

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

103rd Legislative Day

March 26, 1998

Speaker Hartke: "The House will come to order. Members will be in their seats. Our guests in the gallery may want to join us for the invocation. We will be led today in prayer by Lee Crawford, who is the Assistant Pastor at Victory Temple Church in Springfield. Mr. Crawford."

Lee Crawford: "Let us pray. Precious God of Might, Wisdom, and Justice, for whom all of our blessings flow, God, assist us with your spirit of counsel and guidance upon this Body. Impress upon each one of them the importance of grace, mercy, and honor that You will lead them through the problem that they will confront even this day. Forever keep us mindful of Your greatness and Your ability to sustain us. Now, Lord, I ask that you will vouch safe unto them, wisdom and protection throughout this day and forevermore. This we kindly ask and pray. Amen."

Speaker Hartke: "We will be led in the pledge today by Representative Julie Curry."

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

Speaker Hartke: "Roll Call for Attendance. Mr. Clerk, take the record. Representative Cross, would you kindly report the absentees?"

Cross: "Pardon. Yes, we have a couple excused absences, Mr. Speaker. Representative Lindner needs to be excused and Representative Noland is excused for the time being, and I think will enter an appearance or sign in later, but he's excused this morning. Thank you."

Speaker Hartke: "Thank you, Representative Cross. Representative Currie, on the Democrat side."

Currie: "Thank you, Speaker. Please let the record show there

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are no excused absences among House Democrats today."

Speaker Hartke: "Okay. Mr. Clerk, take the record. There are 115 Members answering the Roll Call. We do have a quorum. Committee Reports."

Clerk Bolin: "Representative Todd Stroger, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on March 26, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 3461. Representative Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measures were referred, action taken on March 26, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 2555. Representative David Phelps, Chairperson from the Committee on Elementary and Secondary Education, to which the following measures were referred, action taken on March 26, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendments #1 and 2 to House Bill 2485. Floor Amendment #2 to House Bill 2560 and Floor Amendment #1 to House Bill 3127. Representative Tom Dart, Chairperson from the Committee on Judiciary I, Civil Law, for which the following measures were referred, action taken in on March 26, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 3579."

Speaker Hartke: "Representative Currie, for what reason do you rise?"

Currie: "Thank you, Speaker, for a correction. We do have an excused absence among House Democrats and that is Representative O'Brien, so if the Clerk would kindly

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correct the Attendance Roll Call, we'd appreciate it."

Speaker Hartke: "Thank you, Representative Currie.
Representative Cross."

Cross: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Cross: "Can you tell us, we don't have our Calendars over here,
when is our spring break for the General Assembly? When
does it start for all of the Members?"

Speaker Hartke: "I think the Easter Break starts April the...
Representative Lang, do you have the answer for that?"

Lang: "Mr. Speaker, I believe that right after midterms we have
spring break."

Cross: "All right. When is Easter Break, so we can all plan our
schedules and when we can go on vacation? When does that
start?"

Speaker Hartke: "Representative Cross, if you take today's
Calendar and you look on the back page, it would be page
27, it's not listed, it shows the week there of April 6th
through the 13th, we will be off. That's the break."

Cross: "If any of you... if there's..."

Speaker Hartke: "It says Easter Break."

Cross: "If there's anyone taking Easter Break now, will they need
to be here by themselves that week?"

Speaker Hartke: "I think if they're taking the Easter Break now,
they probably missed a week's work."

Cross: "All right. So we will take note of anyone that's not
here this week on break, if they're having it themselves,
they'll have to be here then?"

Speaker Hartke: "Well, you could take note of that, yes."

Cross: "Well, I just wanted to see what the Chair thought about
that, but we can maybe talk about that later. Thank you."

Speaker Hartke: "For what reason does Representative Black seek

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recognition?"

Black: "An inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

Black: "Yes, I have to keep... for obvious reasons, I have to keep very accurate records of who's here and who isn't here for verification purposes, and I believe the Majority Leader said that you had only one excused absence today, which of course takes you below the magic number of 60, ha, ha, ha, ha, but I heard nothing about the Speaker. Is the Speaker excused, or is he absent without leave?"

Speaker Hartke: "I think if I recall what the Majority Leader said, that there was one excused absence."

Black: "Uh huh, but I happen to have the highest regard and hold the Speaker in great respect, I'm just curious, I haven't seen him all week, and he's not being recorded so he... but he's not excused. It's not like him."

Speaker Hartke: "Something must have come up."

Black: "I see. Well, then that takes you down to 58, so I think we could just probably adjourn."

Speaker Hartke: "Would you care to do that?"

Black: "At the appropriate time."

Speaker Hartke: "We'll see."

Black: "Thank you."

Speaker Hartke: "Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following measures were referred, action taken on March 26, 1998, reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #3 to House Bill 2299 and Floor Amendment #2 to House Bill 2509."

Speaker Hartke: "The Chair is prepared to move a number of Bills

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from Second Reading to Third Reading so... and we're going to start at the top of the Calendar, so be prepared. House Bill 174, Representative Lang. Out of the record. House Bill 2167, Representative Burke. Out of the record. Representative Lawfer, House Bill 2299. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2299, the Bill's been read a second time, previously. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading."

Lawfer: "Hold it, Mr. Chairman (sic-Speaker). I would like to... there was a Floor Amendment on that, and there was two Committee Amendments on that. I would like to table Amendment #2."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second Reading. Representative Lawfer."

Lawfer: "Twenty-two ninety-nine has two Amendments on it at this time. I would like to table Amendment #2. Representative Lawfer, could we take this Bill out of the record just a... momentarily, and then we'll clear this up."

Lawfer: "Okay. I think there's an Amendment that was approved in committee that ... Amendment #3 I'd like to consider."

Speaker Hartke: "Okay. Yeah, and we realize that, but it's not on the system yet, so can we pull it out of the record? We'll get back to you. House Bill 2307, Representative Hannig. Out of the record. Representative Lindner, House Bill 2373. Out of the record. Representative Jones, you still want to call House Bill 2374? Out of the record. House Bill 2436, Representative Hassert. Out of the record. House Bill 2443, Representative Capparelli. Out of the record. House Bill 2444, Representative Capparelli. Out of the record. Representative Schakowsky, House Bill

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2466. Out of the record. House Bill 2478, Representative Poe. Out of the record. House Bill 2485, Representative Phelps. House Bill 2498, Representative Flowers. The Speaker would like to request that if any Members are over at the Stratton Office Building or in their offices, please come to the floor, so that we can move these Bills to Third Reading. House Bill 2509, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2509, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2... Floor Amendment #2, offered by Representative Meyer, has been approved for consideration."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 2 further defined some definitions in the Bill concerning aggressive driving and road rage. It also added to the penalty for aggravated road rage, which is where a person uses a vehicle as a weapon, intentionally trying to harm someone or property, and I'd appreciate your support on it."

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

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

Speaker Hartke: "Indicates he will."

Black: "Representative, the Amendment does not change the underlying part of your Bill that says that something about road rage, you're automatically assumed to be... there's an assumption of guilt or something, if the police say that you do this, and this Amendment doesn't take that out, does it?"

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Meyer: "Representative, I'm not familiar... hold on a second, let me check the Bill. I'd like... could you reference where you're seeing that in the Bill?"

Black: "Okay. It still provides for a ... it still provides for a felony. Is that it?"

Meyer: "Aggravated road rage does provide for a Class IV Felony, but there's no assumption there. There's a high burden of proof on that charge."

Black: "Okay. All right. So the Amendment just simply deals with the revocation?"

Meyer: "The Amendment more tightly defines the act of road rage. Perhaps, if I go through the whole thing... let me just go through all of the different parts of that, Representative. Perhaps that will help the discussion. It provides that the Secretary of State shall immediately revoke the driver's license or permit of any driver that's convicted of two road rage offenses within a twelve month period, and that was permissive before. It is now with two convictions of road rage and, again, road rage is where you're actually trying to use that vehicle as a weapon. It's not a normal traffic or a standard traffic violation. It provides that any person who intentionally, with malice, uses any vehicle in such an unlawful manner as to endanger the bodily safety or property of another driver, bicyclist, or pedestrian is guilty of road rage, and that is a very tight definition. It's with malice."

Black: "Okay. All right. Thank you, Representative."

Meyer: "Okay."

Speaker Hartke: "Further discussion? Seeing none, all those in favor of Amendment #2 to House Bill 2509, signify by saying 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted."

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Third Reading. House Bill 2555, Representative Moffitt.
Out of the record. House Bill 2560, Representative Hoeft.
Representative Hoeft. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2560, the Bill's been read a second
time, previously. Amendment #1 was adopted in committee.
Floor Amendment #2, offered by Representative Hoeft, has
been approved for consideration."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Amendment #2, Floor Amendment 2,
is a simply taking the clause... that abolishes the
regional board of school trustees and makes it a local
option by county boards. This was agreed to in the
committee, and this is what we have done. It makes it a
local option."

Speaker Hartke: "Any discussion on the Amendment? Seeing no one
seeking recognition, all those in favor of the Amendment
signify by saying 'aye', those opposed 'no'. In the
opinion of the Chair, the 'ayes' have it and the
Amendment#2 to House Bill 2560 is adopted. Any further
Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 4 of the Calendar
appears House Bill 2590, Representative Saviano.
Representative Saviano. Out of the record. On page 4 of
the Calendar, appears House Bill 2630, Representative
Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2630. The Bill has been read a second
time, previously. Amendment #1 was adopted in committee.
No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2634, Representative
McAuliffe. Out of the record. House Bill 2636,
Representative Winkel. Out of the record. House Bill

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2637. Out of the record. House Bill 2645, Representative Klingler. Out of the record. House Bill 2652, Representative Kosel. Representative Kosel. Out of the record. House Bill 2668, Representative Persico. Out of the record. House Bill 2687, Representative Saviano. Out of the record. Twenty-six eighty-eight. Out of the record. Twenty-six ninety. Out of the record. House Bill 2721, Representative Brunsvold. Out of the record. House Bill 2746, Representative Hoffman. Out of the record. House Bill 2774, Representative Younge. Out of the record. House Bill 2800, Representative Righter. Out of the record. House Bill 2818, Representative Biggins. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2818. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Hartke: "Representative Biggins. Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment clarifies the information gathered by the Department of Professional Regulations in its investigation of a complaint against a physician, including the information that's subpoenaed, and that shall be kept confidential. Any other of the information which is currently available to the public would remain available. This Amendment is what we had discussed in committee. It takes care of some of the objections and concerns of the Hospital Association, and I believe that this... and also the consumer groups, as well. It's an agreed Amendment. I'd appreciate your consideration."

Speaker Hartke: "Is there any discussion on the Amendment?"

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Seeing that no one is seeking recognition, all those in favor of the Amendment, signify by saying 'aye', all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment #2 to House Bill 2818, is adopted.

Mr. Clerk, is there anything further on this Bill?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 7 of the Calendar, appears House Bill 2844, Representative Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2844. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker. As far as I know, this is an agreed Amendment. This Bill deals with the issue of what happens when charter schools take out loans, and the Amendment just simply says that if a charter school takes out a loan, the local school board is not responsible for that loan. If you have any questions, I'd be happy to answer them."

Speaker Hartke: "Discussion on the Amendment? The Chair recognizes... it appears that no one is seeking recognition. For the Gentleman's Amendment, all those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Mr. Clerk, anything further?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 7 of the Calendar appears House Bill 2870, Representative Parke. Excuse me, 2860, Representative Parke. Out of the record. House Bill 2884, Representative Schakowsky. Out of the record. Oh,

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excuse me, yes, out of the record. House Bill 288... we'll get right back to it. House Bill 2885, Representative Mitchell. Out of the record. Let's go right back to House Bill 2884, Representative Schakowsky. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2884. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2909, Representative Silva. Out of the record. House Bill 2921, Representative Ronen. Out of the record. House Bill 3019, Representative Smith. Out of the record. House Bill 3028, Representative Wirsing. Mr. Clerk, is there an Amendment on this Bill? Out of the record. House Bill 3034, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3034. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3041, Representative Wood. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3041. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3063, Representative Durkin. Representative Durkin. Out of the record. House Bill 3067, Representative Durkin. Out of the record. House Bill 3088, Representative Kubik. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3088. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3127, Representative

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Kenner. Representative Kenner. Out of the record. House Bill 3128, Representative Hassert. Out of the record. For what reason does the Gentleman from Kendall, Representative Cross, rise?"

Cross: "Thank you, Mr. Speaker, I hate to break up the momentum we have. I know we're doing a lot of Bills, but, you know, you hate it when someone goes out of town on vacation, and they don't have good weather. In Palm Springs today, it's windswept showers, sharply cooler conditions. You almost think, if someone left to go to Palm Springs while we were all working here, that maybe they should have stayed, given the fact that we're having great weather here, and it's raining and cold in Palm Springs. We'll have an update for you later in the day for the Palm Spring's weather, but thank you for calling on me."

Speaker Hartke: "Thank you for that information, Representative Cross. It's always a great day here in Illinois."

Cross: "Well, it's beautiful here, and maybe we all should have stayed here and not, you know, not left to go to Palm Springs for an early vacation."

Speaker Hartke: "Thank you."

Cross: "Thank you."

Speaker Hartke: "On page 9 of the Calendar, appears House Bill 3162, Representative Turner. Representative Turner. Out of the record. On page 9 appears House Bill 3173, Representative Wood. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3173. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3225, Representative Saviano. Out of the record. On page 9 of the Calendar, appears House Bill 3235, Representative Schoenberg. Out of

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the record. House Bill 3236, Representative Myers. Out of the record. House Bill 3249, Representative Noland. Out of the record. House Bill 3256, Representative Hassert. Representative Hassert. Out of the record. House Bill 3273, Representative Kubik. Representative Kubik, care to call... Out of the record. House Bill 3279, Representative Lindner. Out of the record. House Bill 3356, Representative Wait. Ron Wait. Out of the record. House Bill 3375, Representative Bergman. Out of the record. House Bill 3377, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3377. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 11 of the Calendar, appears House Bill 3485, Representative Parke. Representative Parke. Out of the record. On page 12 of the Calendar, appears House Bill 3520, Representative Saviano. Skip Saviano. Thirty-five twenty (sic-House Bill). Out of the record. For what reason does the Gentleman from Cook, Representative Durkin, rise?"

Durkin: "Thank you, Mr. Speaker, a point of personal privilege."

Speaker Hartke: "Go right ahead."

Durkin: "I do apologize to the Members of this chamber for being tardy this morning. I just had to take care of a matter of personal business. So..."

Speaker Hartke: "Would you care to share that with the Body this morning? Would you care to share that personal business...?"

Durkin: "It'll cost you."

Speaker Hartke: "Representative Durkin, we've called several of your Bills this morning, and they've just languished here."

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We may not get back to them, you know. On page 13 on the Calendar, appears House Bill 3579, Representative Turner, Art Turner. Out of the record. Page 13 of the Calendar appears House Bill 3630, Representative McGuire. Out of the record. We'll run through the Calendar again. Maybe some of the Members have arrived. House Bill 174, Representative Lang. Out of the record. House Bill 2307, Representative Hannig. Out of the record. House Bill 2374, Representative Jones. Out of the record. House Bill 2436, Representative Hassert. Out of the record. House Bill 2443, Representative Capparelli. Out of the record. House Bill 2444, Representative Capparelli. Out of the record. House Bill 2466, Representative Schakowsky. Out of the record. House Bill 2478, Representative Poe. Raymond Poe. Representative Poe. Out of the record. House Bill 2485, Representative Phelps. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2485. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Hartke: "Representative Moffitt."

Clerk Bolin: "Floor Amendment #1, offered by Representative Kosel, has been approved for consideration."

Speaker Hartke: "Representative Kosel. Representative Phelps, would you like to handle that Amendment?"

Phelps: "Thank you, Mr. Speaker. I think I can. Representative Kosel and myself both have an item to accommodate school districts who have met their maximum bonded indebtedness but wish to add on an addition to their school, and this allows the school district to go to a front door referendum for that purpose, and Representative Kosel is now back in

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if she wants to add anything, but mine covers a New Burnside Simpson Hill District in Johnson County for an addition to be able to do this. They've reached their cap of bonded indebtedness. This allows them to go to the people to ask for additional resources to build on to the elementary school."

Speaker Hartke: "The Lady from Will, Representative Kosel, would you like to make a comment on this Amendment?"

Kosel: "Yes, Representative Kosel would gladly address the Bill. It's exactly what Representative Phelps said. Mine is also a front door referendum. It addresses the Summit Hills School District in Will County."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, all those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 to House Bill 2485 is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Holbrook, has been approved for consideration."

Speaker Hartke: "Representative Holbrook."

Holbrook: "Thank you, Speaker. All this Amendment does is say that school districts that have suffered problems from mine subsidence can apply for some of the debt programs under Senate Bill 452. I'd ask for its adoption."

Speaker Hartke: "Any discussion? Seeing that no one is seeking recognition, all those in favor of Amendment #2, signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #2 to House Bill 2485 is adopted. Anything further?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 2498, Representative Flowers. Out of the record. On page 4 of the Calendar,

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appears House Bill 2590, Representative Saviano. Out of the record. On page 5 of the Calendar, appears House Bill 2634, Representative McAuliffe. Out of the record. House Bill 2636, Representative Winkel. Rick Winkel. Out of the record. On page 3 of the Calendar, appears House Bill 2555, Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2555. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. This Amendment will simply return this Bill to the status of a shell Bill to allow the auctioneers and the realtors to come to an agreement. The realtors have agreed to not include auctioneers in their licensure Bill. In turn, the auctioneers are going to hold up on advancing their Bill, so they can continue to negotiate, hopefully have an agreement, perhaps by fall. Thank you."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, all those in favor of the Amendment, signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Anything further?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. For what reason does the Gentleman from Kendall, Representative Cross,... do we have another weather update?"

Cross: "No, but I've got a gift here, Mr. Speaker, and I just want to open it up in front of everybody. Oh, a bunch of grapefruits, and there's a card with it. 'Dear Members, Having a great time here in Palm Springs. Wish you were

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here. See you soon. Mike. P.S. Please leave my Bills on Second Reading.' So, thanks a lot to the Speaker. Thank you, Mr. Speaker. They're really good."

Speaker Hartke: "Pineapples for everyone on Representative Cross' desk. Grapefruit, excuse me. On page 2 of the Calendar, appears House Bill 2299. Twenty-two ninety-nine, Representative Lawfer."

Clerk Bolin: "House Bill 2299. The Bill has been read a second time, previously. Amendment #1 was adopted in Committee. Amendment #2 was tabled in committee. Floor Amendment #3, offered by Representative Black, has been approved for consideration."

Speaker Hartke: "Representative Black. Representative Lawfer, would you like to handle that in Representative Black's absence?"

Lawfer: "Well, I think that, basically, Representative Black needs to handle that, but I think Amendment #1 and 2 were approved in committee, but we'd like to table Amendment #2. So the Bill now consists of number 1 with Amendment #3 to go on it. I can handle #3."

Speaker Hartke: "Representative Black has just arrived. He is flying in. Representative Black"

Black: "Thank you very much, Mr. Speaker. Thank you, thank you, thank you, thank you very much. Thank you. Inquiry of the Chair, first. Committee Amendment #2 has been tabled, correct?"

Speaker Hartke: "Yes, it has. It was tabled in committee."

Black: "Okay. The committee was kind enough, and I appreciate the Sponsor, Representative Lawfer, allowing me to amend his Bill. Floor Amendment #3 simply adds to the Bill. It provides that an enterprise zone over Vermilion County may be extended to thirty calendar years, rather than the

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current twenty year maximum. Our enterprise zone Bill, our enterprise zone is set to expire in 2001, and we'd like to extend it for ten years. That's all the Amendment does. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion on the Amendment, on Amendment #3? Seeing that no one is seeking recognition, all those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #3 to House Bill 2299 has been adopted. Mr. Clerk, anything further?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 2637, Representative Winkel. Out of the record. House Bill 2645, Representative Klingler. Out of the record. House Bill 2652, Representative Kosel. Representative Kosel. House Bill 2652. Out of the record. House Bill 2668, Representative Persico. Out of the record. House Bill 2687, Representative Saviano. Out of the record. House Bill 2688, Representative Saviano. Out of the record. Twenty-six ninety (sic-House Bill), Representative Saviano. Out of the record. On page 6 of the Calendar, appears House Bill 2721, Representative Brunsvold. Out of the record. On page 6 of the Calendar, appears House Bill 2746, Representative Hoffman. Out of the record. House Bill 2774, Representative Younge. Out of the record. House Bill 2800, Representative Righter. Out of the record. On page 7 of the Calendar, appears House Bill 2860, Representative Parke. Terry Parke. Out of the record. House Bill 2885, Representative Mitchell. Out of the record. House Bill 2909, Representative Silva. Out of the record. House Bill 2921, Representative Ronen. Out of the record. House Bill 3019, Representative Smith. Mike

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Smith. Out of the record. House Bill 3028, Representative Wirsing. Out of the record. House Bill 3063, Representative Durkin. Out of the record. House Bill 3067, Representative Durkin. Out of the record. House Bill 3127, Representative Kenner. Howard Kenner. Out of the record. House Bill 3128, Representative Hassert. Out of the record. House Bill 3162, Representative Turner. John Turner. Mr. Clerk, read the Bill. Out of the record. On page 9 of the Calendar, appears House Bill 3225, Representative Saviano. Out of the record. On page 9 of the Calendar, appears House Bill 3235, Representative Schoenberg. Out of the record. House Bill 3236, Representative Meyer. Representative Meyer. Out of the record. On page 9 of the Calendar, appears House Bill 3256, Representative Hassert. Out of the record. House Bill 3272, Representative Kubik. Seventy-three, thirty-two seventy-three (sic-House Bill). Out of the record. House Bill 3279, Representative Lindner. Out of the record. House Bill 3356, Representative Wait. Representative Wait. Out of the record. House Bill 3375, Representative Bergman. Representative Bergman, House Bill 3375. Representative Bergman. Out of the record. On page 11 of the Calendar, appears House Bill 3485, Representative Parke. Terry Parke. Out of the record. For what reason does Representative Parke, from Cook County, rise?"

Parke: "Thank you, Mr. Speaker. What I would like... can I have this read a second time, so I can be prepared to move it to Third? Do I need to do that, or is it prepared to be moved to Third if I choose? I have an Amendment I'm..."

Speaker Hartke: "It's ready to go to Third now."

Parke: "Oh, it's ready, it's prepared? All right, then I'll wait until my Amendment's ready. Thank you."

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Speaker Hartke: "You'll wait until your Amendment is ready?"

Thank you. On page 12 of the Calendar, appears House Bill 3520, Representative Saviano. Out of the record. Page 13 of the Calendar, appears House Bill 3579, Representative Turner. Art Turner. Representative Turner, would you like to call House Bill 3579? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3579. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Art Turner, has been approved for consideration."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #1 does a couple things. It incorporates what was House Bill 3580 into 3579. It deals with two things: one, in House Bill 3579, there was a question regarding the return of rent money to individuals who the CHA intends to evict for reasons other than non-rent that may have made a payment, and so the Amendment clarifies it, so that the rent does not have to be returned back to the tenant, and secondly, it deals with the question of service, serving a notice for non-rent payment, and it says that they, in fact, can put the notice in the apartment, and it also clearly defines that the only reason that they can go into the apartment, is to put the notice in regarding non-rent payment, and I move for the adoption of House Bill 3579."

Speaker Hartke: "Any discussion on the Amendment? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much Mr. Speaker..."

Speaker Hartke: "Proceed, Representative Black."

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

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yield?"

Speaker Hartke: "Yes, the Sponsor will yield."

Black: "Thank you. Representative Turner."

Turner, A.: "Yes Sir. Yes Sir."

Black: "Are you trying to add some material into the underlying Bill in this Amendment, and material that you're adding in the Amendment was defeated in the House Judiciary Committee?"

Turner, A.: "That's correct, but the House Judiciary Committee met this morning, and the objections that they had to that Bill, which was 3580, has been corrected, and they unanimously approved those corrections with their recommendations at this morning's meeting, committee meeting."

Black: "Refresh my memory. Does this Amendment not allow an official with the Housing Authority to enter a rental unit?"

Turner, A.: "It does not disallow that. What it does now, is it, in terms of posting notices regarding non-rent... or regarding, say like five day notices or ten day notices regarding rent payment, the courts say that you have to either serve someone over the age of thirteen. You can post it on the outside of their door, or you serve the tenant itself. Posting it on the outside of the door has not necessarily worked for the Authority in the past, and so, what this does is, we add that they can put the notice in the apartment, and so, we wanted to put that notice in, and then we clarified it so that, in fact, the only reason that the Authority can go into the apartment... you know, if they're going in to serve... put the notice or slide the notice under the door, that that's the only reason that they can go in there, and they can't go in and start doing

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searches and looking for other things."

Black: "But it would not inhibit their ability to enter the unit for purposes of normal inspection?"

Turner, A.: "No question about it. It does not preclude that."

Black: "Okay. All right. Then I assume that the language in this Amendment is supported by the Chicago Housing Authority."

Turner, A.: "Absolutely. In fact, it was the Housing Authority that drafted the Amendment, and they drafted this Amendment based upon the recommendations from the committee on the original Bill, which was House Bill 3580."

Black: "All right. Okay. Can you tell me... not perhaps only germane to the Amendment indirectly, but I'm just curious, does a tenant sit on the board of the Chicago Housing Authority?"

Turner, A.: "I believe there are members on the advisory board. I may stand to be corrected on that. Let me ask Representative Jones. She may be a little more familiar."

Black: "So, what I'm after is, I just, I was curious as to whether there might be a position on the Bill from a tenant council or a ..."

Turner, A.: "I think the... in talking to the governmental affairs person for the Housing Authority, the tenant council is signed off on this particular Amendment, on this particular Bill."

Black: "Okay. And, and..."

Turner, A.: "I've been informed. There is two tenants on the CHA board."

Black: "Okay. So, we won't get into a discussion six months from now that the tenant council was not aware of this and that we acted... we didn't act in good faith?"

Turner, A.: "Right. No, there should be no question about it."

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Now that's not to say that the ACLU, or somebody else who doesn't live in the development, may have their own opinion regarding this issue but..."

Black: "Right. Okay, but the two main parties to the Amendment know about it, have discussed it and have ironed out their differences."

Turner, A.: "Yes, right."

Black: "Okay. Fine."

Turner, A.: "And this is basically to help them deal with this element of gangs and drug sales and trying to deal with tenants, some of the undesirables that they don't want in the development."

Black: "Sure. Okay. Okay. Thank you very much, Representative."

Turner, A.: "Okay."

Speaker Hartke: "Further discussion? Seeing no one who is seeking recognition, all those in favor of Amendment #1 to House Bill 3579, signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, appears House Bill 3630, Representative McGuire. Out of the record. On page 21 of the Calendar in Senate Bills - Second Reading, appears Senate Bill 1270, Representative Winkel. Rick Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1270, a Bill for an Act to amend the certain Acts in relation to pensions. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Everybody in the chamber, we're going to go to Third Readings, so if you're in the Stratton Building or anywhere else in the complex, Members are

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advised to come to the floor. On page 16 of the Calendar, appears House Bill 196, Representative Hannig. Out of the record. On page 16 of the Calendar, appears House Bill 2091, excuse me, let's take that out of the record. On page 16 of the Calendar, appears House Bill 2306, Representative Johnson. Tim Johnson. Out of the record. On page 16 of the Calendar, under Third Readings, appears House Bill 2385, Representative Capparelli. Out of the record. On page 16 of the Calendar, appears House Bill 2445, Representative Saviano. Skip Saviano. Out of the record. On page 17 of the Calendar, appears House Bill 2558, Representative Winters. Representative Winters. Out of the record. On page 17 of the Calendar, under Third Reading, appears House Bill 2614, Representative Ryder. Representative Tom Ryder. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 2614, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. This Bill contains Amendment 1, which was recommended by the Elementary and Secondary Education Committee, unanimously, and adopted yesterday. It cleans up some language when we deleted the nonpartisan election in odd years, and there's another provision in it that was brought by the alliance for statewide school management concerning a special education cooperative that has lost some members due to consolidation. I'd be happy to answer any questions on the Bill."

Speaker Hartke: "You've heard the Gentleman's presentation of the Bill. Is there any discussion? Seeing none, Mr. Ryder has asked for the passage of House Bill 2614. All those in favor signify by voting 'aye', those opposed vote 'no'. The polling is open. Have all voted who wish? Have all

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voted who wish? Mitchell, aye. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2614, there are 114 Members voting 'yes', no one voting 'no' and no one voting 'present'. Having received a Constitutional Majority, is hereby declared passed. On page 17 of the Calendar, appears House Bill 2633, Representative Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2633, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, and Ladies and Gentleman of the House. House Bill 2633 is an... it's changed the Illinois Vehicle Code. I refer to it basically, as my excessive speeding Bill that reads as follows: 'The unlawful operation of a vehicle at a speed that is forty miles per hour or more in excess of the applicable maximum speed limit established under this chapter, or similar provision of a local ordinance, is prima facie evidence of reckless driving. 'This idea was brought to me after being a guest on John Williams' Show on WGN radio after the first of the year, talking about different laws that were passed in other states, as well as, incidents in Illinois that seem to be underaddressed as far as law, and then basically what happened, the highest speeding ticket in Illinois last year was for a hundred and forty-six miles an hour, and there was frustration on the part of the officer, as well as many police officers. The only ticket that can be given for something like this is a speeding ticket, and a speeding ticket, of course, has a petty offense status. What this does, by placing it under the reckless driving provision of the Illinois Code, is brings it to a Class A Misdemeanor, which means, in essence, that this could be up

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to a one year prison term, up to two years of probation, and maybe more importantly, for an excessive speeder, a fine up to twenty-five hundred dollars, as opposed to the one thousand dollar limit under a petty offense. There are several other states that have addressed excessive speeding, including Arizona, California, Delaware, Maine, Vermont, Virginia, even Michigan has addressed this problem, and I have received the support of the Illinois State Police, the Illinois Association of Police Chiefs, the Illinois Sheriffs' Association, the Alliance of American Insurers. So, I think it's a good Bill, and I would be happy to answer any questions that anybody may have on it."

Speaker Hartke: "Discussion on this Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative, having read this Bill, I see no language in here that, unless it's covered under another part of the Vehicle Code, what happens if an emergency vehicle en route to a fire, accident, medical call, is clocked doing in excess of forty miles an hour over the posted speed limit?"

Lyons, J.: "Representative, to the best of my knowledge, I did... that language was recommended by the Secretary of State, and I did amend the existing, the original language to accommodate some of their requests, but I, not really knowing, I would assume that an emergency vehicle would probably have status to go through a red light or exceed the speed limit, and I would also doubt, Mr. Black, that if a emergency vehicle had to go over forty miles an hour over the posted limit, that would probably be a pretty rare

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exception, with the possible exception of a police car in pursuit of someone."

Black: "Well, I know if I'm in the ambulance, I want them to get there with all due speed. I would hope they'd go fifty miles an hour over the limit if I'm in the back. Now, however, if you're in the back, you may want them to go more slowly, but it's a relative point. May I ask you another question? I'm going to be a grandfather in May, and my daughter... let's say that my daughter, my son-in-law is driving my daughter to the hospital, and he's excited and upset. Delivery is imminent, and he happens to go through a small town on his way to the hospital, where the posted limit is twenty-five miles an hour, and he roars through that town at seventy miles an hour on his way to the hospital. Does this mean my son-in-law is going to be automatically charged with a reckless driving offense?"

Lyons, J.: "Mr. Black, I... that a... under this law, that certainly could be written up by a police officer if they were to get pulled over. Under those circumstances, one, I would doubt that your son-in-law would risk your daughter with a child in delivery..."

Black: "Well, he wouldn't, no."

Lyons, J.: "...to go forty... in that case forty-five miles an hour over the speed limit would hardly accomplish what he's probably trying to do like get to the hospital as quickly as possible. Second of all, I just a... I don't think a police officer who would realize the situation would be wanting to write a reckless speeding ticket for somebody trying to get their wife to the hospital to deliver a baby."

Black: "If your Bill becomes law, and a person is found guilty,

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is there any provision for revocation of license, driver's license, in the Bill?"

Lyons, J.: "Not under this. It would strictly be under the penalties for a Class A Misdemeanor. It would still be subject to the Secretary of State's point system, and that would have to qualify for three movers in a year and then, of course, the Secretary of State's point system has all types of different penalties, different point assignments for different violations."

Black: "I noticed that our analyst also said that established case law in Illinois does not... has established that speed alone is not sufficient to prove reckless driving, that there must be additional acts in violation of the Vehicle Code in order to do that. How does your Bill address what our staff tells us is already established in case law?"

Lyons, J.: "Well, you're correct, Mr. Black. It is established in case law. What I'm doing here is pretty much challenging that case law by establishing the fact that forty over the limit is no accident. Forty over a posted limit is wanton and willful. That would be my opinion on that, and the courts will certainly have a decision on that at some future point in time when this is tested."

Black: "Thank you very much, Representative. I appreciate the way you've handled this Bill in committee and on the floor. I appreciate your answers. Mr. Speaker, to the Bill, if I might."

Speaker Hartke: "To the Bill."

Black: "Yeah, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill, and that's not a popular position to take, and I may be the only 'no' vote, but I have some problems with the Bill, as drafted, and I also have problems with the fact that it

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goes in the face of established case law on what is reckless driving, but beyond that, beyond that, I think at some point, we have to stand up in this chamber and say to constantly ask for enhanced penalties is not the answer. We are three hundred state troopers under our authorized head count. We are driving state police cars on our roads today in excess of 150,000 miles. We're going to add a class of a hundred thirty-two state troopers this year. We'll have that many retire. The situation with our Illinois State Police continues to be a problem that we have not been willing to address. So I'm going to vote 'no' as a statement, that if we would put our energy and our money and our action in putting more troopers on the road, I daresay that speeding would decline geometrically with the number of troopers that we could put on the road in adequate squad cars and with an adequate radio system. So, for that reason, and until we decide as a Legislative Body to address the ever decreasing number of state troopers on the road and an ever increasing number of state police cars with too many miles on it, I'm going to vote 'no' for enhanced penalties, but I stand with you or anyone else to vote 'yes' to put more state police and better state police cars on our highways and our roadways. I think it's unconscionable that there may be in excess of forty counties, in this state, who don't even have a state police patrol officer after the hour of 4:00 o'clock in the afternoon. Let's address the real problem. Prevention. Let's put more police on our roads, and I daresay you'll see speeding fall geometrically with the number of troopers we put on the road. I don't have any problem with what the Gentleman's doing, but I think at some time you make a stand on what your resources should be given to, not more

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jury trials, more state police. I will vote 'no'."

Speaker Hartke: "Further discussion? The Lady from Cook, Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of this legislation. I think, as elected officials, it behooves us to provide safety for our citizens, and cars going at this speed are more a deadly weapon than they are a vehicle, and I urge your strong support."

Speaker Hartke: "Further discussion? the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, as I understand your Bill, if a person is driving forty miles per hour over the speed limit, they will now be charged with the offense of reckless driving. Is that correct?"

Lyons, J.: "Yes, Sir."

Turner, J.: "I'm sorry, I couldn't hear you."

Lyons, J.: "Yes, that's correct, Representative."

Turner, J.: "And what's the penalty for reckless driving?"

Lyons, J.: "The reckless driving laws carry a penalty of a Class A Misdemeanor, which are up to one year in jail or prison term, up to two years of probation, instead of prison, and up to a fine of twenty-five hundred dollars."

Turner, J.: "A fine of up to twenty-five hundred dollars?"

Lyons, J.: "That's correct, Representative."

Turner, J.: "And what are the ramifications on a person's driving privileges? For example, is there an automatic suspension? Is there a revocation, or do those apply at all?"

Lyons, J.: "No, those are not addressed in this Bill, Representative, except that the point system that the

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Secretary of State has in place would still apply to the three movers in one year, but this does not affect it, only in so much as it becomes a ... the penalties on the reckless driving Bill applies to this forty over situation."

Turner, J.: "I can't recall what the Vehicle Code says, but it strikes me that a conviction for reckless driving does require a suspension. Are you telling me that is not correct? Reckless driving does not necessarily result in an automatic suspension as handed down by the Secretary of State?"

Lyons, J.: "That is my understanding, Representative, yes."

Turner, J.: "I believe your Bill uses the term 'prima facie', what do you mean by that?"

Lyons, J.: "At face, at first face at looking at which, not being an attorney, I think it just is language that was added when we put this here together to support that it, not by itself, at first... it appears at first vision that this is a reckless driving case. You, being an attorney, may have a better understanding of that than I do."

Turner, J.: "I'm wondering if you're using it like a rebuttable presumption. Would it mean the same thing? Prima facie, would it mean the same thing as rebuttable presumption?"

Lyons, J.: "Excuse me, Representative, I didn't hear the question, I'm sorry."

Turner, J.: "I'm wondering if you're using the term 'prima facie' in the same concept as the term 'rebuttable presumption'?"

Lyons, J.: "Okay. Their evidence could be produced at trial to show that it's not reckless, so the starting point is at face... at the site where the ticket was issued under the circumstance, it appears that it is reckless driving, that it is reckless."

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Turner, J.: "How about the defense of necessity? Would that be something that an accused, for this particular offense, might utilize?"

Lyons, J.: "I think that's something that could be used if there was extenuating circumstances as was mentioned on a medical emergency or something like that. Wouldn't that be an exemption to something that appears to be forty over and reckless driving, if it was an emergency situation? I am not aware of too many situations that would allow for that, but I certainly conceive it would be in a medical situation, possibly."

Turner, J.: "If an accused were able to rebut the presumption, as to the reckless driving, or even assert the defense of necessity, would that defense then go to the underlying charge of speeding, as well?"

Lyons, J.: "Representative, I don't think I'm doing anything here to change the underlying charge."

Turner, J.: "Well, I'm just saying if an accused asserts necessity as a defense, they were rushing to the hospital, whatever the case may have been, is that then also a defense to the, I would think a ticket issued in addition to reckless driving or speeding? Is it a defense for that, as well?"

Lyons, J.: "I would think so, yes. Nothing in here..."

Turner, J.: "I'm sorry, go ahead."

Lyons, J.: "Nothing in here makes any difference of what could be used as a defense. You could use whatever arguments you'd want to a trial to defend the situation, and that would... a medical emergency or some circumstances I haven't envisioned here could certainly be used."

Turner, J.: "Well, yeah, but I thought when you used the term 'prima facie', that means that there is... as I understood

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what you said, a presumption if the person is guilty of reckless driving, if they're driving forty miles per hour over the speed limit, therefore, if they do nothing, for example, just remain silent and exercise the right to be... to the presumption of innocence. If they do nothing, the jury would be instructed that they're presumed to be guilty, so they would have to raise some type of defense, and that's why I was asking the question about necessity. Am I stating that incorrectly?"

Lyons, J.: "No, you're correct, Representative."

Turner, J.: "So, in essence, you're switching the burden to the accused or the defendant."

Lyons, J.: "Yes, Sir."

Speaker Hartke: "Further discussion? Mr. Turner, are you finished?"

Turner: "Yes."

Speaker Hartke: "Further discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Durkin: "Representative, you have stated in your Bill that driving in excess of 40 miles per hour is prima facie evidence. How could I rebut that allegation? I mean, would it... is it an irrebuttable presumption if..."

Lyons, J.: "Representative, I can't hear you. Jim..."

Durkin: "How could I rebut that charge if it's... if we're making it a prima facie evidence of guilt if you are traveling in excess of 40 miles an hour, how can I rebut that charge?"

Lyons, J.: "By presenting evidence that it's not reckless, if there was some circumstances that necessitated that, which I find 105 miles an hour in a 65 mile zone... those would be extenuating circumstances or going, in a residential, 30

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mile an hour zone, going at 70 miles an hour. If there could be circumstances that would address that as a defense, I guess it could be presented at trial."

Durkin: "Okay. Is there a lesser included offense to this charge, to reckless driving? Like, if it goes into court and it... your not able to establish recklessness, is there a lessor included offense in which the court can find the driver guilty?"

Lyons, J.: "Regular speeding, how about regular speeding ticket, it could be..."

Durkin: "Thank you very much."

Speaker Hartke: "Further discussion? The Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Just briefly to the Bill and with some of the questions that were asked."

Speaker Hartke: "To the Bill."

Scott: "I don't think we're doing anything that drastic here. I think all we're doing is saying that the element of the offence is that, if the person is driving 40 miles an hour or more over the speed limit, that that's prima facie evidence of reckless driving. Now, you're just giving the jury a little added instruction. You're giving them a little added help into what constitutes that offense, no different than you would in any other jury instruction that you're giving. I mean, right now, with speeding, we say, if you find that the defendant is going 1 mile an hour over the posted speed limit, you find them guilty of speeding. So, I don't see that we're doing anything outlandish here, and it really comes down to a public policy question of whether or not we think 40 miles an hour over the speed limit is reckless driving, and I think most of us are going to say that it is. But, in terms of the questions about

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cases in shifting the burden, it doesn't shift any burden at all. The prosecution still has to prove that the person was doing 40 miles an hour over the limit to be able to use this particular portion of reckless driving law. So, I don't think we're going... breaking any marvelous new ground here, and I think we're just adding something that would be proof of that particular offense. So, I think it's, from that standpoint, I think it'll save all Constitutional arguments I think will be there, any defenses that are there, necessity or anything else, are always going to be there. They're still going to be there whether it's this charge, the underlying charge, or anything else. So, I don't... I think your Bill is fine. I don't think you're going to run into any problems at all, and I'd urge an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Lyons to close."

Lyons, J.: "Thank you, Speaker. Thank you, Ladies and Gentlemen. I had the support of, what I thought, were some pretty good proponents of this in the Illinois State Police, the Illinois Association of Chiefs of Police, the Illinois Sheriff's Association, the Alliance of American Insurers, and maybe most importantly, on common sense, forty miles over the limit, definitely appears, in my mind, to be wanton and willful excessive speeding. I think this is a good tool for the police officers of the State of Illinois and every one of our communities to have, and if there is any type of a justification to defend this in court, so let it happen, but, I would ask for your favorable support on this and would appreciate an 'aye' vote. Thank you."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 2633. All those in favor signify by voting 'aye';

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those opposed by voting 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2633, there are 103 Members voting 'yes', 5 Members voting 'no', and 3 Members voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. On page 17 of the Calendar appears House Bill 2650, Representative Persico. Out of the record. House Bill 2656, Representative Burke. Dan Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2656, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Burke."

Burke: Thank you, Speaker. House Bill 2656 would amend the Metropolitan Water Reclamation District Act, and it's the design build action that would include and provide that contracts let to the Water Reclamation District would provide for the design and the construction of the matter that they're trying to create. The district is particularly interested in this form of contracting, because they envision utilizing for projects where timely completion of work is needed, waste water plant rehabilitation, et cetera, to ensure continuity of operation in compliance with permanent requirements. The district also anticipates considerable savings in contract litigation costs and contract extras, and I'd be happy to answer any questions."

Speaker Hartke: "The discussion on the Bill. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

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yield?"

Speaker Hartke: "Indicates he will."

Black: "Representative, as you know, I, in the vernacular of the chamber, I hold you in the highest regard and have the utmost respect for your abilities, but I think the Bill is a little suspect. So, I would like to ask you a question or two."

Burke: "Indeed."

Black: "It appears to me that this Bill would allow the Metropolitan Water and Sanitary District to circumvent competitive bidding. Would it not?"

Burke: "No, Sir. The bidding would occur for both the design and the construction."

Black: "As separate projects?"

Burke: "So we're just... as one project. Currently, they are separate projects. So, the district is insisting that the project would be completed 17% faster. There would be reduced litigation costs, and the cost overruns, could be reduced from 5 to 10%, and this is the fastest growing fashion in which these projects are undertaken. Across the country, there has been legislation that would provide for both the design and the construction to occur in one project. Currently, they're separate activities and, as a result, there are many, many cost increases because of the two separate entities and when they combine, there is sometimes conflict. So, the district is asking that it be handled in a more expeditious and efficient fashion and, certainly, there would be the interest, if there were some sweetheart deal going on. That is not the case. Their interest is in cost, efficiency, and time savings."

Black: "Well, that's what I'm having trouble focusing on. You mean the design firm would be responsible for also getting

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the contractor, and they make a joint bid, or the design firm bids the entire project and then later goes out and finds a contractor?"

Burke: "From what I understand, the entity that would bid on the project would provide both the design and the construction. So, it would be a firm that could accommodate both needs."

Black: "How many such firms have that expertise in the Chicago area? Are there a number of them?"

Burke: "I wouldn't know. That was not discussed."

Black: "Well, I think that's a... that's one of the concerns that staff has raised. If there are, in fact, two or three dozen firms that have the expertise and the resources to both to submit a design and construction bid, it seems to make some sense, but, if, in fact, an architectural firm or an engineering firm submits a bid in conjunction with a contractor and submits a single bid, it would seem only reasonable that there would be change orders in the construction that may not be foreseen, and I don't see what the savings would be."

Burke: "Well, I think you've described what the current state of affairs are, with regard to separate entities offering separate bids on design and construction. That's where the conflict comes in. That's why the district has to maintain a staff of four attorneys, just to review and handle these matters that are litigated when there is conflict between the design company and the construction company. There is, very often, serious conflict there. They hope to avoid that by being permitted to contract with a firm that could provide both the design and the construction, and that's what... just for the Body's information, across this country, there are 27 states that have permitted this type of legislation. Twenty-seven states now enable..."

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Black: "That's... that's more than half."

Burke: "I should say, and that doesn't include Puerto Rico."

Black: "Well... I guess the only thing I'm having trouble focusing on is, from what you're saying, and there would be one firm responsible for the project, literally from inception to completion, if that's the alphabet engineering firm then, they are responsible, but, I would assume that they would still have to go out and hire a number of subcontractors to do the actual work on the project wouldn't they?"

Burke: "Well, that would be the case in any contractor. And so, I wouldn't..."

Black: "Sure."

Burke: "...expect that they would necessarily keep the staff..."

Black: "Right, and they would... so, I mean... I guess I'm trying to figure out how the design and build concept would eliminate change orders and additional expense when you would probably have a half a dozen or more subcontractors, who could then go to the umbrella firm and say 'Well, you didn't consult with me. You can't use it. I can't use stainless steel on this job. I have to use copper.' And so, my costs are far above what you've indicated that I should be doing this subcontracting work for."

Burke: "Again, Representative, I believe you are sighting the current state of affairs. This is the problem that the district and many other governmental entities would have to deal with. There are, in probably 99.% of the cases, a conflict between the design and the construction, and that's where litigation would occur, and that's where the additional costs would be suffered."

Black: "And I guess I'm not seeing something, Dan, because it would seem to me, that if one firm was responsible for

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everything from the engineering drawings to the most minute detail of the actual construction, that, that one firm is, in fact, setting out that blueprint. Then they go out and find a subcontractor, who may have done this a hundred times and says, 'Well, you've made a terrible flaw in your projections. You can't do it that way.' Whereas, if you get the contractor, the designer, to submit joint bids, generally speaking, the contractor has pretty sound bids from his or her subcontractors. Whereas, it just appears to me, having grown up in the business, that by having one large umbrella firm say, 'Don't worry. We're going to take this from inception to completion in a turnkey, and we know what we're doing, that somewhere, along this process, unless everybody works for that design firm, my fear is that they're going to say, 'Uh, oh, we overlooked a lift station. We overlooked 220 versus 110.' I just don't see the advantage. I'm not focusing..."

Burke: "Well, in that scenario that you've just described, who, in your estimate, would then be responsible for the cost overruns? Would it be the individual, the group that contracted with that firm, or would it be the firm itself?"

Black: "Well, I think that's a very important part. Would the district then hold the design firm responsible, or would the design firm be able to come back in and say, 'Well, it's a little problem and I, you know, I... we've got to have another million dollars?'"

Burke: "The firm, the district would certainly hold that one firm, that was providing both design and construction, responsible."

Black: "Now that, that's an interesting concept. Now, do you have to change existing contractual law or, I don't know... how many firms are willing to sign to a contract like

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that?"

Burke: "Well they... they haven't provided me with that data. I really don't have a clue."

Black: "You know, because there can be some brilliant firms, and you get started on a project, and I think this has already happened in a water tunnel replacement up in Chicago... go ahead."

Burke: "Maybe, maybe, let... let me interrupt you, Representative. Maybe what we'll do, and I think that it's probably a very important point that we need to have addressed. Let me take this out of the record. We're going to get those answers for you."

Black: "Okay. I appreciate that. Thank you very much."

Burke: "Alright, Mr. Speaker, please take this Bill out of the record."

Speaker Hartke: "Mr. Clerk, take the Bill out of the record. On page 17 on the Calendar, appears House Bill 2710, Representative Mautino. Frank Mautino. Would you like to call the Bill? Mr. Mautino."

Mautino: "Thank you Ladies and Gentlemen of the House."

Speaker Hartke: "Mr. Clerk... Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2710, a Bill for an Act to amend the Department of Veterans Affairs Act. Third Reading of this House Bill."

Speaker Hartke: "Mr. Mautino."

Mautino: "Thank you, Ladies and Gentlemen of the House. House Bill 2710 addresses a need for additional beds at the La Salle County Veteran's Home. Since construction, we've had about a waiting list of 100 or more veterans to come in. Since the report has come out with the need for additional beds, we have put this forward, and it is our attempt to, if we can get this set into statute on the size of the

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facility, we are planning to seek federal funds, which would be reimbursable at a rate of 65 %. I'd appreciate your consideration and support for all the veterans, State of Illinois, and be happy to answer any questions."

Speaker Hartke: "The Gentleman has explained his legislation. Is there any discussion? Seeing that no one is seeking recognition, the Gentleman moves for the passage of House Bill 2710. All those in favor will vote 'aye'; all those opposed will vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2710, there are 113 Members voting 'yes', 1 person voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, for what reason do you rise?"

Mitchell: "Mr. Speaker, I accidentally hit the wrong button and I'd like to be recorded as an 'aye' vote on that and not a 'no' vote."

Speaker Hartke: "The record will so reflect."

Mitchell: "Thank you."

Speaker Hartke: "House Bill 2729, Representative Black. Representative Black, would you like to call your Bill?"

Black: "And the horses are in the starting gate..."

Speaker Hartke: "Mr. Clerk, read the Bill."

Black: "Yes, Mr. Speaker."

Clerk Bolin: "House Bill 2729, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. This Bill merely allows those horse racing tracks and horses to have slot machines on them instead of a jockey. It's for the kids."

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All the money goes to education."

Speaker Hartke: "Is there any discussion? The..."

Black: "Oh, I'm sorry, Mr. Speaker. I had the wrong Bill. I seem to have... I seem to have stirred up some concern over here. Representative Wojcik just stepped on my foot. Let me... let me... let me... oh, 2729, I'm sorry. This, I know of no opposition to this Bill. I had some quarter horse owners come to my office about a month ago and ask me to Sponsor this. Evidently, one of the tracks last year had a quarter horse race, and the handle seemed to catch their attention. So, the current racing law, as I understand it, says that a track can only have one race per day of nonthoroughbreds or nonstandardbreds. The Bill mentions what they are: quarter horses, Arabians, Appaloosas, and Paints. So, all we're doing is changing it to permissive language that says, if the track owner wants to, they may have more than one race a day with the horses that are nonthoroughbred or nonstandardbred. I think it's a reasonable attempt to get more people involved in the horse business, horse racing business. I know of no opposition to the Bill, but I'll be more than happy to evade any of the questions if I can."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the Gentleman has asked for the passage of House Bill 2729. All those in favor will vote 'aye'; those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2729, there were 114 Members voting 'yes', 0 voting 'no', and 1 person voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2734, Representative McAuliffe. Mr. Clerk, read the

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Bill."

Clerk Bolin: "House Bill 2734, a Bill for an Act to amend the Attorney General Act. Third Reading of this House Bill."

Speaker Hartke: M\$ "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2734 amends the Attorney Generals Act. It directs the Attorney General investigators to cooperate with the local police authorities. It also repeals language in the current law, which requires that the Attorney General investigators contact local law enforcement officials before exercising police powers."

Speaker Hartke: "The Gentleman has explained his legislation. Is there any discussion? Seeing that no one is seeking recognition, all those in favor of the Bill will vote 'aye'; those opposed 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2734 there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2791, Representative Crotty. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2791, a Bill for an Act relating to education funding. Third Reading of this House Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. House Bill 2791 has three components. The first component is having to do with the tax rate for the high school, bringing it back to \$1.10 from \$1.20. This would help the high school districts to access the formula. There would be less reliance on the hold harmless and involve them in that formula. The second component has to do with the low income poverty grants. It makes the formula linear in nature, more than taking large

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steps. Per many discussions that we've had in committee, there needs to be a lot of work done in this area to provide services to these kind of students. The third component is the hold harmless. It makes the hold harmless grant part of the continuing appropriation, much like the Bill that we already have supported. I would entertain any questions."

Speaker Hartke: "The Lady has asked for discussion. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Yes, she will."

Black: "Representative, are you putting the weighted figure back on for high school districts?"

Crotty: "Absolutely not. This has to do with the tax rate, no weighting."

Black: "Oh, okay. Alright. So, what are you doing to high school districts. I know they were not happy with 452. So, what are you changing from what we did last spring?"

Crotty: "All I'm changing is, there's four components that have to have everything to do with the formula, and what we've done now, is set up a formula changing their tax rate to \$1.20 in 452, which knocked a lot of our districts, into... the high school districts, into a hold harmless. I think what we really want to do, and intend to do, is set up a formula in which a lot of our districts can access those, and right now, they cannot."

Black: "Okay. Is there... I guess the question always goes begging on an issue like this. In order to... in order to craft something that the high school districts like, will there then be another district, somewhere in the state,

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that will say, 'Well, Representative, you voted... you voted for 2791 and that's fine, but you took \$100 thousand away from us, and you gave it to a high school district in Winnebago County.'

Crotty: "I'm not taking any dollars from anyone. What I'm doing is allowing those districts to access the formula, not making them in the hold harmless position..."

Black: "Alright. So, I mean, it's not, certainly, your intent to do what we so often do, dip our hands into the basket and, particularly in election years, give money to some of our districts and then two months from now, somebody finds out, holy mackerel, you took money away from my district."

Crotty: "Absolutely will never be my intention to ever do that."

Black: "Now, you have an immediate effective date on this Bill, do you not?"

Crotty: "Yes."

Black: "Will we then need a supplemental before this budget year is over?"

Crotty: "Part of it is immediately, part of it is July first."

Black: "Well, that violates the single effective date provision. The Supreme Court will never agree to that."

Crotty: "I'll take my chances."

Black: "Oh, well, I... perhaps you could enlighten me, because what I don't want to do, and in all due respect to you, Representative, and this is not your intent, I understand that, but it's indemning to our process, on occasion, that we build expectations to people back home that we then do not meet, and my fear is, that if your Bill would require a supplemental between now and adjournment, that may not happen, and we would have some angry school districts who said, 'Well, I thought we were going to get more money out of this, and we didn't get it.'"

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Crotty: "I have no opponents to this Bill, and even the fiscal note would show that, although with the new dollars, this next school year, this year would be 3.1. There is a savings because it also will take the state's portion of the hold harmless away. So..."

Black: "Okay."

Crotty: "This is a very good Bill."

Black: "Who brought this Bill to you? I... what is the genesis of the Bill?"

Crotty: "The genesis of the Bill is really myself, along with both my elementary and high school districts and then, all of a sudden, I had the Association of Administrators come on board to try to see what we can do to help the high school districts. What happened in 452 would have been much better if we could have phased that in, instead of making almost all of our high school districts at a hold harmless."

Black: "If, Representative, if the Bill, you know, the figures could change in the fiscal note depending on student enrollment and final EAV, and let's say that it changes dramatically and would require additional dollars. Have you earmarked or have you given any thought in the Bill to where you will get the additional dollars?"

Crotty: "I would hope that, if the state is sincere about putting education and our students as a priority, that the Governor would look at that surplus of dollars, if it's that small of a number."

Black: "Do you have any ideas on where you might... what taxes you might be looking at to put additional dollars into education?"

Crotty: "I'm looking at the surplus that we already have. That's what I'm looking at for this year."

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Black: "The surplus. Well, I went through..."

Crotty: "Natural growth."

Black: "I went through the Calendar a couple weeks ago, and I think the surplus has been spend two and a half times. But, whatever. I suppose that I could designate most of the profit off my quarter horse racing bill for education. We'll talk about that later on, but I... have you talked to the Taxpayer's Federation about this Bill at all? There's something about this Bill that indicates to me, in the third year or the fifth year out, that there might be a considerable bump in dollars required. I... it's just a thing that I have... , but I put... I can't find it in your Bill, and it may not happen, and I just was curious as to whether any group has come to you and said, 'The out years may cost a great deal more money than you are anticipating.'"

Crotty: "This form in... the formula, right now, the funding formula, is only good for three years. If you want, in my opinion as a taxpayer, in the three years, when these districts are at hold harmless, and perhaps our natural growth isn't as large as it is today, I can tell you that school districts will need to go back and ask their taxpayers to increase their property taxes in order to upkeep those community schools. To be in hold harmless is not, to me, being safe. In three years, if I had a school district that is in a hold harmless of \$2 million, I would be very concerned."

Black: "Okay, have you talked to the Farm Bureau about the Bill? Do they have any concerns about it?"

Crotty: "No, but I would imagine the Farm Bureau, their concerns should be the same as any other taxpayer."

Black: "Okay. I... in a rare moment of sincerity and honesty,

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Representative, this isn't a bad Bill."

Crotty: "Thank you."

Black: "I might want to be a cosponsor, I don't know. Well, I appreciate..."

Crotty: "You have to hurry."

Black: "... I appreciate you answering the questions. It appears you have addressed something that many districts around the state have expressed some concern. I think it remains to be seen whether or not we get a bump in expenditures, and if we do, we'll certainly look to you to handle that. Mr. Speaker, should this Bill get 40 votes more than necessary to pass, I will declare it a reckless Bill."

Crotty: "And Representative Black, I would love you to be a cosponsor, and I want to acknowledge that I have, I think, 26 cosponsors. So, I want to thank both sides of the aisle for really working on this issue."

Black: "Well..."

Crotty: "In a bipartisan way."

Black: "... just keep in mind, you don't want to get more than 40 votes required to pass this Bill because then it's prima facie evidence that it is a reckless Bill."

Crotty: "Okay, so then..."

Black: "And I'll take you to court."

Crotty: "I'll have to hurry up and make sure everybody changes."

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

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

Crotty: "Yes, I will."

Speaker Hartke: "Indicates she will."

Mulligan: "Representative, although I listened to what Representative Black was saying, I don't serve on any education committees, and I'm presuming that this came out

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through an education committee."

Crotty: "Yes, it did. Unanimously."

Mulligan: "Were there... were there any sheets given out how it would affect individual school districts and are you... is this to project past the three years that the General Assembly is already allocated for?"

Crotty: "There were no... there were no printouts and, a matter of fact, the State Board of Ed is very hesitant now to ever give us estimates because they appeared in the newspapers as actual figures. So..."

Mulligan: "I can understand that. Every printout I got was always different."

Crotty: "I know... It was always different. So, I can tell you that, in this Bill, that we add 16 districts, high school districts onto the formula and, I have no idea, but I, obviously, common sense would tell you in the year 2000, more and more would be able to access the formula and get off of hold harmless."

Mulligan: "But is this taking it past... are you trying to appropriate past the three years that the General Assembly already agreed upon?"

Crotty: "No, I'm going to allow this to go the three years. I'm hoping that, when we discussed 452, the night that we did vote on it, there were many discussions from many of the Members of the floor, knowing that we would have to continuously look at this and make some changes. So, right now, everything I'm going for is up in the three years."

Mulligan: "The problem that I have, although I certainly respect Representative Black's consideration here, is that any kind of school reform really impacts my high school districts the most, and for some reason, it seems that they get to be penalized the most, and so, without seeing how this would

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impact them financially, with some kind of printout, I really have a problem with just saying it's okay, and I would really like to have some idea, financially, of what it's going to look like for my school district without obligating to it."

Crotty: "I understand that, Representative Mulligan, but understand that, when we do change this part of the formula, it does help all of the high school districts, when you change your tax rate back to \$1.10. To what number, I'm going to stand, like the State Board of Ed. I would not give you a clear cut number, but when you change your tax rate back, just back to the \$1.10, it will..."

Mulligan: "I'm having a hard time hearing what you're saying."

Speaker Hartke: "Shhhhhhhhh. Thank you. Let's give the speakers your attention."

Crotty: "Thank you."

Mulligan: "So, if it changes the funding formula..."

Crotty: "The state rate... the tax rate..."

Mulligan: "Statewide, what does it do individually? It's not weighted any longer, then?"

Crotty: "The weighting has nothing to do with this Bill. This is the tax rate, and when you change your tax rate to \$1.10, it will make an impact on your high school districts for the better, on your high school districts. I just want to make mention because you had mentioned you're not on the Elementary and Secondary Committee that, we had testimony from a superintendent with the Illinois High School District's Association, who have just formed because of 452, and they are proponents of this Bill and this is also, in all fairness, even the elementary districts worked on this, knowing that the hold harmless for the high schools, in such an abrupt way without phasing it in, will make a

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major impact on our school districts and our high schoolers."

Mulligan: "I just wish that we had, had more information given to us before we find ourselves confronted with voting for it on the House floor because we've made so many changes that have not really helped my district, that it makes me very nervous to vote for something without seeing, at least, a sample printout of what it would do financially to a district such as mine."

Crotty: "This will not hurt your school districts, Rosemary. I would never stand here and do that."

Mulligan: "I know, it's just that still, I'm from the government, and I'm here to help you, thank you."

Crotty: "Alright."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this piece of legislation. House Bill 452, when we passed it in the fall, it had a fallout and dealing with some of the high schools throughout the state, what it did is sort of limited some access to some funds for these high schools. One in my high school district 97 is sort of in that situation. I would like to commend the Representative for addressing that issue. I think that House Bill 452 is going to have some more fall out. There is going to be some more residual effect later on, once we unravel and see exactly what that Bill will have an effect, a truly a gross effect, on the whole school district system and so, I would like to commend the Representative for working hard on this legislation and coming up with a remedy to rectify the situation. Thank you."

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Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Yes, thank you, Mr. Chairman. Would the Sponsor yield."

Speaker Hartke: "Indicates she will."

Lawfer: "I've been trying to listen to part of this... all of the school districts in my area are unit school districts. Would there be a benefit to them from this Bill?"

Crotty: "I can tell you that it helps all the school districts that are high school districts with the \$1.10. With your unit districts, there is that provision still in here for the hold harmless. So, any of the districts that can't get on to the formula this next school year, the hold harmless still is there. So, it's not going to hurt your district. I can tell you that. It'll still remain the same because of the hold harmless that we passed in the last Bill."

Lawfer: "Thank you very much."

Crotty: "You're welcome."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Crotty to close."

Crotty: "Thank you. I would like to, again, reiterate that this passed unanimously out of the Elementary and Secondary Committee, and I know that, at the beginning of this, I had 26 Sponsors. I've got to be over 30 now from just signing more sheets, and I thank you again, and in the words of Martha Stewart, 'This is a good thing,' and I ask a favorable vote."

Speaker Hartke: "The Lady has asked for the passage of House Bill 2791. All those in favor should vote 'aye'; all those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 114 Members voting 'yes', 0 voting 'no' and 1 person voting 'present'

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and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2802, Representative Stephens. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2802, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hartke: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. This Bill was amended. The Amendment became the Bill. It creates a grant program for first time transportation costs to assist school districts that are not now... not currently providing free pupil transportation. The grant program shall be administered by the State Board of Education and shall be funded from the appropriations made expressly for this purpose. It affects 43 school districts, throughout the state. Of the 902 school districts, 8 hundred and some of them already provide free transportation. The purpose of this Bill is to join 43 of those with the rest of them. Representative Ryder, you're out of order."

Speaker Hartke: "Further discussion? Or, the Gentleman has explained his Bill. Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, the same question would obviously be asked of anybody who has a Bill like this, even when you get into mass transit. In order to add districts to the transportation reimbursement, does it then draw down the dollars available to all the other districts? So, does everybody, as a result, get less money?"

Stephens: "The average student reimbursement around the state is

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about \$147. This... the cost of the additional 43 districts will be about \$1.5 million. That will take an additional appropriation to avoid drawing down, as you describe it."

Black: "Alright. You said... you didn't say 1.5 billion, did you?"

Stephens: "The word billion barely passes my lips without my having some sort of a cardiac arrest."

Black: "So, you meant... I mean, I really and truly thought you said billion. You meant million, obviously."

Stephens: "I will... have you checked your batteries recently?"

Black: "No, as a matter of fact."

Stephens: "Let me check them for you."

Black: "The State Board..."

Stephens: "I meant to say million, and this would be a separate appropriation. It would not affect those..."

Black: "The State Board doesn't have any problem with the Bill. None of the other districts..."

Stephens: "Now that it is amended, they are neutral on the Bill."

Black: "Okay. Alright. Just curious, the districts that you're working with have never transported students in the past?"

Stephens: "Not for free."

Black: "What, did they have a private transportation system or..."

Stephens: "Representative, there are about 43 of those districts, and I think they have a variety of ways of getting the students to the schools, currently."

Black: "Well, I know. When I went to school, I walked. It was 6 and a half miles each way, snow up to here. You know, I don't know why we have to get into this anyway if you want to really get personal about it. I walked every day. Six and a half miles one way and never missed a day of school

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in my life, and now we have school buses."

Stephens: "Well, Representative, it didn't do you much good."

Black: "Why?"

Speaker Hartke: "Let's keep our remarks to the Bill."

Black: "...well I'm glad you reprimanded him. Alright, as amended, it doesn't, as he said, it doesn't hurt anybody else's school district, and the State Board loves it, and God forbid that children would have to walk anywhere today, so vote 'aye'."

Speaker Hartke: "Further discussion? Seeing that no one else is seeking recognition, Representative Stephens to close."

Stephens: "I'd appreciate an 'aye' vote."

Speaker Hartke: "The Gentleman asks for the passage of House Bill 2802. All those in favor signify by voting 'aye'; those opposed voting 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2802 there are 115 Members voting 'yes', 0 voting 'no' or 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2822, Representative Capparelli. Out of the record. House Bill 2842, Representative Kubik. Out of the record. House Bill 2910, Representative Smith. Out of the record. House Bill 2940, Representative Reitz. Out of the record. House Bill 2986, Representative Saviano. Skip Saviano. Out of the record. House Bill 3027, Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3027, a Bill for an Act in relation to truth in taxation. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Yes, Sir. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3027 institutes a citizens

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awareness tax week, during which all taxing units will hold hearings before finalizing levies. This Bill has been passed in past... prior legislative Sessions. I would ask your favorable consideration and be glad to answer any questions which you may have."

Speaker Hartke: "Representative Brunsvold in the Chair."

Speaker Brunsvold: "Is there any discussion? The Gentleman from... the Lady from DuPage, Representative Biggert."

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

Speaker Brunsvold: "The Sponsor yields."

Biggert: "Thank you. Representative Biggins, does this mean that all hearings have to be held the first week of December?"

Biggins: "That's less restrictive and specific on hearing dates than the legislation we passed in the House last year. This gives more flexibility for the taxing bodies."

Biggert: "Well, does the... do the hearings have to be held the first week in December?"

Biggins: "Yes."

Biggert: "Okay. I've heard from a couple of municipalities that are concerned that their meeting dates might fall on the second and the fourth weeks of the month, which then means that they have to have a special meeting?"

Biggins: "Well, the Bill specifies they'd be held in the first week, not the second or the fourth weeks."

Biggert: "Okay, well is there any reason why it couldn't have been during the... like their first meeting of that month, or is it... is it a requirement that you want all the meetings held at the same time?"

Biggins: "We want them held concurrently so that individual organizations may compare the different actions by the varying taxing districts, which would make this a very

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taxpayer friendly Bill, because since they'll all be required at the same time to have their meetings, we could compare how much some districts may have decreased or increased their levies."

Biggert: "Okay. Also, is there an increase in the size of the notice to be published in the newspapers?"

Biggins: "I'm sorry, please repeat...."

Biggert: "Is there an increase in the size of the notice to be published in the newspaper?"

Biggins: "No, there's not. It's the same size notice that they had to publish in prior years."

Biggert: "Okay."

Biggins: "But they've never had to publish, because we've never passed the Bill yet."

Biggert: "They've never had to publish at all."

Biggins: "Not... we've never passed this through both chambers and had it signed by the Governor so, this is the same as in prior legislation that's been approved."

Biggert: "Well, currently, a lot of the bodies have to publish certain notices, and it's a certain size, but it seems like this is larger. So, it will increase... is there an increased cost in doing this, then. Do you have how much this will cost each taxing body?"

Biggins: "Well, I don't have a figure on what it would cost each taxing body, but this is the same size notice that they have to currently publish under the current truth in taxation laws."

Biggert: "But this will be an additional notice, is that right?"

Biggins: "Well, they already are required to do this."

Biggert: "Okay, thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from DuPage to close."

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Biggins: "Thank you very much, Mr. Speaker, and I urge an 'aye' vote on this matter."

Speaker Brunsvold: "The question is, 'Shall House Bill 3027 pass?' All in favor vote 'aye'; all opposed 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 question, there are 113 voting 'yes', 0 voting 'no', 0 voting 'present' and House Bill 3027, having received a Constitutional Majority, is hereby declared passed. On page 18 of the Calendar appears House Bill 2940. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2940, a Bill for an Act in relation to climate change creating the Protocol Act of 1998."

Speaker Brunsvold: "Mr. Reitz."

Reitz: "Thank you, Speaker. As said, this creates the Kyoto Protocol Act of 1998. It would prohibit the Illinois EPA from implementing or adopting any new rules or regulations designed to reduce greenhouse gasses, until at such a time the United States Senate passes the Kyoto Protocol Act. If that happens, if the Kyoto Protocol is ratified, then this Act would become null and void."

Speaker Brunsvold: "The Gentleman has asked for passage of House Bill 2940, and on that question, is there any discussion? The Gentleman from Vermilion County, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, is the Kyoto Protocol similar to the Montreal Protocol of four or five years ago, on the emissions gasses?"

Reitz: "I'm not familiar with the Montreal Protocol, but this started in Brazil."

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Black: "The Montreal Protocol called for a worldwide reduction in chlorofluorocarbons, and so, that's why your new cars no longer have the trademark Freon in the compressor. They have some artificial refrigerant gas, and of course, it costs ten times more than the old Freon gas used to cost, and so, I assume the Kyoto Protocol is similar on greenhouse emissions and reduction thereon, and so forth, and so forth. Is that your understanding of it?"

Reitz: "Yes, it is. It certainly is. It started out with the Rio, and this is exactly right. It keeps greenhouse gases... "

Black: "Yeah, and as I recall, that would mean that the United States would have to be a leader in the reduction of such gases, like coal fired plants, generating plants, but other countries kind of get an exemption."

Reitz: "That's, that's the main problem with the Kyoto Protocol. It totally exempts all undeveloped nations and puts... "

Black: "...yeah, absolutely, could not agree with you more. I know the Montreal Protocol, as a generalization, there were other factors, but that cost my district a plant that manufactured refrigerant gas. It had to shut down. We lost 85 jobs, and they're making the same product today, double the capacity, in Mexico, with no restrictions. I think that's ridiculous to lose 80 jobs under some protocol, and then a plant in Mexico can make the same product. I think that's re... asinine, and I, whatever you want to do on things like this, I'll stand with you a ton. I tend to vote 'aye'."

Reitz: "Appreciate it."

Speaker Brunsvold: "The Lady from Lake, Representative Andrea Moore."

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

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Speaker Brunsvold: "The Sponsor yields."

Moore, A.: "Representative, are you aware of any greenhouse gas controls that are being contemplated by the EPA, currently?"

Reitz: "No."

Moore, A.: "And has this protocol been adopted by the United States Congress?"

Reitz: "No."

Moore, A.: "What is your purpose in introducing this legislation?"

Reitz: "To prohibit the EPA from adopting any rules related to the Kyoto Protocol until at such... such time the United States Senate adopts it."

Moore, A.: "Why would you... why would you prohibit one of our state agencies from adopting regulations that they do not intend to adopt, that they have no proposal to adopt, have no interest in adopting, and aren't directed to adopt from the United States Congress, when, in fact, the United States Congress has not even adopted the protocol that you are discussing? What could possibly be the purpose of this legislation?"

Reitz: "To prohibit them from adopting any until, at such time, the United States Senate does it. It... we don't know that they don't intend to."

Moore, A.: "Do you have any other ideas about prohibiting our agencies from adopting regulations that they don't intend to adopt?"

Reitz: "Not in this Bill."

Moore, A.: "Not in this Bill, but you might have other ideas?"

Reitz: "Oh, I've got a few, yes, but..."

Moore, A.: "This kind of legislation is intended to be completely preemptive. It gives absolutely no credence to the

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Illinois Department of EPA, who would look carefully at all of the issues surrounding this kind of protocol, should it be adopted. Could you please tell me the people that are opposed to this legislation, Representative?"

Reitz: "As far as I know, the Environmental Council, the Sierra Club, a few agencies like that."

Moore, A.: "Environmental... the Environmental Law and Policy."

Reitz: "Yes."

Moore, A.: "The American Lung Association."

Reitz: "The Chicago Chapter, I believe, yes."

Moore, A.: "Representative, this, I stand opposed to this legislation, because first of all, it's absolutely unnecessary. If we wasted our time, directing our agencies not to do things that they are not considering doing, we would be further bogged down than we are in this chamber, currently. Illinois has one of the worst air quality records in the United States, and should we need to adopt something, we would look at it, with all issues considered, and some of those would be economic, but, at this point, this is preemptive, and should not be adopted, and I stand opposed."

Speaker Brunsvold: "The Gentleman from Logan, Representative Turner."

Turner, J.: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Turner, J.: "Representative, the last Representative asked you who the opponents were, and I think you listed them for us. What is the nature of their opposition?"

Reitz: "I assume they would... they would like for the EPA to, I would assume they would like for the EPA to adopt rules and regulations related to greenhouse gasses but without the direction of the U.S. EPA."

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Turner, J.: "And why are you opposed to the EPA adopting that protocol?"

Reitz: "I'm opposed mainly on the basis that the Kyoto Protocol was not a fair Bill for the United States. It was not a fair Bill for the world. In my estimation, it exempted undeveloped countries, including Mexico, China, and Brazil, and it creates an unlevel playing field. It simply becomes a jobs Bill. I mean, we're not, we're going to export jobs based on energy prices, along with lower wages to, Mexico is our biggest competitor, and that's where most of them would go. So, it becomes a jobs Bill and without any net gain to the environment. You know, without the same commitments from undeveloped countries, we're not going to help the environment one lick."

Turner, J.: "Thank you, Representative. It sounds like your Bill is well thought out. I intend to support it."

Reitz: "Thank you."

Speaker Brunsvold: "Now, the Lady from Peoria, Representative Slone."

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

Speaker Brunsvold: "The Sponsor yields."

Slone: "Mr. Reitz, it's Reitz. I beg your pardon. I'm sorry. Wrong. Do you have any idea how much of the current amount of coal power that's used in Illinois power plants is wasted?"

Reitz: "Excuse me?"

Slone: "Do you have any idea how much of the coal that we currently burn in Illinois for our electric power plants is wasted?"

Reitz: "Not nearly enough."

Slone: "Not nearly enough. Okay. If I may give you some information from a recent Washington Post article that was

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written by the Chairman or President or CEO of an electric power company in another part of the country. The average American power plant burns three units of fuel to produce only 1 unit of electricity, venting the other two thirds of heat as heat. In effect, two third of every coal mine is a wasted hole in the ground. It's as much wasted energy as Japan uses each year to fuel it's entire economy, and a huge amount of money wasted on fuel. Does your legislation, in any way, address the issue of the amount of power that the United States is currently, essentially wasting and venting as heat?"

Reitz: "No, it doesn't, but I would love to work on something like that."

Slone: "Don't you think that we have any responsibility as the country that wastes, far and away, more fuel than any other country in the world, to set an example for some of these other countries?"

Reitz: "No, I don't see why the United States should fall on the sword for the rest of the countries. I think we should have equal commitments, or at least some commitments from undeveloped countries, and it simply becomes a jobs issue. I mean, we're going to export jobs, and I like for the people in Illinois to have a job."

Slone: "I like for Illinois people to have a job too, but I'd also like people in Illinois to be able to breathe the air. Thank you, very much."

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."

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

Speaker Brunsvold: "The Gentleman yields."

Biggert: "I think that you're speaking about the Kyoto agreement as something that will hurt us. When I think what you have

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said, is it not true that Senate has not agreed to sign off on that, for the very reason that underdeveloped countries have not committed the same... to the same agreement that the United States has?"

Reitz: "Right, the Senate has not agreed to it."

Biggert: "Alright. To the Bill, Mr. Speaker. I believe that the Senate has said that they will not sign that Resolution until other underdeveloped countries agree to the same terms as the United States. So, I think that this is preemptive, that there is no reason for Illinois to set forth the protocol, which the United States will not agree to unless underdeveloped countries, so there's no reason for this at this time."

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

Erwin: "Thank you, Speaker. I rise in opposition to House Bill 2940. I certainly concur with Representative Biggert that it is, it is something that we do not need to do at this point, even if one were supportive of the concept. Secondly, it just is very troublesome to me that we would be going out of our way, essentially, to make a public policy statement that we do not, we do not want to improve air quality and the, the, not only air quality, but in terms of the global warming issues, which are certainly related to emissions. You know, as we look at the current effects of El Nino on our climate, I hope we don't forget that, as one of the largest agricultural export states in the nation, that air quality, environmental air issues, as well as climate changes can have significant impacts on the agricultural industry in this state, which obviously, also employs many people, as well as the issue of containment areas for manufacturers. When air quality is reduced, what happens is that, because of that concern, frequently

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manufacturing can be constricted, and so, I am sympathetic to the jobs issue, but let's understand that there are more jobs in the state of Illinois unrelated to the coal industry, than are related to the coal industry. So, I would urge a 'no' vote."

Reitz: "I guess I should clarify that this is strictly not a coal Bill. This is all industrial unions are going to be affected by this. All industrial workers are going to be affected by this. You know, its, we're going to raise prices on any energy intensive industry, and in return, we're going to lose those jobs in the State of Illinois."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this legislation. It seems to me that the outline of the Kyoto agreement, which left a lot of the specifics to yet be determined, is one that an industrialized country, like ours, the United States, which contributes so heavily to the pollutants in our atmosphere, the emissions that are creating health hazards, that are endangering the future of this planet, that we have a special responsibility to engage in international agreement to reduce those emissions. There is nothing mandated in this legislation about how we would do it in the treaty. Whether or not we would do it by, for example, more mass transportation, which would, in fact, create more jobs and reduce pollutants from auto emissions. There's nothing in there that talks about exactly what kind of technologies would have to be used or what kind of job loss would result. I think that there's an argument to be made that in fighting for emissions reductions, that there are also jobs to be had and that there is progress to be

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made, and therefore, I think that it is, quite frankly, irresponsible of this General Assembly, at this point, to be saying to the United States Senate, which will be considering this proposal, that it is not in our interest, because I think it is in our interest to be promoting this kind of responsible environmental reform. We should leave it up to the Senators, who represent our state and other industrialized states, to work it out in a way that is not harmful to our workers and yet is going to help the over five thousand premature deaths each year in Illinois that are linked to air pollution. So, I think that this is just a preemptive strike at our ability, at Illinois' ability to address the largest environmental problem that's facing this planet right now, and that really, this is a Bill that is going, in the short term, to just be supporting some of Illinois' biggest air polluters, and I don't think that we have any interest in setting public policy that is aimed at just helping those interests. We have the public interest to be concerned about, and I respectfully urge a 'no' vote on House Bill 2940."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, T.: "Yes, will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Johnson, T.: "Representative, you know, as I understand it, and I haven't read your actual Bill, I'm just reading the analysis, what we're doing here is telling our agency, EPA, that they are not to promote or promulgate any rules or regs in furtherance of the Kyoto accords. Is that correct?"

Reitz: "Right."

Johnson, T.: "Is there anything in your Bill that specifies specifically which rules and regs cannot be promulgated?"

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In other words, how do we tie a proposed rule or reg that EPA might want to promulgate and say that belongs to the Kyoto accords, versus, they're doing it under a separate guise? Is there anything that differentiates that, or will all rules and regs that EPA tries to promulgate be arguably tied to the Kyoto accords under your legislation?"

Reitz: "No, not all will. The Illinois EPA has looked at this Bill, and we had two sentences on House Amendment #1 that clar... made some clarifications to keep that from happening, allow them to do their job, related to other gasses that weren't... this is simply related to greenhouse gasses, so this will..."

Johnson, T.: "So, you're saying that now, what your Bill does, is it prohibits EPA from promulgating any new rules dealing with greenhouse gases? Is that what your Bill is now doing?"

Reitz: "Yes."

Johnson, T.: "Okay, so, it's not strictly limited then to Kyoto accords?"

Reitz: "Well, no, excuse me. It's not any rules or regulations of their own accord. If they're directed by the U.S. EPA to do something, then this Bill allows them to do that."

Johnson, T.: "Okay, but, what you're telling me is your Bill is really just aimed at greenhouse gases, now."

Reitz: "Yes."

Johnson, T.: "And that's all?"

Reitz: "Right."

Johnson, T.: "And so they can't promulgate any rules relating to greenhouse gases?"

Reitz: "Correct."

Johnson, T.: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the

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Gentleman from Washington to close."

Reitz: "It's Randolph, but to close. You got the name, Joe, you're doing good on the name..."

Speaker Brunsvold: "The... thank you, Representative, my board is wrong, evidently."

Reitz: "Yes, tell them, first county in Illinois, so... but close."

Speaker Brunsvold: "Okay."

Reitz: "Well, I guess I, first, I appreciate Representative Schakowsky's remarks, and I would think that, under those remarks, maybe she should support the Bill. This does exactly what she said. We're waiting for the United States Senate to take action on this, and until that time, we're going to, we're going to preempt the Illinois EPA from doing it. The Illinois EPA is neutral on this Bill. This Bill is supported by the Illinois AFL-CIO, by many industrial unions, by the Illinois Farm Bureau, the Manufacturers' Association, the Chamber of Commerce, and every chemical and mining company that I can think of. It's strictly a jobs bill. I mean, we're just trying to level the playing field here, and until at such time we get this worked out, hopefully on the Kyoto Protocol, and make it fair for the United States. This will protect us until then, and I'd appreciate your support."

Speaker Brunsvold: "The question is, 'Shall House Bill 2940 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourselves. Mr. Clerk, take... Mr. Clerk, take the record. Mr. Reitz."

Reitz: "Postponed Consideration please?"

Speaker Brunsvold: "The Gentleman has requested Postponed

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Consideration. It shall so be ordered. On page 18 of the Calendar, appears House Bill 3055, Mr. Novak. Out of the record. House Bill 3135, Mr. Bugielski. Out of the record. House Bill 3180, Mr. Durkin. Out of the record. On page 18 of the Calendar, appears House Bill 3262, Mr. Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3262, a Bill for an Act relating to certification of school personnel. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Whiteside, Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you House Bill 3262 which will, in effect, set up the new Teacher's Standards Board for the State of Illinois. This proposal was brought to us one time before and passed the House unanimously. It was brought to us by my esteemed colleague from the other side of the aisle, Representative Phelps. He is a cosponsor of this Bill with me, and it's time for this concept to come to Illinois. There are at least 14 other states that have a separate certification board, and it's time for Illinois to do the same. The duties of this new Teacher Standards Board will be to set standards for teachers, teaching, supervising, and holding certificated positions in schools, administer the issuance renewal revocation and suspension of certificates, approve and evaluate teacher and administrator preparation programs, establish standards for induction, mentoring, and professional development programs, employ an executive director and staff to carry out these particular duties. Composition of this new board will be 12 public school teachers, 4 from Chicago, appointed by teacher organizations, 3 public school administrators, 1 from Chicago, appointed by administrator

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organizations, 1 regional superintendent, appointed by the regional superintendent organization, 2 parents of public school students, appointed by statewide parent organizations, 3 faculty or administrators from Illinois colleges or universities, appointed by the Governor, 2 representatives of the Illinois business community, appointed by the Governor, 1 each from each side of the aisle, so that we have political affiliation that is equal. The members will elect their own Chair. The term of office will be four years. Tenure will be granted after four successful years of teaching. The board can establish subcommittees as needed. The standard certificate will be renewable every five years, which now is compatible with House Bill 452. I'd be more than happy to answer any questions concerning this particular proposal."

Speaker Brunsvold: "The Gentleman has asked for the passage of House Bill 3262, and on that question, is there any discussion? The Gentleman from Cook, Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Durkin: "Representative, this is creating 23 members in this board. How long a term will each one of these members have?"

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

Durkin: "The question is... we're creating 23 members... we're going to appoint 23 members to this board. What will be the term of office for all these members? How long is the appointment, I should... that's probably the more appropriate question."

Mitchell: "Representative, the term of office will be four years for each of the members."

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Durkin: "Okay. Will these members be compensated in any way while they're serving on this board?"

Mitchell: "Representative, there's no compensation, other than those four possible travel meals during meetings, but there is no salary set for this particular board."

Durkin: "So, there really is absolutely no, there's no fiscal effect at all by creating this board with any type of funding, any type of appropriation from this Body, correct?"

Mitchell: "No, no significant, you're correct."

Durkin: "Great, thank you."

Speaker Brunsvold: "The Gentleman from Saline County, Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Bill and... the Gentleman's worked hard on getting an agreement with various interest groups involved, and we passed something similar to this last session, and now we're back to more of a compromising element in the Bill that he's worked hard for so, this is a good Bill. It's a good board that will work out a lot of the problems that we've faced in the past. So, be supportive."

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

Erwin: "Thank you. If the Sponsor would yield."

Speaker Brunsvold: "The Sponsor yields."

Erwin: "If... just for a couple of quick questions. There have been a number of teacher certification, teacher training groups that have been meeting over the last several years. I know that Representative Cowlshaw and Wirsing and I have attended some meetings at a group that this Board of Higher Education and the State Board of Education has been working on, that the President of SIU is the chairman of. Can you

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enlighten me as to whether or not this Bill is related to the work of that group, or have they been involved in the drafting of this or what... what's the relationship?"

Mitchell: "Thank you, Representative. I really don't know how much input has been given to various groups. I do know that this legislation has... the genesis has been several years in coming. Over the... over a period of years, there have been many statements made by many different groups that teacher certification, and those related subjects, are so important that we should have a specific board to deal with that and... we really feel that the time, or the time lapse that teachers have noticed, that regional superintendents have noticed, that other groups have noticed, should be shortened with a separate board that deals only with that specific topic. So, I know there's been a lot of input, but it wouldn't be fair of me to say that this group or that group had input or more or less. I do know that they have had ample time for input with this particular piece of legislation."

Erwin: "Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Younge: "Right. Would you talk with us about the mechanics, in other words, the present teachers, when would they be certified, new teachers, when would they be certified? Is there going to be some examination process, or what are the mechanics? What is the process?"

Mitchell: "Representative, that's a good question, and basically, I guess, a thumbnail sketch of that... a lot of that material was covered in House Bill 452, which we already

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know about. One of the concerns that we have with this Bill is that the standard certificate would be renewable every seven years, and we amended that Bill last night to bring it back to five years. Every five years, teachers will be recertified. The Board has a lot of work to do to set up those particular programs that will be acceptable for the renewal certificate. As teachers work to renew their certificates, there's going to be a lot of expectations on them as far as advanced course work, as far as workshops. Those workshops, advanced course work and those types of programs will all have to be acceptable and also guaranteed that they will answer the needs that the educational community has, to make sure that your certificate will be renewed. So, a lot of those things will have to be worked out with this new board, and some of those are spelled out in 452, but a lot of them still need to be prepared."

Speaker Brunsvold: "The Gentleman from Cook, Mr. McCarthy."

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

Speaker Brunsvold: "The Sponsor yields."

McCarthy: "Representative, I just had a question. I just got a copy of the Bill, and I wanted this for legislative intent, I guess, as well as just an answer to the question, but this says public school teachers, and yet, all of the teachers in our state are, you know, currently can be qualified as state certified, so, is it just an absent information in the analysis here, or do you intend for this board to certify all teachers?"

Mitchell: "Yeah. I think, probably, that is just simply in the grammar that's used. If, you in fact, want a certificate that allows you to teach in the public schools, then you will need to go through the certificated process. Most

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private school teachers do hold a public certificate and are certificated by the State of Illinois, and they would still be allowed to do that. That process will not change, and I'm sure that's what your question was."

McCarthy: "So, whatever way it's written, the legislative intent of the Bill is that all teachers can still continue their certification."

Mitchell: "That's correct."

McCarthy: "Thank you."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "Yesterday, you put an Amendment on this Bill which said that the parents... of the two parents on the Board, one has to be Republican and one has to be a Democrat. Is that correct?"

Mitchell: "The Amendment that we put on yesterday, Representative, made it balanced, as far as party affiliation. The numbers are an equal number, and there will be an equal number of Democratic and an equal number of Republican Representatives on that Board."

Skinner: "So, it wasn't just parents? It was all categories."

Mitchell: "Could you repeat that?"

Skinner: "Does the partisanship... does the bipartisanship ex... exp... extend to the entire Board or just to the two parents?"

Mitchell: "The bipartisanship, actually, involves the parents and the Illinois Business Community appointees."

Skinner: "But not the teachers?"

Mitchell: "Not to the teachers. Correct."

Skinner: "So, you have seven Democratic teachers or 12 Democratic teachers..."

Mitchell: "Or 12 Republican teachers."

Skinner: "In your dream. What's going to happen to the way

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teachers who are found to have been sexually or physically abusing students under your Bill."

Mitchell: "Representative, this Bill does not address that. This only establishes the board."

Skinner: "Well, you're taking everything away from the State Board of Education. The State Board of Education now has a very confident woman who does this work. I... who is going to be doing the work that she does now?"

Mitchell: "The Board will be... and your question is covered by law, anyway. Those people that... that undergo that type of felony will lose their certificate, and that won't change."

Skinner: "Well, we're not just talking felonies, here. When someone is found to be a... to have been a, an abuser, either sexually or physically, of a student, by DCFS, there is the possibility, now, that, that teacher may lose his or her license. Will that continue to be the case or will it have to be conviction of a felony that would stimulate the revocation of a certificate?"

Mitchell: "Representative, I can assure you, that will continue to be the case."

Skinner: "What will continue to be the case?"

Mitchell: "Your question that you just asked. You gave me a scenario, I gave you the answer that says...."

Skinner: "The question will continue to exist."

Mitchell: "We're not changing the law. We're only establishing a board that carries on those duties, specifically."

Skinner: "So, we're not weakening it, but we're not strengthening it?"

Mitchell: "We certainly will be expediting the situation. We are not weakening it... weakening it, but, it could happen at a much faster rate."

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Skinner: "Why do non-teacher unions think this is such a great deal?"

Mitchell: "Why do... What?"

Skinner: "Like the United Auto Workers, for example. Why do they care whether this Bill passes or not?"

Mitchell: "Teachers unions think it's a good deal because they've worked in this arena for years and years trying to get certificate questions answered. Superintendents think it's a good idea..."

Skinner: "I asked why..."

Mitchell: "The Management Alliance think it's a good idea."

Skinner: "I asked why the United Auto Workers cared one way or another about this Bill."

Mitchell: "Well, they've signed on as a proponent because they... they, again, support those movements that answer questions and speed up the process. You'd have to go to them to ask specifically why. I don't have the answer to that."

Skinner: "Our analysis says that the two parents must be parents of students attending public schools, who are nominated by a statewide parent organization. How many statewide parent organizations are there, and if there is only one, what is it's name?"

Mitchell: "Well, there are a lot of statewide; Parent Teacher's Association, Parent Teacher Organizations, there's many different ones that have statewide affiliations."

Skinner: "Well, name two."

Mitchell: "I just did."

Skinner: "I know of no statewide Parent Teacher Organization. I know of district wide Parent Teacher Associations... organizations."

Mitchell: "Representative, those affiliations are all statewide."

Skinner: "Well, ours is affiliated with nothing. I guess, does

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that mean that no one from Crystal Lake, no parent from Crystal Lake could ever be eligible for this board?"

Mitchell: "No, Representative. That, specifically, will be left up to the Governor to make those appointments."

Skinner: "Well, you've named the PTA as one statewide organization. I'm searching for the name of a second one, or are we creating a... an automatic monopoly here for one organization, or does the Governor get to define what a statewide parent organization is? I'd accept that as an answer. Does a parent get to define what a statewide parent organization is?"

Mitchell: "If we're talking about just statewide parent organizations, there would be many, many. The Elks Club could be a statewide parent organization. The Lions Club could be a statewide parent organization. Those statewide organizations that have parents in them could, by this definition, then be called statewide parent organizations."

Skinner: "That's broad enough for me, Representative. Thank you very much."

Mitchell: "You're welcome."

Speaker Brunsvold: "The Gentleman from Whiteside to close."

Mitchell: "Thank you, Mr. Speaker. This is a concept we've been working on for several years, and it's been a long time coming. It's time. I think it's a good Bill. I'd appreciate your 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 3262 pass?' All those in favor vote 'aye'; all opposed 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. And on that question, there are 112 voting 'yes', 2 voting 'no', 1 voting 'present', and this Bill, House Bill 3262, having received a Constitutional

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Majority, is hereby declared passed. The Lady from Will,
Representative Kosel, for what reason do you rise?"

Kosel: "I rise to commemorate a very special occasion today."

Speaker Brunsvold: "Proceed."

Kosel: "Today is the birthday of Raymond Poe, our favorite chef
and to commemorate that 34th birthday, he has cake down
here in the front row, and I am treating him so nice to
talk about his 34th birthday for, so that he will be that
nice to me next week."

Speaker Brunsvold: "Representative Kosel, what age did you say he
was?"

Kosel: "Thirty-four."

Speaker Brunsvold: "Thirty-four."

Kosel: "Thirty-four."

Speaker Brunsvold: "He's magnificently well preserved, and I see
the cake is down front with Mr. Poe's name on it. That's
on the last half. What time will the chicken be
arriving... be... arrive, Mr. Poe? What time will the
chicken be arriving? In May. Okay."

Speaker Brunsvold: "Mr. Black."

Black: "Yes, inquiry of the Chair, Mr. Speaker."

Speaker Brunsvold: "State your inquiry."

Black: "I don't serve on any of the Appropriation Committees for
a number of reasons, none of which are good, but, has the
EPA, IEPA's budget been heard in the Appropriation
Committee, yet? Could anybody enlighten me on that?"

Speaker Brunsvold: "Does anyone on the floor know, budget
people?"

Black: "Well, let me just say this. I'm not sure of Mr. Poe's
age, but I think it's an outrage that the IEPA would not
give us a burning permit so that we could have candles on
his birthday cake."

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Speaker Brunsvold: "Thank you, Mr. Black. Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. Just to keep this balanced for both sides of the aisle, and I did this earlier in our Education Committee, but we do need to extend a warm birthday greeting, as well, to Evel Knievel, your very esteemed education staffer, over here, who's enjoying his big 3-0 birthday. So, happy birthday, Chris."

Speaker Brunsvold: "Congratulations, Chris. That's only four years younger than Mr. Poe. On page 18 of the Calendar, appears House Bill 3292. Mr. Wait, Mr. Ron Wait. Out of the record. On page 19 of the Calendar, appears House Bill 3339, Representative Erwin. Representative Erwin. Out of the record. House Bill 3341, Mr. Turner, Art Turner. Out of the record. House Bill 3383, Mr. Saviano. Good. Mr. Saviano. Out of the record. House Bill 3406, Mr. Kubik. Out of the record. House Bill 3410, Mr. Saviano. Out of the record. House Bill 3428, Representative Zickus. Out of the record. House Bill 3431, Representative Zickus. Out of the record. House Bill 3436, Klin... Representative Klingler. Rep... Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3436, a Bill for an Act to amend the Illinois Public Aid Code. Third reading of this House Bill."

Speaker Brunsvold: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. House Bill 3436 is an initiative of the Day Care Action Counsel of Illinois. The intent of this Bill is to encourage families in their transition from welfare to work. It allows, currently, in order for a family to receive subsidized child care assistance, their income must be no greater than 50% of the state medium income. This Bill provides a sliding scale in

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which you have to be below... at or below 50% of the state medium income when you're eligible for this. However, it allows a transition to 60% of the state medium income. We believe that this is important for, it gives an incentive for people to continue their work and education. It also provides for... that subsidized child care may be received by those who are involved in a... enrolled in an adult basic education program, an occupational or a vocational training program, or an undergraduate training program in the circumstances where they are within a year of finishing, their working at least 20 hours a week, during that time. I would urge your support on this Bill."

Speaker Brunsvold: "The Lady has asked for passage of House Bill 3436. Is there any discussion? The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Ladies and Gentleman of the House. I rise in strong support of Representative Klingler's Bill. As you all recall, we addressed the issue of child care last year and took the first steps. This Bill is the logical next steps to ensure that families in need will have child care available to them, and not only have available child care, but have child care of the highest quality. It's very important that we do everything we can in this state to ensure that working families have access to quality child care, and I urge all my colleagues to join Representative Klingler in supporting this very important Bill."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "If one had two children, how high would the income be for someone to eligible under this program?"

Klingler: "The estimate is for... at the 50% level to enter, for family of three, that would be \$21,806."

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Skinner: "That's 50%. I asked 60%."

Klingler: "Twenty... Sixty percent would go to \$26,230."

Skinner: "So, I'm earning \$26,000, and what am I going to pay for day care?"

Klingler: "The..."

Skinner: "I mean, that's more than my Legislative Assistant earns."

Klingler: "The co-payment for day care is based on a sliding scale, depending on the income level."

Skinner: "Well, I've asked a specific income level. If I earn \$26,000, and I have two children, how much am I going to pay a week if one of them is in day care?"

Klingler: "The average is about \$7 a week."

Skinner: "Seven dollars a week? A \$150 a year for day care? Is that for real? Can that be correct?"

Klingler: "Representative, the figure that I just gave was the basic level for a person being... for the co-payment. It goes up to 13% of the income."

Skinner: "So, if you earn \$26,000, your annual fee would be \$3,000 for day care?"

Klingler: "No, that is incorrect."

Skinner: "Well, what's the correct answer? I don't have the chart."

Klingler: "It would be closer to \$2,000."

Skinner: "Boy, that's quite a deal. I wish I could that deal for my nanny."

Klingler: "Well, Representative, I think your income is greater than 60% of the state medium income."

Skinner: "That's true. Since we do not have enough day care slots, now, to spend the money that is in the budget this year, why are you trying to expand eligibility to those people who will not be able to find day care slots?"

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Klingler: "We are trying to expand eligibility for day care because we believe it is a very important, as part of the legislation that we had of limiting the number of years that a person could be on welfare and encouraging families to... to go into the work force that the eligi... eligibility be expanded."

Skinner: "Are you providing vouchers for people, so they can get the baby sitter of their choice?"

Klingler: "The families are able to select their own child care provider."

Skinner: "Does this mean that they can select the neighbor to be a baby sitter?"

Klingler: "We're looking at licensed child care providers."

Skinner: "So, that means they have to go to a government approved day care home or day care center."

Klingler: "A licensed facility in order to receive this assistance."

Skinner: "Well, both of those are licensed. So, would both be eligible?"

Klingler: "That's correct. They can use the subsidy in either loca... situation."

Skinner: "Well, I'm hearing two things. Representative Ronen just advised you that they could use it for non... I think she said it could be used for non-licensed entities, is that correct?"

Klingler: "The person who's receiving the subsidy is able to use their subsidy for child care. At the facility of their location."

Skinner: "Ah. Well, Representative Ronen is saying they could give it to grandma, which is a significantly different answer from what you just gave me. Do you agree with that answer?"

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Klingler: "Representative, this initiative, again, is from the Day Care Action Counsel, and it is to encore... to encourage people to be able to use day care, so that they can leave welfare and go on to the work roles."

Skinner: "I understand the argument, Representative, but it is a... extremely important for this chamber, and for the legislative record to show, if you believe... I mean, if the program is to allow grandmother to be paid or someone who is not licensed by the state?"

Klingler: "The subsidies can be used for full or part-time care, as well as, before and after school care. Families can use licensed and licensed exempt child care centers and family homes, licensed group child care homes, and in-home and relative care."

Skinner: "And in-home relative care, which would not be licensed? Why should I have to have... If my sister decides to tend to my child, why should I have to have her licensed?"

Klingler: "This subsidy is available to those who meet the income levels, who are engaged in the activities that are set forth in the Bill, such as, working, which is often, the work when you are going from welfare to work is often at a minimum wage. We want to discourage people from not going into the work force because they would then lose benefits that they have on welfare and I... we believe that the sliding scale from 50 to 60% would cause them to want to continue working in the work force."

Skinner: "Representative, with all due respect, this sounds like a day care home and day care center subsidy Bill, rather than a parent subsidy Bill."

Klingler: "No, this... this Bill provides eligibility to the families for the subsidy for child care."

Skinner: "But, they can't go and get the person that they want if

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the person is not licensed, correct?"

Klingler: "They can choose the person of their choice."

Skinner: "If the person is not licensed?"

Klingler: "They're allowed to go to a licensed exempt facility."

Skinner: "Could that be my sister's home?"

Klingler: "A licensed exempt facility would be, such as a facility that, for example, would be in a church, which would... did not have to have that same license."

Skinner: "What about my sister's home?"

Klingler: "You're allowed to... The family is allowed to use the subsidy for relative care."

Skinner: "All right, but, I'm still getting back down to the license. Do I have to have DCFS's permission to be a baby sitter for my son?"

Klingler: "Certain license exempt child care facilities would be allowed under this provision."

Skinner: "How do you become licensing exempt? My sister wants to become a licensed exempt subsidized day care provider. How does she do that?"

Klingler: "DCFS has criteria for which child care facilities are license exempt, and I would emphasize that there is a difference between a non-licensed facility and a license exempt facility."

Skinner: "I'm sorry, I could not understand..."

Klingler: "There is a difference between a non-licensed and a licensed exempt facility."

Skinner: "All right. Does this mean if the neighbor does not have a license, the neighbor cannot tend to the child and receive the state subsidy?"

Klingler: "This issue depends upon the number of children that that person is caring for."

Skinner: "What if they're caring for two children?"

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Klingler: "Again, it has to go through the licensing regulations under the Department of DCFS."

Skinner: "Why... Why are we funneling all of this money through, I mean why are we forcing DCFS to license or exempt from licensing everyone who could possibly care for children?"

Klingler: "This issue has already been... is already established within DCFS. This is not started by this Bill. What this Bill does is give funds and subsidies to the parents who are currently on welfare. We're trying to encourage them to... or working families... trying to get them from the welfare level and get into work or to further..."

Skinner: "When my..."

Klingler: "If I may finish. To further their ability to have good paying professional jobs by engaging in educational activities."

Skinner: "Well, I think your Bill is too exclusive. I think it is not... it does not include most of the people that most parents would want to tend to their children. They want relatives to tend to their children. They want neighbors to tend to their children. They want friends to tend to their children. The last place anyone wants to send a kid is a day care center. Because that's where the kid is likely to pick up the most diseases, the most antisocial habits. I mean, to put it in order, the polls say, the December poll says, this is the order that people would rather... would like to have take care of their kids: number one, the child's own mother, number two, the child's own grandmother or other family member, number three, the child's own parents working split shifts, number four, a church run center, number five, a trusted neighbor or family friend, number six, a day care provider in the home, number seven, a nanny or an au pair., number eight, a

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commercial day care center, number nine, a government run day care center, and this is from the Chicago Tribune. What you're saying is, those at the bottom of the list are those who are going to be encouraged to care for more people. It seems to me, you've got your priorities upside down."

Klingler: "Representative, I think... I think all parents would love to have the opportunity to be with their children full-time. However, you have situations where parents have to be able to work. They need to be able to support their families, and there has to be a situation of day care."

Skinner: "Well, we are encouraging those people that families want least to provide their children care, under this Bill, and we are discouraging the people they want most to have care, and I just object to the inversion of priorities. Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "Proceed."

Mulligan: "This Bill speaks only to the rates. It has nothing to do with the quality or the standards that DCFS says. I personally think that if the Representative preceding wanted to do that, he certainly at any time could have introduced a Bill, appeared before the Child Care Committee and pursued that. This has nothing to do with that, it just has to do with the eligibility and the amount of money that is allocated for needy people to be able to receive some assistance. The assistance that they receive, and that the state pays for, should be at a qualified facility, not a non-qualified one, or the state should not have to pay for it. As a Member of that committee and as a cosponsor of this Bill, I would heartily recommend an 'aye'

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vote for this."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Scott."

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

Speaker Brunsvold: "Proceed."

Scott: "We've been trying over the last couple years, through a lot of different legislation, to make sure that people get back into the work force. We've said that, as a policy statement, we think that's very important, but the reality is that in the last couple of years, because of what we've done, we've forced some people who are already in the work force, who are already providing for their families, who are already productive members... tax paying members of Illinois. That's our goal. We've forced some of these people to go back out of the work force, because they simply couldn't afford good, competent child care because of some of, some of the rules that we had provided. These people... There are people that have called my office. I'm sure many other Representatives have run into the same thing. This Bill corrects two distinct problems that have existed here in the last year, based on what we've done. One is, we're forcing out some people. We've grandfathered people for one year. Well, that isn't necessarily going to work for everybody. There are people whose jobs haven't allowed them to make the kind of money, or advance to make the kind of money, that will allow them to both afford child care and continue working. This will fix that for some people, not... maybe not for as many as a lot of us would like to see, but it will fix it for some of those folks, and it will also allow people who are continuing their education, which we've also said, is one of our priorities, it will allow them to continue to pursue those educational goals without fear of losing that child care

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assistance. These are things that, for the child care institutions that are providing good quality care, contrary to some of the outrageous statements that were made by one of the previous speakers, this will allow them to continue to serve the people that we've said it is necessary that they continue to serve and will allow parents who have made that commitment and who are working very hard to try to provide a good quality child care, as well as, the rest of the needs for their family, it will allow them to continue to work. I think this Bill makes all the sense in the world. Maybe we'll be able to go even farther than this in the future, but I commend Representative Klingler for taking this step. I think it's very necessary to accomplish the goals that we've said we want to accomplish, which is get more people in the work force, and we don't do that by bringing in ten of people on one end of the scale and then allowing other people to drop out of the system because they can't afford to work and afford child care at the same time. I think it is a great Bill, and I'd encourage 'yes' votes."

Speaker Brunsvold: "The Lady from Cook, Representative Coulson."

Coulson: "Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Coulson: "I'd like to ask you a couple of questions I wondered.

Doesn't this Bill allow families an opportunity to more easily transition off child care assistance?"

Klingler: "I'm sorry, Representative."

Coulson: "What I asked is, doesn't this Bill allow all families an opportunity to more easily transition off of child care assistance?"

Klingler: "That's correct."

Coulson: "Okay, and doesn't this Bill allow women, who may need

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more education and training, to have some child care assistance?"

Klingler: "Yes, it does. That's correct, in fact, those who are involved in adult bas... basic education, including English as a second language or GED preparation, occupational or vocational programs would all be eligible."

Coulson: "Okay, thank you. To the Bill. I would encourage everyone to support this Bill because I think it is a way for us to move more people off of the welfare roles into jobs and encourage them to be able to be self-sufficient and have their children in any kind of day care that they would prefer. Thank you very much."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, Tom: "Yes, to the Bill. I rise in support of this measure because I think it's moving in the right direction, and I believe that one of the prior speakers was raising was this whole issue of where parents want to make the choice and where they feel most comfortable placing their children. Now, as I understand this Bill, this Bill at least pursues the issue of a voucher system where parents can take that voucher, make a choice as to where their child is to be taken care of. I will take another speaker's recommendation, and I do think this is going to be an area of continuing debate and so on, and I urge everybody in this chamber to pay attention to the fact that we need to enable parents to make their own rational choices as to what they think is in their children's best interest when it comes to care, and so, I do believe that in the future here, as we learn more about these issues, that there should be mechanisms in place where parents can, in fact, leave their children with the grandparents or leave it with other individuals who they feel more

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comfortable with and that those tax dollars go, and then I think we will truly help people move from welfare to work and give the assistance necessary, but, I do think this is a good beginning. I applaud the efforts that have been put into this and will support this, but it is not the end of the story, I'm sure."

Speaker Brunsvold: "Representative Klingler to close."

Klingler: "Thank you very much, Mr. Speaker. This Bill is part of a nationally recognized welfare to work program, and it's extre... what's extremely important to emphasize is that this Bill allows the parents to choose where their children should receive day care in the situations where they need to work to get better jobs, and they need to go to school. It expands eligibility to 60% to provide the sliding scale, so that families who go just above that 51% level are not automatically cut off. It allows and encourages education, which I think was a very important part of our welfare to work program, and finally, because the co-payments are based on a sliding fee scale, as a parent's income increases, the states contribution to that family's child care decreases, as such this group of family is relatively inexpensive to assist. I urge your support for this very important Bill."

Speaker Brunsvold: "The question is, 'Shall House Bill 3436 pass?' All in favor vote 'aye'; all opposed 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. And on that question there are 112 voting 'yes', 3 voting 'no', 0 voting 'present', and this Bill, House Bill 3436, having received a Constitutional Majority, is hereby declared passed. Mr. Black."

Black: "Excuse me, excuse me, excuse me, can you let me out of

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here? Excuse me, excuse me, excuse me, can you let me out of here? Excuse me, excuse me, excuse me, can you let me out of here?"

Speaker Brunsvold: "Mr. Black, do you want to be to let out of here?"

Black: "Excuse me, excuse me, excuse me, can you let me out of here?"

Speaker Brunsvold: "Thank you, Mr. Black. House Bill 3494, Mr. McAuliffe. Mr. McAuliffe? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3494, a Bill for an Act to amend the Dance Studio Act. Third reading of this House Bill."

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

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 3494 amends Dance Studio Act. What we're doing is taking... there was a maximum limit of \$25 hundred that was imposed 33 years ago, and we're going to remove that cap so the dance studios in Illinois are more competitive... modern times with the other 35 states in the United States that are with this Act, and I'd be happy to answer any questions on this."

Speaker Brunsvold: "The Gentleman from Knox, Mr. Moffitt."

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

Speaker Brunsvold: "Sponsors yield."

Moffitt: "Representative, at the time you presented this, I believe there were no opponents. Is that still correct?"

McAuliffe: "Yes."

Moffitt: "That includes even AARP, they have not taken a position?"

McAuliffe: "No, they haven't."

Moffitt: "Okay, thank you. I appreciate the information."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

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Skinner: "You're repealing the law that this Legislature passed, after the Arthur Murray Scandal, the Arthur Murray Dance Studio Scandal?"

McAuliffe: "What happened was, 33 years ago, there was a limit of \$2500, and what we have in today's modern ages, people are wanting to learn how to dance, and people from Illinois want to learn how to dance at a competitive rate. The Olympics is going to open up ballroom dancing in the next summer Olympics. So, if someone from Illinois wants to learn how to be a professional dancer, either for River Dance or for olympic dancing, in Illinois, you would be prohibited unless you were an excellent learner and could learn in 25 lessons in a one year time period."

Skinner: "Why couldn't..."

McAuliffe: "At the time... I'm sorry..."

Skinner: "Why couldn't..."

McAuliffe: "...At the time of that index, that \$2500 limit, according to the consumer price index, that would be about 12... over \$12,000 now."

Skinner: "And what are you taking it up to?"

McAuliffe: "Excuse me?"

Skinner: "What's the upper limit that you're allowing?"

McAuliffe: "This would take the cap off, so there wouldn't be a limit. If somebody still wanted to learn how to dance as a leisure, they could still do that."

Skinner: "Well, Representative, I think that we are waiting for a front page story in the Sun Times five to ten years from now, if this Bill passes. We're going to have little old ladies or little old men, who are convinced to sign contracts that are so high that they'll end up losing their houses if they can't... if they don't come up with the cash. I think there should be some limit. I know my wife,

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to this day, talks about the dance book that she didn't get when Arthur Murray went under, and that wasn't 33 years ago. Why can't they have a second contract for \$2300, a renewal? I mean, I think this Bill is going to allow some of the most vulner... vulnerable people in our society to be preyed upon."

McAuliffe: "I don't believe that's going to be the case."

Skinner: "Well, I'm sure you don't, or you wouldn't have introduced the Bill. Thank you very much."

Speaker Brunsvold: "The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Yeah, let me... let me follow up on... Hello. What?"

Speaker Brunsvold: "Mr. Stephens, for what reason do you rise?"

Stephens: "Parliamentary inquiry."

Speaker Brunsvold: "State your inquiry."

Stephens: "What are the rules of short debate?"

Speaker Brunsvold: "That it's suppose to be short."

Stephens: "I'm only 5'8", what's the problem? Representative Black..."

Speaker Brunsvold: "Do you have a concern?"

Stephens: "...I don't object to your comments and your questions, but teaming up with Cal Skinner is eminently unfair."

Black: "You have no idea what Representative Skinner and I are up to."

Speaker Brunsvold: "Thank you, Mr. Stephens. Mr. Black."

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

Speaker Brunsvold: "He yields."

Black: "Thank you. Representative, there is one thing I don't understand about this Bill. If a person is old, I qualify. If a person is lonely, I am, and some suave, debonair dance

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hall sales person talks me into signing up for \$50,000 worth of dance lessons, which in my case would probably get me... maybe be able to square dance, I don't know, then you mean, I would have to pay the \$50,000?"

McAuliffe: "I think, routinely, if you were taking dance lessons for pleasure..."

Black: "I know it's a stretch."

McAuliffe: "... If you were taking dance lessons to just improve your dancing, you wouldn't even have to sign a big contract. You can do it by weekly, right now the classes..."

Black: "My wife tells me I dance very weakly, but what if they wanted me to sign a contract. Does your Bill mean that this can be a contract for my life's savings?"

McAuliffe: "No, I don't think so."

Black: "Well, as I understand the old law, and many, many years ago, Representative Skinner and I owned a dance studio together, and that's why we're concerned about this. Under the old law, we were limited... we could only contract with someone for \$2,500. That was the maximum contract that... that anybody would have to pay, and they would gladly pay that to get out of dancing with Representative Skinner, so we had a good deal, but as I understand your Bill, if we go back into the dance studio business, I could charge them \$30,000, and they'd have to pay that, if they signed a contract. Is that your interpretation?"

McAuliffe: "No, that's not my interpretation."

Black: "Oh. Well, whose interpretation might that be?"

McAuliffe: "I'm not sure on that."

Black: "Does this... Does this only affect the City of Chicago?"

McAuliffe: "No. Right now there's two studios in... or two studios that Arthur Murray has in the state. One is the

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district right next to me, and I believe the other one is Peoria, but I'm not sure."

Black: "And there's... You've not heard from anybody in opposition of the Bill?"

McAuliffe: "No, it's already passed the Senate, 46 to 3."

Black: "I'm sorry, it did what?"

McAuliffe: "It passed the Senate yesterday, 46 to 3."

Black: "Well, those are party animals over there. That's... Somehow the picture of President Philip and Cal Skinner is coming to mind, I... and with that it's time to sit down."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

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

Speaker Brunsvold: "The Sponsor yields."

Schakowsky: "I was just wondering if this legislation might have been prompted by your observation, as I have, that there are... there's certainly a great need, in this state, for particularly the men, to be better dancers. Is that what prompted this?"

McAuliffe: "Yes, that's correct. I mentioned in committee, if ten years ago someone said that women would be playing hockey, and it would be an olympic sport, and here in the United States we'd be a gold medal winner, nobody would believe that ten years ago. Just like in the future, ballroom dancing is going to be an olympic sport, and if someone from Illinois wants to participate, they have to go into another state in order to have the proper amount of lessons to be a competitive dancer."

Schakowsky: "Well, I certainly share your goal that we have a state of better dancers, but my question to you is, if the original cap, which arose from what was clearly a problem and an issue in this state, is too low, why is it that

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we're just simply taking the cap off all together? Why is it that we're not looking for another level or some other reasonable way to handle this?"

McAuliffe: "If somebody is an ice skater, there's not a cap of how much they could spend per year to take ice skating lessons. I don't know what the cost of that is to be an olympic skater, but I'm sure it's probably a pretty high cost. We're not putting a cap on it. We're leaving it up to the individual to spend as much as he wants."

Schakowsky: "Except, is this not a cap per contract, so that in fact, you could sign a serial number of contracts, one after another?"

McAuliffe: "Yes, I believe you can still cancel that contract at any time."

Schakowsky: "No, that's not my question. I'm saying that... I'm trying to understand why we need to change this. If you could sign a \$2300 contract and then sign another \$2300 contract, I think what this might prevent is a huge contract being asked for, for people, who in the past that have been abused, have been very vulnerable people who think that as a... Representative Black said some debonair slick salesmen would offer."

McAuliffe: "The contract that you could... that you would be able to sign would only go be for a year, it could only up to a year, so."

Schakowsky: "I'm sorry, I don't understand. What... Explain that to me again. Why... why does the current law put a limit if you have a \$2300 contract for six months or three months, you could sign another one, could you not?"

McAuliffe: "No, no, right now you can only spend \$2500 a year. That's it, even if you wanted to spend more."

Schakowsky: "I see. So, it would be possible, though, to change

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the Bill in a way that simply made it possible to re-up a contract. As... without taking the cap off entirely. In other words, you could take the one year limit off."

McAuliffe: "Wait, can you repeat that again?"

Schakowsky: "In other words, another way to construct this legislation would be to take the one year limit off, so that people could sign serial contracts of \$2300 as often as they might like."

McAuliffe: "What we want to do is take the restriction off for the one year, so an individual can spend as much as he wanted to, to learn."

Schakowsky: "I... My concern here is that, unlike figure skating or other olympic sports, that this is an endeavor that does appeal to people, who in the past, have been proven to be quite vulnerable, and who have in fact been cheated out of fairly large sums of money, and that's what prompted this legislation. I think by simply removing that all together, we might put those... that same population at risk. So, I would urge a 'no' vote."

Speaker Brunsvold: "The dance champion from Cook County, Mr. Lang."

Lang: "Thank you. Let me tell you something, Mr. Speaker. Nobody dances around like the Members of the Illinois House of Representatives. Okay. Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Lang: "Mr. McAuliffe, I'd be inclined to support your Bill, except that you have no maximum in it. Have you given any thought to just raising the ceiling, rather than going to no maximum?"

McAuliffe: "No, I didn't think you were in favor of caps. I think that if somebody wants to learn how to dance, and again, this is like for the competitive dancer, this isn't

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for the recreational dancer, that there shouldn't be a limit, that somebody should be the best they want to be and spend as much money as they want, if that's what they choose to do."

Lang: "What... but what keeps this person, if you raise the max or even not having this law at all, from having another contract and another contract and another contract. So, why do you need to raise... why do you need to say no maximum? Why can't we still allow people to do this and protect them by putting a lar... a greater maximum on it and by allowing additional contracts, if appropriate?"

McAuliffe: "Again, again, back to my original point. This way it leaves somebody open so they can lear... so they could take as many lessons as they want."

Lang: "Well... but, didn't this come into being originally because there were some little old ladies who kept paying more and more and more and more and more money for dance classes..."

McAuliffe: "No."

Lang: "... While these dance instructors were saying to them, 'boy, you're great, you're going to be a champ, keep coming, keep coming, keep coming,' and they keep paying them their money."

McAuliffe: "No, that's... I wasn't aware of that. They can still... even if they signed a contract, I believe they can still cancel it any time they want."

Lang: "Well, I thank the Sponsor for his answers. I think this is not the most monumental Bill we'll ever have on the floor of the House, but I think the approach in taking this limit and removing it completely is excessive. I think we should not do more in legislation than we need to do to get to the goal we want. If the goal is, as the Sponsor says,

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it seems to me that there should still be some sort of a limit. So, I'm not prepared to vote for this."

Speaker Brunsvold: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I believe when this legislation was enacted, to put a limit on the amount that one could contract, it was because of abuses that had occurred. Now, I'd like to ask the Sponsor what and how does he feel these abuses for the elderly will no longer occur?"

Speaker Brunsvold: "Sponsor yields."

McAuliffe: "Yes."

Speaker Brunsvold: "Representative Davis has asked a question. Did you hear it, Mr. McAuliffe?"

McAuliffe: "No, can you please repeat?"

Speaker Brunsvold: "Repeat your question, Mr... Madam..."

Davis, M.: "All right, Mr. McAuliffe, you're not paying attention, huh? Mr. McAuliffe, my question was, initially I would imagine, the genesis of the original legislation..."

McAuliffe: "Can I pull this out of the record? Sorry."

Speaker Brunsvold: "The Gentleman wishes the Bill taken out of the record. It shall be taken out of the record. On page 19 of the Calendar, appears House Bill 3383. Mr. Saviano. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3383, a Bill for an Act concerning regulated professions. Third reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3383 is simply a Vehicle Bill to accommodate the architects rewrite of their Practice Act. We're currently negotiating the issue, and I would ask that we pass this

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over to the Senate in vehicle form to accommodate the negotiations. Ultimately we will hear this Bill in its substantive form, somewhere down the line. So, I can assure you that... that all that will be in this Bill, down the line, is the rewrite for the architects, and I would ask for favorable consideration."

Speaker Brunsvold: "The Gentleman has asked for passage. Is there any discussion? Seeing none, the question is, 'Shall House Bill 3383 pass?' All in favor vote 'aye'; all opposed 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 that question there are 112 voting 'aye', 4 voting 'no' and 0 voting 'present'. House Bill 3383, having received a Constitutional Majority, is hereby declared passed. On page 20 of the Calendar, appears House Bill 3593, Mr. Morrow. Out of the record? Out of the record. House Bill 3652, Representative Biggert. Out of the record. House Bill 3790, Mr. Saviano. The Gentleman does not wish the Bill called at this time. Out of the record. Mr. Clerk, House Bill 3652, Representative Biggert. Read the Bill."

Clerk Rossi: "House Bill 3652, a Bill for an Act amending the Firearm Owners Identification Card Act. Third reading of this House Bill."

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 3652 provides that a defendant is eligible for the death penalty if the defendant is convicted of first degree murder, and the murdered individual was subject to an Order of Protection, and the murder was committed by a person against whom an Order of Protection was issued under the Illinois Domestic

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Violence Act of 1986. I'd be happy to answer any questions."

Speaker Brunsvold: "The Lady has asked for the passage of House Bill 3652. Is there any discussion? The Gentleman from Vermilion County, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, is this your last Bill?"

Biggert: "I hope not. I think there might be one more, hopefully."

Black: "All right. The Bill... The description on the board is no longer accurate, is it? There is nothing in this Bill anymore that has to do with the Firearm Identification Card, at all. Didn't your Amendment change the Bill?"

Biggert: "The amendment is the Bill and deletes the... any reference to FOID, mental hospital or policeman. It has nothing to do with the original underlying Bill."

Black: "Okay. So, in other words, the Bill, as amended, is simply determining eligibility for the death penalty in case of a murder arising from a violation of an order of protection."

Biggert: "Well, yes, it makes the defendant eligible for the death penalty if an order of protection has been issued against them."

Black: "So, that was a yes, right?"

Biggert: "Yes."

Black: "I thought maybe you were practicing Washington's speech, already. So, if a person violates an order of protection, does that person have to go into the house, or can this be anywhere, out on the street?"

Biggert: "If they commit first degree murder, and they... an

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Order of Protection has been issued, they would be eligible for the death penalty."

Black: "Sounds like a good idea to me. Thank you."

Biggert: "Thank you."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Scott."

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

Speaker Brunsvold: "Sponsor yields."

Scott: "I think... I've got a question for clarification. It doesn't read like this, but you obviously intended so that the person, the murderer, has an order of protection prohibiting that person from contact with the person who ends up getting murdered, but it doesn't really read like that. The two orders of prot... the order of protection here could be unrelated."

Biggert: "No."

Scott: "But it doesn't... it doesn't read like that. So, I'm just give you a hypothetical example. If there's an order of protection against a person who ends up getting murdered, and the murderer has an order of protection prohibiting him from being... from going near a different person, under the way the Bill's written, that would still apply. You know what... you understand what I'm asking? I didn't do it very well, so, I apologize for that."

Biggert: "No. It says that the murdered individual was subject to the order of protection."

Scott: "Was subject to an order of protection but not with respect to... the two people don't have to be linked, under the way the Bill's written, and I know that's what you intend. So, in other words, you could have... cause there are people out there that have several orders of protection. So, if I'm... if I'm a person who's accused of murder, and I'm subject to an order of protection, but it

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wasn't against you, and you were the person that I... that I murdered... I would still be eligible under the Bill, and I don't know that that's what you mean to have happened."

Biggert: "That was not the legislative intent. It was to be against the person."

Scott: "Is that something we ought to maybe address? Somebody enterprising somewhere will address it, if we don't."

Biggert: "Yeah. Just a minute. Mr. Speaker, take the Bill out of the record, please."

Speaker Brunsvold: "The Lady wishes the Bill taken out of the record. ...A number of Bills on Third Reading we need to go back to, back to page 16. Representative Tim Johnson on House Bill 2306. Does he wish that Bill called? On page 16 appears House Bill 2385, Mr. Capparelli. Out of the record. Representative Biggert, in regards to House Bill 3652, what are your wishes?"

Biggert: "Thank you, Mr. Speaker. After a conference with the legal eagle on the other side of the aisle, would you take this Bill back to Second for an amendment, please?"

Speaker Brunsvold: "Mr. Clerk, what's the status of this Bill?"

Clerk Bolin: "House Bill 3652 is on the order of House Bills Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading, please."

Biggert: "Thank you."

Speaker Brunsvold: "The Chair intends to go to some Second Readings. Would like to pass an agreed Bill list this afternoon, later on, and there's some Bills that need to be put into position on that agreed Bill list. So, we'd like to run through some Second Reading Bills to see if we can move them to Third, on that agreed Bill list. The Clerk has passed out a list... agreed Bill list, supplemental #1, agreed. The Members should take a look at that list,

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please, and we will move on them shortly, to move some of those Seconds to Third, and once again, if some of the Members don't recall, they're receiving a synopsis of the Bills, and after the vote, you can indicate if you intend to vote 'no' on any particular Bill. That can later be filed with the Clerk. The Gentleman from Cook, Representative Acevedo, for what reason do you rise?"

Acevedo: "Mr. Speaker, can I get a list of those agreed Bills, please?"

Speaker Brunsvold: "They're being distributed now. On that agreed Bill list, Ladies and Gentleman, House Bill 2436, Mr. Hassert has requested that Bill be removed from the list. That's House Bill 2436... be removed from the list. Are we... On page 16, Third Readings, House Bill 2445, Mr. Saviano. Read the... Mr. Saviano? Out of the record. House Bill, on page 17 of the Calendar, House Bill 2558, Mr. Winters. Read the Bill."

Clerk Bolin: "House Bill 2558, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Winters."

Winters: "Thank you, Mr. Speaker. House Bill 2558 creates the criminal offense of seduction of a minor, by means of harmful material, a Class A Misdemeanor. The offense applies to all Acts of communication with a minor by telephone or computer, with the intent to seduce the minor. Be happy to answer questions."

Speaker Brunsvold: "The Gentleman has asked for passage of House Bill 50... 2558, and on that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 2558 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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take the record. On that question, there are 112 voting 'yes', 0 voting 'no', 0 voting 'present', and House Bill 2558, having received a Constitutional Majority, is hereby declared passed. On page 18 of the Calendar, appears House Bill 2910, Mr. Smith. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2910, a Bill for an Act to amend the counties code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Mr. Smith."

Smith: "Thank you, Mr. Speaker. House Bill 2910 is a effort on behalf of Peoria County and the City of Peoria, to reenact an agreement of statutory language, anyway, to allow them to enter into an agreement to share sales taxes within gross sale areas in the greater Peoria area. This is reenacting legislation that was on the books for a number of years. Unfortunately, it sunsetted last year, and we're asking to reenact it to allow the City of Peoria and the County of Peoria to continue this cooperative venture in, in growth and development areas in the city. The amendment that we passed yesterday would restrict this just to counties with population between 180 and 200 thousand, which I believe covers only the Counties of Peoria and McHenry and know of no opposition to this and, I would ask for a favorable Roll Call."

Speaker Brunsvold: "The Gentleman has asked for passage. Is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Mr. Speaker, I have no questions of this Bill, but when we finish the business of this Bill, I would like an inquiry of the Chair."

Speaker Brunsvold: "Certainly. Any questions? Any discussion on House Bill 2910? Seeing none, the question is 'Shall House Bill 2910 pass?' All in favor vote 'aye'; all opposed vote

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'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 2910, having received a Constitutional Majority, is hereby declared passed. Mr. Black, inquiry of the Chair."

Black: "Thank you very much, Mr. Speaker. An inquiry on the... of the Chair on this agreed Bill list."

Speaker Brunsvold: "Yes, Sir?"

Black: "There... I have some major problems with the so-called agreed Bill list. Number 1, it has Vehicle Bills on it. I've not seen that in the 12 years I've been here, but in particular... in particular, I have a problem with a... for example, those of you who want to vote on the merits of the Bill, there's a Bill on here that we amended this morning. We took off an Amendment, and I added a Floor Amendment, and that is not in here. The Amendment that we tabled is in this packet, and the Amendment that we added is not in the packet. So, people are voting on Bills that are not accurate. I would suggest that you take a look at this, dump this in the shredder and start all over."

Speaker Brunsvold: "There are number of Bills on the Second Order that probably need addressing, Mr. Black. I don't totally disagree with you. If you don't want the Bills on the agreed list, then you should indicate so."

Black: "Well, my only fear is, Mr. Speaker, for example, let's just take a Bill that I thought we passed this morning. I may be wrong, House Bill 2299, sponsored by Representative Lawfer. If you look in this packet, there is an Amendment on the Bill that was tabled in committee and by Representative Lawfer's action on the floor this morning.

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I then added Floor Amendment #3 in committee, recommended by Rules, went to committee. It was passed by the committee and we added Floor Amendment #3 to House Bill 2299 this morning. That Amendment doesn't even appear in the packet. The Amendment that should not be on the Bill, appears in this packet. My only fear is, without a heck of a lot of work, people are going to go through this packet, read, then they go back to the bottom two pages and see how they vote, and they're going to be casting votes on Bills that are not accurate as to the latest printout on LIS, and perhaps you can enlighten me on Vehicle Bills being on an agreed Bill list. I... I'm just not familiar with that."

Speaker Brunsvold: "Your point is well taken, Mr. Black. Let me check, and we'll have staff on both sides of the aisle look into your questions."

Black: "That'd be great. I would appreciate that. So, we'll have more than ample time to make corrections?"

Speaker Brunsvold: "Absolutely."

Black: "Thank you very much."

Speaker Brunsvold: "...Mr. Clerk, what's the status of House Bill 2299? Mr. Black? Mr. Black, your reference to this Bill, I believe there's an Amendment that needs to be tabled. The Bill's on Third Reading. Mr. Clerk, place this Bill on Second Reading."

Black: "Yes. Thank you very much, Mr. Speaker. With leave of the Body, Representative Lawfer has given me permission to table, I believe it was Committee Amendment #2, or ask that it be tabled."

Speaker Brunsvold: "Correct, correct. There is leave have been granted to allow Mr. Black to table Amendment #2 on House Bill 2299. Mr. Black has made that Motion. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and

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Amendment #2, on House Bill 2299, has been tabled."

Black: "And then, Mr. Speaker, an inquiry. We adopted Floor Amendment #3 earlier this morning, so I assume Floor Amendment #3 is in order and is on the Bill?"

Speaker Brunsvold: "Is it... it is in order and on the Bill."

Black: "Thank you very much. You're a gentleman, Mr. Speaker, and we will give you a month's free lesson to the Skinner-Black School of Dance."

Speaker Brunsvold: "Thank you, Mr. Black. Mr. Clerk, Third Reading. On page 18 of the Calendar, appears House Bill 3055, Mr. Novak. Out of the record. On the same page, appears House Bill 3180, Mr. Durkin. Out of the record. House Bill 3292, Mr. Wait, Mr. Ron Wait. Out of the record. On page 19 of the Calendar, appears House Bill 3339, Representative Erwin. The Lady does not wish the Bill called. House Bill 3341, Mr. Art Turner. Out of the record. House Bill 3406, Mr. Kubik. Mr. Kubik. Out of the record. Page 19 appear... appears House Bill 24... 3428 and 3431, Mrs... Representative Zickus. Do you wish either Bill called? Out of the record. Ladies and Gentleman, we're back to Second Readings. We have five Bills that notes have been filed, and were being held on Second. We'll go through those five Bills now. House Bill 2469, Mr. Clerk. Mr. Fritchey. Your notes have been filed on this Bill. Would you like it moved? The Gentleman needs an Amendment. Mr. Clerk, 2570. Mr. Hoffman, Jay Hoffman. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2570, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Brunsvold: "Third Reading, House Bill 3519. Withdraw

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that Bill, Mr. Clerk. Mr. Cross, for what reason do you rise?"

Cross: "Mr. Speaker, I apologize. In the previous Bill, did you say there were notes filed or there were not? We couldn't hear you."

Speaker Brunsvold: "Which Bill was..."

Cross: "The one prior to the that you just took off of the board."

Speaker Brunsvold: "(Sic-House Bill) 2469?"

Cross: "Representative Hoffman's Bill. I thought he'd said there were four or five Bills on Second Reading that had notes on them, and you were going to move them?"

Speaker Brunsvold: "They have been filed."

Cross: "They have been filed?"

Speaker Brunsvold: "Have been filed, yes."

Cross: "I apologize, I didn't hear you."

Speaker Brunsvold: "They have been filed."

Cross: "Thank you."

Speaker Brunsvold: "House Bill 3724, Mr. Clerk. Representative Gash, would you like this Bill moved? The notes have been filed. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3724, a Bill for an Act creating the offense of aggravated domestic batteries. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for Consideration."

Speaker Brunsvold: "Third Reading. House Bill 3753, Mr. Clerk."

Clerk Rossi: "House Bill 3753 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. We are on page 2 of the Calendar. There are a number of Bills that need to be

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moved. House Bill 2167, on page two of the Calendar, Mr. Burke. Out of the record. On page 3 of the Calendar, House Bill 2444, Mr. Capparelli. Out of the record. House Bill 2466, Representative Schakowsky. Out of the record. House Bill 2469, Mr. Fritchey. Out of the record. House Bill 2478, Mr. Poe. Mr. Poe? House Bill 2485, Mr. Phelps. Excuse me, withdraw that Bill, Mr. Clerk. House Bill 2498, Representative Flowers. Out of the record. House Bill 2590, Mr. Saviano. It's on Second Reading. Mr. Saviano, would you like that Bill moved?"

Saviano: "Have we kicked out Amendment #4, yet?"

Speaker Brunsvold: "No. Out of the record. Representative Hannig is in the Chair."

Speaker Hannig: "Mr. Clerk, what is the status of House Bill 2568?"

Clerk Bolin: "House Bill 2568 is on the order of House Bill's Second Reading."

Speaker Hannig: "Read the Bill."

Clerk Bolin: "House Bill 2568. The Bill has been read a second time, previously and was held on the order of Second Reading, pending the filing of various notes. Some of those notes are still outstanding."

Speaker Hannig: "Okay. So, we'll hold that... we'll hold that Bill until the notes are either... the note requests are either withdrawn or they're filed. So, that's out of the record. Okay, hang on. Okay, the Clerk is going to check. Okay, we'll get back to that. On the order of Second Readings, okay, Mr. Clerk, House Bill 2568. You've read the Bill a second time. Have the notes been filed?"

Clerk Bolin: "The note requests have been withdrawn."

Speaker Hannig: "So, there are no outstanding requests for fiscal notes?"

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Clerk Bolin: "That is correct."

Speaker Hannig: "Okay, Third Reading, House Bill 2590. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2590. The Bill's been read a second time, previously. No committee amendments. Floor Amendment #1... Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano, on Amendment #1."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1, to House Bill 2590, is a technical cleanup for the department. It removes language for the... Hold on one second, please. Okay, Mr. Speaker, Floor Amendment #1 is an Amendment that addresses the relationship between... between the Professional Boxing and Wrestling Act and the cable TV proceeds. Currently, the law reads, '5% of the cable TV proceeds go into the Professional Boxing and Wrestling Fund'. This would change it to a flat \$400, based on the fact that with the 5% figure, it's much tougher to collect those fees and get a good barometer on what is owed. So, the department has recommended that they go with a flat fee. Also, there's cleanup language in there, regarding the Barber Cosmetology Act. This language simply removes old board language, dealing with the initial appointments to the new Cosmetology Board, created after the last sunset in 1995, and the third provision Amendment #1, regarding Professional Counselor Act. Department of Professional Regs suggests extending all... all of the associated dates by six months. This will more than cover length of time to allow the completion of the exam process of issuance of licenses. This is a logistical solution to a problem that arose regarding temporary licenses, and I

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would ask that Amendment #1 be adopted. Thank you."

Speaker Hannig: "And on that question, Representative Dart is recognized."

Dart: "Thank you. Sponsor yield?"

Speaker Hannig: "Yes. He indicates he will."

Dart: "Skip, can you go over that one section again? We had a little problem on the floor a couple of months ago with the cable industry. Something was being passed, and you were talking about the changing of some fees to some flat fees. Can you go through that again?"

Saviano: "Just for clarification purposes, this has nothing to do with cable TV. This is regarding closed circuit TV, and this isn't necessarily fees on the public. This is the fees on public places who show boxing matches, such as, you know, convention center, an auditorium, maybe a liquor establishment, whatever the case may be."

Dart: "Okay, so, it's those individuals who will have closed circuit TV for boxing matches, or the like, and you're changing the fee structure that they have to pay, and how are you changing it again, Skip?"

Saviano: "Before it was 5% of the total gross receipts for tickets sold. Now it will be a flat \$400. In essence, really, we're probably, if we were able to collect the full 5%, if we had the proper counting measures available to us, which we don't because of the fact that, just the nature of the business, we would probably collect more, but the \$400 will guarantee the funding level that we need to fund this Act."

Dart: "Under the present scheme, right now, do they collect more than \$400 normally or under \$400? I guess, Skip, what I'm asking..."

Saviano: "Currently we're collecting approximately \$15,8..."

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\$15,850. Under the new proposal, which will be much more efficient, we will collect \$26 thousand... \$26,250."

Dart: "I guess, what I'm getting at, Skip, then the... consumers aren't paying this as such. The owners of the bars, the convention centers are the ones that are going to be seeing a change in what they are paying, correct?"

Saviano: "The consumer won't, because this comes out of the ticket, the ticket proceeds. The tickets are whatever the tickets are, and this just would come strictly out of the ticket proceeds."

Dart: "Okay. Are the people that operate these convention centers or the places where this is going to be played, are they in favor of this, opposed to it?"

Saviano: "There's no opposition because it's such a minimal amount of money. I mean, you're talking \$15 thousand compared to \$26 thousand. It's such a small amount that they're just neutral on it."

Dart: "Okay. Thanks Skip."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Okay, Amendment #2 is... is a cleanup regarding... amending the Regulatory Agency Sunset Act. It defines programs as a system to license or otherwise regulate the initial entry into a profession, occupation, business, industry or trade by a periodic review and termination, modification or continuation of the profession, occupation, business, industry or trade. It places the term programs

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in the appropriate sections after the word agency. This correctly allows for the sunset of a program, rather than that of an agency. This is strictly cleanup language, and I would ask that this Amendment #2 be adopted."

Speaker Hannig: "Is there any discussion? Being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Amendment #3 is identical to House Bill 2589, which we passed out, I believe, on Tuesday, and this would offer the exemption to in-home care workers to offer personal care services to the homebound, without having to worry about being a licensed cosmetologist. Services they would perform is: washing hair, combing hair, things of that nature, pretty much just issues regarding, services regarding hygiene, and I ask that Amendment #3 to House Bill 2590 be adopted."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Representative Saviano, it's my understanding that there is a further Amendment in Rules Committee that has not been approved at this time. Do you wish to hold the Bill for that Amendment?"

Saviano: "Yes, hold the Bill. Thank you."

Speaker Hannig: "So, the Bill will remain on the order of Second Reading. Mr. Clerk, read House Bill 2593."

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Clerk Bolin: "House Bill 2593. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2634, Representative McAuliffe. Out of the record. Wait a minute. House Bill 2636, Representative Winkel. (Sic-House Bill) 3626... 2636, Representative Winkel. Representative Winkel? Would you like to move this Bill? Out of the record. Okay. Representative Winkel on (Sic-House Bill) 2637. Out of the record. Representative Klingler on (Sic-House Bill) 2645. Out of the record. Representative Kosel on (Sic-House Bill) 2652. Representative Kosel, do you wish to move (Sic-House Bill) 2652? Okay. Out of the record. Representative Persico on House Bill 2668. Representative Persico, (Sic-House Bill) 2668? Out of the record. Representative Saviano on House Bill 2687. Representative Saviano? Out of the record. Representative Schoenberg on House Bill 2696. Representative Schoenberg? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2696, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Have the Fiscal Notes been filed, Mr. Clerk?"

Clerk Bolin: "The Fiscal Note requests has been withdrawn."

Speaker Hannig: "Withdrawn, okay. So, Third Reading. House Bill 2721, Representative Brunsvold. Mr. Clerk, read the Bill. Okay, out of the record. House Bill 2746, Representative Hoffman, Representative Jay Hoffman. Out of the record. House Bill 2756, Representative McGuire. Out of the record. House Bill 2774, Representative Younge, Wyvetter Younge. Out of the record. House Bill 2800, Representative Righter, Righter. Out of the record. House

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Bill 2860, Representative Parke. Representative Parke. Is the Gentleman in the chamber? Okay, out of the record. Representative Mitchell on House Bill 2885. Representative Mitchell, Representative Mitchell on House Bill 2885. Representative Mitchell 2885 (sic-House Bill). Out of the record. Thank you. House Bill 2909, Representative Silva. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2909. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 2921, Representative Ronen. Out of the record. House Bill 3019, Representative Smith. Representative Smith. Out of the record. Representative Wirsing on House Bill 3028. Representative Wirsing on 3028 (sic-House Bill). Okay, out of the record. House Bill 3063, Representative Durkin. Okay, out of the record. House Bill 3067, Representative Durkin. Out of the record. Representative Kenner, on House Bill 3127. Representative Kenner. Out of the record. Representative Hassert on 3128. Out of the record. House Bill 3142, Representative Flowers, Representative Mary Flowers. Out of the record. House Bill 3162, Representative John Turner. Representative Turner. Out of the record. House Bill 3170, Representative Steve Davis. Representative Davis, Steve Davis. Representative Steve Davis. Out of the record. Okay, House Bill 3235, Representative Schoenberg. Representative Schoenberg, 3235 (sic-House Bill). Thirty-two thirty five (sic-House Bill), Mr. Clerk. Representative Schoenberg. Out of the record. House Bill 3236, Representative Myers. Representative Myers. Out of the record. Representative Noland on House Bill 3249. Read the Bill, Mr. Clerk."

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Clerk Bolin: "House Bill 3249. The Bill's been read a second time, previously. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3256, Representative Hassert. Thirty-two fifty-six (sic-House Bill). Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3256. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3273, Representative Kubik. Representative Kubik. Out of the record. House Bill 3279, Representative Lindner. Okay, she's excused, so that's out of the record. House Bill 3321... 3321, Representative Lopez. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3321. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3325, Representative Hartke. Representative Hartke. Out of the record. Representative Wait on House Bill 3356. Representative Wait. Out of the record. House Bill 3375, Representative Bergman. Thirty-three seventy-five (sic-House Bill). Mr. Clerk, read the Bill. No, out of the record? Out of the record."

Bergman: "Mr. Speaker."

Speaker Hannig: "Yes."

Bergman: "I'm attempting to clarify with the State Bar that we're in agreement. This Bill is on the agreed list, and could I get back to you prior to 4:00 on this Bill?"

Speaker Hannig: "We'll hold the Bill at this time. Thank you, Representative. Representative Hartke on House Bill 3403. Out of the record. House Bill 3485, Representative Parke."

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Representative Parke. Out of the record. House Bill 3500, Representative Brosnahan. Thirty-five hundred (sic-House Bill). Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3500. The Bill has been read a second time, previously. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Saviano on House Bill 3520. Representative... out of the record. Representative McGuire on House Bill 3630. Out of the record. Mr. Clerk, read House Bill 3170."

Clerk Bolin: "House Bill 3170. The Bill has been read a second time, previously. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3749, Representative Fantin. Representative Fantin. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3749. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 18 of the Calendar, on the Order of Third Reading, is House Bill 3055. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3055, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3055 is a Bill that's narrowly crafted and specifically worded to help a school district that is financially plagued in my district, and let me just take a couple minutes to explain the situation. In the 1980 census, the St. Anne High School District in eastern Kankakee County, which is about 85% African-American and 85% Chapter One students, had a count of 303 students as

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low income. When the 1990 census occurred, the same amount of students were there, but all of a sudden, the Chapter One count went from 303 down, all the way to 57. So in essence, the school district was losing over \$350,000 per year. This occurred when the 1990 census went into effect, about four or five years ago, with respect to state aid calculations and computations from the State Board of Education. The school board in St. Anne has endured a lot of pain, Ladies and Gentlemen. They've laid off teachers. They've totally eliminated all their sports, that means basketball and football and all extra curricular sports. They don't have a principal at the high school. They have a part time counselor, and you know, we heard about new schools being built around the state and referendums being passed. Well, it's very difficult for St. Anne High School students to endure this any further, so this Bill seeks to correct a situation by allowing them to use the previous census figures, so they can recoup this money. This is not retroactive. This is not retroactive, so there won't be any type of a money grab going back over the last five or six years. The State Board of Education assisted the St. Anne High School officials and myself in the drafting of this language. We believe it's fair. We believe that it will allow them to recoup this money in the future, pending the 2000 census. So, I would be more than happy to entertain any questions."

Speaker Hannig: "Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Phil, is this the home of the Sickma brothers? Jack Sickma."

Novak: "Pardon me."

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Cross: "Didn't the Sickma brothers go to St. Anne's?"

Novak: "Well, not only Jack Sickma, who played for the Seattle SuperSonics, but there's another gentleman that... Peterson that played for the Pittsburgh Steelers. I can't recall his first name. Yes, it is."

Cross: "I thought there were several Sickma Brothers. They went downstate one year, didn't they or a couple years?"

Novak: "Yes, they did. Yes, they did."

Cross: "All right. There, at one time, was some opposition. It appears that a good bit of it has gone away, Phil. Has there been any concern or have there been questions about the fact that you could perhaps interpret this as special legislation, and if so, how do you respond to that?"

Novak: "Well, Representative Cross, I mean, it all depends how you define special legislation. I'm not asking for any extra handouts for this school district. We're just trying to attempt... we're attempting to correct the situation through legislation, and let me just expound on that. The St. Anne school officials traveled to Washington with their attorneys and went to the census bureau to no avail. They went to court. They won in the local Circuit Court in Kankakee, but when they... because they went before a sympathetic Judge, but when they went to the Appellate Court, they were denied. They came to the State Board of Education and said, 'The only way we're going to have to be able to change this is through legislation.' This is not extra money for this school district. This is money that they rightfully should have been receiving."

Cross: "And you perhaps explain this, Phil. When does it... when will this... when is this effective? What's the effective date of this Bill?"

Novak: "I believe it has a July 1st effective date. I may be

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mistaken."

Cross: "There's not a requirement of a 71 vote here, is there?"

Novak: "No. Not to my knowledge, no."

Cross: "Are you aware of any opponents to the Bill?"

Novak: "No, I do not know of any opponents. The State Board of Education and the Illinois Education Association support the Bill, as well as the entire community of St. Anne."

Cross: "I don't have any other questions."

Speaker Hannig: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Would the Sponsor yield for a question?"

Speaker Hannig: "Yes, he indicates he will."

Tenhouse: "Representative Novak, I just have a simple question, I guess."

Novak: "Art, I can't, I can't hear you."

Tenhouse: "I just have one question, Representative Novak, and I was... I guess all of us in downstate, and I'm sure all over the state, have had similar problems, and have you looked at the possibility of opening this up for all the school districts as far as allowing... giving them this option?"

Novak: "I am not adverse to that. I mean, if that can be done in the Senate, if we can get the State Board of Education's support, I have no problem. I know there's about, to my recollection, and I can't recall exactly where they are located, but there's about five or six school districts that are similarly situated, such as St. Anne High School."

Tenhouse: "Well, the reason I bring the question up, because certainly there's several schools in my area that have a much lower count under the 1990 census than they did under the 1980 census, and that's the reason I just wondered if they ascertained what the fiscal impact would be if we

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opened this up statewide? Do you know, Representative?"

Novak: "Well, I understand that the State Board indicated that they will have sufficient resources to pay these dollars, and as I said, I think it's \$500,000 for this next year, but, as I said, the previous years they lost over a million and a half dollars. They would not be able... they would not be allowed, under this Bill, to recover that money. That is lost. That money is lost. But what the fiscal impact would be, I don't know. It all depends on how many school districts would be affected by it."

Tenhouse: "But you would be willing to look at that in terms that that would be added in the Senate?"

Novak: "Yes, I would. Yes."

Tenhouse: "Thank you, Mr. Representative."

Speaker Hannig: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Phil, could you tell us again, when you brought the superintendent down to testify in committee, economically, how is this district hit?"

Novak: "The St. Anne School District is in eastern Kankakee County, Representative, and it is... it provides elementary students from two, what we call feeder districts. One is 100% African-American from Pembroke Township, which is probably one of the poorest townships in the state, if not the entire United States. The unemployment rates are tremendously high. There's economic deprivation, and many of the students live in areas where they don't have paved roads, let alone tar and chip roads for that matter. So, Pembroke has been documented in all kinds of news stories about... it's a rural area that's economically and socioeconomically deprived, and what happened was, is that the elementary school district that is 100% Chapter One, when those students somehow get to the high school, somehow

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they are magically not Chapter One students anymore. Believe me, Ladies and Gentlemen, no one has won the lottery in Pembroke Township and no one works... there isn't any big auto manufacturing plant where somebody's making twenty dollars an hour, supplying a good income for their family. So, there was a mistake made somewhere down the road, and it's not the census, but it's somewhere in the calculation of the Chapter One, and this simply corrects that problem, specifically."

Crotty: "Thank you, Representative. To the Bill. I rise in support of this Bill. As in the Bill that I introduced today, this is an area that low income poverty grant that we do need to look at, and after hearing the superintendent testify, I wholeheartedly ask for everyone's support for the kids in that district."

Speaker Hannig: "The Lady from DuPage, Representative Cowlshaw."

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

Speaker Hannig: "He indicates he will."

Cowlshaw: "Representative Novak, it is my understanding that if this Bill is passed, the state would be obligated to provide an additional \$530,000, which by anybody's terms is half a million to St. Anne's School."

Novak: "Right."

Cowlshaw: "What is the student enrollment in that school?"

Novak: "I don't have the exact figures right now in front of me, but it's around... close to 300 people."

Cowlshaw: "I think it... the last I... the most recent information I had was that it was 240 students."

Novak: "Well, that all depends on the average... are you asking average daily attendance or the total student population?"

Cowlshaw: "Either one."

Novak: "Well, I think it's somewhere... it's below 300, but it's

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above 240."

Cowlshaw: "All right. Thank you very much for answering my questions. To the Bill, Mr. Speaker."

Speaker Hannig: "Proceed."

Cowlshaw: "I realize that we're all very sensitive to the notion of providing funding or some special privilege for one school or one school district, but, my friends, there are occasions on which that is warranted. I have driven through this area of Illinois, and I will have to tell you that I have never been in a place where people needed help anymore than they need it there. If we have any sense of conscience, any sense of sympathy for people who are far less fortunate than we are, we ought to support this Bill. I stand in strong support of House Bill 3055."

Speaker Hannig: "Representative Stephens."

Stephens: "Well, I... the Sponsor of the Bill, I have the utmost respect for, but I have to respond to the last comments. It is my understanding, the average spending per student in the district in question is around \$6000. I would remind some of the folks on our side of the aisle, in particular, that most of the students that we represent receive far less than \$6000 per student, so let's not portray these as the Sisters of the Poor, here. It's not the case. I would urge you to look at your school districts. If you're getting less than \$6000, I'd think that maybe you'd want some more money, too."

Speaker Hannig: "Representative Winkel."

Winkel: "Would the Sponsor yield?"

Speaker Hannig: "He indicates he will. Representative Novak."

Novak: "I'm sorry, Mr. Speaker. Yes, I will yield for a question."

Winkel: "Representative, the average amount that's spent per

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student has been mentioned..."

Novak: "Representative, I can't hear you."

Winkel: "The average amount that is being spent per student has been brought up as an issue. What is the... isn't transportation a major factor involved here?"

Novak: "Right. You know, when I first... Representative Winkel, you're correct. When I first looked at those average per capita figure costs per student, I was amazed at the amount, and it was around \$6000 some odd dollars, and I know that could be shocking to some people, but just picture yourself in a rural community. About 40% of that cost per child is allocated to transportation, 40% of that cost is allocated to transportation, because they have to go into the wild... I mean, you have to believe this area. You have to see it. It is something like Mississippi in the 1930's. I mean, this place exists. These commu... these people are proud. They work hard, for those that are able to find jobs, and it's like a community that you could never conceive in your mind if you've lived in Chicago or suburbs or small downstate Illinois. So, transportation costs are a large part of that per capita cost."

Winkel: "Well, Representative, I appreciate that, and I understand the previous speaker is well-intended, and normally, I would be pretty surprised at that amount that he mentioned, but I have to tell you, I grew up in Kankakee County. I know St. Anne very well, and I know the feeder district down in Pembroke, and Phil is exactly right. You can't imagine a more poverty stricken area. You just can't imagine. These people are hurting. It's... Phil is exactly right on. I stand in strong support of this Bill. Phil, I commend you for your efforts."

Novak: "Thank you, Representative Winkel."

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Speaker Hannig: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. One more question from the Sponsor, please."

Speaker Hannig: "Yes, he indicates he'll yield."

Moore, A.: "Representative, has there ever been an initiative, or has there even been discussion, surrounding the idea of dissolving this district into some of the surrounding districts?"

Novak: "Yes, there has been. The Pembroke Elementary School District, which is 100% African-American, the school superintendent there, Mr. Mitchell, had... threw out the idea of forming their own school... forming their own unit district with... to create a unit district for elementary and high school. The problem is, they have no tax base. There are incentives that the state provides, but there is no... the tax base is almost non-existent for them to sustain a school district, a high school district, or a unit district."

Moore, A.: "Actually, that wasn't my question. My question was, would they, have they considered going through the dissolution process where kids would be absorbed according to their geographic location into other existing districts, so that you would eliminate such a small school scenario?"

Novak: "They have discussed that, and that is not entirely out of the question, Representative. But this is sort... what I'm trying to do here is sort of a stop gap measure. We don't know if this school is going to be existing in two or three years. We just don't know. I mean, it could be, it could be absorbed by other school districts around it, but just to point out, putting things into perspective, some of the surrounding school districts aren't that well off either."

Moore, A.: "So, is this an ongoing appropriation that you're

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talking about or a one-time appropriation?"

Novak: "No, this will, this will bring their Chapter One count up to where it should be. This is not a special privilege Bill. We are trying to correct a wrong here. This is not special privilege. This will continue to occur as long as that school district exists."

Moore, A.: "Will it change... will the ratio change, ever?"

Novak: "The ratio of what?"

Moore, A.: "Poverty."

Novak: "I suppose if Diamond Star came down and built a plant in Pembroke Township, you know, I suppose if, my gosh, maybe...the Department of Corrections came down and built a medium security prison, oh, we'd see a lot of changes out there. Believe me, Pembroke Township tried three or four times to get a prison, but they were turned down by the state."

Moore, A.: "If the number of students on a poverty level does diminish, does your Bill provide for that?"

Novak: "Yes."

Moore, A.: "Thank you."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in support of this legislation, and I think that the Representative should be commended for finding a solution to a problem in which an extremely poverty poor area exists. As long as we continue to fund education through property taxes, we are going to come up upon some situations in which some special act must take place. This legislation doesn't bring these children up to where their educational finance level should be, but at least it does give them an opportunity to have some education. I believe that most of us who come from areas in which the property tax is not available in order to

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build very, very expensive modern technology places, we have to find other means. We also found in this area an undercount of poverty level children, so this is a piece of legislation to bring them up to at least a level in which education can continue. We urge you to support Representative Novak's Bill, and Representative Novak, I commend you on finding a solution to a very, very unusual and difficult problem to be solved. We urge support for this legislation."

Speaker Hannig: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The cost of a student at \$6000, that's not impressive. What's impressive is the type of student that that school district faces. If there are special education needs, bilingual needs, other needs, the \$6000 is highly inadequate. I think I would like to reflect what Mary Lou Cowlshaw said, Rick Winkel said, virtually everyone that has spoken on this for the Bill, this is a need. This is a group of individuals that, for compassion's sake, need our support. I would urge any and all people to support this. The \$6000 figure is highly inadequate, knowing that student body. Let's vote for a future for these children."

Novak: "Thank you, Doug."

Speaker Hannig: "Representative Novak to close."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen, and I'm pleased to hear these comments from my colleagues on both sides of the aisle, and I'm pleased to see more Sponsors signing on the Bill. I know all of us, sometimes in our career, have to come to this Body, sometimes as a last resort to ask for assistance, and this is not a special handout, Ladies and Gentlemen. It is no means a special handout, no means a special wad of cash for a

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school district. I would never put my colleagues in that position. This is something that we're trying to correct. This is some anomaly that occurred in my district with respect to the Chapter One count, and we feel this is fair and equitable for students around the State of Illinois."

Speaker Hannig: "The question is, 'Shall House Bill 3055 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 100 voting 'yes' and 16 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. I would remind the Members that the agreed Bill list #1 is still open, if you need to record yourself as 'no' or 'present' on any of those votes, but we are hopeful to close that at 4:00 p.m. today, so take the time to study those Bills and vote appropriately. We have a number of Bills on that agreed Bill list that are still on the Order of Second Reading and, we'd like to return to them for the purposes of trying to move those Bills to Third Reading. The first is, House Bill 2568. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 2568 was moved to the Order of Third Reading earlier today."

Speaker Hannig: "Okay, so that Bill is okay. House Bill 3142. Mr. Clerk, what's the status of that Bill? Thirty-one forty-two (sic-House Bill), Representative Flowers. Could we adopt the Amendment for the Bill on the agreed Bill list? Out of the record. House Bill 3375. Mr. Clerk, what is the status?"

Clerk Bolin: "House Bill 3375 is on the Order of Second Reading. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor

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Amendments."

Speaker Hannig: "Okay, Representative Bergman has asked that that be out of the record at this time."

Bergman: "Mr. Speaker, I have not yet heard from the State Bar. If I do not hear from them by the time you are ready to proceed with the agreed list, I'll ask that it be removed."

Speaker Hannig: "Mr. Clerk, returning to House Bill 3142, read that Bill."

Clerk Bolin: "House Bill 3142. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Okay, we also need to move a Senate Bill on the agreed Bill list. Mr. Clerk, read Senate Bill 626."

Clerk Bolin: "Senate Bill 626. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 2469. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 2469."

Speaker Hannig: "Out of the record. On the Order of House Bills - Third Reading. House Bill 21, Representative Granberg. Out of the record. House Bill 2306, Representative Tim Johnson, Representative Johnson. Representative Hartke, for what reason do you rise?"

Hartke: "Well, Mr. Speaker, it seems like no one wants to call their Bills. I've got a Bill in Rules Committee. Now, if I could get it out of Rules Committee, I guarantee you I'd call that Bill."

Speaker Hannig: "There's a lot of Bills in Rules Committee, Representative. House Bill 2306, Representative Johnson. Tim Johnson."

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Johnson, Tim: "Thank you, Mr. Speaker and Members of the House.

I think I addressed this Bill, in large part with respect to the Amendments that we proposed yesterday. Essentially, the Bill now, as amended, does three things: Number one, it increases the funding, by way of fees, with the drun... Drunk and Drugged Driver Education Fund by increasing the re... fees for reinstatement on subsequent DUI offenses. Number two, it provides, in the case of a fourth conviction of DUI, that the individual loses their license for life. Some have suggested three would be more appropriate, but this is certainly one that is accepted by virtually everybody that I've talked to. And number three, it provides now, as amended, that if an individual on a second or subsequent DUI susp... suspension drives their car and is picked up, arrested on that second offense or subsequent, that there's vehicle forfeiture. We've eliminated provisions that would be applicable to a spouse. We've tied it into the regular forfeiture provisions of the law. I know of no opposition to this now. We tried to accommodate everybody's interest with respect to the Bill, and I would ask for your support. It simply says, and makes Illinois a pioneer in this area, that you might be able to drive without a license, against the law. You might be able to drive without insurance, without the law. You can get out of jail because our provisions, with respect to work release and so forth, are modestly liberal in that area, or at least they allow that, but you can't drive a car without a car. It also says that if you have four convictions of DUI, that you ought not to be driving anymore. There's some who suggest that one conviction, you ought not to, some who say that two, and a lot of people criticize this for not moving it down to three, but

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certainly, on the fourth conviction of driving under the influence of alcohol, you ought not to be on the roads to hit and kill and maim other people. And lastly, and very significantly, the root problem deals with education, and by providing a 'user fee' through reinstatement fees to the drunk and driver... Drunk and Drugged Driver Education Fund, we're providing a root solution to the problem, and so forth. This Bill is one that's long overdue, makes Illinois a pioneer. We've tried, and I think successfully, have... have met the objections to any of the opponents, and I'd ask for its adoptions."

Speaker Hannig: "Mr. Clerk, would you read this Bill, please."

Clerk Bolin: "House Bill 2306, a Bill for an act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "And on the Bill, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Would the sponsor yield?"

Johnson: "Yes."

Speaker Hannig: "Indicates he will."

Hartke: "Representative Johnson, yesterday on second debate, I asked you a question about the commercial driver's license level of blood alcohol content that would consider... be considered driving under the influence, and I indicated to you that that was .04. Would two convictions at .04 or 3 apply the same here?"

Johnson: "Well, the Bill doesn't, Representative Hartke, doesn't even touch on that subject matter. So, you being more expert than I in that area, if .04 constitutes a DUI for a certain classification of driver, and it gears into the rest of the statute, then, yes, it would. If it's in a different category, and it constitutes something other than DUI or something different than that, no, it wouldn't, but

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the Bill doesn't specifically address that."

Hartke: "I think there's a little... I'm going to support your Bill, don't get me wrong, but I just think there's a little inconsistency here when you have the same penalty in DUI's meaning. At one instance, you can get a DUI at .04 and another at .08, and then we're saying that... you know, adding these up, you know, you can be... lose your license and lose your car and everything else on two different levels of blood alcohol content."

Johnson: "Well, I don't disagree with your comments with respect to the existing law. My Bill doesn't, in any way, touch on that. I wasn't aware, until you brought that to my attention, that there was a different level. Maybe there's a reason for it, and maybe there isn't, but, my Bill really doesn't touch on that subject matter. Maybe we ought to address that subject generally. I mean, you raised a good point, but it's something that I wasn't aware of."

Hartke: "Well, I mean the penalty is the same right, if it's a DUI, it's a DUI? But yet here, we're increasing the penalty, and that is taking an automobile away from an individual, seizing that automobile, when there's two different categories of DUI."

Johnson: "Well, again... I had presumed, without knowing, that the reason that there's a different blood alcohol level for CDLs versus ordinary drivers is because they have a higher duty of care and are in circumstances more to cause injuries, perhaps, I don't know. But in any event, if we were to make a change in that statute, and maybe you or someone else was going to propose that, this Bill would automatically gear in, so that they wouldn't be treated differently."

Hartke: "Well, if I owned a semi, didn't own a car, and I had

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four DUIs at .04, never over that, you know, would the penalty still be the same? You're talking about seizing automobiles."

Johnson: "We're talking about forfeiture in limited numbers... in a limited number of cases, yes. As to whether it would apply to .04... if .04 is considered DUI under..."

Hartke: "It is for a CDL."

Johnson: "If for some circumstances, if you're driving a commercial vehicle and you're convicted a fourth time of DUI, then, yes, the application to the Bill with respect to losing your license would apply. I'm not sure what the reasoning was behind the original enactment of a statute to do that, but if there's a good reason for it, fine, and if there isn't, perhaps we could readdress that, as well."

Hartke: "Well, I think the reasoning behind the .04 for a commercial driver's license is the fact that you're driving an 18 wheeler or a commercial vehicle for someone else and that is considered that maybe you're somewhat impaired, not, you know, at .04, and it was probably a business decision to have the DUI charge at .04, but, but what you're doing now is saying, see... you could have a combination of both and still have four DUI's."

Johnson: "Well, well, Representative, you raised a good point, and I think that... that the point is addressed by the Bill and that is that talking about somebody, somebody else driving a commercial vehicle for an owner that... the forfeiture provisions wouldn't be subject to... this would not have application here unless the individual gave it to the person knowing that they were on suspension a second, or third, or fourth time for DUI. I... It requires knowledge, so if they just happened to use it, didn't know they were subject to it and didn't know the circumstances

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around it, the very narrow language, with respect and knowledge, would prohibit the forfeiture provisions from kicking in anyway."

Hartke: "Well, more than likely, the individual would not have a commercial driver's license or a job if the employer knew that this were the case, that he'd had several DUI's, but the fact remains, the individual could own that semi or that 18 wheeler himself, and then you'd take the automobile away, you'd take the semi away, you'd take all of his vehicles away."

Johnson: "If they own it themselves, and they have a suspension and they're driving, knowing they're suspended a second time, then the forfeiture provisions would kick in here. I would like to address with you, not necessarily through this Bill, but otherwise, what the wisdom or lack of wisdom is between a .08 and .04, depending upon what kind of driver's license you have. We have a number of people in my district just likes yours, Chuck, that have that circumstance. So, I would like to look at that. But this provision here is so narrowly drawn and covered that... that it simply doesn't address that subject matter directly."

Hartke: "Question... and maybe this was answered yesterday on Second. Does this... If an individual owns more than two vehicles, it takes all of his vehicles away?"

Johnson: "No."

Hartke: "Just one?"

Johnson: "Just one."

Hartke: "So if he owned two..."

Johnson: "Yeah, you can't take... you're not going to take their house and all their other property, as well, simply the one that they're driving. They can't drive a car, they can't

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drive a car."

Hartke: "No, but there is a possibility that an individual, you or me, they own two automobiles, and so you'll only take one away."

Johnson: "That's the dr... That's the way the law is drawn up now."

Hartke: "Okay. Thank you."

Johnson: "Good questions, Representative Hartke."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I stand in strong support of the Bill. I can add nothing to the eloquence of my good friend and colleague, Representative Tim Johnson. But if you knew, or if you're heard of the rationale behind this Bill, the tragic and senseless death of two outstanding young citizens, in Representative Johnson's district, by an individual who had had multi DUI's, by an individual who had not had a driver's licenses legally in more than a decade, I think the only thing that I could add to this is that the Bill isn't tough enough. It isn't strong enough. But I commend Tim Johnson for what he has done. We can't bring the Esworthy girls back, but I think we can begin to send a message to these people who absolutely ignore the laws of the State of Illinois, accept no responsibility, drive years without a license after multi DUI's. By God, we're not going to tolerate it, and if you won't follow the law, we'll take your car, and if we'd taken the car from this man, had this law been in effect, two of the most outstanding young members who have ever, ever lived in anyone's district could be alive today. Anyone who votes against this Bill, you have my utmost sympathy. If you knew the background of this Bill you would be a cosponsor."

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I commend Representative Johnson for his outstanding work on this Bill. I only wish to God we'd have had it two years ago."

Speaker Hannig: "Representative Hoffman. Representative Hoffman? Okay, we'll get back to him. Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Dart: "Yeah, Representative, I... I just have a quick technical question, maybe you can answer. I'm not sure, maybe I'm not looking in the right Section here. Do you have the provisions in the Bill that deal with the seizure of the... the vehicle by the sheriff, I believe. I don't see any provisions about forfeiture, about what the sheriff can do with the vehicle. Is there some other Section that I..."

Johnson: "Yes, Yes, there is. That's a good question. That was addressed in Committee by the State's Attorney of Champaign County, who assured me and the Members of the Committee that the other provisions of Illinois law with respect to forfeiture, we have that in narcotics, and we have it in weapons cases, would be applicable to this situation as well."

Dart: "Okay, so that even though in the text of the language that you're putting in there, there's no reference at all to that other Section, despite the fact that there's no reference to another Section in there, that this auto... automatically is going to refer back to it?"

Johnson: "Could you ask you the question again? I am signing cosponsor slips here, and I didn't hear it."

Dart: "Very good. That even though that... the new language that you're putting on the books now does not reference back to the forfeiture... check Section, we're okay?"

Johnson: "Yes."

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Dart: "And okay, the state's attorneys feel comfortable with that?"

Johnson: "Yes."

Dart: "Great thank you."

Johnson: "Thanks. Thanks, Representative Dart."

Speaker Hannig: "Representative Mitchell."

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

Johnson: "Yes."

Speaker Hannig: "Indicates he will."

Mitchell: "Representative, I too commend you for your Bill and just have a couple of technical questions. Number one, in the... in the situation of joint..."

Johnson: "You're going to have to speak up, Representative, my hearing..."

Mitchell: "In the situation of joint ownership of a vehicle, would the vehicle then be confiscated by the sheriff or state police?"

Johnson: "No. No, that's what we did with House Amendment yesterday, House Amendment #2. We felt that, on balance, eliminating an innocent spouse is having problems with either an alcoholic husband or wife, they have enough problems anyway, without having to worry about whether to get to work or how to get their kids to day care or whatever it might be. So we exempted it... really at the suggestion of Representative Turner, Representative Cross and several others in the committee, we exempt spouses from the Bill."

Mitchell: "But, my understanding is that... that both signatures or both names should appear on the title of the vehicle to assure that that's not the case?"

Johnson: "That is correct."

Mitchell: "Okay. Also, if the felon is driving a vehicle that is

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not his or hers, and he does own a vehicle of his own or she of her own, could that vehicle then be confiscated after the fourth DUI?"

Johnson: "No. If... That's probably not a bad idea, but no, under this Bill it wouldn't, and the vehicle they're driving wouldn't be forfeited either, unless the individual gave it to them with knowledge of its use and knowledge that they were suspended on a second or third or fourth time for a DUI."

Mitchell: "Thank you. Well, Representative, you have taken a small step, and I agree with Representative Black, that it probably isn't tough enough, but I understand where you're coming from, and I commend you for your hard work. Thank you very much."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Johnson: "Yes."

Speaker Hannig: "Indicates he will."

Hoffman: "Representative, I think that that this is an Amendment that you put on yesterday. Have you made any changes to the Bill? Has there been an additional Amendment since yesterday?"

Johnson: "No. No."

Hoffman: "Now, with regard to the issue of who could have their car forfeited. It's my understanding that under this Bill, it could be either the owner of a car, or it could be an individual, or it always has to be an owner of a car, but the driver doesn't necessarily have to be an owner of a car. Could you please explain, just for my clarification, what drivers could lose what owner could lose the car because another person is driving their car who has a second DUI and how that comes about?"

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Johnson: "Yes. Yes, I appreciate the question. In fact, you and I addressed that one on one yesterday, so let me just reiterate for the Members of the chamber, what the Bill does. The underlying Bill, and I'd have to make reference to the specific page and line, basically provides that an individual may have their vehicle forfeited if they have actual knowledge, (a) of it's use and (b) that the individual driving the vehicle was suspended a second or third or fourth or subsequent time and had no license at the time they drove the car."

Hoffman: "Well..."

Johnson: "Any vehicle used with the knowledge and consent of the owner and the commission sec... of a second or subsequent violation may... the vehicle may be seized and delivered forthwith and so forth. So, it requires actual knowledge. If somebody just borrows your car, and you didn't know..."

Hoffman: "Where does it say in the Bill..."

Johnson: "You didn't know about it, either know that they took it or know that they were suspended, then you are immunized. This would have application to non-owners in only real unusual cases, but it would, in all honesty, Representative Hoffman, provide, and that's part of the purpose of the Bill, part of the strength of the Bill is, that, if you are going to let your vehicle be used by an individual who has been suspended more than one time, and is currently suspended for drunk driving, then it ought to be subject to forfeiture, and maybe it would prevent people from allowing other people to use a vehicle with all and full knowledge of it and go out and kill and maim kids and other people on the road."

Hoffman: "Well, I'm not disputing the part about the owner of the vehicle being the driver. I want to just try and hone in

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on the issue of a non-owner driver. So..."

Johnson: "Okay."

Hoffman: "So, you had said that it requires actual knowledge. I can't find in the Bill where the word 'actual knowledge' is used. I... I see where it says, on page 8 of the Bill, it says, any vehicle used with the knowledge and consent of the owner."

Johnson: "Yes, yes, that's correct."

Hoffman: "To me... My concern is... And I'm willing to work with you on this, but my concern is, is there's no word 'actual knowledge' in here anywhere. Maybe I'm missing it, and if I'm missing it..."

Johnson: "No, no you're not. However, the Bill as originally drafted, contained provisions, and I think they were either amended out or the Bill is... maybe... Lou Jones, Representative Lou Jones, who's a cosponsor of this, amended this in committee. There was originally a rebuttable presumption in the Bill, that an individual who loaned their car knew... or gave their car, knew about it. There was a feeling among Representative Jones, the Farm Bureau and other groups that that rebuttable presumption was too strong or was too strong with respect to divestiture of property rights. So, when you use the language that we've used in this Bill, there's no other way of interpreting it than actual knowledge. It can't be scien... It provides..."

Hoffman: "Well."

Johnson: "...with the knowledge and consent. This is not inferred, not imputed, but it has to be done with knowledge, and any provisions with respect to imputation or presumptions were taken out in Amendment #1 by Representative Jones."

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Hoffman: "Well, first of all, I think there is some in... problems inherent in proving, you know, the actual knowledge issue, but, my concern is, is it could be interpreted to mean constructive knowledge. So, the situation could occur where an individual allows somebody to use his car. Allows somebody to use his car, and he then could have his car... and the person gets a DUI, or the facts could be that the person was driving on a suspended license or revoked license because of a DUI, and the owner of the car had no actual knowledge that that person was going to go out and drink. What... My concern is if it would be construed to also mean constructive knowledge, instead of just actual knowledge. Now, Representative, I'm going to vote for the Bill, and there's no reason to labor it, because I think the Bill is going get sufficient votes. It's just, I have a concern about how this may be interpreted, not for people who actually drive a car and own the car. I'm talking about somebody borrowing another person's car, getting arrested and then the owner of the car losing their car. You know that's what we're talking about here."

Johnson: "Well, let me... and you raised a good point. We can't control, unfortunately, in here what... maybe perhaps fortunately, what the judicial branch of the government does with the interpretation of our statutes. However, I will state for purposes of legislative intent and for the record, and I'm sure this will be quoted in a number of cases down the line, your comments, as well, that with respect to page 17 of the Bill, line 18 et al., carrying over to page 18, that it's my intention that this require actual knowledge."

Hoffman: "Nothing further."

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Speaker Hannig: "Just a... It's been brought to the attention of the Chair that a former Congressman, from Southern Illinois, Kenny Gray, is with us on the House Floor today, too. We'd like to welcome him to Springfield."

Speaker Hannig: "Representative, Andrea Moore."

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

Speaker Hannig: "Indicates he will."

Moore: "Representative, I... I believe I understand what the intent of your Amendment #2 was, but I'm not sure... I need you to help me with what I understand as to how the law works in Illinois. In a marriage situation, isn't an automobile considered marital property?"

Johnson: "Yes."

Moore: "And... and..."

Johnson: "If it's purchased after the date of the marriage, or if it's held in joint tenancy, yes."

Moore: "Okay, so if it's marital property, then would it be your intent, with your Amendment, to assure that even though one of the spouses is not on the title, that spouse would be protected from the seizure provision of your Bill?"

Johnson: "Well, the Bill provides if the vehicle is co-owned by the spouse of the person, yes, that would be my intention. If it's marital property, it's marital property."

Moore: "Okay. So, so, Representative Mitchell's question about a requirement that both names be on the title wouldn't be accurate?"

Johnson: "Yeah, and again, that's subject to judicial interpretation, but I would..."

Moore: "But, but for the record, I would like you to make your intent clear that you would..."

Johnson: "Yes, that would be my intent. Yes."

Moore: "Your intention is th..."

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Johnson: "Yes."

Moore: "... is that it is owned by both..."

Johnson: "If it's co-owned by both, yes."

Moore: "... the husband and wife, so it could not be seized from one spouse."

Johnson: "If it's co-owned by spouses, spouse's rights can't be cut off."

Moore: "Regardless of how the title exists?"

Johnson: "Correct."

Moore: "Thank you."

Speaker Hannig: "Representative Novak. Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in strong support of this legislation, and I'm happy to be a Cosponsor of it. I think that all of us have seen either through people that we've known personally, people in our communities who have been damaged, sometimes even killed by people who are not just social drinkers. They're not just one-time offenders, but they're people who time and time again go out there and drive in a seriously impaired fashion and endanger the lives of all of us, particularly those of us who drive upon rural roads and in our small towns and areas like that, our farm communities, and so forth. This legislation is good, not only because our past legislation really has not gotten to the heart of the problem, and that is the repeat offender, the person who is really getting soused out there, endangering our loved ones and our neighbors and friends. This time we're really getting at it. We're not just suspending licenses. We're not just slapping them on the wrists. We're getting at the very heart of the problem, and that is their vehicle. If they want to go out and get stoned, time after time, and they want to take the bus, great. They want to take the cab, great. They want

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to have their spouse, their girlfriend, their boyfriend take them, that's all great. They want to walk home, that's great, but get them out of the car where they are going to be going in the wrong lane, as one DUI offender in my district was a couple weeks ago. This is getting at the heart of the matter. This is the way we should do it. Let's seize their vehicles. That's the only way to stop these kind of characters. Thank you."

Speaker Hannig: "Representative Novak."

Novak: "Yes, thank you. I was indisposed, Mr. Speaker, before, but I... I want to stand up and support this Bill. This accident occurred in my district last year, I believe, south of Kankakee, and I don't know if anybody explained it, but there were two young college girls, sisters, and some guys who drank a case of beer, blew a stop sign. I just hope, Representative Johnson, that we could, with this legislation, and I know other Bills are working themselves, working their way through the process in both chambers, I just hope that we'll be able to prevent things like this that occurred, from happening in the future. This guy had four or five DUI's. He was caught, all the time, driving either on a suspended license or a revoked license. By God, the guy should've been in jail years ago, should have been in jail years ago. Should have never happened, what happened to those two young women. Their whole lives are obliterated and their families. So, I hope this can help something in the future, and I applaud the Sponsor, Thank you."

Speaker Hannig: "Representative John Turner."

Turner J.: "Thank you. Sponsor yield?"

Speaker Hannig: "Indicates he will."

Turner J.: "Representative, I just have one inquiry. I... A

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Representative, several minutes ago, had asked if both names needed to be on the title, and I'm referring to your second Amendment, where you use the term co-owned by the spouses, and I thought you'd indicated to the first Representative, who made that inquiry, that both names did have to be on the title to meet the definition of co-owned. Subsequent to that, Representative Moore then asked about the question of marital property, and it seemed as though that your response to her was different than your response to the previous questioner, and so just for the record and to clarify it, do both names have to be on the title to meet the definition of co-owned as between spouses?"

Johnson: "I misspoke, if I said that to the previous response or the previous question. I don't recall having done that, but if so, the intention would be co-ownership and the obvious reason being that you want to allow a spouse to be able to continue to have a vehicle when they're dealing with an alcoholic husband anyway, husband or wife anyway. So, if that's the case, I certainly didn't intend to do that, and it would seem to me that Representative Moore's questions and the interpretation of the statutes are as I suggested in my response to her."

Turner J.: "Okay. So, co-ownership does not mean that both names have to be on the title in a marital situation?"

Johnson: "They're considered co-owned if it's marital property."

Turner J.: "All right. So, if I have a car... my spouse and I own a car, but it's actually titled in my name only, that would be co-ownership under your Bill?"

Johnson: "Correct."

Speaker: "Representative Johnson to close."

Johnson: "Thank you, Mr. Speaker, Members of the House. Members have raised a number of good points, and I couldn't say it

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really any better than Representative Boland or Black or Novak or others that have talked on this issue. Even though many of us here would like to see a statute that's even more broad-based and stronger, this Bill makes Illinois unique. It's, to my knowledge, the only state in the Union that would allow that on the... on a conviction of a certain number of DUI's, you lose your license, period. You can't go out for a fifth and sixth time, get a restricted driver permit and kill or injure somebody else. This says, you reach a point, and that's it. It also, in a minor, but significant way, increases the funding through fees, not taxes for education, that hopefully gets at some of the underlying problems in these cases. And it also says, as Jim Esworthy, who's the father of these two lovely young ladies that were killed, and Representative Novak has specific knowledge of it because it had occurred in his district. They live on the border of Representative Black's and my district, and it's a tragic situation that is repeated over and over and over again. And as Jim Esworthy says, 'You might be able to drive without a license. You might be able to drive without insurance, and just as this individual was between work release and everything else, you're probably not going to lock somebody up for life, but you can't drive a car without a car.' And it seems to me, that again, making Illinois a pioneer and unique in the area of responsibly, narrowly but toughly, addressing the area of drunk driving is something that we need to do. I appreciate the voices of support, and I would ask for the adoption of House Bill 2306."

Speaker Hannig: "The question is, 'Shall House Bill 2306 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed." Representative Capparelli on House Bill 2385. Out of the record. Representative Black, for what reason do you rise?"

Black: "Inquiry of the Chair, Mr. Speaker."

Speaker Hannig: "Yes, state your inquiry."

Black: "How long will you be accepting the agreed Bill lists? Will you give us a little warning before you cut those off, because there's people still trying to figure this out?"

Speaker Hannig: "Well, Representative the list requested that they get the information to us by 4:00, but if you would like us to hold that open for some additional time..."

Black: "Well, some people are still working on them. This is a very confused process, in all due respect to the Chair, with Bills on the list that are not as they actually appear and some vehicles... if you want to set a limit of say 4:30, absolutely none after that, I think it would give us a chance to go over some of these Bills. We'd be grateful for that."

Speaker Hannig: "Is 4:30 appropriate for your side?"

Black: "I would appreciate that. Okay. Yeah, thank you very much."

Speaker Hannig: "Okay, 4:30. We'll allow the Clerk to accept those until 4:30. Representative Slone, for what reason do you rise? Representative Stephens, for what reason do you rise?"

Stephens: "I'd just like a little clarification on the rule that you're quoting in use of the deadline for submission of objections to the agreed Bills."

Speaker Hannig: "I'm sorry. Could you state that again?"

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Stephens: "What rule... by what rule are you stating the deadline for the objection before the final vote on the agreed Bills?"

Speaker Hannig: "Representative, I think that is by agreement on both sides, and Representative Black asked that we hold this open until 4:30, and we will be happy to do that."

Stephens: "Well, I would just voice my objection. There's nothing in the rules that says we can have a quote, 'agreement on such'. I would think that the more practical thing is that, if the paperwork is submitted before the Third Reading vote on these agreed Bills is filed, then that would be permissible and appropriate."

Speaker Hannig: "Representative Saviano on House Bill 2445. Representative Saviano. The Gentleman is not in the chamber. Out of the record. Representative Persico. Representative Persico on House Bill 2650 on Third Reading. Okay, out of the record. Representative Capparelli on House Bill 2822. Representative Capparelli. Out of the record. Representative Kubik on House Bill 2842, Third Reading. Out of the record. Representative Saviano on House Bill 2986. Out of the record. Representative Durkin on House Bill 3180. Out of the record. Representative Wait on House Bill 3292. Representative Wait. Thirty-two ninety-two (sic-House Bill). Out of the record. Representative Erwin on 3339 (sic-House Bill). Representative Erwin. Thirty-three thirty-nine (sic-House Bill). Out of the record. Representative Art Turner on House Bill 3341. Out of the record. Thirty-four zero six (sic-House Bill), Representative Kubik. Out of the record. Thirty-four twenty-eight (sic-House Bill), Representative Zickus. Ann Zickus, 3428 (sic-House Bill). Out of the record. Thirty-four thirty-one (sic-House Bill). No, out

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of the record. Representative McAuliffe on House Bill 3494. Representative McAuliffe, 3494 (sic-House Bill). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3494, a Bill for an Act to amend the Dance Studio Act. Third Reading of this House Bill."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Again, we have House Bill 3494, which is going to amend the Dance Studio Act. We got some more language or... that I'd like to read. This is a part of the original Dance Act that has already been put into place, that says that if somebody wants to cancel a contract that they signed, they can cancel this at any time that they want, and the only penalty they would have to pay would be 10% of the unused balance or \$50, whichever is less. So, I think now the clarification on the Bill should be okay, and I'd entertain any questions that anyone has."

Speaker Hannig: "And on that question, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. When this Bill was debated earlier, I had risen in opposition to it. After rereading the Bill, and noting that there are provisions protecting the consumer, through the Consumer Fraud and Deceptive Practices Act, I do agree that Representative McAuliffe has a good Bill, and I would recommend 'aye' votes."

Speaker Hannig: "Representative Skinner. Representative Skinner."

Skinner: "I made a mistake when I said Arthur Murray went out of business. It was Fred Astaire that went out of business in 1978, and I apologize to Arthur Murray wherever he is. I've read the law that surrounds what the Representative is trying to take out of the law, and it seems to me that the thirty day period which consumers have to cancel any

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ongoing contract with the payment of a penalty of 10% or \$50, I don't know whether it's more or less, is fair protection for the consumer, so I support the Gentleman's Bill."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, if I mentioned Arthur Murray, I, too, offer my apologies to him and meant, of course, Fred Astaire, who I like very much, as well. We'd like to support this Bill, because I really love to dance. Do you know that? I really do, and I'm disappointed that so many other Illinoisans are really pretty crummy dancers, and so my hope is that this Bill will not only have the good consumer protection but encourage good dancing in Illinois, as well, and so I'm happy now, Representative, after having looked more carefully at this Bill, to support it. Thank you."

Speaker Hannig: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. After having all these people that were originally opposed to the Bill, now having come onboard to support it, I just wanted to tell my seatmate, from the very beginning, I knew it was a good Bill. I supported it the first time he had it, and I intend to support it this time, also."

Speaker Hannig: "Representative McAuliffe to close."

McAuliffe: "I just ask for a favorable vote."

Speaker Hannig: "The question is, 'Shall House Bill 3494 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 1 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Morrow

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on House Bill 3593. Out of the record. Representative Saviano on House Bill 3798. Thirty-seven ninety (sic-House Bill), excuse me. Representative Saviano. Out of the record. Representative Bergman, for what reason do you rise?"

Bergman: "Mr. Speaker, I've been unable, after several attempts, to find out whether I have come to agreement with the State Bar, regarding House Bill 3375, so I'd request that it be removed from agreed Bill list #1."

Speaker Hannig: "The Gentleman has asked that House Bill 3375 be removed from the agreed Bill list, and we will honor his request. Representative Cross, for what reason do you rise?"

Cross: "Mr. Speaker, thanks for recognizing me. We have a new weather report from Palm Springs, and I think there's a good chance the Speaker's going to come home. Friday, mostly cloudy with showers becoming likely north and a chance of showers south. Lows from the 30's in the Owens Valley to the lower 50's in the southern deserts. Sunday in the 20's and 30's, so I think... hold on a second, the phone's ringing. Hello. Well, hello, Speaker, how you doin'? Sure. Yeah, I'll tell him in just a minute. The Speaker would like you to call Mr. Hartke's Bill on large law firms."

Hartke: "The hog Bill, huh?"

Cross: "Yes, apparently Speaker Hannig will do that. He asked you to just go ahead and kick it out of Rules right now, and I know Representative Hartke is ready to go with it. Thank you."

Speaker Hannig: "Representative Skinner, for what reason do you rise?"

Skinner: "Is it true that it's 72 degrees outside, and we're

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stuck in here?"

Speaker Hannig: "I heard it's really nice today, outside."

Skinner: "Can we go outside for a sun break?"

Speaker Hannig: "Would the... I'd like to remind the Members that we need to get your final Roll Call votes on the agreed Bill list. We're preparing to go to that order and... On page 23 on the Calendar are Resolutions. House Joint Resolution 48, Representative Reitz. Representative Reitz, House Joint Resolution 48. Representative Reitz, do you wish to call the Resolution?"

Reitz: "Thank you, Mr. Chairman (sic-Speaker). This Resolution takes... urges the President and the United States Senate not to approve the Kyoto Protocol Amendment until, at such time that, developing nations make equal commitments. It's a good jobs Bill again."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, I rise in opposition to what is essentially the same notion here, and that is the resistance of the State of Illinois and the United States in cooperating with what is a global problem, the issue of climate change, and reducing emissions and the need to end pollution. We have, facing the United States Senate, a proposal that could end 5,000 deaths, related to pollution here in Illinois, if we were to do something about emissions, if we were to do something about cleaning up our air, but let's be clear that the Kyoto agreement does not have any specifics. In fact, there are targets. It doesn't say how much we should limit any kind of emissions. It doesn't say how many more dollars we have to spend on transit or high speed rail, and it deferred the issue of the emerging countries until after the November conference

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in Rio. So, it doesn't make any kind of commitments for the United States vis-a-vis the emerging countries right now. It is premature for us to make recommendations to the United States Senate. It is not a good idea for anyone in this Body to go on record opposing control of air pollution, of sensible measures that will have an international impact at this time, and I would urge you not to vote in favor of HJR 48. This is not... you're not voting for jobs. You're voting against doing something about controlling air pollution. There is nothing in the Kyoto agreement that specifically will reduce jobs. There are no specifics at all in there, right now. So, I would say a 'no' vote is the pro-environment vote and the pro-Illinois vote."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you, Speaker. I, too, briefly rise to oppose this Resolution, as I did the Bill earlier in... today, and I'm not sure I can add a great deal to Representative Schakowsky's good comments, but I do think that we need to remember that the environmental issues do not mean sacrificing jobs. A vote for this Resolution or the prior Bill is not a vote for jobs, but it is a vote... I'm afraid that can increase asthma and other lung diseases. It is not something we need to do. There is not an agreement that's been approved by the United States Senate, and I strongly urge a 'no' vote."

Speaker Hannig: "Representative Reitz to close. Representative Reitz to close."

Reitz: "Speaker, I'd like to take this Resolution out of the record, if I could for a second?"

Speaker Hannig: "Representative Reitz on House Joint Resolution 51. Representative Reitz, House Joint Resolution 51."

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Reitz: "Thank you, Mr. Speaker. This Resolution would create a task force made up of Members of the General Assembly, various agencies to study the taxation for Illinois, on Illinois coal and what we can do in the meantime to solve a problem and make Illinois coal more appealing and more feasible in Illinois. Well, that's it."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall House Joint Resolution 51 be adopted. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 1 voting 'no', and the Resolution is adopted. House Joint Resolution 53, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Joint Resolution 53 creates a commission on truant, at risk, out of school, disruptive, and delinquent youth, otherwise known as the Youth at Risk Commission. This commission would address concerns regarding such Illinois youth. The commission would consist of 23 members, with the chair appointed by the Governor. They will meet to study the issues surrounding these youth, focus on at least six points outlined in the Resolution, and report to the Governor and the General Assembly by December 31 of this year concerning findings, recommendations, and proposed legislation. I would urge a 'yes' vote."

Speaker Hannig: "Is there any discussion? Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I would just like to commend the Sponsor for this Resolution. I had an opportunity to serve on something called Project Pass for a period of time, which specifically addressed Youth at Risk in these

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areas of truancy. I think it's a fine idea, and I support you fully."

Speaker Hannig: "Is there any further discussion? Representative Winkel to close."

Winkel: "I would urge a 'yes' vote. Thank you."

Speaker Hannig: "Okay, the question is, 'Shall the House adopt House Joint Resolution 53. All in favor vote 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Or do we need a Roll Call on that, Mr. Clerk? We may need a Roll Call on this, so let's... the question is, 'Shall House Joint Resolution 53 be adopted?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no', and the Resolution is adopted. Senate Joint Resolution 44, Representative Daniels. Would someone like to handle that? Okay, out of the record. Senate Joint Resolution 44, Representative Daniels. Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. Senate Joint Resolution 44 creates a host committee for the National Conference of State Legislators and the annual conference to be held in Chicago in the year 2000. It provides that the host committee will consist of 8 members, 2 Members of the Senate, to be appointed by the President of the Senate, one of which shall act as co-chairperson, 2 Members appointed by the Senate Minority Leader, 2 Members of the House appointed by the Speaker, one of which shall act as co-chairperson and 2 Members of the House, appointed by the Minority Leader of the House. I ask for its favorable passage."

Speaker Hannig: "Is there any discussion? There being none, then

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the question is, 'Shall Senate Joint Resolution 44 be adopted?' All in favor vote 'aye'; opposed 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 question, there are 116 voting 'yes' and 0 voting 'no', and the Resolution is adopted. Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, there is not sufficient attention being paid in the Well, and quite frankly, I did not push my speak button. Representative Wojcik did, and I think you should chastise her."

Speaker Hannig: "Representative Wojcik."

Wojcik: "Since my name was used in debate, I think he should let that little boy out of that box."

Speaker Brunsvold: "We haven't... Mr. Clerk, on the Order of Third Readings is House Bill 2485, Representative Phelps. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2485, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps. Representative Phelps. Representative Phelps. Congressman Phelps. House Bill 2485, would you like us to... would you like to call that Bill at this time, on Third Reading?"

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, the Amendments were just adopted on the floor a few hours ago, which essentially takes care of three items. One was an Amendment that Representative Kosel had put on, that took care of a bonded indebtedness sealing that would be permitted for a front door referendum, as well as I did for New Burnside School in Johnson county. And then Amendment two, which Representative Holbrook adopted to the Bill, took care of a

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district school that would have some access to the debt service because of damage from mine subsidence and that for a school building that was damaged in his district. And those are the three provisions on the Bill. Appreciate your help."

Speaker Hannig: "On that question, Representative Black is recognized."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, do you have any idea how many school districts are going to be able to participate in the school bonding program, yet, this year, I mean, an approximate number of school districts? I know the applications are far..."

Phelps: "Fifty-two."

Black: "...are going to far exceed the number who can participate."

Phelps: "So far, fifty two, I understand."

Black: "Thirty-two, you think?"

Phelps: "Fifty-two, I understand so far."

Black: "Fifty-two. Do you know how many applications there were?"

Phelps: "No, I don't. Maybe that was the applications I..."

Black: "I'm sure it was far many more districts than will be able to participate."

Phelps: "No doubt."

Black: "Then, maybe I'm not reading this Bill as amended correctly, but it seems to me that this Bill allows schools to retrospectively participate in the school construction bond program to retire debt that they already issued."

Phelps: "This has nothing to do with the new bonding construction

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program we passed last winter."

Black: "Where are they going to get the debt... the money... for debt services?"

Phelps: "These are... these schools are asking to go to the voters for an approval, because they have met their maximum indebtedness that's allowed by statute presently."

Black: "So, we're going to allow specific school districts the right to exceed their..."

Phelps: "If the voters approve."

Black: "...statutory debt limit?"

Phelps: "If the voters approve of that, but right now, they can't get statutory approval without action here, to even go to the voters. It's the same thing that Ron Stephens had that we passed out unanimously."

Black: "Well, that was a good Bill. I'm not sure about this one. How... what's the percentage that they could exceed their debt service grant? Do you have a ceiling in the Amendments?"

Phelps: "Yes, 18 percent is the ceiling, but 6.9 percent is by statute, but right now, the 18 percent level is what they're living under because of... they can't, because of their tax base, doesn't allow them to go any further than what the statute allows now, without voter approval and referendum. They can't go to referendum without us allowing them statutorily to go. So, Representative Kosel's area and mine are identical to that that Stephens passed. We should... we probably should have put them all together... there's been three or four others that've passed."

Black: "Alright. Okay. Should this become law, could other school districts then apply, under the law? Let's say we're coming into the spring, and we have a terrible storm,

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as we did a few years ago in Plainfield, could a school then get into the debt service provision by referendum, under this law, should it become effective?"

Phelps: "Remember, these are only, these are isolated to the time table that's outlining the Bill, which January 1, '93, and before January 1, '96."

Black: "Alright, so..."

Phelps: "That's the only way they can qualify."

Black: "So, the number of districts, then, that could participate, actually is quite limited and almost specific, right?"

Phelps: "Yes, very much so, thank you."

Black: "And you have assured me that the only way to exceed this debt limit is by a front door referendum?"

Phelps: "Absolutely, I wouldn't otherwise be supporting it."

Black: "And this is, as you said earlier, Representative, this is not a precedent? We have done this before, is that correct?"

Phelps: "Absolutely."

Black: "Alright, I do appreciate you answering the questions."

Phelps: "Thank you."

Black: "It's good to see you here."

Phelps: "If you'll allow me just to come over and dance at your studio, I'd appreciate it."

Black: "Yes, you'll notice I was the only 'no' vote, because I'm going to resurrect my dance studio, but since Skinner voted 'yes', it's you and I from now on."

Phelps: "Is Skinner as fast on his feet as he is his mouth? That's what I want to know."

Black: "Here we go. We can dance and sing. I see a big future here, Representative. Thank you."

Speaker Hannig: "Is there any further discussion? Representative

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Phelps to close. Representative Phelps, would you like to close?"

Phelps: "Thank you, Mr. Speaker. I merely ask for support of this. This has been around for a few days and heard in committee a couple times. We'd appreciate your support."

Speaker Hannig: "The question is, 'Shall House Bill 2485 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Moffitt on House Bill 2555. Out of the record. House Bill 2560, Representative Hoeft. Would you like to read this on Third Reading? Out of the record. Representative Hoffman on House Bill 2570. Representative Jay Hoffman. Out of the record. Representative Biggins on House Bill 2630. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2630, a Bill for an Act concerning the safety and soundness of public investments. Third Reading of this House Bill."

Speaker Hannig: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2630 is the result of a Resolution that passed last year, creating the Public Investor Task Force. This Bill amends that and requires public agencies to develop and implement an investment policy for public funds within their custody or control. It includes the areas the policy must cover to address investment safety, liquidity, and rate of return, and it takes effective immediately. We spent the better part of the summer with Members of the House and the Senate and members of the Public Investor

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Task Force, going throughout the state taking testimony from those investing public funds for suggestions on how we might come up with legislation that would apply to all but not restrict, in any way, their freedom to invest in any manner or investment decisions they would make. We think this is a good result of our work, of our efforts. Of course, it's a product that's a bipartisan product, and I request everybody to support this initiative."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall House Bill 2630 pass?' All in favor vote 'aye'; all opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Biggins on House Bill 2818. Would you like that Bill to be called? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2818, a Bill for an Act amending the Medical Practice Act of 1987. Third Reading of this House Bill."

Speaker Hannig: "Representative Biggins."

Biggins: "Thank you, again, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2818 is a product of the Legislative Audit Commission, and it involves the Freedom of Information Act and also designed to protect the confidentiality of the Department of Professional Regulation files. The Bill has gone over... with numerous changes and several Amendments. A lot of thought has gone into it. The social agencies are in support of this Bill now, as well as, of course, the Audit Commission and members of that bipartisan group. I would request

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favorable response."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 2818. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 2 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2844, Representative Lang. Representative Lang. Representative Lou Lang. Would you like this Bill called on Third? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2844, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I don't think there's any opposition to this Bill. It's really a very simple Bill. We allowed for charter schools in the State of Illinois and indicated that charter schools could go borrow money to pursue what they do, but the law was silent as to what happens if the charter schools go belly-up, if they close. This Bill simply says that if a charter school closes, the local school district, the public school is not responsible for that loan. I would ask for your support."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 2844. Is there any discussion? Representative Cowlshaw is recognized on that question."

Cowlshaw: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cowlshaw: "If the local school district is not liable, who is?"

Lang: "Well, I think that's a reasonable question. Perhaps, it's

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the State of Illinois, perhaps, it's no one. But, where... where groups determine that they're going to start a charter school, and that charter school is approved by the State of Illinois, for the local school district to be saddled with those loans would be unfair to the taxpayers, and so, the first thrust is, those local taxpayers should not be responsible. Since the state has to approve that charter, I would propose that the state be responsible, but I'm not sure it actually says that in the Bill. It may, I don't have it in front of me."

Cowlshaw: "Well, let me understand something, here. Our purpose... let me say, your purpose in sponsoring this Bill is to help to promote charter schools, not to make it more difficult for people to create them. Is that right? I mean, you want to foster charter schools, don't you?"

Lang: "This Bill is neither to foster charter schools, nor to attack charter schools. This Bill simply says, that if a charter school fails, or it's charter is revoked, that the local taxpayer of that... of that public school district should not be responsible for repayment of the loan."

Cowlshaw: "Well, since you want this Bill to be neutral, so far as whether it promotes or does not promote charter schools, I would suggest to you that, in it's present situation, if it does not designate that some entity, somewhere, is responsible for that loan, then you have probably made it next to impossible for a proposed charter school to get a loan, which may, in fact, be a factor that would help to limit the numbers of charter schools. I'm sure you understand that, if you're going to get a loan, you have to have some kind of collateral. You have to have some kind of assurance that there's going to be somebody who can repay that loan. If your Bill does not already say that the

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State of Illinois ought to be liable for that, maybe you could put that in over in the Senate."

Lang: "Right. As I understand it, Representative, these are loans from the State Board, not private lenders."

Cowlshaw: "Pardon me. I couldn't hear you."

Lang: "So... these are loans from the State Board to the charter schools, not from private lenders. So, it's not a case where some private bank is..."

Cowlshaw: "Oh, alright."

Lang: "...going to be out there trying to collect money."

Cowlshaw: "Alright. I'm sorry. I didn't understand that. Thank you very much."

Lang: "And I thank Representative Scott for clarifying that."

Speaker Hannig: "Representative Cross."

Cross: "Representative, will the Sponsor yield?"

Speaker Hannig: "Indicates he will."

Cross: "Representative Lang, I... and maybe Mary Lou addressed this, but I'm not... I don't... I didn't hear it..."

Speaker Hannig: "Excuse me, Representative Cross. The Clerk has an announcement."

Clerk Rossi: "The Rules Committee is going to meet immediately in the Speaker's Conference Room."

Speaker Hannig: "Okay. Representative Cross. Representative Cross."

Cross: "The language, if the charter is revoked or not renewed, the then outstanding balance of the loan need not be repaid. What... what if I'm a supplier of books to the charter school?"

Lang: "I didn't hear the question. What about what?"

Cross: "I prefaced my question with your language. If the charter is revoked or not renewed, the then outstanding balance of the loan need not be repaid. If I'm a supplier

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of books to the new charter school, what does this do?"

Lang: "It does nothing. We're talking about the start up costs and other costs that the charter schools get from the State Board of Education. And so, if later, if the charter school goes belly up or the State Board does not renew the charter, then the State Board will simply have to forgive the loan. They can't go to the local school district and say, 'You pay it.' This is a proposal by ED-RED. I think you're familiar with that organization. Their concern is, that if a charter school fails, that the local taxpayers might be responsible for repaying that money to the state. It would simply say that, if the state loans money to this charter school for start up costs and then the state says, 'We're going to close you down. We're not going to renew your charter.', that the state is responsible for that debt, not the local taxpayer."

Cross: "So, the State Board will be responsible for all the debt to any... anyone that supplies..."

Lang: "Absolutely not. This is just talking about the loan from the State Board. It's not talking about debts to suppliers. We're talking about... it's not talking about every debt. It talks about those loans necessary to open the charter school, that come from the State of Illinois."

Cross: "I... excuse my slowness on this, but is there going to be someone out there or some entity that owes money that is not going to get paid back?"

Lang: "I would not think so."

Cross: "So, I'm a charter school, and I go belly up, and I owe someone some... and there's been a million dollars put in to make my charter school go, and all of a sudden I go belly up, where does the million dollars come... from where does the million come?"

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Lang: "That money came from the state. The state... the state issued the charter. The point is that the local taxpayer in your school district, where you live in Kendall County, should not be saddled with that debt."

Cross: "So, the state will be out the money and not the locals? Lou."

Lang: "Yeah, if you'll look... if you'll look in the same paragraph that we're amending, in paragraph D-2, it refers to the start up costs that the State Board gives by loan to these charter schools. It says, 'The charter schools may get loans from the State Board for the start up costs, for books, whatever it takes...' and then it just simply goes on to add a sentence, and that sentence says, that if the school closes, if the charter is revoked, your local taxpayer is not responsible for that. After all, your local taxpayer didn't borrow the money..."

Cross: "That's not what it says."

Lang: "Well, that's exactly what it says."

Cross: "Where does it say your local taxpayer is not responsible?"

Lang: "Well, it says that the outstanding balance of the loan need not be repaid. Obviously, the charter school can't pay it. They've closed. The state has... if the state revokes the charter, the state has said, 'We don't want you to exist anymore. Perhaps they shouldn't say that if they're concerned about getting the money back, but the whole point is, that if you say it doesn't have to be repaid, the State Board, or no one else can go after your local school district and ask them to repay the loan.'"

Cross: "Are there not charter schools that can be financed outside of the state? Can't I go into my local school, my area, and start up a charter school without state loans?"

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Lang: "The sec... I'm not sure about that, but the section we're amending here only deals with those state loans. It doesn't deal with anything else. It doesn't deal with outside debts to outside vendors. It doesn't deal with banks. It deals with the start up costs coming from the State Board."

Cross: "What incentive is there for me to run a charter school efficiently, if I know that the loan is just going to be wiped out, and that the state's going to absorb... we taxpayers, including the people in my district, are going to be on the hook for this. Maybe not locally but at the state level."

Lang: "I don't understand the question."

Cross: "Well, what incentive is there for me to run a charter school efficiently, if I know I don't have to be responsible for the loan?"

Lang: "Well, that sort of... that question sort of asking the converse. If you're not going to be responsible for the loan, why would you care about opening a charter school? Go ahead and open it." I would think your question would more likely be... I think your question would more likely be, won't the taxpayer be on the hook for something if that loan is not repaid and the answer is yes, but if the State Board determines that the charter school ought to be open, then the State Board ought to be responsible for what they loan out to that charter school and loan it out very carefully. I don't want my taxpayer, in my local school district, to have to repay the State Board if the charter school that the State Board allows... fails. So, if that charter school fails, I don't want to be paying for it. The State Board made the decision to give the license. The State Board made the decision to allow that charter school

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to open. Why should I, as a taxpayer, be responsible? At least... at least from... through my own school district, through my local property taxes. Obviously, as a taxpayer, if the state is out that money, I've paid for it, but my local school district shouldn't have to raise taxes to pay for it."

Cross: "So, the only liability, the only people worried about releasing liability from would be the local school boards. Anyone else that's assumed liability will continue to be liable."

Lang: "If the question... if the question is, do vendors that have debts still have those debts coming to them under this Bill, the answer is yes."

Cross: "And under this, it'd be through the state?"

Lang: "Well, I presume that... I don't know about the answer to that question is. This simply talks about the loans to the state. It doesn't talk about contracts with vendors. It says that the loan does not have to be repaid, and that's to protect the taxpayers in your local public school district."

Cross: "So, Lou, I contract with my local charter school after the state's given me a loan, and I'm going to supply cafeteria... cafeteria, or food for the next year, and the state revokes my charter, and there was an initial loan. I understand, now, that that loan is going to be absorbed by the state. What happens to my contract with the food service?"

Lang: "Whatever... the same thing that would happen if we didn't pass this Bill, because this Bill has nothing to do with that contract. By the way, the State Board has signed off on this... on this proposal. You should know that."

Cross: "Well, I'm still a little puzzled. I... maybe I need a

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rest in Palm Springs, but I'm sure other people have some questions. Thank you."

Speaker Hartke: "Further discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative Lang, Floor Amendment #1 has been added to the Bill, has it not?"

Lang: "Yes."

Black: "Well, you know, I don't see any reason why we need to debate this ad infinitum. That Amendment makes this a very good Bill. Without the Amendment, why would any public school, why would any reasonable elected school board, want to get into the charter school business, if they are going to be held accountable for that loan? They wouldn't do it, right?"

Lang: "You're right. The purpose... well, maybe you're right."

Black: "Absolutely."

Lang: "But the purpose of the Amendment was to clarify that... "

Black: "Sure."

Lang: "...you're absolutely correct."

Black: "But if you and I want to start a charter school, and we borrow money from the fund. Since Skinner's putting me out of the dance studio business, I'm looking for another investment opportunity. You and I start a charter school in beautiful downtown Skokie, and we don't make a go of it. Under your Amendment, you and I can be held accountable for that loan, correct?"

Lang: "I believe that's correct."

Black: "Yeah. Holy mackerel. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

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Black: "As unaccustomed as I am to praising Representative Lang, the Bill, as amended, makes eminent good sense. It removes the objection, I guess, perhaps, the fear of liability from public school districts who don't have enough money to put at risk if they're going to be held liable for the collapse of a charter school, but a private board of directors or a group of private investors who want to start a charter school certainly will be held to that standard. I think it's a very reasonable Bill. I know of no opposition to the Bill, and I urge an 'aye' vote, and I don't think we have to beat this dead horse until Arthur Murray comes home. Let's vote 'aye'."

Speaker Hartke: "The Gentleman from Whiteside, Representative Mitchell."

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

Lang: "Of course."

Mitchell: "Representative Lang, that's a very nice tie."

Lang: "Thank you, Sir."

Mitchell: "Well, finally, counselor, the bailiwicks have changed a little bit. I kind of sneak into yours once in a while, and you treat me fairly, and I'll try to do the same. One very simple question, and I think it will clear up some of the confusion. Quite often, a charter school gets its beginnings by having private entities that help to sponsor that. There's nothing in your legislation would stop the State Board from trying to get that private entity that served as a sponsor to help cover some of that loan cost, is there?"

Lang: "No, and as Mr. Black well pointed out, the Amendment makes that clear. The Amendment simply says, that under no circumstances will the local public school district be responsible for the loan. If someone else, if private

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entities borrow the money for start up costs, they are going to be responsible for it. It just simply says that the local school district will not be responsible for repayment of the loan."

Mitchell: "Well, Representative, in your wit and wisdom, I do believe that you may have come up with one of the solutions for the fear of not going after a charter school district. I really think it's a good Bill. I think it's one that answers some questions that many, many people have had concerning charter schools and maybe will unlock the reason why we've been so slow to adopt the concept of charter schools in the State of Illinois. I agree with my esteemed colleague, Representative Black, and I think you've come up with a real good solution, and I urge an 'aye' vote. Thank you very much."

Speaker Hannig: "Is there any further discussion? Representative Lang to close."

Lang: "I ask for your 'aye' votes."

Speaker Hannig: "The question is, 'Shall House Bill 2844 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brown, for what reason do you rise?"

Brown: "Thank you, Mr. Speaker. On the previous Bill, 2818, I was an 'aye' vote, and it was recorded as a 'nay'. I'd like to see it as an 'aye' vote, please, Mr. Clerk."

Speaker Hannig: "The record will reflect your intentions."

Brown: "Thank you."

Speaker Hannig: "Representative Schakowsky, would you like us to

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call House Bill 2884 on Third Reading? And we're also... okay... out of the record. Mr. Clerk, we're going to do... Members we're going to do the Agreed Bill list at this time, and the procedure will be that we'll have the Clerk read those Bills on Third, we'll have a Roll Call where all Members will vote 'yes' and then, if you wish to vote... excuse me... 'no' or 'present', you still have a few minutes to turn that in. So, Mr. Clerk, read the Bills."

Clerk Rossi: "House Bills-Third Reading. House Bill 2091, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of this House Bill. House Bill 2299, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of this House Bill. House Bill 2425, a Bill for an Act to Amend the Flag Display Act. Third Reading of this House Bill. House Bill 2493, a Bill for an Act to amend the School Code. Third Reading of this House Bill. House Bill 2568, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill. House Bill 2593, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill. House Bill 2696, a Bill for an Act in relation to privacy. Third Reading of this House Bill. House Bill 2823, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practice Act. Third Reading of this House Bill. House Bill 2908, a Bill for an Act to amend the Comprehensive Health Insurance Plan Act. Third Reading of this House Bill. House Bill 2909, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of this House Bill. House Bill 3026, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill. House Bill 3041, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill. House Bill 3142, a Bill for an

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Act to amend the Illinois Public Aid Code. Third Reading of this House Bill. House Bill 3158, a Bill for an Act in relation to street gangs. Third Reading of this House Bill. House Bill 3170, a Bill for an Act in relation to methamphetamine. Third Reading of this House Bill. House Bill 3233, a Bill for an Act to create the Public Deposits Insurance Act. Third Reading of this House Bill. House Bill 3249, a Bill for an Act in relation to certain land. Third Reading of this House Bill. House Bill 3256, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill. House Bill 3280, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of this House Bill. House Bill 3286, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of this House Bill. House Bill 3294, a Bill for an Act creating the year 2000 Computer Date Change Task Force. Third Reading of this House Bill. House Bill 3321, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Third Reading of this House Bill. House Bill 3500, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill. House Bill 3514, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill. House Bill 3515, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill. House Bill 3516, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill. House Bill 3579, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill. House Bill 3749, a Bill for an Act to amend the Higher Education Student Assistance Act. Third Reading of this House Bill. House Bill 3793, a Bill for an Act to amend the School Code. Third Reading of this House

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Bill. House Bill 3813, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill. House Bill 3814, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill. House Bill 3844, a Bill for an Act to amend the State Treasurer Employment Code. Third Reading of this House Bill. Senate Bill 626, a Bill for an Act concerning funds for the County Cooperative Extension Services. Third Reading of this Senate Bill."

Speaker Hannig: "The question is, 'Shall these Bills pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Representative... Have all voted who wish? Mr. Clerk, take the record. So, those Members who wish to be recorded as 'no' or 'present' on any of these Bills on the Agreed Bill list need to contact the Clerk's office with their handout immediately. So, on this question, there are 116 voting 'yes' and 0 voting 'no'... and after the Clerk gets the final tallies, we'll announce the... the final outcome of those Bills. On the Order of House Bills Third Reading is House Bill 3034, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3034, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill amends the Criminal Code, creates the offense of facilitating theft of on-line services. It's parallel to the Cellular Phone Law, and I would be happy to answer any questions."

Speaker Hannig: "Is there any discussion? There being none, then the question is, 'Shall House Bill 3034 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Wood on House Bill 3173. Out of the record. Representative Coulson on House Bill 3377. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3377, a Bill for an Act to amend the Criminal Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "This Bill, thank you, Mr. Speaker and Ladies and Gentlemen, this Bill creates the offense of harassment by computer. I would urge your 'yes' vote, and I'll answer any questions."

Speaker Hannig: "The Lady has moved for the passage of House Bill 3377. Is there any discussion? Representative Black."

Black: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Representative, this computer on my desk harasses me a hundred times a day. Is that covered? Half of the time it doesn't work. Half the time it's on the wrong Bill. Or is this just another..."

Coulson: "No."

Black: "...offense?"

Coulson: "This... basically, the criminal offense would be someone sending multiple e-mails or multiple harassments onto your computer that you did not want."

Black: "I had... all right, I had 72 e-mail messages on my computer today."

Coulson: "Well, then you would need to ask the people who are sending them to you..."

Black: "Well, I think most of them were from Representative

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Pugh."

Coulson: "...to not send them and then... Then you need to respond to him, ask him not send them to you, and then you could accuse... file a complaint for harassment on the computer."

Black: "I hope. What constitutes the... What constitutes the harassment, the fact that I don't want the message or does the message have to be obscene, threatening..."

Coulson: "There needs to be proof of intent to harass. So.... in order to make it a crime. It does not necessarily have to be obscene."

Black: "Alright. But, if I... I'm not in violation of anything if I smack my computer, am I?"

Coulson: "Not if you... not if you choose to do that."

Black: "Okay. Alright. So, if I can prove intent to harass by e-mail messages on my computer, then I'm going to have a cause of action?"

Coulson: "Yes."

Black: "Long overdue. Thank you."

Coulson: "Thank you."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "She indicates she will."

Fritchey: "Representative, I'm just reading through the analysis here, and I notice that one of the provisions of this is that the court may order an individual convicted to submit to a psychiatric examination. I guess I've got two questions. Can they order them to the psychiatric evaluation prior to conviction, or is it only after they're convicted and also what the intention is of having that in there?"

Coulson: "It's only after they're convicted. The intention is

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basically to keep it parallel with the other harassment Bills, harassment laws that are out there."

Fritchey: "Well... I'm just curious what's accomplished by this. I don't know that I have a problem with it. I'm just curious what's accomplished by ordering them to submit to a psychiatric evaluation after conviction if, maybe, psychological competence is going to be an issue as to whether or not there was intent to harass or the capability to form intent. Is the evaluation something that should be required prior to a conviction to determine if a conviction is warranted, rather than after the fact?"

Coulson: "Well, Mr. Fritchey, you're a lawyer. I am not, but, I would expect that you could ask for a psychiatric evaluation, in the case, if your client happened to be the person who was under indictment here. You could end up asking for that psychiatric evaluation prior to it."

Fritchey: "But this isn't the attorney asking for the evaluation. It's the court being able to ask for an evaluation and I... and again, I'm not saying that I've got a problem, but I don't understand what is accomplished by allowing the court to order an evaluation, post-conviction, but not prior to determining whether or not there should be a conviction."

Coulson: "Possibly in the sentencing of the person who is convicted, it may make a difference in what their sentence might be."

Fritchey: "But... under the sentencing, in the Bill as it reads, right now, psychiatric state really isn't going to have anything to do with how they would be sentenced."

Coulson: "Okay, I've just been informed by staff that, as I said, this is parallel to the phone harassment law, and the intent, at that time, was to urge the court to look at repeat offenders in a different way and to try to address

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that."

Fritchey: "What would hope to be accomplished if they ordered a psychiatric evaluation after conviction, and it was found that the person was not mentally competent?"

Coulson: "My hope..."

Fritchey: "Let me just finish real quickly. If the courts ordered an evaluation after the conviction, and it was determined that the individual did not have the psychiatric or the mental capability to form the intent that was a prerequisite for the conviction, wouldn't the court ordered evaluation, in turn, give the, at that point, the convicted offender a basis for overturning the conviction?"

Coulson: "As far as I can tell, that would not happen. You would not have an overturning of the conviction. As I said, the defense attorney could ask for that prior to that, and the only other thing that I would say about the psychiatric examination, my hope would be that if someone is found to not have the psychiatric frame of mind, that they would be able to get help based on that examination."

Fritchey: "But, if they were found not to have the mental capability, isn't there an argument then that it's impossible that they could have had the intent that was necessary for them to have been convicted in the first place?"

Coulson: "Well, I would hope that their defense attorney would have brought that up at trial, not after conviction."

Fritchey: "Alright. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Fritchey: "I think this is... obviously, it's a laudable and admirable goal that we're trying to accomplish here. I think there's some question that I hope maybe might be looked at, when this goes to the Senate, as far as when to

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order the evaluation or what you hope to accomplish by the outcome of the evaluation. This is the type of issue that we need to address as far as harassment and other crimes that come out of the computer. I think it's a good idea. Maybe it can be made a little better, but I support the Sponsor and the Bill. Thank you."

Speaker Hannig: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I'm under... I think my name was mentioned in debate, and I wasn't clear whether or not it was relative to Mr. Black's psychiatric capabilities or what, and I would like to know what Mr. Black was referring to when he stated my level of harassment... that I was harassing him. Is Mr. Black in the chambers?"

Speaker Hannig: "I don't see the Gentleman in the chamber, Representative Pugh."

Pugh: "Well, just..."

Speaker Hannig: "He's answering his e-mail, I heard."

Pugh: "Well, just a point of... just a... just a point of clarification that..."

Speaker Hannig: "Yes, Representative Pugh."

Pugh: "...that my e-mail was a mere attempt to send him some... something that will assist him in his apparent fight with the devil for the salvation of his soul."

Speaker Hannig: "And he probably needs more, Representative Pugh. Representative Schoenberg."

Schoenberg: "Thank you. I have a question... couple questions of the Sponsor, will she yield?"

Speaker Hannig: "She indicates she'll yield."

Schoenberg: "Representative, on the issues of harassment by computer, specifically Section 16 (d)-5.5, A(1), A(2), and A(3). Could you please... could you please explain how spamming an individual... how spamming an individual would

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not be... whether it would or would not be an offense of harassment subject to criminal penalty under this law?"

Coulson: "Representative, 5a(3) is specifically meant to direct toward spamming and not being able to jam up a computer with e-mail constantly."

Schoenberg: "As you know.... I, as you know, when... when people are... receive mass quantities of unsolicited e-mail, their response, quite frequently, is to jam the internet service provider. That entity, which has been sending the unsolicited e-mail, would people who sought to reciprocate for the unsolicited e-mail, would they be subject to criminal prosecution as a result of the definition of harassment in this Bill. It seems to me that this issue, while you're discussing the answer, it seems to me, that this issue is unclear. I support you, in theory, on this and have asked you to add me as a cosponsor of it. But..."

Coulson: "And I thought you were."

Schoenberg: "I thought I was too, but I checked on the parenthetical... I checked on the LIS, and I'm not, but on the issue of unsolicited e-mail, as well as inappropriate communication in a chat room, right now the internet is self-governing, and for example, On America On-line, if you or any of the other major internet service providers, if you are participating in a chat room and your... and your speech is deemed inappropriate, either sexually suggestive or exceedingly obscene, the internet service providers, on their own, suspend your privileges. What this appears to be doing is taking that one step further and giving jurisdictions the ability to prosecute, based on what's in a chat room. Similarly, it would seem that if people are receiving unsolicited e-mails, and this is becoming increasingly a very lucrative industry in... in... along

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the internet, that people could be punished and prosecuted just by trying to stop the unsolicited e-mail. If you could respond to those points, I'd appreciate it."

Coulson: "Representative Schoenberg, your name is up there, and I did..."

Schoenberg: "Thanks."

Coulson: "...hand in a slip earlier...."

Schoenberg: "No, thank you."

Coulson: "...apparently it got... was missing. My intent would not be to prosecute someone who is not, you know, purposely doing it to jam up their, another person's e-mail. So, I guess the issue is whose intent, retribution may be just as bad as the crime itself, and I guess I would have to leave that up to the courts."

Schoenberg: "I mean, I'll give you a case in point. Something which has occurred in Texas, which, people here could probably be a little sympathetic towards. There are candidates for public office, there have been a couple of candidates for public office who have thought that the use of blanket e-mail, very much, could be an effective way to disseminate a campaign message, very much the same way we use the postal service. People on the internet, however, have rejected this as an unsolicited, unwanted form of spamming, and in response to these particular candidates, fired off their own large quantities of e-mail, spammed the provider to jam their system, so they could no longer send unsolicited e-mail. If this were to occur in Illinois, if this situation were to occur in Illinois, and this Bill were to become law, it's quite conceivable that an individual who sought to block unsolicited e-mail, whether it was political e-mail or sexually suggestive e-mail, or e-mail that was seeking to sell you something, that they

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could be prosecuted for jamming up this company's provider because they were denying them the opportunity to try and market this commodity. So, I see where you're trying to go with this..."

Coulson: "I... I understand..."

Schoenberg: "But..."

Coulson: "I understand your concern. I think, I would hope that there are better ways to stop that type of unsolicited e-mail, and perhaps, that's not an appropriate way to try to stop it, and we would hope that, maybe this Bill would encourage people not to jam other people's e-mail, basically. Either way, in retribution or to start with."

Schoenberg: "I don't pretend to have the answers to some of the issues I've raised. What I would suggest is that we continue to revise this, because I think we do want to discourage harassment by e-mail, but by the same token, the internet gets used for commercial purposes, and we would hate to see innocent people prosecuted by companies that are seeking to profit, for example, or by internet service providers who are seeking to strike out at people who are really innocents. Thank you."

Speaker Hannig: "Representative Coulson to close."

Coulson: "I would like to ask for your 'aye' vote. I think this Bill allows for a new crime, and it's going to keep up with the advancing technology, and this is a... will be the crime of the new millennium, and I'd encourage your 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 3377 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting

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'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3753. The Rules Committee Reports."

Clerk Bolin: "Representative Currie, Chairperson from the committee on Rules, to which the following measures were referred: action taken on March 26, 1998 reported the same back with the following recommendations; 'for consideration' Amendment #1 to House Bill 2466, Amendment #4 to House Bill 2590, Amendment #4 to House Bill 2668, Amendment #1 to House Bill 2812, Amendment #2 to House Bill 2860. Amendment #2 to House Bill 3028. Amendment #2 to House Bill 3063. Amendment #2 to House Bill 3162. Amendment #1 to House Bill 3202. Amendment #2 to House Bill 3485. Amendment #2 to House Bill 3564. Amendment #1 to House Bill 3625 and Amendment #2 to House Bill 3672."

Speaker Hannig: "Back to the Order of House Bills Third Reading. House Bill 3753. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3753, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. House Bill 3753 increases the penalty for gunrunning from a Class I to a Class X Felony. It's estimated that 70% of recovered street gang guns were, in fact, purchased by somebody who was not planning to use it him or herself but was planning to sell it to somebody with nefarious thoughts in mind. There are not a large number of prosecutions for gunrunning. There ought to be more. The penalty should be higher. There's an example of a 19 year old Evanston youth who was killed in a street incident. The person who'd sold the gun to the punk who killed him, in fact, was one of the few people who'd been prosecuted for gunrunning, but in

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fact, by the time this youngster was killed, the gunrunner had already served his six months time in jail and was back out on the streets. I know of no opposition to this measure. I would be happy to answer your questions and would much appreciate your support for House Bill 57... 3753."

Speaker Hannig: "The Lady has move for passage of House Bill 3753. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Gash on House Bill 3724. Out of the record. Mr. Clerk, House Bill 2466. Read the Bill."

Clerk Bolin: "House Bill 2466. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schakowsky, has been approved for consideration."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. At the suggestion of the Secretary of State's office, the format of the Bill was changed through this Amendment, simply to create a separate section which deals with uniformed adult school crossing guards. It just took it out of the section that dealt with police officers or firemen and created a section, 203.1 of the code. So, none of the substance, this is truly a technical Amendment, none of the substance or even the direct language of the Bill was changed. This deals with... obeying crossing guards,

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and I would move the adoption of Amendment #1."

Speaker Hannig: "And on that question, Representative Black is recognized."

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

Speaker Hannig: "She indicates she will."

Black: "Yes, Representative, there's a reference to a uniformed adult school crossing guard. Is there anywhere in the underlying Bill that the uniform is defined? I mean, what constitutes a uniform?"

Schakowsky: "No, and this is the way it had been in the... had always been in the Bill. Uniformed is not... is not defined. I mean, it can be a vest. It can be an actual, full uniform. There has to be a designation, but there is no definition, and that's not new language either."

Black: "Have you... I remember in committee this came up, and I asked you for a clarification on the fine language. Has that been addressed in the Amendment, at all?"

Schakowsky: "Well, I did talk with the Secretary of State's office. In fact, they said that they would handle... that they could handle this just as they do other fines if the... for about... for a minimal cost, if we adopted this change in the format that's, for some reason, if it had been as I had placed it, it would have been an \$80 thousand fiscal note, but as... they drafted this Amendment and said that it would have a minimal cost this way."

Black: "Okay. Thank you very much, Representative."

Speaker Hannig: "Any further discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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Speaker Hannig: "Third Reading. Representative Schakowsky, would you like to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2466, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was brought to me by an Evanston police officer, Bob Reed, who came to committee to testify about a situation where a school crossing guard, a uniformed adult school crossing guard, was knocked down. She was being followed by three students who, fortunately, were not hurt, but the police department was frustrated in that they were only able to give a regular ticket to the perpetrator... the driver, and Officer Reed felt that, at least the same penalties ought to be in effect as those that are in effect if you go around a school bus or if you speed in a school zone, and so, this makes the penalties consistent with those of school bus violations or school zone violations and will, we believe, serve to protect school crossing guards."

Speaker Hannig: "And on that question, Representative Andrea Moore is recognized. Representative Moore. Turn on Representative Moore. Thank you. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I rise with a point of order. This Amendment is not on the computers, and it has not been delivered to the Members. I have tried to get your attention when you were asking for the vote on the Amendment, but most definitely, it is not appropriate to vote on the Bill, before we have a copy of the Amendment."

Speaker Hannig: "So, we'll check with the Clerk's office. We're informed, Representative Moore, that the Amendments now are on the system. The Clerk's of... the Clerk informed us

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that the Amendments are on the system, and on that question, Representative Black is recognized."

Black: "Well, if you could just get the system to reflect the Bill that we're on. On my system, and I update regularly, House Bill 3724 is listed on my laptop, and that is not the Bill that we're on."

Speaker Hannig: "Yes, we're on House Bill 2466, Representative Black."

Black: "Yes, I see that on the board, but I don't see it on my laptop. On my laptop is 3724."

Speaker Hannig: "Okay, we're going to have someone from the computer whiz team come over and assist you."

Black: "Well, I... I think it's on everybody's. I don't think it's mine. I just, I don't think the right Bill is popping up on our system. If the LIS is down, let's go home. You know, it's this pace that we've been working. We've worn out the computer. We've worn out the people in the Well. We've worn out our patience. One of my colleagues suggests I need psychiatric help. I mean, that hurt. That really hurt me. I'm over here wrestling with the devil and having to put up with that kind of language. It's time we go home."

Speaker Hannig: "Representative, we're going to take this Bill out of the record for a second."

Black: "Well, I would hope."

Speaker Hannig: "Okay, Mr. Clerk, read House Bill 2565."

Clerk Bolin: "House Bill 2565. The Bill has been read a second time, previously. Amendments #1, 2, and 3... Amendments # 1, 2, and 3 were adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3093."

Clerk Bolin: "House Bill 3093. The Bill has been read a second

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time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3126."

Clerk Bolin: "House Bill 3126. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 3518."

Clerk Bolin: "House Bill 3518..."

Speaker Hannig: "Out of the record. House Bill 3534."

Clerk Bolin: "House Bill 3534. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Read House Bill 3535."

Clerk Bolin: "House Bill 3535. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 3636."

Clerk Bolin: "House Bill 3636. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Okay, let's try the House Bill 2466, Third Reading. Representative Schakowsky gave us a brief explanation."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What this Bill does is makes sure that school crossing guards are protected by the same laws that protect us from cars that go around school buses or that speed in school zones, and I would urge your support."

Speaker Hannig: "Okay, Representative Black, are our computers in order?"

Black: "Yes, my congratulations to you, Mr. Speaker. They're in

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order and I... is this the Representative's last Bill before she goes east? If it is, we'll all vote 'yes' and won't ask any questions."

Speaker Hannig: "We could try."

Black: "Alright. Is this your last Bill, Representative?"

Schakowsky: "I'm being encouraged to say yes, but the truth is..."

Black: "By God, let's move it by acclamation."

Schakowsky: "...I'd like a couple more. Thank you."

Black: "We should move it by acclamation. We can pass this, and you can go to Kyoto and talk about greenhouse gasses or something. Let's go. Let's move."

Speaker Hannig: "The question is, 'Shall House Bill 2466 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no' and 0 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2590, Representative Saviano. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2590. The Bill has been read a second time, previously. Floor Amendment #4, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment 4 removes the remaining opposition in this Bill. The pharmacy technician language is taken out, thereby making the pharmacists and the retail merchants supportive of the Bill, and I would ask Floor Amendment #4, House Bill 2590 be adopted. Thank you."

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Speaker Hannig: "Is there any discussion? There being none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk... Mr. Saviano, shall we call the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2590, a Bill for an Act to amend the Illinois Physical Therapy Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "House Bill 2590, earlier today we amended this Bill. It has various cleanup language in there. The only substantive language in there is the change in the rate schedule for closed circuit T.V. collection for the Illinois Boxing Act, but Wrestling and Boxing Act were changes the collection met that from 5% of the gross receipts to a flat fee of \$4 hundred. We'd like to send this Bill over to the Senate, so they could scrutinize it and hopefully this Bill, which includes a lot of cleanup work, which needs to be done to update some of the laws in our Practice Acts will be also approved there, and I would ask for your favorable consideration. Thank you."

Speaker Hannig: "And on that question, Representative Black is recognized. Okay, Representative Black does not request recognition. Representative Coulson."

Coulson: "I will be voting 'present' on this Bill because I may have a conflict. Thank you."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall House Bill 2590 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes' and 1 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2668, Representative Persico."

Clerk Bolin: "House Bill 2668. The Bill has been read a second time, previously. Amendments #1 and 2 were adopted in committee. Floor Amendment #4 has been approved for consideration."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 becomes the Bill. It creates what is known as the Red Tag-Green Tag Law, provides that a facility must have a green tag in order to obtain petroleum or any other regulated substance. A green tag will be issued based upon compliance and payment of a fee. It allows the fire marshall authority to establish rules and fees to implement the law. It also provides that, if a facility is not in compliance, the tag... the tanks will be tagged with a red tag, and it prohibits a red tag tank to be filled, under this Amendment. I ask you for your adoption of Amendment #4 to House Bill 2668."

Speaker Hannig: "And on that question, Representative Novak is recognized."

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

Speaker Hannig: "He indicates he will."

Novak: "Representative Persico, this is Amendment #4 is... that's all that's in the Bill, right? All the language about this study for the privatization is out, correct?"

Persico: "That is correct, Representative."

Novak: "Okay. Okay. This is a good Bill. It's an initiative of the Petroleum Marketers. This is something that has to be

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done, pursuant to a federal mandate, and I would ask my colleagues to support this measure."

Speaker Hannig: "And on the Amendment, Representative Black."

Black: "If you're going to make me sit here all day, I'm going to ask some questions. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, you mean we have finally come to a point where a legislative body of the seventh largest state in the country is going to pass a law that puts a green tag for the delivery man for gas and a red tag for the delivery man if I can't get gas, right?"

Persico: "That is correct."

Black: "This Bill gives me gas."

Speaker Hannig: "Representative..."

Persico: "In other words, I'm still going to be one of your few red... we're not going to get that green vote out of you today, are we?"

Speaker Hannig: "Representative Hoffman. Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Hoffman: "I know that Representative Novak asked something about this, but this Bill, essentially, does this Amendment then become the Bill?"

Persico: "Yes, it does."

Hoffman: "So, it changes everything after the enacting clause and everything with regard to any kind of study and all that..."

Persico: "That is correct. Just... it just creates the Red Tag-Green Tag Law."

Hoffman: "Thank you, Representative. This is a good Bill."

Speaker Hannig: "The question is, 'Shall the Amendment be

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adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2668, a Bill for an Act concerning underground storage tanks. Third Reading of this House Bill."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is the Amendment we just adopted. It is the Bill. The Red Tag-Green Tag Law. I'd like to see all green lights, no red lights. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 2668 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes' and 3 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2812, Mr. Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2812. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you. I move for the adoption of the Amendment."

Speaker Hannig: "The Gentleman has moved for the adoption of Amendment #1. Is there any discussion? Representative Dart."

Dart: "Thank you. Would you mind terribly, explaining to us

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what's in the Amendment?"

Turner, J.: "Well, certainly. I'm sorry, was there a question?

Yes, state your query, counselor."

Dart: "My what?"

Turner, J.: "You heard me."

Dart: "Can you explain to us what's in your Amendment there, counselor?"

Turner, J.: "Yes, I can."

Dart: "Would you, please?"

Turner, J.: "Yes, when would you like to hear it?"

Dart: "Now."

Turner, J.: "Well, as you can see in the Amendment, we simply added in three words... four words: and, malfeasance, duty, and willfully, and what we actually did was include the word 'willfully' to show that the failure on the part of the recorder must be willful."

Dart: "Where did this suggestion come from, obviously not yourself?"

Turner, J.: "Representative Scott."

Dart: "Well, I would defer to him, because I have a sneaking suspicion that he knows what he's talking about here."

Turner, J.: "What was that?"

Dart: "Thank you."

Speaker Hannig: "Is there any further discussion?"

Turner, J.: "You're welcome. Let me know if I can be of further assistance to you."

Speaker Hannig: "Representative Scott. Representative Scott."

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

Speaker Hannig: "He indicates he will."

Scott: "John, what standard are we applying to recorders to now, because it is a fairly serious issue. I mean, what standard are we applying to recorders now, with respect to

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people being able to recover against them?"

Turner, J.: "Well, I'm not sure I understand your question."

Scott: "Well, I mean, we've got... for various public officials, you've got simple negligence. You've got willful and wanton conduct. You know, here you're talking about willful violations. Where exactly does this fit in?"

Turner, J.: "You'll have to give me a second."

Scott: "It's okay."

Turner, J.: "Well, Representative, we're trying address your concerns. It's my understanding that the indemnification would apply to negligent conduct but would not cover willful conduct."

Scott: "Okay and you're... and Floor Amendment #1 just deals with the indemnification portion of it. I mean, you've got two different parts in this Bill. Does the indemnifi... or does the Amendment just deal with the indemnification portion?"

Turner, J.: "Representative Scott, just to be honest, I can't answer that question, and I need to review it. I'd ask to be taken out of the record until I can answer the question because it's a very good one."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 2860, Representative Parke."

Clerk Bolin: "House Bill 2860. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Parke, has been approved for consideration."

Speaker Hannig: "Representative Parke."

Parke: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. When I presented (sic-House Bill) 2860 in committee, I wanted it clear that the understanding is that this Bill only apply to property and casualty insurance

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and, in reviewing it, it seems like there was not a clear distinction, that it only applied to that. So, Amendment 2 clarifies that, and I would ask that the Body accept Amendment #2 to House Bill..."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Parke, would you like us to call the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2860, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2860, as amended, provides that a company may not use the fact that an applicant or insured was injured as a result of battery, committed by a spouse or persons in the same household, as a sole basis of rating, underwriting, or claims handling. In essence, what it simply says is that an insurance company cannot use a battery complaint or someone that was hurt in a domestic abuse situation as the only reason for rating an insurance policy, underwriting, or handling of claims. The... we amended it to also include the innocent coinsured. It simply means is that, if a man and woman are insured on a house, and in the process of a divorce or in a fit of anger, that the spouse torches the house, that the spouse that's left, as the innocent coinsured, will still be able to get their share of that property reimbursed by the insurance company, and the insurance company cannot deny

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this claim. I would ask that the Body vote in support of House Bill 2860."

Speaker Hannig: "And on that question, Representative Lang is recognized."

Lang: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Lang: "Representative, is a conviction required?"

Parke: "For which part? In the innocent coinsurance, it would be a conviction. On the overall, no, in the overall Bill, no, it would not. It would just be that the insurance company cannot use underwriting as a charge of being abused as a reason for declining someone, or refusing to handle a claim..."

Lang: "Well, what... what about the situation where... excuse me... someone just simply doesn't press charges. You know that sometimes in domestic battery cases, somebody doesn't press charges. What about that?"

Parke: "On which part, Representative Lang. I'm not clear which part are we talking... the overall Bill?"

Lang: "On Amendment 1."

Parke: "Oh, on Amendment 1, it has to be a conviction. If somebody burns the house down, and they... and the spouse chooses not to claim and put up... press charges against the person that torched it, no. Why should they? That's a decision between the spouse and... the spouses to decide, but if there is a danger of... that that person continuing to come back, some lawyers might be able to, and you're a lawyer, maybe you could tell us, that, I think that the police department can press charges, if it's aggravated arson. They could press charges, and the spouse doesn't have to do that."

Lang: "Well, what if the battered spouse just went directly to

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the insurance company and claimed it but never went to a charge? Would the insurance company then be bound to listen to that as testimony, or would they have to wait for a conviction?"

Parke: "In my... in my legislation, I put in there that it would have to be a conviction."

Lang: "Be with you in a moment, Representative. Representative, by the way, I'm not trying to hurt your Bill. I'm for your Bill. I'm just trying to help you clear it up..."

Parke: "I understand."

Lang: "On Amendment 1, line 15, it refers to the perpetrator of the laws being criminally prosecuted, but it doesn't talk about conviction."

Parke: "Well, it says prosecuted, Representative. It doesn't mean a conviction."

Lang: "Prosecuted does not mean conviction."

Parke: "Right. I mean, that's what I would read it. Do you read the same?"

Lang: "Alright, so that's not exactly... So, I just want to clear this up because, before, you said a conviction was required."

Parke: "Yes, that was what I was initially thinking, but I've read the Amendment, and I read it the same way you do."

Lang: "Is what's in the Amendment what you want? I just want to make sure you have what you want."

Parke: "Yes, it's been reviewed by some of our lawyers, and obviously, that's the way they want it so, it's... that's what... that for you and I, that's fine with me. We could use it for a legislative intent."

Lang: "I don't have any more questions. I'm just going to reread this before I vote. I don't know whether I'm for this or not. I'm probably for it, but I want to make sure you have

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here what we need to have here. Thank you."

Speaker Hannig: "Is there any further discussion? Representative Parke, would you like to close?"

Parke: "I think this is a Bill that helps clarify, it helps focus, so that, in Illinois, there's no question as to when an insurance company has to pay for a claim against somebody... or to issue... let's see... in rating or underwriting or claims handling. It's there. We put it in law. It's very clear now, and I think, now, the insurance companies know what they have to do to move forward to protect the spouses who are victims of domestic violence. I would ask for the Body to vote 'yes'."

Speaker Hannig: "The question is, 'Shall House Bill 2860 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3028, Representative Wirsing. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3028 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Wirsing, has been approved for consideration."

Speaker Hannig: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. Amendment #2 just simply removes a portion from the Bill that, after we had initially filed Amendment #1, there were some questions and some problems that arose with that. So, Amendment #2 in the "quick-take" Bill, just simply takes out a community high school parking lot as a part of the "quick-take", and

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that was to satisfy some concerns."

Speaker Hannig: "Is there any discussion? The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3028, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. House Bill 3028 has "quick-take" provisions init. The underlying Bill, the initial Bill was for the City of Rochelle, the electric... the power company there to get "quick-take" to put holes in the ground to put electric poles in. In addition to that, it extends the "quick-take" in the area of Franklin Park, in the area of... for the Village of Bolingbrook for some drainage and storm management work, the Village of Rosemont, relative to some districts specific in the Bill, the Village of Melrose Park, and also, for the City of Peru, for removal of properties for Illinois Valley Community College. That's basically what the Bill does, Mr. Speaker."

Speaker Hannig: "And on that question, Representative Saviano is recognized. Representative Saviano. Representative Saviano is recognized."

Saviano: "Yes, thank you, Mr. Speaker. To the Bill. Just to give a little background, the Village of Franklin Park language in there is pursuant to a piece of legislation we passed three years ago authorizing "quick-take" for them under the Grand Avenue Railroad Separation Project. That

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"quick-take" is expiring on July... on June 30th, and this will simply give us another three years to complete the project. It's all commercial property. The Village of Rosemont language in there is Sponsored by Representative McAuliffe and Representative Capparelli. That's a parcel of commercial property in Rosemont which is needed to facilitate a redevelopment plan. The property in Melrose Park, the language for Melrose Park is my language. We have one vacant building which has been vacant for probably an excess of 15 years, that the Village of Melrose Park wants to redevelop and made a senior assisted living center in that area, and the Village of Bolingbrook is... that's Representative Jim Meyer. Jim Meyer might want to comment on that... on that language."

Speaker Hannig: "Is there any further discussion? Representative Meyer. Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The lake facility that is being spoken about in Bolingbrook is one that we hope to use for flood control. Along a creek that floods, there's a great deal of a flood plain there. It's unbuildable, and it would certainly work within the flood control plan for the entire village and that part of the Will County area."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall House Bill 3028 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 80 voting 'yes' and 32 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3063, Representative Durkin. Is Representative Durkin in the chamber? Out of

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the record. House Bill 3162, Representative John Turner.
Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3162, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative John Turner, has been approved for consideration."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. The Bill, as originally filed, provided for enforcement of orders of protection that were entered outside of this State of Illinois to be enforced in this State of Illinois, and it required, in order for that to happen, registration of that out-of-state order. The Amendment takes out the requirement that the order has to be registered in the State of Illinois prior to being enforced."

Speaker Hannig: "We're going to clear the board, put it back up, so it will bring the computers up-to-date. Representative Mulligan, for what reason do you rise?"

Mulligan: "Mr. Speaker, thank you. I'd like the record to reflect that on House Bill 3028, my switch did not work, and I would have voted 'yes'."

Speaker Hannig: "Thank you, the record will so reflect. We're going to take this out of the record for just a second. Mr. Clerk, what is the status of House Bill 3636?"

Clerk Rossi: "House Bill 3636 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, let's return to House Bill 3162. Representative Turner has moved for the adoption of House Amendment #2. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted."

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Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Would you like to read the Bill, Mr. Turner? Okay. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3162, a Bill for an Act to amend the Illinois Domestic Violence Act of 1986. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. As I'd indicated a few moments ago, what the Bill does, as amended now, is to allow for orders of protection that are entered outside of the State of Illinois to be enforced in the State of Illinois by the person who is the protected party under the order. I'd be glad to answer any questions."

Speaker Hannig: "Is there any discussion? On that question, Representative Biggert is recognized."

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

Speaker Hannig: "He indicates he will."

Biggert: "Representative, I think at one time in our analysis showed that the State Bar Association was opposed to this Bill. Is that still the case, or was that without the Amendment?"

Turner, J.: "Representative, I have not been contacted by the Illinois State Bar Association, and I don't believe that they're opposed to it. If they are, they have not notified me of that opposition."

Biggert: "Thank you."

Speaker Hannig: "Any further discussion? Representative Turner, would you like to close?"

Turner, J.: "I just ask for an 'aye' vote."

Speaker Hannig: "And the question is, 'Shall House Bill 3162 pass?' All in favor vote 'aye'; opposed 'nay'. The voting

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is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3202. Representative Holbrook."

Clerk Rossi: "House Bill 3202. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Holbrook, has been approved for consideration."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. Amendment #1 meets the... at the re... excuse me, meets the needs of the realtors concerning the "quick-take" provision under SWIDA. We've adopted it at their request, and I would urge its adoption."

Speaker Hannig: "And on that question, Representative Hoffman is recognized."

Hoffman: "I'm just rising to declare a conflict, and I'll be voting 'present'."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Mr. Clerk, read the Bill. I'm sorry, is there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3202, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "House Bill 3202 is just the renewal of the "quick-take" for our SWIDA in our area, and I would urge

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for its adoption."

Speaker Hannig: "Is there any discussion? Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, could you enlighten us as to what the "quick-take" is intended for, what will it be used for?"

Holbrook: "Yes. Amendment #1 addresses that. It's listed in the covenants of the organization. It's about a half a page long. I'd be glad to read it if you'd like me to, but basically what it says, industrial, commercial, and economic development in a bi-state region with St. Clair and Madison County."

Black: "Under this Bill, can the Southwestern Industrial Development Agency use their "quick-take" authority on private property and then settle it in court later?"

Holbrook: "Yes, they can. They have to have the enabling resolutions from either the town or municipality in which it lies or if it's an incorporated area, they have to have a resolution from the county asking them to do that for them."

Black: "Okay, thank you, Representative."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Once again, I rise to declare a potential conflict, and I'll be voting 'present'."

Speaker Hannig: "Representative Stephens."

Stephens: "I simply rise in support of the Gentleman's Motion. It's a good Bill. It should be passed."

Speaker Hannig: "Representative Holbrook to close."

Holbrook: "It's a good Bill. I ask for your support. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 3202 pass?'"

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All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes' and 46 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3485."

Clerk Rossi: "House Bill 3485, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Parke, has been approved for consideration."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 2 to House Bill 3485 removes the phrase 'false and fraudulent and partial' because those terms, labor has found hard to define. I've made an agreement to remove those words from it, so I would ask the Body to pass... allow me to put it in the form of which we will continue to negotiate. So, upon passage of this Amendment, we will move it to Third and keep it there."

Speaker Hannig: "Is there any discussion? The question is, 'Shall House Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 3564, Representative Burke. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3564. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Hannig: "Representative Burke."

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Burke: "Thank you, Speaker. The language of Floor Amendment #1 has been recommended to me by the Illinois Trial Lawyers' Association, and it speaks to the issue of the misuse of the automatic electronic defibrillator and provides that there would be no exemption from liability under the Good Samaritan Act, if, in fact, the device were intentionally misused, and I'd ask for the Body's favorable consideration and adopt Floor Amendment #1 to House Bill 3564."

Speaker Hannig: "And on that question, Representative Black is recognized."

Black: "Would the Gentleman be willing to take this out of the record for just a second, so we could get staff together on this? I think there's a flaw in the Amendment that ought to be looked at."

Speaker Hannig: "Out of the record. House Bill 3625, Representative Pugh. Mr. Clerk, read the Bill. Representative Pugh, your Amendment's up."

Clerk Bolin: "House Bill 3625. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Hannig: "Excuse me, Representative Feigenholtz, on the Amendment. Withdraw? Okay, the Amendment's withdrawn. Any further Amendments?"

Clerk Bolin: "No further Amendments. A state mandates notes has been requested on the Bill, and that note has not yet been filed."

Speaker Hannig: "Okay. So the Bill will remain on the Order of Second Reading. House Bill 3672, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3672. The Bill has been read a second time, previously. Amendment #1 was adopted in committee."

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Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Hannig: "Representative Dart."

Dart: "Thank you, Mr. Speaker. Amendment #2 is a technical Amendment that was suggested by the Republican staff to remove a section of this Bill that dealt with restitution in criminal cases so that we didn't have any single subject matter problems."

Speaker Hannig: "Okay. Is there any discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. A Fiscal Note and a housing affordability impact note have been requested on the Bill, and those notes have not been filed."

Speaker Hannig: "Okay, so the Bill will remain on the Order of Second Reading. We will return to House Bill 2812. Representative Turner. I believe that the... what is the status of the Bill, Mr. Clerk?"

Clerk Bolin: "House Bill 2812. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Hannig: "Okay. Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Thank you for returning to the Bill. Representative Scott had asked before what the Amendment does, and I had explained that the word 'willfully' is added into the second paragraph of the Bill. Prior to the Amendment, the statute would have read that a recorder who failed to perform any duty would be guilty of malfeasance. By adding the word 'willfully', the recorder would now have to willfully fail to perform his or her duty

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to be guilty of malfeasance in office, and that's what the Amendment does."

Speaker Hannig: "And on that question, Representative Scott is recognized."

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

Speaker Hannig: "He indicates he will."

Scott: "John, so what we've got now, we've got three basic things. If the recorder is negligent in his or her duty, they can be indemnified by the county for up to a million dollars, but not if they perform a willful violation of their duty."

Turner, J.: "Correct."

Scott: "And if... the old statute for the liability standard was more of a strict liability standard, and what we're saying now is, that there is more of a negligence standard that's involved here."

Turner, J.: "Negligent to be indemnified, correct."

Scott: "To be indemnified, but it's still strict liability in that if the recorder does not perform their duty, then they... then that office, at least, is responsible for making whole anybody who is injured by it."

Turner, J.: "Any harmed party, correct."

Scott: "Great. Got a great Bill. Thanks for answering the questions."

Speaker Hannig: "Is there any further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2812, a Bill for an Act to amend the Counties Code. Third Reading of this House Bill."

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Speaker Hannig: "Representative Turner."

Turner, J.: "The Bill essentially, as amended, requires counties to indemnify recorders who make negligent errors in the performing of their duties, and the indemnity would be up to one million dollars. The other change is that the recorder would not be guilty of malfeasance unless they willfully failed to perform their duties. I believe that adequately explains the Bill."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall House Bill 2812 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. Let's return to House Bill 3564. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3564. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Hannig: "Representative Burke."

Burke: "Speaker, Members, just to reiterate from our previous discussion, the language of Amendment, Floor Amendment #1, has been recommended by the Illinois Trial Lawyers' Association, and it would speak to the issue of the misuse of the device and provide that anyone that was misusing the device would not be covered under the Good Samaritan Statute, and I would ask for the Body's favorable consideration and move for the adoption of Floor Amendment #1. There are some other minor technical matters that we have to attend to, and I believe that that can be handled

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at the Senate level, and that's what I would recommend to the Body."

Speaker Hannig: "And on the adoption of the Amendment, is there any discussion? The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Burke, has been approved for consideration."

Speaker Hannig: "Representative Burke."

Burke: "Again, Speaker, this has been language recommended by the Trial Lawyers', and it just cleans up some of the technical aspects of the Bill, and I'd like the Body to consider it favorably."

Speaker Hannig: "And on the Amendment, Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Amendment. I certainly don't quarrel with what the Sponsor's intent is, but this Amendment, in all due respect to the Trial Lawyers', was obviously written by the Trial Lawyers'. It removes the Good Samaritan immunity for businesses, and it deletes the text that would have provided immunity to a business or organization that employs a person who renders emergency care in good faith. Now, if you take this out, and at the same time you're going to require defibrillators to be placed in state buildings, you're not giving the state any protection for an action by an employee. I don't think this... I think this Amendment renders an otherwise good Bill open to question, and I just... I wonder if it's really necessary to... if we're going to give the Good Samaritan exemption, then it ought to apply to the business, as well as to the person who uses it."

Burke: "Representative, maybe... I believe, and it was my

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understanding that the Amendment would direct its attention to individuals who would intentionally misuse the device, and not go on to the issue of businesses versus government employees rendering assistance to cardiac arrest victims. Your interpretation, I think, is a little expansive. I'm not certain that it really does that."

Black: "All right. Now, this Bill can't be..."

Burke: "We could avoid this floor Amendment."

Black: "We're just going to adopt the Amendment tonight. It can't be Third Reading action tonight, can it?"

Burke: "No."

Black: "All right, fine, I... you know, you can do a voice vote. I just... I'll stand in objection to the Amendment, and we'll visit it on Third Reading, and maybe we can clarify it between now and then."

Burke: "Very good."

Speaker Hannig: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. Several notes have been requested on the Bill as amended, and those notes have not been filed."

Speaker Hannig: "Okay. The Bill will remain on the Order of Second Reading. Representative Durkin has returned to the chamber. On House Bill 3063, Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3063. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Durkin, has been approved for consideration."

Speaker Hannig: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment 2 to House Bill

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3063 addresses a disturbing problem which resulted from an opinion from the First District Appellate Court, which recently released a man convicted of first degree murder in Cook County in which he was discharged from the Department of Corrections because of a violation under the Speedy Trial Act. I have amended the Criminal Code to state that if a defendant is to make a formal demand for trial, he either has to do that orally, or it has to be written on the record. This will, I believe, will address that problem and what it will do, it will formally put the state on notice whether... as to whether a defendant is formally demanding a trial within the parameters of the Speedy Trial Act."

Speaker Hannig: "Is there any discussion? The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of House Bill 3126?"

Clerk Bolin: "House Bill 3126 was moved to the Order of Third Reading, earlier today."

Speaker Hannig: "Representative McCarthy, did you wish that Bill on Third Reading? Mr. Clerk, would you return that to the Order of Second Reading? Mr. Clerk, what is the status of House Bill 2565?"

Clerk Bolin: "House Bill 2565 was moved to the Order of Third Reading, earlier today."

Speaker Hannig: "Out of the record. Mr. Clerk, House Bill 2565. Read the Bill. "

Clerk Bolin: "House Bill 2565, a Bill for an Act to amend the Board of Higher Education Act. Third Reading of this House

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Bill."

Speaker Hannig: "Representative Erwin."

Erwin: "Thank you, Speaker. I wonder if there's a way for the Clerk to send up a flare when these Mandates Act Notes and Fiscal Notes actually get filed so we could be better prepared. Thank you, I appreciate it. House Bill 2565 is the work of the House, ... is a bipartisan word product of the Higher Education Committee. There are three Amendments put on House Bill 2565. Let me go through each of them briefly and then I'll be happy to attempt to answer any questions. The first two Amendments are products of higher education hearings that were conducted last fall around the state, where we were looking at the issue of the affordability in access of higher education. The First Amendment relates to a disturbing trend in the length of time it takes for a traditional undergraduate student to graduate from college, which is these days, only one in four undergraduates complete their course work in four years. Five years and five and a half years is becoming the norm. We discovered that there are some innovative things that public universities are doing or can do to improve this, and one of them is, at Western Illinois University, where they're entering into contracts with students to guarantee, literally, that they will be able to complete their course work within four years. The university commits to counseling hours and assists students in course selection, so Amendment #1 to this Bill really just establishes, in the Board of Higher Education, creates an incentive program so that public universities that would be willing to commit their institutions to providing the courses, programs, and support services for students to graduate in four years. Amendment #2 is a similar one to

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reduce the cost of fees at colleges is something that would encourage universities to examine the area of textbook rental programs. Amazingly it can mean as much as \$600 a year to a student, if one is able to rent core curriculum textbooks as they do at Eastern Illinois University and at Southern Illinois University at Edwardsville, as opposed to having to spend \$600, \$400 to \$600, for textbooks. Neither one of these two ideas, although innovative, and what we're asking is incentives for BHE to consider doing this, neither one of them are mandates. Lastly, Amendment #3 on this Bill would bring college employees at the geologic survey, the water survey, employees who are university... long time university employees, who work in these various surveys, it would allow them to be eligible for the 50% tuition waiver for their dependents, which is the same as all other public university employees. I would be happy to try and answer any questions."

Speaker Hannig: "The Lady has moved for passage of House Bill 2565. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the order of the agreed Bill list... on the order of the agreed Bill list, the Clerk has taken the tally, and all the Bills have passed, and so these Bills, having received a Constitutional Majority, are hereby declared passed. Representative... Representative Barbara Currie now moves that, allowing Perfunctory time for the Clerk, that the House stand adjourned until Friday, March 27, at the hour

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of 9:00 a.m., 9:00 a.m., 9:00 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the House stands adjourned until tomorrow at 9:00 a.m. Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I wanted to announce the downstate caucus will meet at the L-wing conference room at 8:00 a.m. to greet our next governor, Poshard."

Speaker Hannig: "Thank you. Representative Stephens."

Stephens: "What downstate caucus? What are you talking about?"

Speaker Hannig: "Representative Black."

Black: "I have an inquiry of the Chair."

Speaker Hannig: "Yes."

Black: "How can that candidate be here when he's locked up in a monastery somewhere with the real Speaker, as far as I know?"

Speaker Hannig: "Thank you, Representative."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 1195, offered by Representative Brunsvold, a Bill for an Act to amend the Wildlife Code. Senate Bill 1222, offered by Representative Smith, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1247, offered by Representative John Jones, a Bill for an Act to amend the School Code. Senate Bill 1258, offered by Representative Rich Myers, a Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 1313, offered by Representative Brunsvold, a Bill for an Act in relation to taxes. Senate Bill 1347, offered by Representative Brunsvold, a Bill for an Act concerning the Illinois Building Commission. Senate Bill 1350, offered by Representative McKeon, a Bill for an Act to amend the Illinois Economic Opportunity Act. Senate Bill 1432, offered by Representative Hoffman, a Bill for an

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Act to amend the Criminal Code of 1961. Senate Bill 1510, offered by Representative Daniels, a Bill for an Act in relation to state revenue. Senate Bill 1565, offered by Representative Granberg, a Bill for an Act concerning taxes. Senate Bill 1602, offered by Representative Saviano, a Bill for an Act to amend the Court Reporters' Act. Senate Bill 1617, offered by Representative McAuliffe, a Bill for an Act to amend the Dance Studio Act. Senate Bill 1901, offered by Representative Rich Myers, a Bill for an Act to amend the Illinois Insurance Code. A message from the Senate by Mr. Harry's secretary. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has passed Bills of the following titles, the passage of which I am instructed to ask the concurrence of the House of Representatives. Senate Bill 1240, a Bill for an Act to amend the Title Insurance Act. Senate Bill 1289, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1291, a Bill for an Act to amend the Illinois Income Tax Act. Senate Bill 1356, a Bill for an Act to amend the Illinois Lottery Law. Senate Bill 1364, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1426, a Bill for an Act in relation to criminal defacement of a school building. Senate Bill 1475, a Bill for an Act to amend the School Code. Senate Bill 1568, a Bill for an Act to amend the Property Tax Code. Senate Bill 1674, a Bill for an Act in relation to the year 2000 Technology. Senate Bill 1711, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1838, a Bill for an Act to amend the Community Services Act. Senate Bill 1846, offered by Representative Stephens, a Bill for an Act to amend the Gang Crime Witness Protection Act. Senate Bill 1867, offered by

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Representative Brown, a Bill for an Act to amend the Property Tax Code. Senate Bill 1875, offered by Representative Reitz, a Bill for an Act concerning transportation. First Reading of these Senate Bills."

Clerk Rossi: "There being no further business, the House Perfunctory Session stands adjourned."