

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Speaker Granberg: "The House will come to order. The Members shall be in their seats. We will be led in prayer today by the Reverend Gary McCants. Reverend McCants is with the Allen Chapel AME Church of Alton. Reverend McCants is the guest of Speaker Mike Madigan. The guests in the Gallery may wish to rise for the invocation. Reverend McCants."

Reverend McCants: "May we please bow our hearts. Blessed and happy is the man who does not walk in the counsel of the ungodly, nor stand in the way of sinners, nor sit in the seat of the scornful, but his delight is in the law of the Lord, and in it does he meditate both day and night, and he shall be like a tree that's planted by the rivers of waters that brings forth this fruit in its season. Its leaves shall not wither and whatsoever he does shall prosper. Lord, as we come into Your presence this day, we approach You with this thought in mind, we come to give You honor and thanks, for You are giving us yet another opportunity to come into Your presence. We come seeking Your blessing on this House and all who work in it. We reach out and extend our condolences to those Members who have lost loved ones recently and to those who have loved ones who are ill. We pray that each Member of this House will prosper today and may Your will be done in their lives. Despite the contentiousness of the issues they may face, allow their hearts and minds to be focused on You. And finally, You said in Your word that if we keep our state of mind on You, You will keep us in perfect peace. This is the seed we plant today in Your dear Son's name we pray, Amen."

Speaker Granberg: "We will be led in the Pledge of Allegiance by Representative Wirsing."

Wirsing - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

one nation under God, indivisible, with liberty and justice for all."

Speaker Granberg: "Roll Call for Attendance. The Gentleman from Kendall, Representative Cross."

Cross: "Yes, I am from Kendall, Mr. Speaker. Thanks for recognizing me. There's some question about whether I'm a Gentleman or not. And thanks, Representative Durkin, for pointing that out. Representative Deuchler and Representative Black. Deuchler and Black are both excused, if the record would so reflect. Thank you, Mr. Speaker."

Speaker Granberg: "Thank you, Mr. Gentleman. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Would the record reflect that Representative McGuire and Representative Holbrook are excused today?"

Speaker Granberg: "Thank you. There being 114 Members present, the House has a quorum. The House is now convened. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Giles, Chairman from the Committee on State Government Administration, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 486, House Bill 695, House Bill 820, House Bill 908, House Bill 909, House Bill 1169, House Bill 1253 and House Bill 1293; 'do pass as amended Short Debate' House Bill 25, House Bill 672, House Bill 729, House Bill 910, House Bill 968, House Bill 1074 and House Bill 1105; 'do pass Standard Debate' House Bill 498; 'be adopted' Floor Amendment #2 to House Bill 135. Representative Saviano, Chairman from the Committee on Registration and Regulation, to which the following Bills and Resolutions were referred,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 955 and House Bill 1041; 'do pass as amended Short Debate' House Bill 244, House Bill 411, House Bill 1214, and House Bill 1215; 'do pass Standard Debate' House Bill 370, and House Bill 1185; 'do pass Consent Calendar' House Bill 1126. Representative Stroger, Chairman from the Committee on Local Government, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 688; 'do pass as amended Short Debate' House Bill 674 and House Bill 768; 'do pass Standard Debate' House Bill 1009; 'do pass Consent Calendar' House Bill 1007. Representative Schakowsky, Chairman from the Committee on Labor and Commerce, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 1337; 'do pass Standard Debate' House Bill 735, House Bill 1063, and House Bill 1088; 'be adopted Short Debate' House Resolution #17. Representative Dart, Chairman from the Committee on Judiciary 1 Civil Law, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 149, House Bill 977, House Bill 1042, House Bill 1233 and House Bill 1286; 'do pass as amended Short Debate' House Bill 46, House Bill 615 and House Bill 1151; 'do pass Standard Debate' House Bill 319, House Bill 927 and House Bill 1262; 'do pass as amended Standard Debate' House Bill 61, House Bill 164 and House Bill 628. Representative Pugh, Chairman from the Committee on Human Services, to which the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 611, House Bill 619, House Bill 797, House Bill 862, House Bill 1001, House Bill 1080, House Bill 1241, House Bill 1279, House Bill 1300, House Bill 1319 and House Bill 1344; 'do pass as amended Short Debate' House Bill 1342; 'do pass Standard Debate' House Bill 442, House Bill 505, House Bill 609, House Bill 957, House Bill 993, House Bill 1008, and House Bill 1205. Representative Erwin, Chairman from the Committee on Higher Education, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 940 and House Bill 1323; 'do pass as amended Short Debate' House Bill 923; 'do pass Consent Calendar' House Bill 1180 and House Bill 1197. Representative Novak, Chairman from the Committee on Energy and Environment, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 260; 'do pass as amended Short Debate' House Bill 470 and House Bill 1271; 'do pass Standard Debate' House Bill 258. Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 18, House Bill 740, House Bill 741, House Bill 752 and House Bill 1005; 'do pass as amended Short Debate' House Bill 159; 'do pass Standard Debate' House Bill 742; 'do pass Consent Calendar' House Bill 1112. Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Schoenberg, Chairman from the Committee on Appropriations General Services, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 351 and House Bill 415."

Speaker Granberg: "On page 2 of the Calendar House Bills Second Reading. House Bill 29, Representative Dart. Out of the record. House Bill 63, Representative Dart. Out of the Record. House Bill 87, Representative Dart. On the Order of Dart, House Bill 97. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 97, a Bill for an Act to Amend the Children and Family Services Act. Amendment #1 was adopted in committee. No Floor Amendments have been recommended for adoption. No Motions filed. Second Reading of this House Bill."

Speaker Granberg: "Third Reading. House Bill 111, Representative Gash. Representative Gash, do you wish to move the Bill to Third?"

Gash: "I just have an announcement. I would like to invite the Members if they would like to join us in honor of Representative Judy Erwin's birthday, we have cake over here."

Speaker Granberg: "Representative Gash, do you wish to move your Bill to Third Reading?"

Gash: "No."

Speaker Granberg: "Out of the record, Mr. Clerk. Representative Gash, how old is Representative Erwin? Thank you. 124 (sic-House Bill), Representative Black. Out of the record. House Bill 152. House Bill 152, Representative Fritchey do you wish to move the Bill to Third, Sir? Out of the record. House Bill 135, Representative Gash. Representative Gash. Out of the record. House Bill 153,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Representative Wood, do you wish to have your Bill called? Out of the record. House Bill 161, Representative Mautino. Is Representative Mautino in the chamber? Out of the record. House Bill 168, Representative Lang. Out of the record. House Bill 175, Representative Lang. Out of the record. House Bill 177, Representative Lang. Out of the record. Back to House Bill 161. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 161, a Bill for an Act that amends the Illinois Insurance Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Representative Mautino, does Representative Deering have any Amendments for your Bill? Third Reading. House Bill 201, Representative Moore, Andrea Moore. Representative, do you wish to have your Bill moved to Third Reading? Out of the record. House Bill 271, Representative Bugielski. Representative Bugielski, do you wish to...Out of the record. House Bill 382, Representative Roskam. Representative Roskam, would you like to move your Bill to Third Reading, Sir? House Bill 382. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 382, a Bill for an Act concerning abortions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 383, Representative Cowlshaw. Representative Cowlshaw. Is the Lady in the chamber? Out of the record. House Bill 496, Representative Turner. Representative Turner. Representative Art Turner. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Clerk Bolin: "House Bill 496, a Bill for an Act to amend the Illinois Economic Opportunity Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 522, Representative Bugielski. Representative Bugielski, do you wish to move this Bill to Third Reading? Out of the record. Representative Bugielski on 562, do you wish that one taken out of the record as well? Out of the record. House Bill 578, Representative McAuliffe. Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 578, a Bill for an Act to amend the Illinois Public Labor Relations Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 596, Representative Zickus. Anne, do you wish to call the Bill, move it to Third? Out of the record. House Bill 651, Representative Poe. Representative Poe. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 651, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 655, Representative Smith. Representative Smith, do you wish to have your Bill moved to Third Reading? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 655, a Bill for an Act to amend the Illinois Occupational Therapy Practice Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

filed."

Speaker Granberg: "Third Reading. On the Order of House Bills Third Reading, on page 14 of the Calendar appears House Bill 844. The Gentleman from Washington, Representative Deering, do you wish to call your Bill, Sir?"

Deering: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House..."

Speaker Granberg: "Representative, Representative. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 844, a Bill for an Act concerning rental vehicles. Third Reading of this House Bill."

Speaker Granberg: "Ladies and Gentlemen, we are on the Order of House Bills- Third Reading. Third Reading. Could you give the Gentleman some attention please? Could we clear the aisles? Could we clear the aisles please? Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 844 is the Illinois Renters Financial Responsibility and Protection Act. It addresses a problem that's faced the car rental industry since 1989, when the prior statute was changed. This problem also affects car dealerships throughout Illinois and the tour and transportation industry as well. This Bill repeals a \$200 limit on negligent renters liability for damage they've caused to a rental car. In addition, this Bill will permit operators to offer a collision damage waiver to rental customers under strictly regulated circumstances. Only two states, Illinois and New York, have this law. Forty-five states have rejected these restrictions. Whatever abuses may have existed before have been addressed in this Bill, it is friendly to Illinois business and consumers. Importantly, this Bill has been endorsed by the Federal

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Trade Commission, as a proconsumer, procompetition Bill. It was drafted with input with the Consumer Protection division of the Illinois Attorney General's office, as well as the Illinois Department of Insurance. It's universally supported by the car rental industry, auto dealers, Chrysler, GM, and Ford, the Hotel Association, and the Travel and Tourism Association. I am sponsoring this Bill because I believe it will help reduce rental rates, increase rental agency competition and opportunities and the availability of rental cars, encourage safer driving, and positively affect the tourism and travel industry here in Illinois. Under the current law, we find ourselves in a situation where Illinois citizens who rent cars and drive carefully and responsibly are subsidizing the carelessness of drivers who cause accidents. In particular, the carelessness of out-of-state business travelers and tourists are being subsidized by Illinois rental agency and citizens. The Bill provisions include: allowing a rental agency to recover only from renters who are actually at fault, those individuals who cause damage to the rental cars themselves, allowing the rental agency to recover only actual and reasonable damages, prohibiting agencies from collecting damages in multiple sources, requiring the agency to take all reasonable steps to mitigate or reduce their damages, entitling the renter to receive an estimate before the claim is paid, providing limited, strictly regulated circumstances under which a renter may be offered a CDW to reduce the renters risk and also capping the amount a agency may charge for a CDW, again that's a collision damage waiver. Illinois Rental Agencies are good corporate citizens, they employ more than 11 thousand Illinois residents. They purchase more than 70 thousand

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

cars annually from Illinois dealers. Rental agencies rent to nearly 2 million Illinois citizens annually. They pay more than \$85 million per year in state and local taxes. Auto dealers add significantly to this. It's time to remove this law. Dealers and rental agencies are not asking for a handout, they only want the same protections you and I expect out of our property. It might be said that the insurance industry is against this Bill, but I have letters from insurance agents that are in support of this legislation. I think this is a good Bill for Illinois consumers. We, as consumers, pay for coverage in our existing insurance premium base, so we are already covered. I will now like to yield my time to Representative Art Tenhouse."

Speaker Granberg: "The Gentleman from Adams, Representative Tenhouse. Representative Tenhouse, this Bill is on the Order of Short Debate. Proceed, Representative Tenhouse. The Gentleman from Bureau, Representative Mautino. Go ahead, Sir."

Mautino: "Yes, according to appropriate rule, I would ask that this Bill be removed from Short Debate."

Speaker Granberg: "So acknowledged. Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to take up much time, but let's just get down to the bottom line with this issue. That issue is fairness. There are two states in the country who continue to have this type of an antiquated law, two states, New York and Illinois. And for those of us who live on the boundary of this state, we look at this continually as we see more and more of our rental car agencies moving across the river to Missouri or Iowa or Kentucky, because it's much more lucrative. The bottom line is someone's going to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

have to pay the tab on this. And realistically what's happening right now is you're trying to absorb it through the costs that are passed on to us as consumers. Under the current situation, realistically we have to charge, or there are higher charges for rental cars in Illinois as opposed to our neighboring states. This argument that this is going to create a unusual situation with other insurance companies, that's bunk. Forty-eight states are already doing what we're trying to do with this Bill. So don't let the red herring come forth here and bite you on this issue. Look at it and think about it in terms of fairness as far as competition. I also have several letters here that I could read from different insurance agents and different insurance companies throughout this state who are very supportive of House Bill 844. This is not a 100% issue, but certainly in the case of fairness, I would urge the Members of both sides of the aisle to vote favorably on House Bill 844."

Speaker Granberg: "The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield?"

Speaker Granberg: "He indicates he will. Proceed."

Churchill: "Representative Deering, how long has this issue been debated here in the Legislature?"

Deering: "Representative, you know even better than I, that this has been an issue that has been around for approximately five, five and a half years."

Churchill: "Was the law ever the way you seek it to be, before? Did we ever make a change? Did we change to make it what it is now?"

Deering: "This is very similar to last year's proposal."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Churchill: "Okay. But I guess what I'm trying to get at was, when we impose the law the way it is now, did we do that in the last five years?"

Deering: "If my information is correct, I think it was in 1989, I believe 1989."

Churchill: "Okay. So you're seeking to go back to the law the way it was before 1989?"

Deering: "We're not going back to what the law was prior to 1989. In 1989, this \$200 cost or \$200 liability was placed on the renter, the customer of a car rented from a rental agency. If they went out and totaled a car, if it was a brand new car that had a sticker price of \$30 thousand, they paid \$200 and walked away. And that's what the Bill, as I understand, in 1989 did. This removes that liability and goes after the renter."

Churchill: "Alright. So it does, it changes it back. Before, the person that rented the car was liable for any damage, then we changed the law in 1989 and they were only liable up to \$200. And now if your Bill passes and is signed into law then the renter of the car would be liable for all damage to the car again. Is that not correct?"

Deering: "That's correct."

Churchill: "Okay. So, I'm a consumer and I walk in to rent a car. Today when I walk in to rent that car, I have the law on my side that says that if I go out and I have an accident the most that I would have to pay to cover the cost of fixing that car is \$200. But then if we pass the law that you have on the board right now, if I'm that same consumer and I go out and have a car accident, then I'm liable for all costs of fixing that car. Is that not right?"

Deering: "You are liable. This piece of legislation gives the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

rental agency the option of #1, coming after you for the cost of damage to that car, coming after you or your insurance, or #2, this piece of legislation allows you to purchase a collision damage waiver which removes all responsibility from you as the renter of that car, and the rental agencies will then cover the cost."

Churchill: "So how much will that be? You got some idea of what it's going to be like on the street?"

Deering: "I think it's on a sliding scale, anywhere from seven and nine dollars. I believe it's capped at nine dollars per day."

Churchill: "Alright, so you're saying for a minimal amount of six, seven, eight, nine dollars a day, then the rental car company will cover the loss and you don't have to cover it?"

Deering: "That is correct."

Churchill: "So it's a little bit more expensive, but you can buy the insurance for it. That's what you're saying?"

Deering: "I'm sorry, I didn't hear you, Representative."

Churchill: "It's a little bit more expensive to rent the car, but then the risk of you having to pay money is taken away from you?"

Deering: "Now the industry believes that the rental rate will go down. And we looked at comparisons from other states in committee testimony, and other states, even our neighboring states, are substantially cheaper than the car rental rates here in Illinois."

Churchill: "Okay, thank you. No further questions."

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

Mautino: "Thank you. A couple of questions of the Sponsor. Currently, it's my understanding that we have negotiations

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

under way that are going to continue when this goes to the Senate."

Deering: "It's my understanding that if this Bill passes today and goes to the Senate, ongoing negotiations will proceed."

Mautino: "Okay, and with those most likely, the Bill that will carry those negotiations is 224. Are you, as I am now, under that understanding?"

Deering: "Well, it can either be any number of Bills I guess, Representative, we can amend anything that will be amenable."

Mautino: "Representative, I'll tell you what, I do have some concerns on your Bill, and therefore I will not be voting for it. But I understand that the negotiations have been going on and we may end up with some agreement on this process, and I hope that's so. Just a quick question on this Bill. Going back to 1989, can you tell me why this happened? Why do we have a \$200 cap anyway, in the law?"
I can help you with the answer."

Deering: "I understand it was an issue to then, the then Attorney General, and the argument, as you know as well as I, neither one of us was here then, the argument was good for the consumers, but we found out that in fact, it's not good for the consumers."

Mautino: "So, they may find out that on their credit card they get a Bill for 14, 15 hundred, \$20 thousand at that time, and then all of a sudden we decided that was anti-consumer, so we would put these protections in place, and your Bill has many protections. So, I look forward to the negotiations, and I know that this does not affect third party liability at all. This is strictly collision damage waiver. Correct?"

Deering: "That is correct."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Mautino: "Okay, that's an issue for a different day."

Deering: "That is correct."

Speaker Granberg: "Anything further, Representative? The Gentleman from McLean, Representative Brady."

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

Speaker Granberg: "He indicates he will. Proceed."

Brady: "Representative, the original legislation enacted in 1988, can you tell me who supported and proposed that legislation and why?"

Deering: "It's my understanding that it was consumer groups and the Attorney General's office, and I believe the rental car agencies themselves, and the Sponsor, I believe, was former Representative Preston."

Brady: "Do you why the rental car agencies would have supported this legislation in 1988 and now are opposed?"

Deering: "I can't answer that, Representative. I don't know."

Brady: "Do you know of the financial impact this will have on the people who rent the cars, auto premiums?"

Deering: "Yes, Representative, I believe it's going to be a savings in their pocketbook, and if it's good for the consumers, then I'm for it."

Brady: "Representative, my question is, will this have an adverse effect on the renters, the individual who's renting the cars, automobile insurance?"

Deering: "It shouldn't have an effect on the insurance. Individuals are now, as I understand it and have documented letters in my file, states that it is the policy of several insurance agencies in the state that they automatically charge you, the consumer, a premium for uninsured motorists and for rental car protection. So, you know, I don't know, unless the insurance industry is going to decide to increase their rates because of this, but I don't see why

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

that would happen when the rates are there now, and they're not getting hammered on this legislation now. And this legislation does not mandate any more increased costs to the insurance agency. I mean, other than what you're already paying for as a consumer."

Brady: "Representative, I don't sit on the Transportation Committee, I sit on the committee...I guess my question was, was there any testimony by the insurance industry that this would dramatically increase individual auto rates, auto insurance rates?"

Deering: "No one testified to that effect in the industry. But as I understand it, and I'm drawing on secondhand information, it was purported that when this law was changed in 1989 that it was a pro-consumer Bill and the insurance rates would go down, and to my knowledge and the information I received, the insurance rates didn't decline any."

Brady: "Representative, if this legislation were to become law, and I am renting a car and I total that car out, who's going to determine how much my insurance company will pay?"

Deering: "Well, okay, it all depends on #1, if your current insurance, the insurance that you're paying an annual premium on, will cover that, depends if you chose to purchase the collision damage waiver."

Brady: "If I didn't choose the collision damage waiver, who's going to determine the exact amount, or the value of the damage?"

Deering: "Well, you're going to be able to go and have an estimate done. The estimate will, you will have the opportunity as a consumer to look over the estimate before the car rental agency turns it in."

Brady: "Who makes...what if I decide, that no that car isn't

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

worth \$20 thousand, it's only worth 10?"

Deering: "I'm sorry, Representative, I couldn't hear the question. When Representative McPike was in the Chair, he kept a little bit more order in here."

Brady: "Representative, my question is, if you rent a car from Avis, and for some reason while you're driving that car you get in a automobile accident, you are found to be negligent, you're safe and were uninjured, but Avis now determines that that car is totaled. They are arguing that the value of that car, the damage you caused to them was \$20 thousand. You or your insurance company think it was only \$10 thousand. Or let's say it's Enterprise, is the car rental company, who's going to determine, who makes the final decision on that loss?"

Deering: "This legislation spells out that if you didn't have insurance coverage from the policy that you carry, and you know as well as I do, Representative, everyone in Illinois is mandated to carry some type of insurance, whether that's happening or not, but if you didn't have coverage and you didn't purchase the collision damage waiver then you would be liable for the actual cost of the damage."

Brady: "Who determines what the actual cost of the damage is?"

Deering: "It's just like an estimate situation under today's law. You have an automobile accident, you go get two estimates, it's considered whichever one is the least of the two would be the actual damage. That's what you would be liable for. So I'm assuming it would be an insurance adjuster that would make that decision."

Brady: "My insurance adjustor or your insurance adjustor in the case of your accident?"

Deering: "They always work together is my understanding and been my experience."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Brady: "They always work together. There's never any disputes. Okay. Representative, are there any other states that have limits on this, or do they all just leave it wide open?"

Deering: "The only other state that has a current law as we do today is New York. I believe this legislation is almost similar to the other 48 states that have the same type of situation."

Brady: "And they all have unlimited exposure to the renter's policy?"

Deering: "Yes."

Brady: "Representative, is it your intention to pass this legislation today and see it passed in the Senate under its current language?"

Deering: "My intention is to pass this Bill out of the House today and have it go to the Senate. And as Representative Mautino said, there are still ongoing negotiations happening so if there is some sort of agreement in the transition period, we're always amenable to put an Amendment on another Bill or on this Bill to try to work out the differences, but my intent is to pass this Bill to the Senate today."

Brady: "But it's also your intention to continue working on negotiating this Bill along with the Senate?"

Deering: "Yes."

Brady: "Thank you very much."

Speaker Granberg: "Thank you. The Gentleman from Cook, Representative Moore."

Moore, E.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Deering, perhaps you probably have already answered this question. My question deals with the liability. Who is the owner of this particular car or the rental car? Will that go towards that person

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

that will be renting the car or the person leasing the car, in dealing with the liability aspect of it?"

Deering: "I'm sorry, the first part of the question was who is the owner of the automobile?"

Moore, E.: "Right. When you talk about liability, who would be responsible. In case I have an accident and I'm driving one of these vehicles, perhaps you've already answered the question, but what happens if I lease a car and I'm driving this particular leased car and I have an accident, I perhaps maim someone very severely, who would be responsible for that? Will that go toward the rental person, or would that go toward the person leasing the car, or renting the car, in dealing with the liability aspect of the insurance?"

Deering: "If you purchase the collision damage waiver covers the cost of the accident or liability or the cost of damage to the car, but if you personally injure somebody, a third party liability, this Bill does not address that, and there potentially be a litigation filed that could be coming after you."

Moore, E.: "I'm sorry, Representative, I didn't hear your question, your statement to the question."

Speaker Granberg: "Ladies and Gentlemen, give the Gentleman some order please."

Deering: "Representative, if you rent a car, you have the opportunity to purchase a collision damage waiver, if this Bill passes and becomes law. If you purchase the collision damage waiver and have an accident, you don't pay a dime, the car rental agency covers the cost of that accident, that liability. But also if you purchase a collision damage waiver and then you have an accident and injure a third party, this Bill does not address third party

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

liability and you could, yourself, and your insurance company be brought into litigative action, because this Bill does not address that. That would be between you and your insurance company. This Bill just covers the liability to the damage of a rental car."

Moore, E.: "Alright. That's why I was asking that question. It appears that...it seems like in that particular instance, it seems like the coverage should belong to the person who really owns the car, and that would be the leasing company because they own the car, and not that person who's renting the car. So does the liability follow the person or does it follow the car?"

Deering: "The liability follows the person."

Moore, E.: "Thank you very much, Representative."

Speaker Granberg: "Anything further? The Gentleman from Madison, Representative Stephens."

Stephens: "Well thank you, Mr. Speaker. I hope that everyone is paying attention to the debate. I hope that everyone's considered this legislation before today, because some things have come up in debate that have probably unintentionally been misrepresented. I wouldn't think that anyone would misrepresent it on purpose, but me go back to the argument that insurance rates are going to go up. It's quite simply not the case. First of all, rates didn't come down when the current law went into effect in 1989. Rental cars comprise about 80% of the 1% of the 8 million registrations in Illinois. Accidents caused by renters are statically insignificant as compared to the 8 million registered vehicles for which premiums are collected. So there's no relationship between this legislation and insurance rates going up, it's just not the case. I would further like to state that the evidence is showing that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

dozens of rental operators in your area, no matter where you live in Illinois, there is a rental operator that has gone out of business because of the effect of the 1989 change in the law. For instance, in 1988 there were 53 companies listed in the Chicago yellow pages. Today 62% of those same companies are no longer listed. In Bloomington, there was a 54% decline, in Decatur a 38% decline, and in Champaign a 52% decline. And I can go on. I can certainly tell the Southwestern Illinois legislative contingent that this drastically affects our areas of Madison, St. Clair County. And without going on and on about this, I seriously urge a 'yes' vote, whether there are going to be more negotiations or not. This Bill should stand on its own. We should pass this legislation. It's the right thing to do, it's right for the consumer, it's right for automobile renters, and it's right for small business. Vote 'yes'."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of House Bill 844. When you take a look at the facts and you see that when you see that Illinois and New York have the highest cost in the nation to rent a vehicle, and that we're the only two states that need this change in the law, it's clear that this is a consumer Bill. When the Attorney General of the State of Illinois and the Federal Trade Commission tell us that this is a consumer Bill, I think we should believe them. The fact is that many will say that because of this collision damage waiver that up front it looks like a greater cost for consumers, but that's not true because most of us are covered under our own auto policies for this and we won't need that. And if we can lower the cost for the car rental companies, it's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

clear that the cost to rent a vehicle should come down so that Illinois becomes in the average of the cost to rent the car in the country. Why should we be near the top? And so this is a good consumer Bill, and I would recommend your 'aye' votes."

Speaker Granberg: "Thank you. The Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Sponsor...Mr. Chairman (sic - Speaker). Will the Sponsor yield?"

Speaker Granberg: "He indicates he will. Proceed."

Winters: "Yes, Representative Deering, I had one question about the previous legislation that's been introduced. I wanted to see if there's a provision in this one. I understand that in the past rental car companies would sometimes include in their charges a loss of use provision. If the car may not be in use for a week or two weeks or three weeks while it is being repaired, they would then charge an insurance company or a consumer for the avoided rental that they could have earned during that time. Is that part of this Bill?"

Deering: "That is no longer a portion of this Bill. It's been removed and it's been at the request of the rental car agencies."

Winters: "Well, I certainly thank you. I think that is a very sound provision of your legislation. I think that was an area that was certainly open to abuse, I'm not claiming that it was widely done. But I certainly thank you for including that provision."

Deering: "Thank you."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke, did you wish to be recognized? The Gentleman from Boone, Representative Wait."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to lend my support to this Bill. This Bill did come to the Transportation Committee and what we learned in the Transportation Committee was that 65% of the renters who rent cars in the State of Illinois are from outside Illinois. A lot of times they come here, cause accidents and then they want to leave here and the total responsibility is \$200. This puts the responsibility on us where it should be on those who actually are causing the accidents. So, would stand in strong support of this Bill. It's a consumer Bill to help the people. Thank you."

Speaker Granberg: "Anything further? If not, the Gentleman from Washington, Representative Deering, to close."

Deering: "Thank you, Mr. Speaker. I think we heard a lot of debate on this issue. I think it's a, I think it's been good debates, strictly to the issue of the legislation. As some of the previous speakers have stated, it's good consumer legislation, it removes from liability and it preaches responsibility. If you rent a car and you have an accident with that car and wreck it, you should be liable for it, or you have the option to purchase the collision damage waiver, which is good consumer legislation. I just respectfully ask for an 'aye' vote."

Speaker Granberg: "The Gentleman from Washington, Representative Deering, moves for the passage of House Bill 844. All those in favor shall vote 'aye'; all opposed shall vote 'no'. The roll is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this matter, there are 86 'aye' votes, 19 'no' votes, 9 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading on page

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

11 of the Calendar, House Bill 107. Representative Mulligan, do you wish to bring that Bill back to Second Reading for purposes of an Amendment?"

Mulligan: "Thank you, Mr. Speaker. Yes, I do."

Speaker Granberg: "Return the Bill to Second Reading, Mr. Clerk. House Bills- Second Reading, appears House Bill 748. Representative Wait, do you wish to move the Bill, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 748, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 775, Representative Ronen, do you wish to call the Bill, Ma'am? Representative Ronen. Is the Lady in the chamber? Out of the record. House Bill 776, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 776, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and the state mandates note that were requested on the Bill have been filed."

Speaker Granberg: "Third Reading. House Bill 775. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 775, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested on this Bill have been filed."

Speaker Granberg: "Third Reading. House Bill 779, Representative Flowers. Representative Flowers, do you wish to move your Bill to Third Reading, Ma'am? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 779, a Bill for an Act to amend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 780, Representative Hannig. Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 780, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 781, Representative Currie, do you wish to move the Bill, Ma'am? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 781, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 782, Representative Currie, likewise. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 782, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and the state mandates note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 783, Representative Schakowsky. Congresswoman Schakowsky. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 783, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and the state mandates note that were requested have been filed."

Speaker Granberg: "House Bill 784, Representative Schakowsky.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Third Reading, 783. House Bill 784, Representative Schakowsky. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 784, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and state mandates note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 785, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 785, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and the state mandates note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 824, Representative Smith. Representative Smith, do you wish to move the Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 824, a Bill for an Act amending the Counties Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 906, Representative Erwin. Representative Erwin, do you wish to move? Out of the record. House Bill 959, Representative Lang. Do you wish to move the Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 959, a Bill for an Act in relation to State Loans. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 965, Representative Lang. Out of the record. House Bill 1006, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Cross. On the Order of Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1006, a Bill for an Act concerning land transfer. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1051, Representative Brunsvold. Representative Brunsvold, do you wish to have your Bill moved to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1051, a Bill for an Act amending the Hunter Interference Prohibition Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The Notes that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 29, Representative Dart. Is Representative Dart in the Chamber? Representative Tom Dart. Out of the record. Supplemental Calendar announcements."

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

Speaker Granberg: "On Supplemental Calendar #1 appears House Bill 25. Representative Durkin, would you wish to have that Bill moved to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 25, a Bill for an Act amending the rights of Crime Victims and Witnesses Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 149, Representative Davis, do you wish to move that Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 149, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

note and the correctional budget and impact note that were requested have been filed."

Speaker Granberg: "House Bill. Third Reading. House Bill 258. House Bill 258, Representative Novak, do you wish to move the Bill to Third? Read the Bill, Mr. Clerk. Out of the record. House Bill 260, Representative Novak. Out of the record. House Bill 351, Representative Lindner. Representative Lindner. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 351, a Bill for an Act concerning Appropriation Bills. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 370, Representative Saviano. Representative Saviano. Out of the record. House Bill 674, Representative Black. Representative Ryder asks leave to handle the Bill for Representative Black. Is there leave? No objection, leave is granted. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 674, a Bill for an Act amending the Animal Control Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 688, Representative Black. Representative Ryder requests leave to handle the Bill for Representative Black. Is there leave? No objection, leave being granted. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 688, a Bill for an Act amending the Fire Protection District Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 735, Representative Schakowsky. Do you wish to call the Bill? Out of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

record. House Bill 768, Representative Capparelli. Out of the record. House Bill 797, Representative O'Brien. Representative O'Brien, would you like to move your Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 797, a Bill for an Act in relation to Care Facilities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A fiscal note and a state mandates note were requested and have been filed."

Speaker Granberg: "Third Reading. House Bill 820, Representative Durkin. Representative Durkin, would you wish to move your Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 820, a Bill for an Act amending the Illinois Fire Protection Training Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Representative Schakowsky on House Bill 862. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 862, a Bill for an Act amending the Department of Human Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The notes that were requested on the Bill have been filed."

Speaker Granberg: "Third Reading. House Bill 923, Representative Winkel. Is Representative Winkel in the chamber? Out of the record. House Bill 940, Representative Hannig. Do you wish to move the Bill to Third, Representative, 940? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 940, a Bill for an Act amending the Higher Education Student Assistance Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A state debt impact note was requested and has been filed."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Speaker Granberg: "Third Reading. House Bill 955, Representative Saviano. Representative Saviano in the chamber. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 955, a Bill for an Act amending the Funeral Directors and embalmers Licensing Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1001, Representative Phelps. Representative Phelps, do you wish to move the Bill, Sir? Out of the record. Read the Bill, Mr. Clerk, 1001."

Clerk Rossi: "House Bill 1001, a Bill for an Act amending the Department of Human Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A fiscal note and a state mandates note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 1005, Representative Biggert. Representative Judy Biggert. Would the Lady wish to move her Bill? Out of the record. House Bill 1008, Representative Schoenberg. Would the Gentleman wish to move his Bill to Third Reading? 1008, Representative. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1008, a Bill for an Act amending the Abused and Neglected Long-Term Facility Resident Reporting Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note and the state mandates note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 1063, Representative Phelps. Representative Phelps on 1063. Representative Phelps, do you wish to move your Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1063, a Bill for an Act amending the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Illinois Public Labor Relations Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The fiscal note that was requested has been filed."

Speaker Granberg: "Third Reading. House Bill 1009, Representative Woolard. Representative Woolard, did you wish to move 1009 to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1009, a Bill for an Act concerning the enclosure of private swimming pools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. The state mandates note and the home rule note that were requested have been filed."

Speaker Granberg: "Third Reading. House Bill 1105, Representative Mitchell. Representative Mitchell, do you wish to have your Bill called? Representative Jerry Mitchell. Gentleman in the chamber? Out of the record. House Bill 1169, Representative Rutherford. Representative Rutherford, do you wish to move your Bill 1169, Representative? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1169, a Bill for an Act concerning the Secretary of State. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1185, Representative Burke. Do you wish to move your Bill to Third Reading, Sir, 1185? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1185, a Bill for an Act amending the Naprapathic Practice Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1214,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Representative Saviano. Out of the record. House Bill 1214, Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1214, a Bill for an Act to create the Real Estate Appraiser Licensing Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1215, Representative Saviano. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1215, a Bill for an Act amending the Private Detective, Private Alarm, Private Security and Locksmith Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1233, Representative Wait. Representative Ron Wait. The Gentleman in the chamber? Out of the record. House Bill 1279, Representative Leitch. Representative Leitch, would you like to move your Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1279, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1300, Representative Skinner. Representative Skinner. Representative Skinner. Representative Skinner, do you wish to move your Bill? Out of the record. House Bill 1319, Representative McAuliffe. Do you wish to move your Bill, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1319, a Bill for an Act concerning the Department of Human Services. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Motions filed."

Speaker Granberg: "Third Reading. House Bill 1337, Representative Poe. Representative Poe, do you wish to move your Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1337, a Bill for an Act concerning child support. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1342, Representative Bost. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1342, a Bill for an Act amending the Department of Human Services Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1344, Representative Meyer. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1344, a Bill for an Act amending the Emergency Medical Services Systems Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments No Motions filed."

Speaker Granberg: "Third Reading. On the Daily Calendar on page 14, appears House Bill 709. Representative Moore, I believe you requested to have that Bill called. The Lady from Lake, do you wish to have that Bill called, Representative?"

Moore, A.: "Yes, thank you, Mr. Speaker."

Speaker Granberg: "Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 709, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

Speaker Granberg: "The Representative from Lake, Representative Moore. Ladies and Gentlemen, Third Reading. Representative Moore on the Bill."

Moore, A.: "Thank you, Mr. Speaker. This amends the Gas Revenue

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Tax Act, and it permits tax payments to be filed by electronic funds transfer. It empowers the Department of Revenue to adopt the rules for implementing the electronic funds transfer program. I'd be happy to answer any questions."

Speaker Granberg: "The Lady moves for the passage of House Bill 709. On that question, are there any questions on House Bill 709? The Gentleman from Cook, Representative Lang."

Lang: "Bear with me a second there, Speaker."

Speaker Granberg: "She indicates she will. Proceed."

Lang: "Thank you. Representative, in committee were there any people in opposition to this Bill?"

Moore, A.: "No, Representative. There's no fiscal impact to the state or local governments, and there is no known opposition to the Bill."

Lang: "Is there any unknown opposition to the Bill?"

Moore, A.: "Certainly not."

Lang: "Oh, okay. When people say there's no known opposition, I just always wonder what that means. So the Bankers Association is in favor of this Bill?"

Moore, A.: "Well, I'd hate to speak for them."

Lang: "So you don't know."

Moore, A.: "Right."

Lang: "How about the community bankers?"

Moore, A.: "I'm not aware of that either, but they usually favor electronic funds transfers."

Lang: "So you got a Bill that affects their industry, but you don't know how they feel about it?"

Moore, A.: "Well, I think that they've had ample opportunity to review this, and this is usually the type of thing that they favor."

Lang: "But you don't know this time?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Moore, A.: "No."

Lang: "Well, since you're so sure about your Bill, I'm going to support it."

Moore, A.: "Thank you."

Speaker Granberg: "Representative, nothing further? The Lady from Lake to close."

Moore, A.: "Utilities that are liable for an array of different taxes and are interested in payment of their liabilities through a system that entails less paper work and promotes greater efficiency. There will be no fiscal impact to the state or local governments, and I would appreciate a 'aye' vote."

Speaker Granberg: "Thank you. The Lady from Lake moves for the passage of House Bill 709. All in favor shall vote 'aye'; all opposed shall vote 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this matter there are 112 'aye' votes, 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bills - Second Reading. House Bill 1253, Representative Mautino, do you wish to call the Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1253, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A state mandates note has been requested on the Bill and has not been filed."

Speaker Granberg: "Hold the Bill on Second Reading. House Bills Third Reading. House Bill 8, Representative Moffitt. Representative Moffitt, do you wish to call that Bill? Out of the record. House Bill 28, Representative Dart. Is the Gentleman in the chamber? House Bill 31, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Steve Davis. Do you wish to call the Bill, Sir? Out of the record. House Bill 78. Out of the record. House Bill 108, Representative Hannig. Do you wish to call that Bill on Third Reading, Sir? Out of the record. House Bill 109, out of the record. House Bill 169, Representative Lang, do you wish to call the Bill? Out of the record. House Bill 170, Representative Lang. Out of the record. House Bill 174, Representative Lang. Out of the record. House Bill 196, Representative Hannig. 196. Out of the record. House Bill 198, Representative Hannig. Out of the record. House Bill 214, Representative Brunsvold. Representative Brunsvold, do you wish to call the Bill? 214, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 214, a Bill for an Act amending the Emergency Medical Services System Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Brunsvold. Out of the record. House Bill 216, Representative Brunsvold. Out of the record. 221 (sic-House Bill), Representative Capparelli. Out of the record. House Bill 223, Representative Mautino. 223, Representative Mautino. Out of the record. House Bill 224, Representative Mautino. Out of the record. House Bill 242, Representative Pankau. Representative Pankau, do you wish to call your Bill on Third Reading, Ma'am? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 242, a Bill for an Act amending the Regional Transportation Authority Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the General Assembly. 242 (sic-House Bill) would allow a new, not so new idea, an idea that's been around, but it would allow it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

to happen. It would allow bicycles to be transported on commuter rail trains. Now at first the Metra, who was the only opposition, was very much against this. And when they came, we talked. And with the Amendment that's now on the Bill they are neutral on this Bill. And I know of no opposition to this Bill. What the Amendment does is it pushes back the effective date to July 1, 1999. It also allows Metra to put in place whatever rules and regulations it needs to safely accommodate the bicycle and the passenger, to protect the safety and conveyance of the passengers. It also replaces 'may' with 'shall'. And I think that's about it. So with that and with the Amendment on it, with no known opposition, I ask for passage of House Bill 242. It won't happen tomorrow, but it will happen in our future."

Speaker Granberg: "On House Bill 242, the Representative from Effingham, Mr. Hartke."

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

Speaker Granberg: "She indicates she will. Proceed."

Hartke: "Representative Pankau, does this preempt Home Rule, or the authority of the RTA to do this now?"

Pankau: "No, Representative Hartke. In fact, the original wordings were, 'the Regional Transportation Authority', the RTA, and that was changed in the Amendment to the Commuter Rail Board, which is only Metra. So it only affects them and it doesn't affect any Home Rule anything."

Hartke: "Why can't RTA do it?"

Pankau: "RTA said that if it was the total amount that that would also include the overhead trains, what are those called, the..."

Hartke: "The el."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Pankau: "The el, yes."

Hartke: "I'm not from that area, you know, but I know what that is."

Pankau: "I'm sorry."

Speaker Granberg: "They have a lot of those in Effingham."

Pankau: "And the intent of the Bill was not to have people hoist their bikes up the steps to the el, ride around the el with bicycles. The intent is to allow people from the suburbs to take their bikes, go down, ride around the lake front, or people from the city to take their bikes, go out to the suburbs, maybe ride around the prairie path and get back home. So that's the intent of the Bill."

Hartke: "Now just how much demand is there for this in the collar county areas?"

Pankau: "I'm sorry."

Hartke: "How much demand is there going to be for this bicycle racks and so forth that are going to be put on these trains?"

Pankau: "Who knows? It's really an unknown figure. I think probably Metra will put something in place, maybe just as a trial in the beginning. They were concerned about like maybe only doing it on weekends, which is fine because this language allows them to put any and all restrictions on it. So maybe we can just sort of..."

Hartke: "So let's assume, let's assume that Metra makes the rules, right? And that's what you're agreeing then to do."

Pankau: "Right."

Hartke: "What if they say that we're going to accommodate all these bike riders between the hours of 1:00 and 5:00 a.m.?"

Pankau: "Then those are the rules."

Hartke: "Between 1:00 and 5:00 a.m."

Pankau: "It will be awfully dark when you're out there riding

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

your bike."

Hartke: "Yeah, it certainly would be. But you just agreed to allow Metra, maybe to do something that they really don't want to do, but you're requiring them to do it. Correct?"

Pankau: "What I'm allowing them to do is to put the rules and regulations in place to help to run the program."

Hartke: "Any rules they want, that's what it says in here. They can write the rules."

Pankau: "That's what it says. They can write the rules."

Hartke: "Okay."

Pankau: "However, they are now in a mode of cooperation. So when you're in a mode of cooperation, then you usually don't try to tick people off."

Hartke: "Okay. The legislation says that they 'shall' allow bicycles to be placed on commuter trains. So that's not permissive."

Pankau: "It says 'may'. But the Amendment says 'may'. The original said 'shall', but the Amendment says 'may'."

Hartke: "Okay, I stand corrected on that. Now, in committee it was discussed on the cost of maybe providing the racks necessary to, to hold these bikes and keep them in place. Do you remember what the cost was that you might be incurring in this piece of legislation?"

Pankau: "I think the Gentleman from Metra testified something like \$400 thousand. And there were several of the committee members that felt that maybe they should get that contract, because they thought they could do it for a whole lot less."

Hartke: "I think It was the Chairman of the committee that suggested that we build these racks in Southern Illinois. It would be a whole lot cheaper. But ugly as it may,... how do you even begin to justify to make this cost

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

effective for a few people who may want to take their bikes on the commuter rail to get downtown to ride in the park between 1:00 and 5:00 a.m. in the morning, maybe. Has Metra or you taken a survey of the demand that we need on this? Any idea what the demand would be?"

Pankau: "There's no idea about the demand because we haven't done it here. We have different cars on the Metra system than they do in most other parts of the country, except for California. We have the double deckers. In most other places, they just have the single cars so you don't have to go up the steps to get into the main part. This is already done on the East Coast; it's already done on the West Coast in some places. And I think based on that and the fact that they have two years leave time, they can certainly look at what the demand is in other places and adjust their program accordingly. I suspect it will start out very small at the beginning, and if there's demand it'll grow."

Hartke: "Okay, so let's say that some morning I show up at the commuter rail, and I had my bike and I was going to ride down North Shore Drive and the car only holds maybe 50 or 60 bikes and there are 84 of us standing there with our bikes."

Pankau: "Then 34 of you lose until the next train."

Hartke: "Thirty-four lose. I can see it right now on the train station platform, bikers just fighting like whatever to get their bikes on this rack. What do you think the cost will be to increase? Will there be another fare? What is the fare for a passenger to ride from your location to downtown?"

Pankau: "From. Itasca... downtown, since I just did it on Monday for the Mass Transit hearing, I think it was seven dollars round trip."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Hartke: "Seven dollars, and..."

Pankau: "Round trip."

Hartke: "And how many people can you fit in a car, people, I mean on your train. Both decks, upper and lower."

Pankau: "I don't know. Seventy, 50, I don't know. Two sides, two people, I don't know what, 10, 40, and what there's two rows up above, let's say 60."

Hartke: "Sixty. Would you double deck the bikes too?"

Pankau: "No. But what an idea that someone has suggested was, particularly on weekends, you might be able to take the backs, which already do flip over, and flip them down and just like now they have coat hooks that come out of the wall, you might have a brace or a bracket or something like that that would come out of the wall just on certain times. You could take your bike, put your bike up there, take the chain, take the lock, lock the thing up, you go sit down on a, you know, on a seat. When you get off, you take the thing off and then you go."

Hartke: "So if this bike rack took up the same proportion and space as an individual who would be riding the train, then the fare would be double. You'd buy a ticket for your bike and for yourself."

Pankau: "And allowing Metra to do that would allow them to also increase the fare for the additional bike. That's in the Bill."

Hartke: "Well, Representative Pankau, do you anticipate that there will be a Senator that will pick this Bill up, or are we wasting our time here today?"

Pankau: "Oh, I already know of a Senator that will pick this up."

Hartke: "Oh, you do?"

Pankau: "Senator Parker."

Hartke: "Could you share that with us?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Pankau: "Senator Parker."

Hartke: "Senator Parker. She lives in your neighborhood?"

Pankau: "No."

Hartke: "Oh we're going to do it all the way up to Lake County now the same, the same system because she's had demand from her area that we need this."

Pankau: "Senator Parker, before she became a Senator, used to be on the RTA board. I believe she lives Northfield, Glenview."

Hartke: "Okay. Do you, do you ride a bike?"

Pankau: "Do I ride a bike? On occasion. Have I ridden a bike in the past? Representative Hartke, yes I have."

Hartke: "Thank you very much. I have no further questions."

Speaker Granberg: "Anything further? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. Representative Pankau did a great job during that interrogation. I'm not sure why you had to be so badly interrogated, but I rise in very strong support of this Bill. You know, we, in the last two years I think, appropriated, what was it, Representative Hartke, about \$9 million for Amtrak downstate to make sure that downstate trains could run between communities. In addition to that, last year Representative Black was successful in increasing out of the general revenue fund the state contribution for downstate mass transit districts, which was great. They've been very successful at attracting transportation dollars downstate. The truth of the matter is, that in the six county region where we do have the RTA and Metra, we have a densely populated area, many people ride their bikes to and from work, to and from train stations, to the train station and then maybe at the other end, ride their bike to an office building. In

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

places all over the country, and indeed the world, transportation authorities have figured out how to accommodate bicycles. Yes, the riders have to pay an extra fare, we are not asking here for anything untoward or uncostly. I think Representative Pankau's Bill has given Metra the opportunity for planning time. There are studies both nationally and internationally that they can refer to. This should not, in fact, really need a piece of legislation. The fact is that we should have been able to just encourage our public mass transit system to just plan for this and do it. This will be an encouragement for you folks in the suburbs who want to come downtown and do the lake front bike path, or for indeed, city folks who want to be able to get to the Cook County forest preserve district, that we don't necessarily have access to if you don't own a car. So I think this is a great piece of legislation. I will tell you that in the city there are lots of bicyclists who are writing and calling on this Bill and are very very encouraged. So I encourage a very strong 'aye' vote."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Lang."

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

Speaker Granberg: "She indicates she will. Proceed."

Lang: "Representative, there's been some comment that this is a great Bill. I'm not so sure, so I have some questions. Doesn't the RTA have the authority to allow this now without our imposing our will upon them?"

Pankau: "The RTA, this is not prohibited by the RTA, nor is it allowed by the RTA. Everything is silent on it."

Lang: "But whatever happened to the notion of local control? Isn't the RTA a local board that should be allowed to make this determination for themselves?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Pankau: "I believe the RTA is a regional board."

Lang: "Well okay, that's why it's called the Regional Transportation Authority. But the question is, don't they have the authority to do this now?"

Pankau: "I'm not sure if they have the authority. They might be able to. They haven't, I think that's more the point."

Lang: "Well, Representative, you're a champion of local control on the floor of this House. I've heard you make umpteen speeches about how important local control is to you, and how Springfield should get out of the lives of locals or regionals. Why do we need to do this? Why don't we just send a strong letter to the RTA and urge them to allow bike riders to bring their bikes up on the train?"

Pankau: "I think many people, as individuals and also as associations, have indeed written strong letters, and it hasn't really gotten very far. This also, this puts in place a goal, a time and a method by which they can develop the program. In other words, we're making partners out of people instead of making them adversaries. I think that's a good thing."

Lang: "Doesn't Metra oppose this Bill?"

Pankau: "No. With the Amendment they are neutral."

Lang: "What change did the Amendment make, Representative?"

Pankau: "The Amendment moves the effective date back two years to 1999, July 1, 1999 so that there's ample opportunity, either through federal money, such as the ISTEA money which is coming up for renewal this year, for them to look for sources of funding. It also allows them to negotiate and put in place rules and regulations, and in essence develop the program in a cooperative effort. It doesn't mandate it, it makes it permissive so that people will start to work together as opposed to having something descended, or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

placed upon them."

Lang: "So with the Amendment this is not a mandate as the original Bill reads? This is now permissive?"

Pankau: "That is correct. It is permissive and allows people to work together, as opposed to saying 'thou shalt'."

Lang: "All right. So apparently I don't have the Amendment in here. So the original Bill says that they 'shall' allow bikes on the train. Your Amendment doesn't say 'shall'?"

Pankau: "That is correct. It says 'may'."

Lang: "Thank you."

Speaker Granberg: "Anything further? The Lady from DuPage to close."

Pankau: "Mr. Speaker and fellow Members, I ask for support on 242."

Speaker Granberg: "The Lady from DuPage moves for the passage of House Bill 242. On that question all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Novak indicates... Mr. Clerk, take the record. On this matter, on this matter, there are 114 'aye' votes, 0 voting 'nay', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar, House Bill 1253, Representative Mautino. Read the Bill, Mr. Clerk. Read the Bill."

Clerk Bolin: "House Bill 1253, a Bill for an Act to amend the Illinois Vehicle Code. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed. Second Reading of this House Bill."

Speaker Granberg: "Representative Clayton. Are you withdrawing your request for a Fiscal Note, Ma'am?"

Clayton: "The fiscal note has been filed. The State Mandates Act

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

I would withdraw."

Speaker Granberg: "The Lady is withdrawing her request for a State Mandates Act. Acknowledged. Third Reading. The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I just want to commend as a point of personal privilege, the Chair on its evenhandedness. Also commend both sides of the aisle for that spirited thorough discussion on a Bill that got 115 'yes' votes. So congratulations to everybody on a Friday afternoon on a bipartisan spirit of thorough good government."

Speaker Granberg: "Thursday?"

Johnson, Tim: "Thursday, that's right."

Speaker Granberg: "Thank you, Representative. House Bill 248, Representative Hartke, do you wish to call that Bill to Third Reading? Out of the record. House Bill 265, Representative Hartke. Out of the record. House Bill 279, Representative Novak, do you wish to call the Bill? Out of the record. 282 (sic-House Bill), Representative Woolard. Out of the record. 283 (sic-House Bill), Representative Woolard, do you wish to call the Bill? Out of the record. 284(sic-House Bill), Representative Woolard. Out of the record. 285 (sic-House Bill), Representative Woolard. Out of the record. House Bill 287, Representative Cross. Read the Bill, Mr. Clerk. On the Order of Cross."

Cross: "I think this is going to take about three hours of debate, if that's okay, Mr. Speaker."

Speaker Granberg: "That's fine, Representative, for you."

Cross: "I'm hoping I get Representative Johnson to support me with the debate. But this is a fairly simple Bill and I'm not aware of any opposition..."

Speaker Granberg: "Representative Cross, for a moment... Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Clerk Bolin: "House Bill 287, a Bill for an Act in relation to suspension of driver's licenses of certain minors. Third Reading of this Bill."

Cross: "I would appreciate a 'yes' vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 287. On that matter, is there any question? The Gentleman from Cook, Representative Lang."

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

Speaker Granberg: "He indicates he will. Proceed."

Lang: "Representative, your discussion of this Bill and explanation was almost as scintillating as the one a couple of years ago on the tort reform, but I think you should at least... "

Cross: "Thank you, Mr. Lang."

Lang: "If you would at least tell us what this Bill does, I think we'd all be better off, Sir."

Cross: "Thank you. And I think it's a fair question, Representative Lang. This is a fairly simple concept, the one we ran through the Judiciary Committee and amended as a result of some questions in Judiciary. It merely allows a judge, when he's got juveniles in front of him that are either truant or delinquent, in whatever scenario he may have them in front of the court, it gives a judge the power to suspend a driver's license up to the age of 18. He can do it for whatever, he or she can suspend for whatever period of time they want but not later than age 18. I don't know of any opposition. There was a suggestion from a local circuit judge in my hometown, that said 'Tom', the judge said, 'this is one area where we have a hammer over juveniles, and I', he said, 'this is the one way I think we can have some effect on them.'"

Lang: "Representative, I think I support where you're going, but

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

let me just ask you a Constitutional question. I know we don't concern ourselves too much with the Constitution around here, but the Supreme Court of the United States recently said, 'You cannot take drivers licenses away from sex offenders because it's unconstitutional, because there's no nexus between being a sex offender and driving'. Aren't you in the same place here?"

Cross: "Representative, a valid question. And there are scenarios where we have crossed that, or have created that nexus, for instance between dead beat dads who fail to pay child support, and we, as a result, are suspending their driver's license. So, if we've got that nexus I think in this situation we perhaps have the same nexus. At least that's my interpretation."

Lang: "Well, Representative, I'm going to vote for your Bill because I support it. I just want to pass on to you that maybe there's a way to change this in the Senate to clear up this Constitutionality issue. I think we have a problem here, but I'm going to support your Bill."

Cross: "Thank you."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 287. On that Motion, all in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this matter there being 113 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 289, Representative Scott. Out of the record. House Bill 291, Representative Lang. Do you wish to call the Bill? Out of the record? House Bill 297, Representative Lang. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Clerk Bolin: "House Bill 297, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Granberg: "Proceed."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 297 is a Bill that came to us from the probate division of the Circuit Court of Cook County. This would amend the Illinois Code of Civil procedure by allowing the court to appoint a special representative to replace a decedent to prosecute a cause of action under a given set of circumstances. There was no opposition to this in committee, in fact I think it went out on the Attendance Roll Call, and I would ask your support."

Speaker Granberg: "On this Motion are there any questions? The Gentleman from Lake, Representative Churchill."

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

Speaker Granberg: "He indicates he will. Proceed."

Churchill: "Representative Lang, how does the court know who to appoint if there's been no probate?"

Lang: "This would allow a judge to substitute a special representative if either party dies while the case is pending in court. Because of that no one would have to go to the probate court, this would allow the judge in a civil case to appoint such a special representative."

Churchill: "But how do they know who represents the decedent? I mean if somebody dies, that person may have already said, 'I want so and so to represent me as my personal representative in a probate proceedings'."

Lang: "Well, I'm not quite sure I understand your question, Representative. This has nothing to do with who the decedent wants, because this is not a probate matter. This covers the situation where someone in litigation, a party, dies during the case, and all the parties then want to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

continue to proceed with the case. Rather than open a probate estate and cost a lot of time, of attorneys and fees and costs, this would enable the court to appoint someone so that this civil case could continue."

Churchill: "Okay, so let's say that party 'X' is the plaintiff seeking monetary damages, and the plaintiff, sole plaintiff dies at that point, the court can appoint any representative?"

Lang: "Well, there's a list in the Bill of the criteria under which the court could do this. So the court would have to refer to that criteria which you could read as easily as I could read to you."

Churchill: "Okay, so but does it have any relationship, does it bear any relationship to the people who would be appointed as representative under a probate proceedings?"

Lang: "It is, it is modeled after the Probate Act. It just simply is something that can be done in the civil case so you don't have to go to the probate courts."

Churchill: "All right. So if there is a judgement issued, and some money is paid or pursuant to a settlement, how do we know who the money goes to, if there's no probate proceeding? You've established no errors, you haven't set out a time period for..."

Lang: "Well, this wouldn't necessarily mean that the probate court would not have to help with the distribution of the funds should the plaintiff prevail. This simply means that you would not have to open the probate estate to continue the civil case, so that you don't have to spend the time, the cost, the attorneys' fees to go through that process, and delay the civil case while you go about the business of opening the probate case. Later, a probate estate may have to be opened if the plaintiff would prevail, if you'd have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

a question about how the monies should be distributed."

Churchill: "Then if the probate estate is open at that point, the civil case is still going on? Does the representative of the probate estate become the new party in a lawsuit?"

Lang: "Yes, they can be substituted. But that probate estate would not be open during that civil case, that's the whole point of this. So that probate case would not have to be open until that civil case was completed. Perhaps the plaintiff has died but the plaintiff loses, there would be no need to open the probate case."

Churchill: "In my example where the plaintiff was the decedent, and was seeking monetary damages, there may be a need to open a probate estate anyway because he may have other assets."

Lang: "There may be but not necessarily. Perhaps... Perhaps the recovery would be less than the amount necessary and it would pass through a small estate affidavit, perhaps you still don't need to open an estate. So this saves the parties in that civil case time and trouble and effort and fees, and also contributes to the smooth administration of justice because that civil case would not have to be interrupted."

Churchill: "Okay, I think I just have one more question, and that is if a probate case is open and a personal representative is appointed and that is somebody that a judge would appoint after listening to an heirship in determining who should be the proper person to come in, is there an automatic right for that personal representative to then succeed the person that's been appointed in the civil case? Or could that person that's been appointed in the civil case object?"

Lang: "On the Motion, on a Motion the court may substitute, but

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

is not required to. So the court would make that determination."

Churchill: "Okay, thank you. No further questions."

Speaker Granberg: "Thank you. Any further questions? No further questions? The Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "He indicates he will. Proceed."

Turner, J.: "Representative Lang, I notice that your Bill does not apply to actions pending under the Wrongful Death Act. Why is that excluded?"

Lang: "I'm not sure I heard the question, Representative. It's not a question you asked in committee, I might add, so it must be one you just came up with, but I didn't hear it."

Turner, J.: "Well, Representative Lang, sometimes we come up with questions after committee. Your Bill says this paragraph does not apply to actions pending under the Wrongful Death Act. Why not?"

Lang: "I'm not sure I can answer your question. This was drafted by a judge in Cook County. I did not ask him why he excluded that. He's an expert in probate, this is his area. He must have good reason for doing this."

Turner, J.: "Are you asking the Members of the House to vote for the Bill, even though you don't know why that language is in it?"

Lang: "No, I'm asking for the Members of the House to vote for a Bill that I do know the language in, I just can't answer the question you asked, Representative."

Turner, J.: "Who can answer my question as to this Bill, Representative Lang?"

Lang: "I didn't hear your question."

Turner, J.: "Who can answer my inquiry?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Lang: "Well, we could put you in touch with the Judge that came to me with this piece of legislation."

Turner, J.: "I'm not sure everyone wants to stay here today to wait till I call the judge and make contact with the judge. Is there anyone there, I know you don't like for Members to use staff, but maybe you could avail yourself of your staff and answer that question."

Lang: "I'm not sure staff knows the answer to this particular question, Representative, but thank you for asking."

Turner, J.: "Thank you, Mr. Speaker."

Speaker Granberg: "The Gentleman...Anything further? The Gentleman from Cook moves for the passage of House Bill 297. All in favor shall vote 'aye'; opposed 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are...Mr. Clerk, take the record. On this question there are 114 'ayes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic - Speaker). I would like to present House Resolution #59 for consideration of this Body."

Speaker Granberg: "I think the Gentleman moves to discharge the appropriate committee and have that Resolution go directly to the House Floor. Any objection? No objection, all in favor say 'aye'. The 'ayes' have it. Now to the Resolution, Representative."

Lawfer: "Thank you, Mr. Chairman (sic - Speaker). House Resolution 59 designates the week of March 16th as National Agriculture week and March 20th as National Agriculture Day. Remember Illinois is gifted with some of the richest

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

agriculture resources in the world, with over 28 million acres of farm land. This makes Illinois to be recognized as a world supplier of food and fiber. Each American farmer produces enough food and fiber for 129 people, 97 in the United States and 32 abroad. This is a reliable, abundant, safe and wholesome food. Americans spend only 11% of their disposable income on food, earning enough to pay for their annual food supply by February the 10th of each year. Because of the livestock and grain production, we make up 1/4 of all the exports of the United States. Along with that we protect our natural resources. American agriculture and Illinois agriculture is an important part of life. In Illinois contributing nearly \$50 billion to the State of Illinois economy, employing nearly 900 thousand people with approximately 14 hundred companies producing food. Illinois is top in its production of national scale and production and agriculture, and agriculture processing. Therefore, I ask, am honored to be Cosponsor and have Sponsored with this Resolution, Representative Woolard, Representative Noland, Representative Wirsing, and Representative Hartke. And I would move approval of this Resolution in recognition of the agriculture industry in the State of Illinois."

Speaker Granberg: "Thank you, Representative. The Gentleman moves for the adoption of House Resolution 59. All in favor say 'aye'; opposed 'no'. The 'ayes' have it, the Resolution is adopted. Thank you, Representative Lawfer. Mr. Clerk, Adjournment Resolution."

Clerk Rossi: "House Resolution (sic - House Joint Resolution) #17, offered by Representative Currie.

'RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, March 13, 1997, it stands adjourned until Tuesday, March 18, 1997 at 12:30 p.m., and when the Senate adjourns on Thursday, March 13, 1997, it stands adjourned until Friday, March 14, 1997; and when it adjourns on that day, it stands adjourned until Monday, March 17, 1997 at 12:00 o'clock noon; and when it adjourns on that day, it stands adjourned until Tuesday, March 18, 1997.' "

Speaker Granberg: "Allowing Perfunctory time for the Clerk, the Representative from Cook, Representative Currie, now moves that the House stand adjourned until the hour of 12:30, on March 18. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it; the House is adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Committee Reports. Representative Gash, Chairman from the Committee on Jud. 2 Criminal Law, to which the following Bills and Resolutions were referred, action taken on March 13, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bills 710, House Bill 722, House Bill 744, House Bill 1090, House Bill 1139, House Bill 1200, House Bill 1219, House Bill 1315, House Bill 1373, House Bill 1408, and House Bill 1424; 'do pass as amended Short Debate' House Bills 44, House Bill 157, House Bill 395, House Bill 561, House Bill 592, House Bill 763, House Bill 1363, House Bill 1433; 'do pass Standard Debate' House Bills 245, House Bill 1356, and House Bill 1365, 'do pass Consent Calendar' House Bills 1015, House Bill 1208, House Bill 1257, House Bill 1322, and House Bill 1369. Representative Lyons, Acting Chairman from the Committee on Aging, to which the following Bills and Resolutions were referred, action taken on March 13,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bills 861, and House Bill 1228. Representative Steve Davis, Chairman from the Committee on Veteran's Affairs, to which the following Bills and Resolutions were referred, action taken on March 13, 1997, reported the same back with the following recommendation/s: 'do pass Consent Calendar' House Bills 1210, and House Bill 1318. Representative Murphy, Chairman from the Committee on Personnel and Pensions, to which the following Bills and Resolutions were referred, action taken on March 13, 1997, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bills 345, and House Bill 488. Representative Lopez, Chairman from the Committee on Consumer Protection, to which the following Bills and Resolutions were referred, action taken on March 12, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 207; 'do pass as amended Short Debate' House Bill 597, and House Bill 1142. Introductions of Resolutions. House Resolution 70, offered by Representative Flowers, is assigned to the Rules Committee."

Clerk Rossi: "Introduction - First Reading of Senate Bills. Senate Bill 31, offered by Representative Moffitt, a Bill for an Act relating to school buses, amending named Acts. Senate Bill 66, offered by Representative Mitchell, a Bill for an Act to amend the School Code. Senate Bill 69, offered by Representative Mitchell, a Bill for an Act in relation to school technology. Senate Bill 83, offered by Representative Parke, a Bill for an Act concerning income tax check offs. Senate Bill 113, offered by Representative Stephens, a Bill for an Act to amend the Illinois Vehicle

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

Code. Senate Bill 166, offered by Representative Novak, a Bill for an Act to amend the Child Passenger Protection Act. Senate Bill 232, offered by Representative Stephens, a Bill for an Act to amend the Criminal Code. Senate Bill 233, offered by Representative Stephens, a Bill for an Act concerning vehicles, amending named Acts. Senate Bill 234, offered by Representative Lawfer, a Bill for an Act concerning hospital district directors. Senate Bill 247, offered by Representative Winters, a Bill for an Act to amend the Lead Poisoning Prevention Act. Senate Bill 279, offered by Representative Scott, a Bill for an Act to amend 'AN ACT in relation to certain land', Public Act. Senate Bill 301, offered by Representative Hartke, a Bill for an Act to amend the Regional Transportation Authority Act. Senate Bill 370, offered by Representative Winters, a Bill for an Act to amend the Retailers' Occupation Tax Act. Senate Bill 396, offered by Representative Beaubien, a Bill for an Act to amend the Illinois Income Tax Act. Senate Bill 463, offered by Representative Erwin, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 536, offered by Representative Joe Lyons, a Bill for an Act to amend the State Salary and Annuity Withholding Act. Senate Bill 698, offered by Representative Schoenberg, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 797, offered by Representative Churchill, a Bill for an Act to amend the Illinois Aeronautics Act. First Reading of these Senate Bills. Senate Bill 538, offered by Representative Lang, a Bill for an Act to amend the Illinois Credit Union Act. First Reading of these Senate Bills."

Clerk Bolin: "Committee Reports. Representative Eugene Moore, Chairman from the Committee on Revenue, to which the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

32nd Legislative Day

March 13, 1997

following Bills and Resolutions were referred, action taken on March 13, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bills 19, House Bill 20, House Bill 27, House Bill 45, House Bill 104, House Bill 167, House Bill 270, House Bill 521, House Bill 526, House Bill 572, House Bill 601, House Bill 631, House Bill 687, House Bill 883, House Bill 884, House Bill 1040, House Bill 1119, House Bill 1121, House Bill 1283, House Bill 1334, House Bill 1425, House Bill 1427, Senate Bill 51; 'do pass as amended Short Debate' House Bills 9, House Bill 318, House Bill 581, House Bill 585, House Bill 599, House Bill 605, House Bill 623, House Bill 847, House Bill 1116, House Bill 1118. Introduction - First Reading of Bills. Senate Bill 427, offered by Representative Dart, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Senate Bill 619, offered by Representative Dart, a Bill for an Act to amend the Adoption Act. Senate Bill 946, offered by Representative Dart, a Bill for an Act to amend the Nursing Home Care Act. First Reading of these Senate Bills."

Clerk Bolin: "Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in regular Session on Tuesday, March 18, at 12:30 p.m."