's a good bipartisan Bill and I would urge your support."

Speaker McAuliffe: "The question is, 'Shall Senate Bill 260 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 110 voting 'aye'...111 voting 'aye'...on this question, there are 112 voting 'aye', none voting 'no', none voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 370."

Clerk McLennand: "Senate Bill 370, a Bill for an Act that amends the Property Tax Code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill will allow tax purchasers, to give them the ability to redeem costs associated with a court mandate that they file differently than with other sales in error. Thus they incur costs associated with a special filing, and they'll be able to recover those costs. Committee Amendment #1 was adopted in committee on voice vote. It incorporates the provision of Senate Bill 396. It specifies that a deposit to redeem property sold at a tax sale, shall be deemed timely only if

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actually received by the County Clerk's Office prior to the close of business, on or before the expiration of the period of redemption, or by U.S. Mail with a post office cancellation mark dated not less than one day prior to the expiration of the period of redemption. This was suggested by the Taxpayers Action Committee and the Cook County Clerk. Be glad to answer any questions you have."

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

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

Speaker McAuliffe: "He indicates he will."

Dart: "Representative, in regards to the original Bill without the Amendment on it, would there be any type of revenue loss at all by requiring that there be no interest payment on this?"

Speaker McAuliffe: "Representative Black."

Black: "According to the fiscal note given to be by the Illinois Department of Revenue, it says, 'This Bill does not affect state receipts, therefore, has no fiscal impact to the state'."

Speaker McAuliffe: "Representative Dart."

Dart: "Representative, was the...I remember I recall in committee, the Municipal League was opposed to this. Was there something that was able to be done to remove their opposition, or are they still in opposition?"

Speaker McAuliffe: "Representative Black."

Black: "I don't believe, in all honesty, there's anything that could be done to the Bill to remove the Municipal League's opposition."

Speaker McAuliffe: "Representative Dart."

Dart: "Could you explain to me...I recall them being in committee to be honest with you, but I can't remember what their



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opposition was based on. Could you refresh my memory on that?"

Speaker McAuliffe: "Representative Black."

Black: "They feel that the Bill may preclude their lien rights on a piece of property."

Speaker McAuliffe: "Representative Dart."

Dart: "Is there an estimate, or was some type...if I recall, I think in certain areas such as East St. Louis, would have a greater impact than in others because of the number of municipal liens? Was there any estimate on how this would impact areas such as that?"

Speaker McAuliffe: "Representative Black."

Black: "Representative, I didn't present this Bill in committee, so I was not privy to debate. Staff tells me he heard nothing like that mentioned during the presentation."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. There wasn't any, but it came to my knowledge subsequent to the hearing that in general, that the...from what I understand, the Municipal League's opposition was based primarily on the fact that these municipal liens would be lost. What...it subsequently became known to me that the certain cities, they have a disproportionate number of municipal liens, would be the ones most adversely affected. I was wondering if in the course of all this, if you had received any information from any of these cities, in particular, East St. Louis, because as I said, this was one of the cities that was pointed out to me that would be most impacted by this.?"

Speaker McAuliffe: "Representative Black."

Black: "No Representative, as you do, we keep three files on this Bill, one with staff, one in the Bill file, and one in the...you know...the Director of Research, and we have no

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correspondence from any city in the state as to any concern with the Bill. Obviously, we do have a slip signed by the Municipal League that indicated that they were in opposition to the Bill, but we've not heard from any specific city on the Bill."

Speaker McAuliffe: "Representative Dart."

Dart: "Once again, and I apologize if you've answered this already, but as far as regards to the...there will be no interest paid in regards to this? There is no estimate on any type of loss that would be...come as a result of this?"

Speaker McAuliffe: "Representative Black."

Black: "No, it's my understanding that there will be no interest paid, because this can run out in two and a half, three years, and so there you have...even though the downstate Tax Purchasers Association supports the Bill, it's indicated to me that no interest would be paid back to them. This evidently came out of an Appellate Court decision, and that's what they are trying to clear up."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. In regards to Amendment #1, can you explain what the impetuous behind that was?"

Speaker McAuliffe: "Representative Black."

Black: "There is evidently a...a scam that was being run, and I can't swear to this, let me check. And I think it came out of your home county, primarily the County of Cook, from the county clerk. And it was a scam being worked on people. A speculator would lay in wait until the last day to redeem the property, and then after the county clerk's office closes, he approaches the delinquent property owners, and then advises them that they have lost the property due to their failure to redeem from the tax sale. So, then the homeowner would then be told that the only way their

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property could be saved and avoid being thrown out in the street, is to redeem the tax sale by mailing a cashiers check to the county clerk's office before midnight. It goes on to say how the speculator has the required cashiers check in his possession or her possession, informs the property owners he is willing to loan them the money to redeem their property. But what was actually happening, these unscrupulous investors through this coercion, induced the homeowners to sign a loan agreement, but in reality, it's a deed to the property. So, once that deed is..."

Speaker McAuliffe: "Representative Granberg is yielding his time to Representative Dart."

Dart: "Thank you. I just wanted to follow up on this scam in Cook County. I find that so hard to believe, Representative. Is this the first one that we've come across?"

Speaker McAuliffe: "Representative Black."

Black: "I spent most of last night going through the literature in a vertical file in the State Library, and it's the only, now is the only reference that I could find to any scam in Cook County. I quite frankly was shocked to see that even this was going on."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you, Representative. I too, find this so hard to fathom as well."

I rise in support of the Bill as amended. The original Bill had...I still have a couple of concerns that the Municipal League voiced in regards to it. In particular as I mentioned, the impact on certain cities, such as East St. Louis, because of the fact that they have a disproportionate number of municipal liens out there right now. There is question about whether or not they

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would ever be able to collect against those anyway, but the reality of the situation is, there is some concern about whether or not this would undercut them and their ability to go after these liens. But with the addition of this Amendment, the Amendment is something that is very important. The Amendment adds something that could really help, not only Cook County though, it may be more appropriate there than in other areas, but it would help in regards to individuals who are sort of preying on the tax buyers, or the tax owners through some of these scams. I think it would be an appropriate measure, and my understanding is, that the Cook County Clerk and other individuals from Cook County, are in strong support of that, and so with that, I do rise in support of it, and I would urge other people to join as well."

Speaker McAuliffe: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentleman of the House. I wish to thank Representative Balthis for carrying this Bill for me in Revenue Committee where it received a unanimous vote, 55 'yes' votes, zero voting 'no' in the Senate. I ask you favorable vote."

Speaker McAuliffe: "Representative Black has moved for the passage of Senate Bill 370. On that question, all those in favor signify by voting 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', one voting 'no', none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 423."

Clerk McLennand: "Senate Bill 423, a Bill for an Act that amends the Illinois Pension Code. Third Reading of this Senate Bill."

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Speaker McAuliffe: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 423, is a Bill which passed out of the Pension Committee with seven 'yes' votes, and one 'present' vote. It is an attempt on our part to continue to allow surviving spouses of disabled firefighters and policemen to continue to receive their spouses benefit after they've deceased on a tax free status. This is in order to comply with federal regulations. I ask for your favorable vote."

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

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

Speaker McAuliffe: "He indicates he will."

Granberg: "Well, Representative Brady, you indicated we have to do this to come into compliance with the federal law. Why was this not part of Representative Parke's legislation to come into compliance with those other pension areas as well?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, we just thought it would be better to have two Bills so you could have a choice if you wanted to make a decision between one or the other."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, I believe you're calling this a disability benefits to the survivors of a firefighter who had previously received it due to disability occupational disease benefit. Now, who makes that determination whether it's a disability benefit or occupational disease benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, I believe that's specified in the Pension Code."

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Speaker McAuliffe: "Representative Granberg."

Granberg: "So, we're making the determination by state law, as to what benefit is which and not the IRS?"

Speaker McAuliffe: "Representative Brady."

Brady: "It's very simple legislation. We're not changing any benefits. We're simply trying to allow the surviving spouse to continue to receive the same benefit on a tax deferred or tax free basis as they always have. It's based on a 1993 IRS rule that we're trying to come into compliance with. It's very simple, Representative."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, I thought Motor Voter was simple too, but that turned out not to be the case. So this would allow the continuation of that benefit. Are we naming that benefit as a disability benefit? Are we citing that in pursuant to the court case?"

Speaker McAuliffe: "Representative Brady."

Brady: "We are separating disability benefits from regular benefits. That is correct, Representative."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, that's where I'm getting a little confused. How do they receive a disability benefit after that person has died?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, that's what we're trying to clarify as a surviving spouse, so they retain their tax exempt status."

Speaker McAuliffe: "Representative Brady. I'm sorry, Representative Granberg."

Granberg: "But, I'm just not quite sure the impact this has, Representative. We're all for this, but by making the determination that will continue it, will the IRS agree? Will they say pursuant to the court decision, that that

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person will not be taxed on this, because of the continuation of the disability benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, we have made every attempt to come into compliance. The Professional Firefighters Association supports this as does the Associated Firefighters. There is no opposition. It's very simple, Representative. We're trying to come into compliance with the IRS rule. If you've got a better way, do it later, but we...if you really want to see these benefits continue to these surviving spouses of disabled individuals, I suggest you vote for this, Representative. There is no opposition. Everyone is in favor of this Representative. I think we've done a good job of drafting this legislation. Now, the question is, if you want surviving spouses of disabled individuals to continue to receive their benefit, tax free as they always have, or if you want this IRS rule to provide a system where they can, then that's your decision."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well Representative, we're all for that, but my question is very simple in itself and you haven't given me an answer. We're calling this benefit when someone dies, the spouse gets the disability benefit. Right? They get the disability benefit continued. Now, how do we distinguish that from a death benefit, because a death benefit is taxed? So, are we just saying to the IRS, this person gets a disability benefit as opposed to a death benefit so they're not taxed for it? I mean...I understand I think what you're trying to do, but I'm not sure if it actually accomplishes anything, because we don't want widows taxed either, so we say it's a disability benefit as

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opposed to a death benefit. But...can we tell...can we tell the IRS that that's the case? Do we supersede the IRS on determination of disability or death benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, this is just not include widows, it could widowers as well, so you understand that. There's no discrimination in this Bill. Secondly Representative, this Bill deals..."

Speaker McAuliffe: "Representative Granberg, do you have any further questions? I'll give you another minute."

Granberg: "Rep...thank you, Mr. Speaker. Representative Brady, well, first of all Mr. Speaker, I'm joined by the requisite number of colleagues to remove this Bill from Short Debate."

Speaker McAuliffe: "Okay."

Granberg: "And Representative Brady, I think...I can understand why everybody would be agreed, I would be agreed to it, too, but does it actually accomplish anything? If we call the benefit a disability benefit as opposed to a death benefit, so they're not taxed on it, can we tell the Internal Revenue Service that is the case? Can we supersede the IRS on saying this is a disability benefit as opposed to a death benefit? I agree, it's very, very simple, so are we trying to tell the IRS they can't tax this benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, Representative, as the former Chairman of the Pension and Personnel Committee, I'm sure you're aware, that the Firefighters Disability Benefit is less for the surviving spouse then it is when the beneficiary is alive. In addition, this area deals with a different section, so what we've done is, we've tried to come into compliance with IRS rules. Because of the way our legislation was



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drafted, because of the differential in the surviving spouse in one category, the IRS has found this not to be in compliance and not to be tax exempt. We have worked very hard to try to work within their IRS rules. They are aware of this, and we're trying to do it in such a manner that continues the tax exempt status, Representative. I believe we've done everything we can to make this work, as it has historically. We're not telling the IRS what to do, we're simply conforming with their guidelines. Now if you don't believe so, vote 'no'."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Very simply. I know you're trying to move the language into a different Section, so it is included as a disability benefit. I understand that. I think that's a wonderful idea, but does that pass the IRS muster? Because, just because you move it into a different Section, doesn't mean it not a death benefit. That is my question. Now the IRS...I assume that court decision has differentiated what is a death benefit and what it not a disability benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, I'm not an IRS agent, and I don't ever intend to be, nor are you. Only the IRS can tell us later if it complies. Based on the ruling, based on the information that they've given us, we are doing our best to be able to maintain the surviving spouse benefit as it has tax free exempt. Now, if you've got a better idea, we're all ears."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, Representative, previously this has been treated as a disability benefit when there is a surviving spouse? I think you just indicated that. You said we're not going

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to change the status."

Speaker McAuliffe: "Representative Brady."

Brady: "Yes, Representative, that's the only way it could be tax exempt, to my understanding. How much time are you going to give him?"

Speaker McAuliffe: "Representative Granberg, could you bring your remarks to a close. We extended you an extra two minutes."

Granberg: "Thank you, Mr. Speaker. I believe when you recognized Representative Dart, he's going to yield his time to me, Sir."

Speaker McAuliffe: "All right, we'll give you Representative Dart's time."

Granberg: "I think, Representative, what you're...if they are doing that currently, did that IRS case say that then they could no longer do that, so you're trying to comply with the language that says, in order to receive that disability benefit so they're not taxed on it? Are you looking at the very language in that court case you're referencing?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, I couldn't clearly understand you."

Speaker McAuliffe: "Representative Granberg, would you repeat the question?"

Granberg: "We have...apparently in existing law, we have continued to give them this benefit, which is wonderful, but apparently you're taking this action to comply with the IRS because they say we can not give a disability benefit, we'll give them a death benefit. Now, the court case I think you're referencing, gives you the language to do that. The language in your Bill, does that mirror the requisite in the court case?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, I'm not sure what language you're

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referring to because I don't think they told us how to right our laws. They just told us where we were not in compliance, and based on that ruling, we have tried to draft this. I might add, that the Department of Insurance has gone along with it. They've looked it over, they believe it to be exactly what we need to do so that we can continue to provide legally the same type of benefit that the people have always benefited from."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Again Representative, I...we're in agreement with what you're trying to do, but I want to know if it's actually going to work. That's the bottom line. Has any one talked to Sandra Goldstein who was the on contract with the Pension...Economic and Fiscal Commission, to determine if the IRS will...this will pass IRS muster? Because, just by changing the section of the language of the law, does not mean it will come up to that muster, because although you can call it a disability benefit, which I'm for, just by changing it and calling it a disability benefit and not a death benefit, it's not going to pass the IRS muster. Has a tax accountant actually advised you that this will actually be held to be a disability benefit?"

Speaker McAuliffe: "Representative Brady."

Brady: "Representative, we believe we've sought all the legal counsel we need and done the best job we can."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Do you think you could do a better job if you had those public members on the Pension Laws Study Committee?"

Speaker McAuliffe: "Representative Brady."

Brady: "Boy, I don't know. Maybe."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, Mr. Speaker. I thank the Representative. The

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Representative is attempting to do something which is honorable because he is attempting to get the spouses a disability benefit. Unfortunately, I don't believe the IRS is going to go along with this scheme, because you have to differentiate between a disability benefit and a death benefit. That is a question of fact. Now, that has happened before existing law said that it is not a disability benefit, it is a death benefit, therefore taxable. Unfortunately, I think that might be the case and probably is the case. By merely shifting the language in the legislation will not accomplish, I don't believe, what we...what I actually would like to do. That is up to the Internal Revenue Service. But the Representative can say everyone is in favor of this, I mean, who would not be, and we are, but I hope we don't give the impression to these widows of these spouses that they're going to receive this benefit, because I don't believe the IRS is going to allow that to happen, based on just shifting language from one section to another. I hope we don't build their hopes up that their benefits will be disability benefits as much as I hope they would be. You cannot just shift language in a Bill from one Section to another. That is the unfortunate part for these spouses. But with that, we will support it, we hope the Representative is right, but unfortunately we do not, but we'll go along with it because everyone is in favor of this. We're all in favor of it, and I hope by shifting that language, the IRS will say, 'sure that's great, and sufficient for their purposes'."

Speaker McAuliffe: "The Lady from Lake, Representative Clayton."

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

Speaker McAuliffe: "The Lady has moved the previous question."

All those in favor signify by saying 'aye', opposed 'nay'.

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The 'ayes' have it, the previous question has been moved.  
Representative Brady to close."

Brady: "Just let me thank the Representative Granberg for considering my intentions honorable, and I ask for a favorable vote."

Speaker McAuliffe: "Representative Brady has moved for the favorable passage of Senate Bill 423. On that question, all those in favor signify by voting 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'aye', none voting 'no', none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 789."

Clerk McLennand: "Senate Bill 789, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Persico."

Persico: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 789 as amended, represents approximately 18 months of work and negotiations between the Illinois EPA, the Illinois Railroad Association, the National Solid Waste Management Association, Waste Management, Brownfairs, and the Illinois Environmental Council. And Senate Bill 789 amends the definition of transfer station and the definition of storage site as those terms which are defined in the Illinois Environmental Protection Act. Basically, it also recognizes the development of modern transportation networks used by the waste industry, including the use of 'inter-modal' containers. The basic purpose of Senate Bill 789, is to distinguish between the transfer station, those

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locations which...where waste is handled, consolidated, and re-transported to a landfill as distinguished from the location where waste is already enclosed and transfer containers is received, remains enclosed in the containers and is never removed or exposed, and moved from railcar to railcar, or from rail to truck, or between different modes of transportations. I strongly urge an 'aye' vote on Senate Bill 789, and I would be happy to answer any questions."

Speaker McAuliffe: "The Gentleman from Kankakee, Representative Novak."

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

Speaker McAuliffe: "He indicates he will."

Novak: "Yes, Representative Persico. Could you just explain what these closed containers are and how this Bill got...come to where it is because of the problems...concerning the definition of those containers within the Act currently?"

Speaker McAuliffe: "Representative Persico."

Persico: "Yes, Representative. A transfer container is one that has a volume of not less than 250 cubic ft., based on the external dimension and is constructed and maintained to protect the container contents. It also excludes a detachable refuse receptacles from the definition of a storage site. Basically, while the reason their having this, is because of modern transportation methods and the Illinois EPA was interpreting the different...they thought this would be...fall under the definition of a transfer station, and as a result, it would...you know, it would need citing under Senate Bill 172."

Speaker McAuliffe: "Representative Novak."

Novak: "So, that means that in these containers there, which are enclosed, or that they don't pose any threat to the public

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safety or health, they're enclosed and they're on railcars and they travel either interstate or intrastate, I would probably be more specific, and the concerns was to take this...tighten up this definition so they wouldn't fall under the transfer...transfer station definition to make sure they were taken out, correct?"

Speaker McAuliffe: "Representative Persico."

Persico: "That is correct Representative, and Amendment #1 addresses some other concerns that EPA and the Illinois Environmental Council had and it excluded detachable refuse receptacles from this definition."

Speaker McAuliffe: "Representative Novak."

Novak: "Thank you, Mr. Speaker. To the Bill. I simply rise in strong support. As Representative Persico indicated, there are a number of other items in the Bill, and they are environmentally conscious. They are good government, they are supported by the environmental groups, as well as the agency and the industries involved dealing with environmental issues in the State of Illinois. I simply ask my colleagues to join with me in support of Senate Bill 789."

Speaker McAuliffe: "Representative Persico to close."

Persico: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 789 as I mentioned as amended has no known opposition and I respectfully request an 'aye' vote."

Speaker McAuliffe: "Representative Persico has moved for the passage of Senate Bill 789, and on that question, all those in favor signify by voting 'aye', opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 110 voting 'aye', none voting 'no', none voting

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'present', and that Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 910."

Clerk Rossi: "Senate Bill 910, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. Senate Bill 910, is an initiative of the Illinois Liquor Control Commission and Associated Beer Distributors which requires that agents of the manufacturers of liquor be registered. These are agents who go in the retail establishments, are allowed into storerooms to view different supplies. We asked that they be registered, and I'd ask for a favorable vote."

Speaker McAuliffe: "The Gentleman from Bureau, Representative Mautino."

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

Speaker McAuliffe: "He indicates he will."

Mautino: "Is this the initiative of the beer distributors from last year where we would have the area sales managers representing different companies registered?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "Yes it is. This is pursuant to the legislation which was passed in the 88th General Assembly."

Speaker McAuliffe: "Representative Mautino."

Mautino: "Would this then prevent any of the agents from trying to circumvent that law? This just clarifies it?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "Yes, this is really just cleanup language to make it more specific and expand on the legislation which was previously passed."



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Speaker McAuliffe: "Representative Mautino."

Mautino: "To the Bill. I just rise in support of the Gentleman's Bill. This is an initiative of the beer distributors and what it will do is allow that the people who are coming in from the manufacturers are licensed with the state so they don't misrepresent or make any statements which would not reflect the agreements which are currently with the distributors, and it also lets the retailers know who is in their place, either checking code dates, making sure everything is in the...is stocked properly and conforming with the brewery policies. Just ask for an 'aye' vote."

Speaker McAuliffe: "Further questions. Representative Granberg."

Granberg: "Thank you, will the Gentleman yield?"

Speaker McAuliffe: "He indicates he will."

Granberg: "Representative Saviano. How does this impact the three tier system which exists in the State of Illinois?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "It does not interrupt the three tier system."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Does this attempt to protect the three tier system between retailer or wholesaler or manufacturer?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "Yes, it does. It makes sure that the manufacturers' agents are not circumventing the law and going around the licensed brokers."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you Representative. Representative, if you can, could you briefly explain just a hypothetical on how this would work? A lot of our Members get confused when we talk about three tiers and manufacturers, so if you can just cite an example of how this would work. The person comes on the property, what he or she would not be allowed do and

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what they can do because of your legislation."

Speaker McAuliffe: "Representative Saviano."

Saviano: "Well, currently, what the legislation actually does is, clarifies that a manager's agent is not eligible for a broker's license in order to circumvent the registration requirement as a manufacturer's agent. Okay, and then that way, it does protect the three tier system."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, an agent could not be an agent and a distributor? Isn't that correct? So that person could not be an agent and a distributor?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "He can be an agent and a broker, which is basically the same thing."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Would this prohibit that person coming on a retail licensee's property and giving him the appearance of having other authority besides the distributor?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "Yes, it specifically dictates what the registered agent could do."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And if you could just explain Representative, what the rationale for that is, because some people get confused with the different limitations. They don't understand how this could impact a retail licensee. I think it's important for the Members to know why we had this type of policy in this state."

Speaker McAuliffe: "Representative Saviano."

Saviano: "Yeah, the key is that you don't want liquor brokers posing as agents of a liquor manufacturer. This clarifies the difference. If you're registered as an agent, you

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represent yourself as an agent of the manufacturer. You don't want brokers going in and saying, I'm from XYZ Manufacturing Company, and that way, with this law, it will clarify that. They'll be forbidden from saying, I'm from XYZ Manufacturer."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And Representative, why is that beneficial to the retail licensee?"

Speaker McAuliffe: "Representative Saviano."

Saviano: "It prevents any cause for...any misrepresentation or fraud that might result from an unscrupulous broker."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Thank you Representative Saviano, and Mr. Speaker. To the Bill. I too rise in support of the legislation. There have been a couple of these items that have been going through the House and the Senate, so I wanted our Members to know which one was which and we have to differentiate. This does reaffirm the three tier system in this state. It's a sound policy and has works very well, particularly for licensees and their customers. This prohibits or tries to limit the fraud...but it will eliminate the fraud involved in any type of circumstance where a broker might misrepresent himself in his or her capacity. So, I rise in support of the legislation, and I appreciate Representative Saviano's comments."

Speaker McAuliffe: "Representative Saviano to close."

Saviano: "Ask for a favorable vote. Thank you."

Speaker McAuliffe: "Representative Saviano has moved for the passage of Senate Bill 910. All those in favor signify by voting 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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please take the record. On that question, there are 107 voting 'aye', none voting 'no', none voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1067."

Clerk Rossi: "Senate Bill 1067, a Bill for an Act amending the Counties Code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you Senate Bill 1067. It's a stylistic change which amends the Counties Code to provide that if a county-owned nursing home was erected after referendum approval by the voters of the county, the county nursing home may be leased upon the vote of a three-fifths majority of all the members of the board. This change will allow a nursing home to be leased by a county board to a private entity. I'd be more than happy to answer any questions concerning this legislation."

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

Granberg: "Thank you. Will the...thank you, will the Gentleman yield?"

Speaker McAuliffe: "He indicates he will."

Granberg: "Well Representative, if I understood you correctly, you indicated the county board may now lease a nursing home without referendum if there is a three-fifths vote, is that my understanding?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, at the present time, the county can not lease or sell a nursing home after referendum. However, such a home, if it were established before ref...without a referendum, then they can sell, dispose, or

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lease that home. What we want to do with this legislation, is to change it so the county board can then lease a nursing home that was erected after referendum."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I'm sorry Representative Mitchell, I couldn't hear the last part of your comments. So, could you tell me what the existing law is so I don't...I make sure I don't misunderstand what you're attempting to do, and what existing law is and what you're attempting to do in your legislation."

Speaker McAuliffe: "Representative Mitchell, would you repeat your answer."

Mitchell: "Currently, the county nursing home, if it were erected after referendum approval, it can't be sold, disposed of, or leased. However, if a home was not established by referendum by the county board, it may be sold, disposed or leased. What we want to do with the legislation, is to allow the county board to lease a county nursing home that was erected after a referendum."

Speaker McAuliffe: "Representative Mitchell. Representative Granberg."

Granberg: "So you merely want to allow a ref...you want to allow the county board to sell or lease a nursing home if it had been approved by a referendum?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "What we want to do, Representative, is, to allow the county board to lease the nursing home to a private entity if they so wish. No to sell it, not to dispose of it."

Speaker McAuliffe: "Representative Granberg."

Granberg: "And, Representative, are there any terms or conditions on the terms of the lease? What parties may be involved or is that up to the discretion of the county board?"

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Speaker McAuliffe: "Representative Mitchell."

Mitchell: "This legislation does not address the lease or the lease agreements whatsoever. It only allows the board to enter into a lease with the private entity."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, would this allow for the privatization of existing county facilities?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "No, Representative, it wouldn't allow for the privatization, however, it would allow for the county board who would still maintain control of the nursing home to enter into an agreement with...for example, a private hospital, to allow that hospital to then administer the nursing home."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, a county owns a nursing home, they can now lease it to another entity, have that entity run it for an indefinite term or indefinite amount of money, hire whomever they want to hire, take care of the patients or the residents in any manner they so choose, and you don't call that privatization?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "The legislation only allows for the lease. It certainly does not allow them to sell that institution to a private entity. They still maintain control of that particular situation."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, Representative, if you lease a nursing home and you have residents in that nursing home that's being operated by the county and you lease it to a private entity, that private entity will now have complete control over who to hire, whether it's minimum wage, what kind of

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people to hire, what kind of standards to have in effect, what kind of wage scale, what type of benefits, and I call that privatization. I'm not sure what you call it. So you would not call that privatization?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, in this situation, what I call it is...is whether or not a nursing home is going to stay open or whether a nursing home is going to close. And I prefer in this situation to have it remain open. That's the situation we have right now in one of my counties. The situation remains to be that we have a hospital that can run this nursing home. Without that, this nursing home may close."

Speaker McAuliffe: "Representative Granberg."

Granberg: "One last question, Mr. Speaker. I believe there are..."

Speaker McAuliffe: "Representative Granberg."

Granberg: "If you're concerned about the one nursing home, Representative, I would submit that maybe you ought to try to lessen the impact, because I don't want nursing homes that are operated by county organizations in my district being taken over by private entities where they're going to pay them less money, less benefits, because these are people that should be treated with the most...utmost respect. And I think the people treated in my nursing homes are paid more than minimum wage, are paid benefits and I want to make sure those people are taken care of instead of someone just coming in and offering the lowest possible benefits, the lowest possible wage scale. And I'm very concerned about the impact on those residents in my nursing homes, if they're 80, 90 years old and what kind of entity is going to run those operations. So I appreciate

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the...your answers, Representative, but anytime with privatization taking care of those types of residents, I am very, very much concerned."

Speaker McAuliffe: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you...will the Gentleman yield?"

Speaker McAuliffe: "Indicates he will."

Brunsvold: "Now, Representative, in a...as an example, Rock Island County has had nursing homes and they're in really not very good shape because, partly, the state has not funded them as we should. We owe the county nursing home over a million dollars. Now, if they were to go lease this...lease this facility, patients go with it, funding goes with it?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Yes, Representative, the current patients and funding go with it."

Speaker McAuliffe: "Representative Brunsvold."

Brunsvold: "So the back payments, they say we're to catch up in the next year or two and they would get that million dollars. The new leaseholder, the private company that's running that, that is going to get that money, or is it going to go to the county?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, back money that's owed to the county would go to the county, not to the private entity. We're only...payments would not be retroactive."

Speaker McAuliffe: "Representative Brunsvold."

Brunsvold: "Well, then the patients will go with the nursing home. The referendum funding will go with the nursing home, also? It will follow the patients and then the privates will be in charge of running the nursing home with



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the county tax dollars? Is that the situation?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, would you repeat that question?"

Speaker McAuliffe: "Representative Brunsvold, would you repeat the question?"

Brunsvold: "Well, the nursing home in Rock Island County, say they decide to lease the nursing home to privates. The patients, of course, would stay there, I assume. The referendum dollars that I pay as a resident of Rock Island County goes to the privates to run the hospital or the nursing home?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, this legislation only...only addresses the possibility of allowing the county board to enter into a lease. I'm sure that that would have to be worked out by the county board and I certainly trust the county board to be able to handle that. This just simply says with a three-fifths vote of the county board they can enter into a lease agreement. That would have to be worked out between the county board and the private entity."

Speaker McAuliffe: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. To the Bill. I have great concerns here that we're going to end up with a...referendum dollars going to fund a private group running a nursing home, which the county board, I think, is going to have very little control over. I would really question whether we ought to be leasing these out to privates and having referendum tax dollars follow those...follow those patients...follow those individuals in the nursing home, if they in turn are going to run as a private...as a private facility. And I would ask you to consider that very carefully before you vote."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Hoffman: "Representative, is this being introduced because of one specific situation or problems that are occurring?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "I don't know. Representative, the idea for this legislation certainly did come from Lee County Nursing Home to Senator Sieben, and he discussed it with me. The situation is that our nursing home in Lee County could quite possibly close if we don't get a change. I'm sure I have great faith in the fact that county boards are not going to allow their tax money to go to a private entity and retroactively, especially. That's not a concern of mine. What is a concern of mine is what will happen to the patients in my county and what will happen to the nursing home if we don't seek some relief through lease. This is being done now. Any county nursing home that's erected before referendum or without referendum, can be leased. So it's not a new situation."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "So, are there any county...other counties that you know of that would do this other than Lee County?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "I don't know that they would, but I think almost every county board would certainly welcome this option to have as a possibility. But I think each and every county board would look at it very closely to see if it would benefit them as a county entity."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Would you, Representative, agree that it is a fair

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statement that normally county-run nursing homes have cheaper rates, non-Medicaid rates, but have cheaper rates than private run nursing homes?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, without facts and figures I couldn't agree or disagree."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, the genesis of this Bill is essentially saying that we're going to go to the voters and we're going to approve a referendum for a nursing home. With that referendum, normally comes some type of property taxes that are put into that nursing home. And now what we're going to say, is, even though those property taxes are going to go into that nursing home and help offset many times the cost, help offset the costs of...to nursing home residents, because what we're doing here is we're spreading the cost around all the residents who live in a county, therefore, reducing the cost to individual residents as opposed to what many times private individuals can do. So I beg to differ. I would assume that by doing this and making it private, what would happen is, we would be increasing the cost of those residents, don't you believe?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "No, Representative, I don't believe that. Number one, we're talking about a body that's elected by the people of the county. They're not just a group of people that are trying to decide whether or not to do this. They're trying to do what's best and do what's best for the patients themselves. This is not a question of whether or not it's cheaper or more expensive. The question is whether or not we can continue to provide the care for these people that need it and do it in our home county."

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Speaker McAuliffe: "Representative Hoffman."

Hoffman: "Well, I guess my concern is what we're once again doing. Earlier this year we said that even though you elected U of I trustees, we're going to end their terms. Now we're saying even though local people voted a referendum to pay for a nursing home, we're going to lease out the nursing home and we're going to disregard the referendum. What are you going to do with that tax money? Will the county still be able to maintain the tax money as a result of the referendum?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, I have great faith that the county elected officials are not going to do anything to allow tax money to go to a private entity unless it's going to be to the benefit of those people that want to stay right where they're at."

Speaker McAuliffe: "Representative Hoffman."

Hoffman: "It's my understanding that right now, if there's a referendum, the county could sell the nursing home, they just can't lease it. So what we're doing, is we're allowing people to utilize county property that has been built as a result of a vote of the people. So we're saying now, even though the people voted, you can now utilize it. It would be one thing if we would sell it. If we would sell that property, then the people would get a fair amount of money back into their coffers. But when we're allowing them to lease it, aren't we really bilking the taxpayers for the amount of money that we put into this facility. We're saying now, 'Even though you voted for it, we going to take your money and lease it to a private entity'. I don't think that's right."

Speaker McAuliffe: "Representative Mitchell."

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Mitchell: "Representative, number one, you cannot sell it. You can close it. There's only about 15 county nursing homes left. Vermilion County would like to have the same thing to make sure that their nursing home stays open. That's all we're trying to do. You can't sell it, all you can do is close it. If you don't allow them to lease it, then that's really the only option a lot of these counties are going to have, is to close it down and then those people will wind up in a private nursing home."

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

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative...Representative, in your Bill, does it lay out the different steps you have to take as far as public hearings and comment periods if the county board is considering doing this, especially after it was at a public referendum to the county?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "No, Representative, it doesn't lay out any public hearings. It simply says that it would take a three-fifths majority vote of the county board to be able to enter into a lease agreement."

Speaker McAuliffe: "Representative Deering."

Deering: "Well, I couldn't hear that answer, but I'm assuming you said no, you wouldn't have to have any public hearing or public comment period. Is that correct, Mr. Mitchell?"

Speaker McAuliffe: "Representative Mitchell. Mr. Mitchell."

Mitchell: "I'm sorry, Representative, I didn't hear that."

Speaker McAuliffe: "Representative Deering, would you repeat your question?"

Deering: "Yes. Representative, I said I didn't hear your answer, but I'm assuming that you said, no. You don't have to have

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any public comment period or any hearings or open meetings to bring this before the county residents. The county board can decide at one meeting, 'hey, if we want to get rid of the nursing home, we can do it tonight'. Especially after a nursing home was built after the expense has been gone through of running a referendum in the county. Is that correct? They can do it in one night's meeting?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, the change that we're making in the law says that if a home was erected after referendum approval by the voters of the county, the county nursing home may be leased upon the vote of a three-fifths majority of all members of the board. That's the only change we've made in the existing law."

Speaker McAuliffe: "Representative Deering."

Deering: "So then answer me, 'yes' or 'no'. Do they have to have a 30 day posting notice so the public is informed of this or can they do it in one night? Yes, or no, simple question?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, the only thing that we're addressing is a change in the law itself that's says that if the home was erected after referendum approval by the voters of the county, the county nursing home may be leased upon a vote of a three-fifths majority of all members of the board."

Speaker McAuliffe: "Representative Deering."

Deering: "So do you know if they have to have a hearing? Does current law say that you have to have a hearing? Do you know, yes or no?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "As I read through this law, there is nothing in there that states that they have to have a hearing."

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Speaker McAuliffe: "Representative Deering."

Deering: "Well, I finally got my answer. What about a situation where there's a nursing home that is...that is overseen by a county board and when the nursing home was built there was never...it was never supposed to be subsidized with county funds, it was supposed to be self-supporting, but in the recent 4 1/2 years because this administration has not paid its bills, they've been forced to borrow money from the county that they're going to have to pay back. Now, if this board leases this nursing home to a private entity and they owe the nursing home, prior to the lease, owes the county \$800,000, a \$1,000,000, will that money have to be paid back or is that money just from the taxpayers going to be wiped off the slate?"

Speaker McAuliffe: "Representative Mitchell."

Mitchell: "Representative, in that situation that would be the county's debt because the county would be the one that would be taking care of that nursing home. There's nobody else to accept that debt and certainly the private entity, I don't imagine in that situation, if that were the case they probably wouldn't enter into a lease agreement in the first place. And in the second place, I don't imagine that they would agree to repay the money that was owed to the county. I'm sure that the county would still try to get that money from the State of Illinois."

Speaker McAuliffe: "Representative Deering."

Deering: "I have nothing further."

Speaker McAuliffe: "Representative Mitchell to close."

Deering: "Thank you, Ladies and Gentlemen. This is simply a situation where many, many retired people, many people in the county would like to stay in the nursing home they're in. When the county runs into difficulty, we then have a

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situation where that particular nursing home may close if some help isn't given. In the case of Lee County, we would like to lease the nursing home..."

Speaker McAuliffe: "The question is, 'Senate Bill 1067 pass...'"

Mitchell: "...to a private entity and this Bill would allow that."

Speaker McAuliffe: "All those in favor signify by saying 'aye'. Those opposed say 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that...on that question there are 62 voting 'aye', 46 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1078."

Clerk McLennand: "Senate Bill 1078, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1078 amends the Illinois Vehicle Code to enhance the penalties for violating railroad grade crossing warning devices for drivers and pedestrians by establishing a mandatory fine of \$500 or 50 hours of community service; and proposes that vehicles approaching a grade crossing not protected by the electric automated sign devices or a flagman must yield in obedience to the crossbuck sign, proceed only when it's safe to do so."

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

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

Speaker McAuliffe: "She indicates he will."

Dart: "What...presently, what have the cases involving these



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types of incidents, what has occurred with them to require us changing the evidentiary level to a prima facie?"

Speaker McAuliffe: "Representative Biggert."

Biggert: "I think that the change has been is that the...the crossbuck sign would actually be a yield sign rather than just a sign designating that there's a railroad there."

Speaker McAuliffe: "Representative Dart."

Dart: "Thank you. But my concern was what has been presently happening now? It would be my...I mean, I would be think...my thought would be that in instances right now where these type of situations occur, that the railroad companies would prevail as it is. What is it that's occurring? What cases have been ruled on or what events have occurred that require us to change this in such a way to make it a prima facie showing?"

Speaker McAuliffe: "Representative Biggert."

Biggert: "Well, I think that the crossbuck initiative is the result of federal changes to the manual on uniform traffic control devices which is required by the Intermodal Surface Transportation Efficiency Act of 1991."

Speaker McAuliffe: "Representative Dart."

Dart: "But has there been any...I was just interested in why we're making this change to allow for it to be prima facie evidence when...I mean, I wasn't aware of any problems and I was just curious to find out if there have been some to require us to make this change."

Speaker McAuliffe: "Representative Biggert."

Biggert: "Several situations in the western suburbs of collisions which have involved traffic fatalities. And I believe that in 1994, 46 people have died in railroad collisions and in 1993 there were 272 collisions which resulted in 51 fatalities."

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Speaker McAuliffe: "Representative Dart."

Dart: "My question wasn't directed to the problems like that. My question was more concerned with has there been a problem where the railroad companies have lost in those instances, and because of the fact there was not a prima facie showing? But I wanted to go on to something else. What it is that is...you have provisions in here requiring that if a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad sign, how can a driver interfere after they've already passed that sign?"

Speaker McAuliffe: "Representative Biggart."

Biggart: "They can run into the side of the train. It doesn't mean that they're...that they beat the train to the crossing, but that they actually go into the side of it."

Speaker McAuliffe: "Representative Dart."

Dart: "That makes sense. You know, in the provisions here with the...'in violation of this Section shall result in a mandatory fine of \$500 or 50 hours of community service'. What happens if the defendant is indigent, cannot come up with the money and the county does not have a community service program?"

Speaker McAuliffe: "Representative Biggart."

Biggart: "I think right now there is a fine of \$500 and that is not being given, the max...which is the maximum fine. I think that this is...it's up to the court, if they didn't have the 50 hours or they were indigent. I think if...even though there's a mandatory fine or 50 hours, it still is the court that is directing that fine."

Speaker McAuliffe: "Representative Dart."

Dart: "That would...I would hope would be the case, but the language of the Bill specifically states that, 'in

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violation of any part of this Section, shall result in a mandatory fine of \$500 or 50 hours of community service'. There does not seem to be a lot of room in there for a court to interpret on it's own that they won't do one or the other. It seems if they must do one or the other, and I can see where they don't have the money, so they've got to...they can't give them the \$500 fine, but the 50 hours seems to be pretty straightforward. What happens if they don't have a community service program?"

Speaker McAuliffe: "Representative Biggert."

Biggert: "I can't imagine that there's an area where they don't have any community service program. But again, it's...first of all the police have to give the ticket and then it's up to the court. And I think this is an initiative of the Secretary of State and the Illinois Commerce Commission and it really is something that the Secretary of State will, through education and directing this in the..."

Speaker Daniels: "Representative Dart, your time is expired. Representative Daniels in the Chair. The Gentleman from Will, Representative Wennlund. The Lady from Lake, Representative Clayton."

Clayton: "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' it, the main question is put. The Lady, Representative Biggert, to close."

Biggert: "Thank you, Mr. Speaker. This is an initiative of the Secretary of State to deal with safety at railroad crossings and I would urge a favorable vote."

Speaker Daniels: "The question is, 'Shall Senate Bill 1078 pass?' All those in favor signify by voting 'aye'; opposed by

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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', 2 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1081. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1081, a Bill for an Act that amends the Illinois Insurance Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1081 amends the Insurance Code, creates an exemption from the Insurance Code for charitable gift annuities as authorized in the Internal Revenue Code that are issued by charitable organizations, that one, have been in existence for 20 years before the annuity is issued; and two, have an unrestrictive fund balance of at least \$2,000,000 when the annuity is issued. In essence, this legislation codifies current practice and we would very much like the Body to pass this legislation."

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

Lang: "Thank you. First, a parliamentary inquiry or inquiry of the Clerk. Is this on Short Debate?"

Clerk McLennand: "This Bill is on Short Debate."

Speaker Daniels: "Yes, it is."

Lang: "Ask to remove it from Short Debate. I'm joined by the requisite number."

Speaker Daniels: "We wouldn't dare leave it on long debate."

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

Speaker Daniels: "He indicates he will."

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Lang: "Thank you. Representative, the Bill applies the charitable gift annuities as defined in the Internal Revenue Code. What is that definition?"

Speaker Daniels: "Representative Parke."

Parke: "Representative Lang, I'd be more than happy to read 170(c) on the Internal Revenue and the charitable contribution as defined. When I am done, you will not have any time left. But if that's what you wish, I'd be happy to comply."

Speaker Daniels: "Representative Lang."

Lang: "How about a synopsis? Can you just give us a hint?"

Speaker Daniels: "Representative Parke."

Parke: "It says in this Section the term 'charitable contribution' makes a contribution or gift for the use of a charitable trust or community chest or fund or foundation. In essence, the prime mover on this is the Salvation Army. And they have been for years writing charitable gift annuities and they would very much like to make sure that what they're doing complies with federal law."

Speaker Daniels: "Representative Lang."

Lang: "Why is it necessary to treat charitable gift annuities different from other types of gift annuities or are there other types of gift annuities?"

Speaker Daniels: "Representative Parke."

Parke: "Well, the real difference here is what we're trying to make sure that it's not defined as an insurance company annuity, so that we're not in competition with the free market in terms of those kinds of annuities, that in fact, this is a charitable annuity and therefore it has a different code that's affected and therefore there's no insurance taxes to be made. The concern that these not-for-profit groups has, if it falls under the Insurance

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Code, then they must comply with the stipulations of insurance companies and therefore they have to be organized as insurance companies, which you would realize would be very costly and time consuming and require a lot of legal fees. So they're trying to circumvent that to make sure that there's no confusion. They're trying to codify it by making it something with this legislation since there is a difference and they're not directly related to each other."

Speaker Daniels: "Representative Lang."

Lang: "Will there be any state regulation at all, or these only fall under the Internal Revenue Code?"

Speaker Daniels: "Representative Parke."

Parke: "That's my understanding."

Speaker Daniels: "Representative Lang."

Lang: "Well, what's your understanding, that it will be under the Federal Code only?"

Speaker Daniels: "Representative Parke."

Parke: "That is my understanding."

Speaker Daniels: "Representative Lang."

Lang: "The Bill indicates that these organizations have to be in active operation for not less than 20 years and have unrestricted fund balances of at \$2,000,000. Why these thresholds, or are these federal thresholds?"

Speaker Daniels: "Representative Parke."

Parke: "These thresholds are established for the protection of those long-term organizations, so no fly-by-night or sham can be developed in such a way as to defraud people who are well-intended and want to make sure that they're supporting established...well established, not-for-profit organizations. That's the purpose of this."

Speaker Daniels: "Representative Lang."

Lang: "Mr. Speaker. Oh, sorry. Would it be your position, then,

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that an organization that was in existence 15 years or an organization that had an unrestricted fund balance of \$1.75 million, were not around long enough or established enough or protected enough or secure enough to fall in under these categories. Why are these organizations left out?"

Speaker Daniels: "Representative Parke."

Parke: "Well, quite frankly, Representative, we're not aware of any organization that falls within those guidelines, and if there are, we certainly would be interested. Matter of fact, in a little bit I'd like to have Representative Durkin called upon for legislative intent just to make sure that another organization falls within the guidelines on their reorganization. So I'm glad you brought that up, but we don't know of anybody that falls out of that guideline area."

Speaker Daniels: "Representative Lang."

Lang: "And so what you did then, was take all the proponents of this legislation and find out how to apply this to them and that's how you got to the 20 year and \$2,000,000 figure?"

Speaker Daniels: "Representative Parke."

Parke: "Not entirely. What we did was, we went to the Department of Insurance and the insurance industry and the not-for-profit organizations to try and establish the guidelines. So there was a lot of groups involved in trying to establish this."

Speaker Daniels: "Representative Lang, your time is almost up, Sir."

Lang: "Well, my notes indicate that the Catholic Conference, the Jewish Federation and the Salvation Army are all proponents. I presume they all fall in under these guidelines. Who else would fall in under these guidelines that I don't have in my notes?"

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Speaker Daniels: "Representative Parke."

Parke: "The Lutheran Social Services of Illinois, United Way of Illinois, Children's Home and Aids Society of Illinois, the Child Care Association of Illinois. Those are the ones that I have on my notes. DePaul University also put a slip in."

Speaker Daniels: "Any further discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Durkin: "Well, this question is going towards the legislative intent. Representative Parke, this legislation requires that the issuer of the charitable gift annuity must have been in active operation for not less than 20 years before the annuity is issued. Some charities have been active longer than 20 years, but have changed their organizational form. Specifically, they're a legal entity from time to time. For example, it's my understanding that one Illinois charity, the Rotary Foundation of Rotary International, for years carried out it's charitable and educational purposes as a charitable trust, but in the early '80's formed an Illinois not-for-profit corporation to continue the activities previously carried on by the trust. In such a case, will the organization be considered to have been in active operation for more than 20 years?"

Speaker Daniels: "Representative Parke."

Parke: "Yes, as long as the organization has been in active operation for one form or another for more than 20 years, it would not make any difference whether the organization from time to time changed the legal entity it used to carried out it's purpose. Such changes, which are not unusual, should not cloud the fact that the organization



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has truly been in existence since the public...existence, serving the public good for a long time and has merely changed this section of the entity from time to time. This is for legislative intent."

Speaker Daniels: "Representative Black."

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

Speaker Daniels: "He indicates he will."

Black: "Thank you. Representative, was this legislation suggested by the Salvation Army?"

Speaker Daniels: "Representative Parke."

Parke: "Yes, it was."

Speaker Daniels: "Representative Black."

Black: "Is the legislation supported by the Jewish Federation of Metropolitan Chicago?"

Speaker Daniels: "Representative Parke."

Parke: "Yes, it is."

Speaker Daniels: "Representative Black."

Black: "Is the legislation supported by the Catholic Conference of Illinois?"

Speaker Daniels: "Representative Parke."

Parke: "Yes, that organization and numerous others."

Speaker Daniels: "Representative Black."

Black: "Yes, including DePaul University and the American Heart Association?"

Speaker Daniels: "Representative Parke."

Parke: "I know that DePaul put a slip in. I'm not aware of the Heart Association. But if they fall within the guidelines, I'm sure they would support this."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. It's an illustrious list of

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people who do some amazing good works in our society and our State of Illinois that favor the Bill. I can't imagine that anybody is going to vote against it. Passed out of committee 25 to nothing. Passed out of the Senate 58 to nothing. It's probably going to pass out of here with a hundred and some votes to nothing. I see no reason to prolong the debate, we all know this Bill will pass."

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

Feigenholtz: "Thank you, Mr. Speaker. I rise in strong support of this legislation. This clarifies the application of Illinois insurance laws in a very uncertain area. And it's the kind of legislation that allows...creates an incentive for not-for-profits to diversify their fund-raising efforts, and I encourage all of my colleagues to support it."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 1081. 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 110 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1204. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1204, a Bill for an Act concerning child support. Third Reading of this Senate Bill."

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

Salvi: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Senate Bill 1204 is the 'Deadbeats Don't Drive' Bill. It simply says that if you're 90 days or more delinquent in court ordered child support payments and

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you've been found in willful contempt of court for failure to pay the support, then your driving privileges in the State of Illinois will be suspended and that suspension shall continue until you've complied with the order of support. Be happy to answer any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker. I just want to add my voice to the support of this Bill. This is a perfectly reasonable piece of legislation and it's really legislation for our time. What this Bill does in substance is the following: It says that privileges that we enjoy in the State of Illinois don't come freely, that we also have responsibilities as citizens and nothing is more important than being responsible to our children and failure to do so means you lose your privilege to drive. This has been tried in other states, and incidentally, it's been very successful. The very fact that this could actually happen to deadbeat dads and deadbeat moms, has resulted in an appreciable increase in other states of collecting child support, past due child support. So this has a deterrent effect on those who would try to avoid their parental responsibilities in paying child support. It's been tried in many states, it's been very successful. I commend the author of the Bill and I also commend Secretary of State George Ryan for his efforts on behalf of this legislation."

Speaker Daniels: "Any discussion? Being none, the Gentleman, Salvi, to close. No, wait. You were going like this. Do you want to speak? Oh, that's a wave. Okay. Representative Lang, we want you to enlighten us."

Lang: "Thank you."

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

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

Speaker Daniels: "He says he will."

Lang: "Thank you. Representative Salvi, you'll recall that when you presented this in committee I indicated to you my strong support for collecting child support and reminded you about my House Bill 1138, which would have suspended professional licenses for failure to pay child support. You want to take this Bill back to Second Reading and add that Amendment on here? You can take credit for it and be a hero, Sir."

Speaker Daniels: "Representative Salvi."

Salvi: "Representative, we passed that. It was Senate Bill 10. It is now Public Act 89-6. That's the law and I appreciate your input. I agree with you and that is now the law."

Speaker Daniels: "Further discussion? Representative Lang."

Lang: "Let me also indicate that we discussed in committee the constitutionality of this measure. I support all efforts to collect child support because it must be done in our state. You seemed to indicate in committee that you felt it was constitutional even in light of the case of People versus Lindner, which is an Illinois Supreme Court case from 1989, that indicates that when a motor vehicle is not in any way involved in the offense, the driver's license cannot be used...cannot be suspended. Can you indicate what you've done in your legislation to make sure that this will pass the muster of the courts of the State of Illinois?"

Speaker Daniels: "Representative Salvi."

Salvi: "Yes, Representative Lang, you're right and we did do some research for you. The...you're right, the Illinois Supreme Court held unconstitutional People versus Lindner, a statute providing for automatic revocation of a driver's

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license belonging to anyone convicted of enumerated sex offenses. The court noted that a driver's license is an important property interest, but not a fundamental interest. And it reviewed the constitutionality of the statute, as you know, by applying the rational basis test. Now, under this legislation, under the 'deadbeats don't drive' legislation, the state has a compelling interest, a compelling state interest, in ensuring that the children of this state are financially supported. The Illinois Supreme Court in Lindner, held that the legislative enactment must bear reasonable relationship to the public interest intended to protect. The children of this state are the interest that this legislation is intended to protect. The legitimate means to do so is the suspension of a person's drivers license who fails to pay their child support. Now, the state already suspends drivers licenses in order to compel people to pay their parking tickets, for failure to appear in court or failure to pay fines assessed by the courts and to complete their auto emissions tests. Such suspension will remain in effect until the person has complied with the respective statute. Other states have held that the suspension of a driver for something unrelated...of a driver's license for something unrelated to the operation of a motor vehicle to be valid. And I have a list of several cases that are from state...from various states that provided for the suspension of drivers licenses for the conviction of a drug offense."

Speaker Daniels: "Representative Lang, you want to yield to Representative Erwin? No. Okay, Representative Lang."

Lang: "Representative, with all due respect, all of the instances you indicated where drivers licenses have been suspended or revoked have dealt with the driving privilege, have dealt

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with the use of a vehicle, parking citations, failure to appear in court. What is different about your Bill? I'm really trying to help you. If you'll give us some magic words that will somehow link the ability to suspend a driver's license with the child support, then I think you have a Bill we can all support and I'm a little concerned about it. I want to vote for your Bill. Give me the magic words."

Speaker Daniels: "Representative Salvi."

Salvi: "As I mentioned, Representative, I feel that there is a compelling interest here because of the argument that I presented earlier with regards to children. In addition, I would have to take issue with your statement that these other cases have a relationship to driving. These cases involve drug offenses and tax offenses and they involve the suspension of drivers licenses. So I think the courts would uphold this law as well."

Speaker Daniels: "Representative Lang."

Lang: "Mr. Speaker, to the Bill. I thank the Sponsor for his answers. I'm real concerned about the constitutionality here; however, I believe that Representative makes at least an interesting case. And I believe that the interest in our state in collecting child support is so compelling and so overwhelming, that we should support this and hope that the courts will support our efforts in this area. Let me also congratulate Secretary Ryan who seems to be on the point a lot here. He's moving to collect child support. He's moving to expand gaming, to expand job opportunities in Illinois, and I applaud Secretary Ryan for being forward thinking in these areas."

Speaker Daniels: "We'll recognize the Lady from Cook, Representative Erwin, even though you...nobody would yield

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you any time. Representative Erwin."

Erwin: "Just trying to be helpful on good legislation, Speaker. Thank you."

Speaker Daniels: "I rise in strong support of Senate Bill 1204 and...well, I know that Representative Salvi has done a great job in presenting this. I just think that all of the Democrats in this Chamber who have worked so long and hard on child support issues over many years, I think we ought to put aside whether it's a Republican or a Democrat. I'm the lead of this Bill. It has bipartisan support. I will tell you, I have talked with our friends in the Maine House of Representatives who passed a law several years ago, and the truth of the matter is they have not really had to pull drivers licenses. Just the threat of having...of having professionals, in particular, lose their driver's license and their inability to get to and from work has been very effective, in that they haven't really had to impose this very frequently at all in Maine. It's been very successful. I think the papers this weekend noted that we continue to still have among the very, very, worst child support enforcement in the United States. We ought to be ashamed of ourselves and it's time to put our money where our mouth is and pull and vote for Senate Bill 1204. Thank you."

Speaker Daniels: "Representative Salvi to close."

Salvi: "Thank you, Mr. Speaker. I think we all agree with the basic concept behind this Bill, that if you don't pay child support, the privilege of driving is going to be revoked. The constitutional issue that Representative Lang raised, is something that I think was addressed carefully. This is a very well drafted Bill. I think that it meets the nexus requirements. There's a fundamental interest involved in

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protecting the children of the state. And in addition, let's not forget that driving is a privilege and if you aren't paying your child support and if you have failed...if you are held in contempt, if you've failed to meet your responsibilities as a father or a mother, then we're going to take your driver's...driving privileges away. I would appreciate a favorable vote."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 1204. 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? Have all voted who wish? The Clerk will take the record. On this question there are 108 'ayes', 1 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1203. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1203, a Bill for an Act that amends the Business Corporation Act..."

Speaker Daniels: "Excuse me. Take that out of the record. Senate Bill 1152. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1152, a Bill for an Act that amends the Public Officer Prohibitive Activities Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1152 requires the beneficiaries of a lease, as a condition of a real estate contract with the state, to furnish a binding non-revocable letter of direction authorizing the trustee to provide the state with an up-to-date ownership disclosure whenever requested by the state as a condition of the contract. It stipulates that the individual shall be guilty of perjury if in



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swearing an oath or otherwise affirming statement, they knowingly make a false statement or omit a material fact relating to the identity of an entity that has an ownership interest in real property relating to an issue or question. This Bill is an initiative of the Central Management Services. It indicates that although the Land Trust Beneficial Disclosure Act already requires disclosure of certain owners or beneficiaries, they have had difficulties in identifying individuals with an ownership interest in state leases. I think this Bill addresses the two main areas of past difficulties; who actually is involved in a land trust and the penalty for perjury. I think it's a good government Bill. It requires that your ownership interest in a lease with the state be disclosed. I'd ask a favorable consideration for Senate Bill 1152."

Speaker Daniels: "Any discussion? Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Before I ask the Sponsor a question, I'm joined by the requisite number of hands. I'd like to remove this Bill from Short Debate."

Speaker Daniels: "I'm sure it makes a difference. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Schoenberg: "Mr. Black, how does this initiative from the Department of Central Management Services change existing law?"

Speaker Daniels: "Representative Black."

Black: "Well, I'm joined by the requisite number of people on this side of the aisle to take Representative Schoenberg off as a Cosponsor of the Bill. Okay, now, what was the question, Representative."

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Speaker Daniels: "Representative Schoenberg."

Schoenberg: "I don't think even by your rules, Mr. Black, that maneuver's kosher. The question was...the question was, how does this Bill change existing law?"

Speaker Daniels: "Representative Black."

Black: "Central Management Services informs me that the differences are as follows: The beneficiaries of a land trust are subject to disclosure when the trust enters into a lease with the state to lease the trust property. It also, then, makes knowingly false swearing and relation disclosure, perjury. Which is a felony."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "And when is the...and under what...which cases would be applicable? When would the effective date be for this? Assuming that this Bill...that we pass this Bill and it's signed into law, would this apply towards leases which are currently entered into, or is this...are those grandfathered in and would only be applicable to future leases?"

Speaker Daniels: "Representative Black."

Black: "No, the Bill is only, as pertains to perjury, it's only prospective. Doesn't go back on any leases currently in effect."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "And if a state...if a...if a trust leases office space to a...to the state, to a particular department of state government, if that lease expires and then is renewed, would this law be applicable?"

Speaker Daniels: "Representative Black."

Black: "Yes, the department says on any renewal of a lease this new provision would apply."

Speaker Daniels: "Representative Schoenberg."

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Schoenberg: "Thank you. Mr. Black, the Department of Central Management Services in a memo dated February 27, 1995, indicates a change in policy effective March 1, 1995, implementing various changes in procedures for the Division of Real Estate for procurement of state leases. That includes sealed bids for...certain sealed bids for certain leases and it also has provisions for ownership disclosure. The memo makes ownership disclosure a material provision of the contract itself and moreover, it stipulates that the state can reduce the rent by 25% as a remedy of a breach of disclosure requirements of the lease. Mr. Black, could you please tell me, why aren't these provisions which are currently new policy of the Department of Central Management Services, why aren't these provisions included within this Bill, which is a very good Bill, by the way?"

Speaker Daniels: "Representative Black."

Black: "The provisions that you're talking about are part of the CMS administrative decisions and rulemaking on leases and they will try to negotiate that provision into any new leases that they enter into."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "But, Mr. Black, what would have precluded us from including these policy provisions which would have a 25% reduction in the rent and the ownership disclosure is a breach of contract? What would have precluded us from including this within the Bill from the onset? Why don't we formalize this...these other policy changes into law as well?"

Speaker Daniels: "Representative Black."

Black: "Yes, Representative, the department indicates that this Bill has been in the pipeline since November working to this point. The administrative changes you're talking

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about took place in February. Let me see if it's the department's intent here. Let me get right back to you. The department certainly reserves the right to incorporate the current administrative provisions into this law in the future, depending, as I was told, it depends largely on what the reaction might be of current lease holders who would say we're not interested in that. But they certainly would reserve the right to incorporate that into law in the future."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I would just rise in favor of the proposal that Mr. Black has before us. It's unfortunate that we had some problems that were documented in the newspapers with these leases, and I think that in a perfect world we probably could have enacted some of the provisions, perhaps the whole blue ribbon panel's suggestions on purchasing, but we didn't do that. But I do think that this proposal, which identifies and addresses a problem that has to do with leasings, is certainly a step forward. It is good government and I think it is a very honest and decent effort to try to address the problem and I would suggest to Members on my side of the aisle, that it will indeed do that. And I'm very hopeful that we can pass this Bill today, send it on to the Governor for his signature and that we can at least put this problem behind us and go forward and try to address some of the other problems that we have with the budget and with purchasing and here in the State of Illinois. So I'd urge my fellow Democrats and Republicans to vote for the Bill. It is a very good Bill, a very good Sponsor. It's all been worked out and for those of us

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who've worked for purchasing reform, I think this is a success and a step forward and I urge your support."

Speaker Daniels: "The Lady from Lake, Representative Clayton."

Clayton: "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 Black to close."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Actually, I don't need to close. I think Representative Hannig said it very well indeed. I will use his remarks to close. I'm joined by the requisite number on my side of the aisle to keep Representative Hannig as a Cosponsor of the Bill. We urge you to vote 'aye'."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 1152. 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 111 'ayes', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1203. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1203, a Bill for an Act that amends the Business Corporation Act of 1983. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is an Administration Bill for the Secretary of State. It amends the Business Corporation Act. It provides that if the Articles of Incorporation provide for a more or less than one vote for any share on any matter, that every reference in the law

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should reflect that. But when it comes to either a majority vote or a super majority vote, I'd be glad to answer any questions."

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

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

Speaker Daniels: "Indicates he will."

Lang: "Representative, is Amendment #1 on this Bill?"

Speaker Daniels: "Representative Ryder."

Ryder: "Mr. Speaker, unless Amendment #1 was adopted in the Senate, there was no Amendments adopted in the House."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. What does your...what specifically does your Bill do, Sir? I know it deals with corporate shares and voting those corporate shares, but I barely understood it and I'm sure the non-lawyers on the House floor did not. So can you give us a better explanation?"

Speaker Daniels: "Representative Ryder."

Ryder: "Actually, Representative, the non-lawyers would probably do a better job than you and I will. The reason for this, is that sometimes in a corporation you allocate a value of more or less than a single share to a share. When you then have a requirement for a majority, there was a requirement to have some kind of clarification that whether you're talking about the value or the share, when you're talking about a majority or a super majority that are necessary to do certain things under the Business Corporations Act, this clarifies as to how you should treat those kinds of shares."

Speaker Daniels: "Representative Lang."

Lang: "This qualifies how you should treat those kinds of shares, but how do you treat those kinds of shares?"

Speaker Daniels: "Representative Ryder."

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Ryder: "Representative, I would refer you to page 2 of the Bill, Section D, that says that the articles of incorporation provide for more or less than one vote for any share on any matter. Every reference in this Act to a majority or other proportion greater than a majority of shares, shall refer to that majority or other proportion greater than a majority of the votes of the shares. That, Sir, is how they are treated."

Speaker Daniels: "Representative Lang."

Lang: "Well, in the words of my father, when I go home and explain then what we do down here, 'What the heck does that mean?'"

Speaker Daniels: "Representative Ryder."

Ryder: "Representative, the words speak for themselves. I couldn't do any better job of explaining the purpose of the Bill than simply reading to you that portion of it. Now, there are other portions throughout the Bill itself that make some grammatical changes and also bring it into compliance, but it simply means that which it states, Sir."

Speaker Daniels: "Representative Lang."

Lang: "So, Subsection D is really the guts of this Bill, the rest is just grammatical and this is really the crux of this Bill. Is that correct?"

Speaker Daniels: "Representative Ryder."

Ryder: "No, Representative, I would not call this the crux of the Bill, but it is the heart of the matter."

Speaker Daniels: "Representative Lang."

Lang: "It's the heart of the Bill. It's the heart of the Bill. So...this says, if the articles of incorporation provide, blah, blah, blah. What if the articles of incorporation don't provide, blah, blah, blah, then what happens to these shares?"

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Speaker Daniels: "Representative Ryder."

Ryder: "I'm a little confused on the blah, blah, part, but that's not unusual, Sir. The prevailing rules apply. The remainder of the Business Corporations Act remains and a share is treated as a single share."

Speaker Daniels: "Representative Lang."

Lang: "Well, to the Bill. Representative Ryder did an excellent job explaining this very, very controversial piece of legislation. I'm prepared to support it. I will only say I'm disheartened that House Amendment #1 was not adopted. It dealt with a very interesting problem we have in our state that deals with the giveaway of \$30,000,000 of taxpayer's money. This was something that would have closed a loophole in the law, but the Sponsor and the Members of the Committee, Chairman of the Committee, chose not to deal with this problem and it's disheartening."

Speaker Daniels: "Representative Lang."

Lang: "But I'm prepared to support..."

Speaker Daniels: "Representative Lang. Further discussion? Being none, Representative Ryder to close."

Ryder: "Thank you. I'd appreciate an 'aye' vote."

Speaker Daniels: "The Gentleman's moved for the passage of Senate Bill 1203. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 110 'ayes', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1082. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1082, a Bill for an Act that amends the Health Maintenance Organization Act. Third Reading of



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this Senate Bill."

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

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1082 amends the Health Maintenance Organization Act to allow HMOs and employer groups, by contract, to either make refunds or charge additional premiums to the employer group if utilization is either more or less than anticipated. Senate Bill 1081 is not...1082 is not a mandate, it merely provides an additional option for employers and HMOs to address medical costs. I'll be happy to answer any questions."

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

Lang: "Thank you, Mr. Speaker. First, I'm joined by the requisite number to remove this matter from Short Debate, Sir. I see you nodding your head. Thank you. Will the Sponsor yield? I see you nodding your head again. Representative, so far all I understand about your Bill from your explanation is that it deals somehow with insurance and with HMOs. But just simply reading the analysis, I don't blame you for doing it, this is technical stuff. But I don't think any of us understand what your Bill does. Can you give us some more detail, give us an...a practical example of how the Bill works?"

Speaker Daniels: "Representative Lyons."

Lyons: "This will allow HMOs and employers to enter into a contract, an annual contract, that will allow the HMOs and the employers to...the HMOs to give a refund or charge an additional premium depending on the utilization of that HMO contract. In other words, if the contract is under-utilized, they would get a refund and if it's over-utilized, they would be charged an additional premium."

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Speaker Daniels: "Representative Lang."

Lang: "Well, why can't they do this now, Representative?"

Speaker Daniels: "Representative Lyons."

Lyons: "Currently, HMO fees must be 'capitated' at a prepaid amount that is not adjusted with regards to the extent of the utilization."

Speaker Daniels: "Representative Lang."

Lang: "And so this is sort of a...an agreement that really leads to having what we might call some sort of an estimate, so at the end of the policy period there might be an additional charge to the enrollees or there might be a refund to the enrollees. Would that be correct?"

Speaker Daniels: "Representative Lyons."

Lyons: "That's true, but it has to be agreed upon ahead of time."

Speaker Daniels: "Representative Lang."

Lang: "Well, what has to be agreed upon? You know, in other words, they would agree ahead of time that there'd be an additional charge or that there would be a refund?"

Speaker Daniels: "Representative Lyons."

Lyons: "Correct."

Speaker Daniels: "Representative Lang."

Lang: "Well, why would they want to agree ahead of time that there would be a refund? Why don't they just...if there's going to be a refund, why don't they just shorten the premium?"

Speaker Daniels: "Representative Lyons."

Lyons: "Because it depends on the utilization."

Speaker Daniels: "Representative Lang."

Lang: "So there may not be a refund. So they're not going to agree in advance that there's going to be a refund, they would just agree in advance that there could be a refund or there could be an additional charge. Is that correct?"

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Speaker Daniels: "Representative Lyons."

Lyons: "That is correct."

Speaker Daniels: "Representative Lang."

Lang: "What thresholds are used to determine whether there will be a refund or an additional charge?"

Speaker Daniels: "Representative Lyons."

Lyons: "It would be limited to 20% of the HMO's profitable or unprofitable experience with respect to each group for the period in question."

Speaker Daniels: "Representative Lang."

Lang: "What value is this to the employee, considering they would not know in advance, a year in advance, how much the additional charge would be or the additional refund would be? Why is this beneficial to the employees?"

Speaker Daniels: "Representative Lyons."

Lyons: "Well, actually it's beneficial to the employers. This is a contract between the employers and the HMOs."

Speaker Daniels: "Representative Lang."

Lang: "Well, so you're asking us to pass a Bill that has benefit to the employers, but not to the employees at all?"

Speaker Daniels: "Representative Lyons."

Lyons: "It would be beneficial to the employees because the employers would be...would be urging preventative medicine, therefore, urging their employees to seek medical care for preventative medicine."

Speaker Daniels: "Representative Lang."

Lang: "Well, I recall during the great debate on the Scaffolding Act your side of the aisle talking about worker's safety and how the employers of Illinois are so great at worker's safety that we don't need the Scaffolding Act. You mean they don't practice preventative medicine now?"

Speaker Daniels: "Representative Lyons."

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Lyons: "Are we talking about this Bill?"

Speaker Daniels: "Representative Lang."

Lang: "Well, you indicated, Representative, that if we do this, employers will be encouraging a safer work place and healthy employees. Don't they do that today? Aren't they interested in healthy employees today?"

Speaker Daniels "Representative Lyons."

Lyons: "Hopefully they are, and they will engage and contract with an HMO to do just that."

Speaker Daniels: "Representative Lang."

Lang: "Well, why would they encourage even the use of the policy? Obviously, the employer, if the employee doesn't use the policy, if the experience ratio was low, the employers will get a huge refund. How do we know the employees will get that back?"

Speaker Daniels: "Representative Lyons."

Lyons: "That would be an agreement between the employers and the employees. In the evidence of coverage, the employees would know that this is a contract that could possibly give a refund."

Speaker Daniels: "Representative Lang. Ding-dong. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in support of this Bill. I had some of the same questions I think Representative Lang had, dealing with how the HMO was going to operate with the employers. And I had John Deere's representatives in my office and discussed the contract and to my surprise, when I asked them if this was a chance to raise the premiums, she said that, in fact, that in most cases there is a rebate of money back to the employers, which surprised me. So in that discussions, also it becomes an opportunity for the

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employers to maybe work a little harder at doing some programs that would make it better for the employees to get to medical care quicker when they probably don't, and it would make the bills less and in the end serve both the employer and the employee and the insurance company. So I stand in support of this Bill and think it will help in a contract as agreed to by both sides, that they can come to an agreement and not just an estimate on what their health costs are going to be. And if they're a little more then they will charge a little more, but in most cases, as I've said, there has been a rebate of premiums back to the employer that will help, in the end, help the employee, so I stand in strong support of Senate Bill 1082."

Speaker Daniels: "The Lady from Lake, Representative Clayton."

Clayton: "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 would simply urge support for this good legislation. Thank you."

Speaker Daniels: "The question is, 'Shall Senate Bill 1082 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 106 'aye', 1 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. 312. Read the Bill, Mr. Clerk. Representative Hoffman."

Clerk McLennand: "Senate Bill 312, a Bill for an Act that amends the Cemetery Protection Act. Third Reading of this Senate Bill."

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Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, will the Sponsor...Oh, I'm sorry. Yes, Senate Bill 312 amends the Cemetery Protection Act to increase penalties for violations of the Act. This Bill is in...this Bill is a result of some actions that took place in Madison and St. Clair County; and, essentially what it does is it expands violations for individuals who may commit vandalism in cemeteries. In Madison and St. Clair County we have had problems in the past of individuals doing this. Some would say for satanic cult-like activity of getting human bones in order to...getting human bones in order to do those types of activities. I ask for an 'aye' vote."

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

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

Speaker Daniels: "He indicates he will."

Black: "Representative, I heard you say it was...this came out of a problem you had in a county down your way. What was the coun...I'm sorry, I didn't hear the county."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, Madison and St. Clair."

Speaker Daniels: "Representative Black."

Black: "Would this be special interest legislation?"

Hoffman: "Well, I think it's...unfortunately, Representative, I think it's special interest to the families whose loved ones may have had this happen to their final resting place."

Speaker Daniels: "Representative Black."

Black: "Yes. To the best of your knowledge, Representative, has there been a problem in Madison or St. Clair County with

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clowns getting into a cemetery and desecrating gravestones?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "I think that was a Stephen King novel, wasn't it, Representative?"

Speaker Daniels: "Representative Black."

Black: "That novel's set in Madison County?"

Speaker Daniels: "Representative Hoffman. Representative Hoffman."

Hoffman: "No, I don't believe so."

Speaker Daniels: "Representative Black."

Black: "Well, Representative Hoffman, you are increasing the penalties by, you know, considerable classification in many of these offenses. As hideous as they might be in a cemetery and God only knows why people would do something like this, but you're adding, you're throwing out class 3 felonies, class 4 felonies. I'm telling you, what is...where is the Correctional Impact Note on this?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "Fortunately, I was able to talk to the Department of Corrections and there's no minimal...or there is a minimal impact on the Department of Corrections. We're lucky that this isn't as widespread as it has become in some areas of the state, but this hasn't been a major problem, so it's going to be minimal at best."

Speaker Daniels: "Representative Black."

Black: "Well, minimal perhaps, but as I recall there was a vote not long ago to increase our bonding authority so that we could build additional prisons and wings on prisons, etc, and perhaps you were in the restroom at that time. I don't remember how you voted. But surely if we're going to put people in prison for vandalizing a gravestone, we're going

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to make that a class 4 felony, surely you would join with me at some point. We're going to have to appropriate money to build prisons and add jail cells to lock these people up, aren't we?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, if we want to start debating that Bill again, I didn't get an opportunity to talk and they moved the previous question on me. I did have a real good speech regarding some of the other projects that were included in that Bill. If you'd like me to go into it, I certainly can, but I think we...I'm very serious about this Bill. I think it's a very serious piece of legislation and they said that the impact would be minimal and I think that that deserves an 'aye' vote."

Speaker Daniels: "Representative Black."

Black: "Well, I didn't see you on the floor in that debate...maybe you were in the restroom and I don't want to go into that. That's yesterday's business. I...since you're amending the Cemetery Protection Act, Representative, is there anything in here about 'motor voter'?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "I think that in Chicago maybe there should be, huh?"

Speaker Daniels: "Representative Black."

Black: "Well, Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. We finally get to the bottom of this. We finally get to the bottom of this Bill. We're amending the Cemetery Protection Act and nowhere in this Bill did anyone amend the Motor Voter Act. I'm shocked. I'm shocked and appalled. I'm outraged, in fact. Now, here we have a Bill that would have...Motor voter could have found a home on this Bill, but oh, no, oh, no, we don't want to file 'motor



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voter' on this Bill. And why not? Why not? I know why not, because this Bill is on Short Debate. And you know what? Mr. Speaker, I'm joined by the requisite number of Republicans to keep the Bill on Short Debate, keep the Bill on Short Debate."

Speaker Daniels: "I don't see any hands."

Black: "Because in all seriousness, Representative Hoffman is correct. This Bill...Oh, I know, Ladies and Gentleman, bear with me. Oh, brothers and sisters, we need to protect. Seriously, this has been a problem in my district, it's been a problem in too many districts. For some reason there are sick individuals today that find it necessary to go into a cemetery and not only vandalize gravestones, but as it happened in my district, to actually dig up the vault and coffin of a person who was...had been interred less than a month. There are some sick individuals in this society and for once I'm glad to stand up, join with a good Democrat Sponsor on a good reasonable Bill, and I urge an 'aye' vote."

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

Stephens: "Well, thank you, Mr. Speaker. The previous Representative had some fun with the Bill, but I will tell you that for the families that have been affected by this, and there have been many in Madison County, it is not an issue to be taken lightly. And I, on behalf of those families, Representative Hoffman and working with Bill Hane the state's attorney in Madison County who helped with this Bill, I would rise in support and I hope that there's no more laughter or jokes about this very serious Bill."

Speaker Daniels: "Representative Hoffman to close."

Hoffman: "Thank you, Mr. Speaker. I would like to thank the

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previous two speakers. Even though there was levity, I understand that many times in this House that has to happen. But in our districts and in our area there has been some terrible, terrible things happening. This is to address that situation. We take this situation very, very seriously in St. Clair and Madison County as do they do in Vermilion County, Cook County and throughout the rest of the state. I think that people should be able to have the ability to bury their loved ones in peace and not have to deal with this kind of stuff. With that, I ask for an 'aye' vote."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 312. 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? Have all voted who wish? The Clerk will take the record. On this question there are 110 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 216. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 216, a Bill for an Act that amends the Community Integrated Living Arrangements Licensure and Certification Act. Third Reading of this Senate Bill."

Speaker Daniels: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 216 is the product of the Department of Mental Health working with the advisory council with...which included a number of providers, people with developmental disabilities and citizens to produce the guide...the individual rate determination model for community integrated living arrangements. For some time,

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this is a...the department has operated without a clear-cut policy on this model and all the parties have now agreed and are recommending that the model be presented and adopted in the next year, and I move it's approval."

Speaker Daniels: "Any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "What...what problem does this Bill address, Representative?"

Speaker Daniels: "Representative Leitch."

Leitch: "The problem is that there has been a lack of clarity and a great divergence in the rates set for individuals in CILAs and what this does is move to an individualized rate so that there is a standard rate. And everyone knows what the rules are and they make sense for the locality and the degree of disability and the other services that an individual gets on an individual basis as they relate to the CILA."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Are you talking about an individual rate per CILA? And for the benefit for some of our Members, these community integrated living arrangements, these homes for persons with developmental disabilities, are we talking about per...per house a rate or an individual, so wherever that person might live that rate would be standardized?"

Speaker Daniels: "Representative Leitch."

Leitch: "The latter."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Representative, I know that under the Bogard, I think it's the Bogard Decree, we're supposed to be moving a certain number of people every year into CILAs. Will this

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legislation impact the number of people we can move from their inappropriate placement in nursing homes into community settings?"

Speaker Daniels: "Representative Leitch."

Leitch: "No, I don't think this is related to actually moving them, although you may be interested to know that the proposal is to move an additional 200 in the Fiscal '96 budget."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, I'd like to remove this Bill from Short Debate. I'm joined by the requisite number of hands. Is there expected to be, because we're going to change the formula for paying these individuals or the providers for the care of these people in CILAs, will there be any additional costs to the state or has there been a Fiscal Note that indicates what the costs would be?"

Speaker Daniels: "Representative Leitch."

Leitch: "The Fiscal Note ends...indicates there will not be."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "How can an estimate really be made, because the amount of money that's paid is going to vary with each person? I understand the desire to do that and that different people cost different amounts of money, but then how is the state to really estimate accurately how much it's going to cost?"

Speaker Daniels: "Representative Leitch."

Leitch: "The Fiscal Note indicates that presuming the current CILA rate model becomes the rule and presuming rates associated with developmental costs for CILAs developed prior to the new CILA rate model are grandfathered into rules as new CILAs at cost of using the rate model, there should be no unanticipated fiscal impact for development

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costs."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "What is the range of reimbursement for a person that's in a CILA, just so we can get a sense of how much the difference from the high end to the low end might be to care for someone in such a living arrangement?"

Speaker Daniels: "Representative Leitch."

Leitch: "Eighteen to ninety thousand dollars."

Speaker Daniels: "Representative..."

Leitch: "And that's one of the reasons why the rate model is needed because I think...I don't know if I would say it's whimsical, but certainly the previous formula was not done in accordance with a rate model that everyone agreed was an appropriate model."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Yes. Mr. Speaker, to the Bill. I certainly think the notion of developing a model that would take into account individual differences, makes sense and I will...and I support this Bill. My concern is, though, that we're going to find out that there may be more people at the \$90,000 a year, or the high end, than we may have anticipated and there may be some additional costs that we'll discover. Nonetheless, I think it is an important and a good idea to do it."

Speaker Daniels: "Representative Leitch to close."

Leitch: "This has been worked on by all the parties. It's an agreement that has been reached and I'd move for approval for Senate Bill 216."

Speaker Daniels: "The Gentleman's moved for passage of Senate Bill 216. 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

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who wish? The Clerk will take the record. On this question there are 110 'aye', none voting 'no', none voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. Committee Reports. We're going to do Committee Reports, Supplemental Calendar announcement, Second Readings and then we'll finish up. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Noland, Chairman of Committee on Agriculture and Conservation, to which the following Bills and Resolutions were referred, action taken on May 15th, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 731, 455, 240; 'do pass' as amended, Senate Bill 623; 'do pass' Short Debate, Senate Bill 300. Committee Report from Representative Parke, Chairman of Committee on Commerce, Industry and Labor, to which the following Bills were referred, action taken on May 15th, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 15 and Senate Bill 245."

Speaker Daniels: "Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Daniels: "On Supplemental Calendar #1, Mr. Clerk, read 256."

Clerk McLennand: "Senate Bill 256. The Bill has been read a second time previously today. Committee Amendments #1 and 4 have been adopted and distributed. Committee Amendment #2 was withdrawn. Committee Amendment #3 failed. A Fiscal Note had been requested and has been filed on the Bill."

Speaker Daniels: "Third Reading. Senate Bill 309...509, I'm sorry, Mr. Clerk. Senate Bill 509. Read the Bill."

Speaker Daniels: "Senate Bill 509, a Bill for an Act to amend the

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Illinois Vehicle Code. Second Reading of this Senate Bill. Committee Amendments #1 and 2 have been adopted. A Fiscal Note and a State Mandates Note have been requested on the Bill and have been filed."

Speaker Daniels: "Third Reading. Senate Bill 598."

Clerk McLennand: "Senate Bill 598, a Bill for an Act to amend the Public Utilities Act. Second Reading of this Senate Bill. Committee Amendment #1 failed. Committee Amendment #2 was adopted. Floor Amendments #3 and 4 referred to Rules. A Fiscal Note has been requested and has been filed on the Bill."

Speaker Daniels: "Third Reading. Senate Bill 760. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 760, a Bill for an Act to amend the Toll Highway Act. Second Reading of this Senate Bill. Committee Amendments #1 and 2 have been adopted and distributed. Committee Amendment #3 has been referred to Rules. Floor Amendment #4 has been referred to Rules. A Fiscal Note has been requested and filed. A Judicial Note has been requested on the Bill and has not been filed."

Speaker Daniels: "Hold that Bill on Second Reading. What's the status of Senate Bill 931?"

Clerk McLennand: "Senate Bill 931 has been moved to the Order of Third Reading."

Speaker Daniels: "Return that to the Order of Second Reading, Mr. Clerk. Senate Bill 949. Read the Bill."

Clerk McLennand: "Senate Bill 949, a Bill for an Act to amend the Municipal Code. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. A Fiscal Note has been requested and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 978. Read the Bill, Mr. Clerk."

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Clerk McLennand: "Senate Bill 978, a Bill for an Act relating to the rehabilitation and liquidation of certain insurers. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. A Fiscal Note has been requested and has been filed on the Bill, as amended."

Speaker Daniels: "Third Reading. Supplemental Calendar #2, Senate Bill 240. Read the Bill, Mr. Clerk. Excuse me, Mr. Clerk. Read...Read Senate Bill 15, Mr. Clerk."

Clerk McLennand: "Senate Bill #15, a Bill for an Act to amend the Worker's Compensation Act. Second Reading of this Senate Bill."

Speaker Daniels: "Hold that on Second Reading. Senate Bill 240. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #240, a Bill for an Act to limit the civil liability of persons participating in equine activities. Second Reading of this Senate Bill. Committee Amendment... No Committee Amendments. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Daniels: "Third Reading. Senate Bill 245. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #245, a Bill for an Act in relation to university peace officers. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. No Floor Amendments. A Fiscal Note requested and has been filed."

Speaker Daniels: "Third Reading. Three hundred. Read the Bill."

Clerk McLennand: "Senate Bill #300, a Bill for an Act to amend the State Finance Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. Fiscal Note requested and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 455. Read the Bill, Mr. Clerk."



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Clerk McLennand: "Senate Bill #455, a Bill for an Act concerning urban and community forestry assistance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested and has not been filed."

Speaker Daniels: "Hold the Bill on Second Reading. Five five two. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #552, a Bill for an Act to amend the Illinois Banking Act. Second Reading of this Senate Bill. Committee Amendment #1 failed. Floor Amendment #2 has been referred to Rules. No Note requests."

Speaker Daniels: "Third Reading. Six thirteen."

Clerk McLennand: "Senate Bill #613, a Bill for an Act in relation to dental practices. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested and filed."

Speaker Daniels: "Third Reading. Six two three."

Clerk McLennand: "Senate Bill #623, a Bill for an Act in relation to animals. Second Reading of this Senate Bill."

Speaker Daniels: "Hold that on Second Reading, Mr. Clerk. Seven seventeen."

Clerk McLennand: "Senate Bill #717, a Bill for an Act to amend the Liquor Control Act of 1934. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. Fiscal Note, State Mandates Note requested on the Bill, as amended, and they have been filed."

Speaker Daniels: "Third Reading. Seven thirty-one. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #731, a Bill for an Act concerning public food and agricultural research programs in Illinois. Second Reading of this Senate Bill."

Speaker Daniels: "Hold that Bill on Second Reading. Eight

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thirty-one. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #831, a Bill for an Act to amend the Pharmacy Practice Act of 1987. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. No Floor Amendments. Fiscal Note has been requested on the Bill and has not been filed. Fiscal Note has been requested and has not been filed."

Speaker Daniels: "Leave it on Second Reading, Mr. Clerk. Leave 831 on Second Reading. Eight fifty-nine."

Clerk McLennand: "Senate Bill #859, a Bill for an Act in relation to the Department of Professional Regulation."

Speaker Daniels: "Leave that on Second Reading, Mr. Clerk. Ten thirty-seven."

Clerk McLennand: "Senate Bill #1037, a Bill for an Act to amend the Illinois Plumbing License Law. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. No Floor Amendments. No Note requests."

Speaker Daniels: "Third Reading. Ten eighty-three."

Clerk McLennand: "Senate Bill #1083, a Bill for an Act concerning interstate banking. Second Reading of this Senate Bill. No Floor... No Committee Amendments. Floor Amendment #1 is in Rules. A Fiscal Note has been requested on Senate Bill 1083 and has not been filed."

Speaker Daniels: "Leave it on Second Reading. Eleven forty-two."

Clerk McLennand: "Senate Bill #1142, a Bill for an Act that amends the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. No Floor Amendments. A Fiscal Note has been requested and filed."

Speaker Daniels: "Third Reading. Mr. Clerk, read Senate Bill 455 again, please."

Clerk McLennand: "Senate Bill #455. The Bill has been held on

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the order of Second Reading pending a Fiscal Note request.

A Fiscal Note has been filed on the Bill."

Speaker Daniels: "Third Reading. Eight thirty-one."

Clerk McLennand: "Senate Bill #831 has been read a second time previously, was held pending a Fiscal Note request. Fiscal Note has been filed on the Bill, as amended."

Speaker Daniels: "Third Reading. Any announcements, Mr. Clerk?"

Clerk McLennand: "No announcements."

Speaker Daniels: "Representative Churchill now moves the House stand adjourned until Tuesday, May 16, 1995 at the hour of 12:00 noon. All those in favor signify by voting 'aye'...saying 'aye'; opposed by saying 'nay'. In the opinion of the Chair, the 'ayes' have it, and allowing perfunctory time for the Clerk, the House now stands adjourned until Tuesday, May 16, 1995 at the hour of 12:00 noon."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of Resolutions. House Joint Resolution #42, offered by Representative Cross, Rules Committee. House Bill, introduction of First Reading of House Bills. House Bill 2507, offered by Representative Lawfer, a Bill for an Act concerning milk and milk products amending named Acts. Introduction and First Reading of this House Bill. Being no further business, the House Perfunctory Session stands adjourned. The House will reconvene Tuesday, May 16, at the hour of 12:00 noon."

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