

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

106th Legislative Day

March 31, 1998

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. The House shall come to order. Mr. Parke, the House shall come to order. Members shall be in their chairs. We shall be led today in prayer by the Reverend Cleveland Thomas who is the pastor of the New Morning Star Baptist Church in Peoria. Reverend Thomas is the guest of Representative Ricca Slone. The guests in the gallery may wish to rise and join us in the invocation."

Reverend Thomas: "God of all creation, as we are here assembled today and this day that is open for business and for the consideration of those things that will be of benefit to the citizens of this state, affecting the lives of many thousands of thousands. As we share, we remember that Your concern for each of us continues as we focus on those objectives and views as we reason together, as we share the responsibility that we have with those to whom we serve. Guide our thoughts, our objectives, our views that we may again attend to those matters that will benefit each of us, as the great land that You have provided, unto Your glory, we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."

Hartke 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 Madigan: "Roll Call for attendance. Representative Currie."

Currie: "Thank you, Speaker. I have no excused Democ... absences of my House Democrats to report."

Speaker Madigan: "Thank you. Mr. Hannig. Mr. Cross."

Cross: "We're all here on the Republican side, Mr. Speaker."

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Thank you."

Speaker Madigan: "Thank you. I've been waiting for you. Have all voted who wish? One Member has not recorded themselves. The Clerk shall take the record. On this question, there are 117 people responding to the Attendance Roll Call. There is a quorum present. Mr. Hannig in the Chair."

Speaker Hannig: "Thank you. Representative Currie, for what reason do you rise?"

Currie: "Just to, please, correct the record. I've since been informed that Representative Morrow will be delayed and should be excused until he arrives."

Speaker Hannig: "Okay. So, he will be excused until he arrives. Representative Black.

Black: "Yes, a Point of Personal Privilege, Mr. Speaker."

Speaker Hannig: "Yes, state your point."

Black: "I'm just overjoyed to see that the real Speaker has returned. I... I know all... everyone welcomes his return. I do want to get a chance to talk to him and let him know that unlike some of the people on his side of the aisle, I did raise a point that many of his Bills were moved without his permission. I'm sure he'll get that straightened out now that he's back. And I was also worried sick that you all had gotten a ransom demand and were refusing to pay it and we were going to take up a collection on our side of the aisle. I, personally, talked to everybody and we raised \$1.37, last night. So, it is good to have him back."

Speaker Hannig: "Well, thank you, Representative Black. On the Order of House... House Bill Second... Mr. Clerk, Committee Reports."

Clerk Rossi: "Committee Reports. Representative David Phelps,

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Chairperson from the Committee on Elementary and Secondary Education, to which the following Amendment was referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #3 to House Bill 2637. Representative Lauren Beth Gash, Chairperson for the Committee on Judiciary II Criminal Law, to which the following Amendment was referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #2 to House Bill 2469. Representative Larry Woolard, Chairperson from the Committee on Agriculture and Conservation, to which the following measure was referred, action take on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #1 to House Bill 2721. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following Conference Committee Report was referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Conference Committee Report #1 to Senate Bill 1031. Representative Eugene Moore, Chairperson from the Committee on Revenue, to which the following measure was referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #5 to House Bill 3811. Representative Coy Pugh, Chairperson from the Committee on Human Services, to which the following Amendment was referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #2 to House Bill 2624.

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Introduction and First Reading of Resolutions. House Resolution 385, offered by Representative Acevedo, is referred to the Rules Committee."

Speaker Hannig: "Representative Slone, for what reason do you rise?"

Slone: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Hannig: "Yes, state your point."

Slone: "I'd like to welcome a group of seniors from the Peoria Business Academy at Peoria Central High School and their teacher, Steve Kennedy, who are in the gallery. Can we make them welcome in Springfield, please?"

Speaker Hannig: "Okay. Welcome to Springfield. On page 2 of the Calendar on the Order of Second... House Bill's Second Reading is House Bill 174, Representative Lang. Out of the record. House Bill 2373, Representative Lindner. Out of the record. House Bill 2374, Representative Jones. Representative Jones? Out of the record. House Bill 2436, Representative Hassert. Out of the record. House Bill 2375, Representative Hartke. Out of the record. House Bill 2443, Representative Capparelli. Is out of the record. (sic-House Bill) 2444, out of the record. Representative Fritchey on (sic-House Bill) 2469. Representative Fritchey? Out of the record. Representative Flowers on House Bill 2498. Out of the record. Representative McAuliffe on House Bill 2634. Out of the record. Representative Winkel on (sic-House Bill) 2636. Out of the record. (sic-House Bill) 2637, Representative Winkel. Out of the record. Representative Klingler on (sic-House Bill) 2645. Out of the record. Representative Kosel on House Bill 2652. Read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 2652 has been read a second time, previously. No Committee Amendments, no Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Excuse me, Representative Kosel."

Kosel: "The Amendment was approved in committee, today."

Speaker Hannig: "Okay. Mr. Clerk. Representative, which committee was that?"

Kosel: "State... State Government. Just... Just got out of committee, so you probably don't have it, yet."

Speaker Hannig: "Okay. The Clerk has indicated that... that he has not yet removed... or received that report. So, why don't we move your Bill back to Second Reading. When we get the report we'll have the Clerk read it and then we'll adopt the Amendment."

Kosel: "That's fine."

Speaker Hannig: "So, that Bill stays on the Order of Second Reading. Committee Reports."

Clerk Rossi: "Representative Calvin Giles, Chairperson from the Committee on State Government Administration and Election Reform, to which the following Amendments were referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendments 1 and 2 to House Bill 174. Floor Amendment #1 to House Bill 2652 and Floor Amendment #1 to House Bill 32... 3273. Representative Tom Dart, Chairperson from the Committee on Judiciary I Civil Law, to which the following Amendments were referred, action taken on March 31, 1998, reported the same back with the following recommendation: 'be approved for consideration', Floor Amendment #2 to House Bill 3318. Floor Amendment #1 to House Bill 3628 and Floor Amendment #4 to House Bill

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3741."

Speaker Hannig: "Yeah, back to the Order of House Bill's Second Reading. House Bill 2652. Now, Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2652 has been read a second time, previously. No Committee Amendments, Floor Amendment #1, offered by Representative Kosel, has been 'approved for consideration'."

Speaker Hannig: "Representative Kosel."

Kosel: "Thank you. I would like to move it to Third Reading."

Speaker Hannig: "You need to adopt the Amendment?"

Kosel: "Yes, I would like to move..."

Speaker Hannig: "Can you briefly explain it?"

Kosel: "...Yes, please. "

Speaker Hannig: "Could you explain the Amendment, please?"

Kosel: "Yes. The Amendment replaces the Bill and adds some clarification to some of the questions that were brought up in committee, including addressing the ten year provision on the Bill. And now, it takes the ten year moratorium on tollway corridor protection to a process layer. Every ten years, that would have to be re-reviewed through public hearings and the... and it would have to show that there was still a need for that particular thing. Basically, the rest of the Amendments are the same, the rest of the Bill is pretty well the same. It codifies into law the Relocation Act of the Federal Government and really realigns the tollway with IDOT's process of acquiring land."

Speaker Hannig: "And on that question, Representative Schoenberg is recognized."

Schoenberg: "Thank you, Mr. Speaker. Question for the Sponsor, will she yield?"

Speaker Hannig: "She indicates she'll yield."

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Schoenberg: "Representative, Representative, what is the... what is the existing federal standard for, for relocation that the Department of Transportation adheres to?"

Kosel: "It is the Uniform Act that they follow now and I'm looking for the exact name of the law. If you'll hold one just on second. The Federal Unificat... Unified Relocation Assistance and Real Property Acquisition Act is what is followed by IDOT now and that is what we are requiring the tollway to follow, under this piece of legislation."

Schoenberg: "So, if the... if... So, currently, the Department of Transportation, if they wish to acquire some property that's either a residential property or a commercial or industrial property, what is the Department of Transportation required to do under federal law?"

Kosel: "They're required to make every effort to acquire the land for negotiation, it's just one point."

Schoenberg: "Does the federal standard say... Does the federal standard, by which the Department of Transportation adheres to, does that have anything to do with the relative value of the property?"

Kosel: "Could you explain to me what you mean by relative value of the property?"

Schoenberg: "Does the... Do the federal standards that the Department of Transportation presently, is required to follow with respect to the acquisition of property that is in a proposed roadway corridor. Is there anything within those federal, within those federal standards that addresses the value of the property and the extent to which the Department of Transportation is required to compensate any party for that property?"

Kosel: "Under this legislation they are required to have fair market... compensated at fair market value."

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Schoenberg: "So, currently, the Department of Transportation, if the Department of Transportation is acquiring property, whether it's in Will County or Lake County or DuPage County, if they're requiring... if the Department of Transportation acquires the property, they are required to compensate the party with fair market value?"

Kosel: "Yes, that's correct."

Schoenberg: "And that is in the federal law?"

Kosel: "That is correct."

Schoenberg: "And the reason that's..."

Kosel: "And that is also in this piece of legislation."

Schoenberg: "Right. So, this piece of legislation would require the Toll Highway Authority, which up until this point, has declined to follow the same standard of fairness. The Toll Highway Authority would now be required under this law, to follow the same fair standards that the Department of Transportation has to adhere to, that's correct?"

Kosel: "That... That is correct."

Schoenberg: "With... So, if the Toll Highway Authority is now going to be required to provide fair market value, who determines fair market value under the provisions of your proposal?"

Kosel: "We've actually taken it a step further than what IDOT does for fair market value. IDOT gets one appraisal for fair market value and then since..."

Schoenberg: "I'm sorry I can't hear the answer."

Kosel: "IDOT gets one appraisal as to what fair market value is. They then take it to a mediator to look or actually make sure that, that is accurate. Under this piece of legislation, the Tollway Authority would get an appraisal, the property owner would be able to select a appraiser, who meets the specifications under the law and get another

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appraisal that would be paid for by the Tollway Authority and from there, they are required under this piece of legislation to negotiate fair market price. They, also, are required under this legislation to show their appraisal, an approved appraisal to the property owner. So, now, no longer will the appraisals be closely held. They will be able to be seen."

Schoenberg: "So, if the... So, as you may recall, when we had a hearing on tollway land acquisition and relocation policies in Will County, there was a tremendous disparity between how people, how Illinois citizens are treated when it comes to the Department of Transportation, which has had to meet a higher standard versus how the Illinois Tollway Authority has treated them, and the Illinois Toll Highway Authority has argued in the past that they were not required to do that because they didn't receive federal funds. During the course of that discussion, we talked about what recourse people had if they, as a means of appeal, if they were not satisfied with the outcome of the process. Could you please tell us, for the record, what recourse people have if they are not satisfied with the end product of the appraisals, as a result of this proposal?"

Kosel: "First of all, they are active in the initial portion of this, where they can participate by choosing a state certified appraiser. So, to start with, this is something that is addressed in the very beginning of the process. They become part of the negotiation process. Secondly, they're required to negotiate this to begin with on under the law and so therefor, there's a negotiation process that is deemed before. And, I do agree with you, there has been a lot and I have been working with citizens from my community for a very long time to get this kind of

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legislation together and we've been working on this since... over a year now."

Schoenberg: "Now, I certainly commend you on the effort that you've made. I think that many of the issues that have been borne out are addressed through this. Well, there was one thing in particular that I've always found troubling and I don't know how the Bill has, as amended, wou... how the Amendment addresses that. And that is, under the current... under the way the law is currently structured, if you are... if you own a home in a proposed tollway corridor in Will or Lake County and you are dissatisfied with the treatment that you've been receiving, if you wish to appeal, your last resort is to go to the Illinois Toll Highway Authority to have them consider whether or not your appeal should be granted. And only one case in history has been recorded where the Toll Highway Authority has actually ruled favorably. Where does the Toll Highway Authority... where does that part of the appeals process fit in under your proposal, or is it eliminated entirely?"

Kosel: "One of the things that is addressed in this Bill, and as we all know on this Floor, the Court of Last Appeal is the court system. Under this Bill the Toll Way Authority, should they lose a case, under specific circumstances that are listed in that Bill, would have to pay court costs for that person. That is another new..."

Schoenberg: "So, the Toll Highway Authority... So, are you saying that the Toll Highway Authority would no longer have the power to veto an individual party's appeal at the end of the process, as they currently do now?"

Kosel: "If the property owner and the Tollway Authority do not agree, they... by law they must negotiate in good faith. If they do not negotiate in good faith then they have the

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ability to take it to court. Once they take it to court, if the tollway should lose, under the specific circumstances listed in the Bill, then the Tollway Authority would pay legal fees."

Schoenberg: "I have just one final question and a comment on this and this is something you asked me to review a copy of this and we have discussed it, but I wanted to make a suggestion to you for when this goes to the Senate or the Senate version comes here. We do... By what you've explained right now, the court... the final... the court... the final step in the process would be some kind of court action. The inherent problem with their being... One of the inherent problems of that, while it's certainly more fair and equitable than the current system that we have, where the same entity, the Toll Highway Authority, that has the ability to low-ball you, then has the ability to deny your appeal in the end if they make the acquisition. What you may wish to consider is that to provide, not just for... to hear this in court, but to have a court supervised alternative dispute resolution mechanism, like a court appointed arbitrator. Because unfortunately, if you do have a court... if you do go to court on this, the... if it's a home owner particularly or a small business person, they can lose very eas... They are in inherent disadvantage in a war of attrition in the courts, where the Toll Highway Authority or any other bod... larger governmental body, like the Department of Transportation, is able to extend the... draw the process out and wear those parties down because there are court costs involved and tremendous other expenses and inconveniences involved and I know what you really want to do is make this more equitable, particularly for individuals and home owners.

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The final question I... So, I hope that you'll take that suggestion into account."

Kosel: "I will take that... definitely take that under consideration. Thank you for your suggestions."

Schoenberg: "Thank you. The only other suggestion... The only other thing I wish to ask is that we had discussed, previously, and I'd submitted my being added as a... I'd be flattered to be added to this as a Cosponsor. I don't see my name on the board and have been... seen the LIS, yet."

Kosel: "I will gladly sign that slip for you."

Schoenberg: "Thank you."

Speaker Hannig: "Further discussion, Representative Andrea Moore."

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

Speaker Hannig: "She indicates she will."

Moore, A.: "So that I would... just a point of clarification on what the previous speaker referenced. If an offer was made and the price was not agreed to, was... was not court the final resolution of the price in the past?"

Kosel: "Yes."

Moore, A.: "It was?"

Kosel: "Yes."

Moore, A.: "That's not what I understood from the previous speaker. Thank you. And then, on this part of the Bill that... I'm looking in my analysis, Representative, and it said that if the cost of comparable replacement housing is not available for what the tollway paid a property owner, the tollway shall provide supplemental housing payments, not to exceed \$25,000. Who makes the determination on comparable replacement housing in the Bill?"

Kosel: "I'm sorry... I'm sorry, Representative. Would you please repeat your question?"

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Moore, A.: "In my analysis, it makes a reference to the cost of comparable replacement housing and when it's not available the tollway... for what the tollway paid the owner, they shall provide supplemental housing payments not to exceed \$25,000."

Kosel: "That's right."

Moore, A.: "Who is it that makes the determination on comparable replacement housing?"

Kosel: "It would be, again, negotiated between the two, as to what is comparable. I mean, what they're living is there. That's something that's there, and it has to be. The federal law requires certain things, safety and so forth, and they're stipulated within that federal regulation, and so, it would have to measure up to those guidelines and this actually increases at the federal regulation. In several places, we're going above and beyond what the federal regulation is..."

Moore, A.: "Are you going above and beyond in this area?"

Kosel: "Yes, yes, \$3,000 over what the federal law requires. Federal law requires paying up to 2 thousand... 22 hundred, we're taking it to 25 hundred."

Moore, A.: "It says 25 thousand in my analysis..."

Kosel: "Excuse me, 25 thousand."

Moore, A.: "Well, I guess I'm concerned about what standards are there to agree to comparable replacement housing. I mean, if there was any variation allowed... Mr. Speaker, could we have order? Please."

Speaker Hannig: "Could we have a little order?"

Moore, A.: "Thank you."

Speaker Hannig: "They're debating an Amendment on Second Reading and we'd like to allow the Sponsor and the Representative Moore to hear each other. So, a little order, please."

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Representative Moore."

Moore, A.: "If, if the standards that provide for comparable housing are not defined clearly enough, I would think that most people would not agree and you would be forced to pay the 25 thousand extra."

Kosel: "Those are specified in the federal regulation that we are putting into this Bill that they have to file. So, they would have to file all those... They would have to comply with all those regulations that are listed in the federal law and that would be the determining factor, as to how that would be paid and who would pay it."

Moore, A.: "And then... And then the issue of the appraisers, we're... we are now going to require the tollway to offer the appraised amount and no more?"

Kosel: "No, we are not requiring the appraised amount. We are saying that they must negotiate based on the two appraisals. That they must come to some negotiated settlement. Now, the tollway will be able to... The tollway in the past has had two appraisals, both of which they have hired, done. Their appraisers have gone out and selected it and then they have taken it to a third appraisal for blending or modification or interpreting. Now, what would happen is that the tollway would have one appraisal, the second appraisal would be done... would be a selected appraiser meeting the specifications listed in the Bill, but selected by the property owner..."

Moore, A.: "But paid for by the tollway."

Kosel: "But paid for by the tollway."

Moore, A.: "I... I think that's a weakness in the system. I mean, I think having the tollway pay for the appraiser is tantamount to saying the tollway is hiring the appraiser. I would never permit..."

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Kosel: "But the problem was that the people in the community really felt that this was a... an unusually tough burden on them to pay for the kind of money that they would to appraise something that they did not necessarily want to sell. This was a point that was really a very hard fought for on the local level. They really wanted that appraisal. They wanted to be able to pick the appraiser and they wanted to have the Tollway pay for it and it was something that came out of the negotiations. And I can understand your point of view, but they visualized it as something else."

Moore, A: "And so then, the Tollway is required, also, to give over the appraisal at the time of offer?"

Kosel: "They're... They are required to, if asked, to give over a approved appraisal, yes. They have the ability to approve the appraisal before they give it over. But... but, yes, they are required to show the appraisal."

Moore, A.: "Thank you, Representative."

Speaker Hannig: "And on the Amendment, further discussion, Representative Clayton."

Clayton: "Thank you. I rise in support of this Amendment. The Sponsor has worked extremely hard to protect the home owners who live in a specific corridor. She has accomplished that with this Bill and I think it is certainly deserving of a 'yes' vote and consideration."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. Returning to House Bill 2564. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 2564 has been read a second time previously. No Committee Amendments, no Floor Amendments, no Motions filed. The Home Rule Note that had been requested on the Bill has been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 174."

Clerk Rossi: "House Bill 174 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang has been approved for consideration."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #1 to House Bill 174 is part of another Bill we passed unanimously out of this chamber last spring. As you know, some of us have been working some time about debts owed to the State of Illinois. In fact, as of today there's about \$7.5 billion due in owing the State of Illinois. This Amendment deals with a couple of those issues. The first deals with the State Loan Act. As you know, there was an effort to forgive a debt to some people that owed money to the State of Illinois for some hotels they built. There was a 40 bil... \$40 million debt that was reduced to \$10 million. Without actually judging the actions of the Treasurer at that time, this Bill take... this part of this Amendment takes care of the problem that was created and it would say that anyone that gets a state loan has to have their name disclosed and made public, would require that all individuals involving the loan personally guarantee the debt. No more of these trusts or corporations owning it without any guarantee by someone that they would pay the money. In addition, it would say that the state could not enter into a contract with anyone that was in default on a state loan, nor could a state loan be given or negotiated

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unless any campaign donations made by the party who was to get the loan be publicly disclosed. The Amendment would also give the Attorney General the power to investigate defaults on state loans, would require the Attorney General to report such debt to the State of Illinois. In addition, the Bill would enhance tax collection efforts by the Department of Revenue by allowing them to contract with private collection entities and by using other methods of collection, deemed necessary by the department. The... Currently, under the law, the Department does not have the unfettered right to refer these debts to private collection agencies for collection. These are both issues that passed out of here unanimously last spring and I would ask your support."

Speaker Hannig: "Is there any discussion? Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, do you have additional Amendments that you'll add to the Bill?"

Lang: "There is a second Amendment."

Black: "Is there also a third Amendment?"

Lang: "The third Amendment was withdrawn in committee."

Black: "Okay. You referenced a loan on a motel somewhere in the State of Illinois that was made some time ago. You're much older than I and have served here longer than I have. Who was the State Treasurer at that time?"

Lang: "Well, the actual document was agreed to by Mr. Quinn, who was the State Treasurer at the time, and I... as I said in my comments, Mr. Black, we've already gone through all those political things about who did what, who should have done what. No way at all does this Amendment criticize the

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State Treasurer for her actions. I've done that in the past, but this Amendment has nothing to do with that. This Amendment says that no state agency should be able to forgive a debt without somebody reviewing it and that somebody should be the Attorney General."

Black: "Well, I wouldn't mean to insinuate that you were casting any aversion on the current State Treasurer but I just wanted to refresh my memory as to how this all started. Now, on the loan process, would this apply to a... surely it wouldn't apply to a CDAP Grant or small... or a Rule Affairs Loan to a community, would it?"

Lang: "No, this... Well, no."

Black: "Just to an individual or a corporation, I would assume, but not to a unit of government?"

Lang: "This does not deal with units of government. If that is not clear in the Bill, we'll try to fix that in the Senate, but that's not my intention."

Black: "Okay. Okay, and this was part of a Bill that you passed last year, wasn't it?"

Lang: "Yes, unanimously, Sir."

Black: "Unanimously?"

Lang: "I believe so."

Black: "It was (sic-House Bill) 959, as I recall." Lang: "I think so." Black: "Hous... House Bill 959. Unanimously, you say?"

Lang: "Well, at least..."

Black: "I think you're right."

Lang: "Well, then, I'm right."

Black: "Well..."

Lang: "If you say I'm right, Mr. Black, I must be right."

Black: "You usually are right, and since it passed unanimously, I have no further questions."

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Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I was appreciative of Representative Black getting up and asking the question, under whose watch this loan was forgiven, because I don't remember ever hearing that discussion. So, I think it is germane to have those kinds of things discussed on the Floor, even if maybe, they were discussed previously. So, I appreciate Representative Black sharing that insight with us. Thank you."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Floor Amendment #2 deals with unpaid child support. This is also a measure that passed out of here in a different Bill. Many times, people who haven't paid their child support come to court five times, ten times, sometimes 20 times and the Courts of Illinois don't have a real good tool to deal with these folks. This Amendment would say that if during a hearing, a Judge and a post decree child support collection matter determines that the... the obligee is willfully refusing to pay child support at a time where the Judge believes they could pay it, but are just simply refusing to pay it, the judge could issue an immediate criminal contempt citation. And it's amazing in some of the states that have approved this kind of measure, how quickly the people that say they don't have money to pay their child support, pay once they're on the inside of the cell. So, this Bill goes on to allow state agencies to suspend or revoke any licenses given to someone

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who has not paid their child support if there's a court order indicating that they willfully refused to pay. I would ask your support on the Amendment."

Speaker Hannig: "And on the Amendment, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Just a couple of quick questions. Representative, it woul... it would appear to me, and I defer to your legal expertise, but in talking with staff, it appears that all of this is somewhat duplicative of current law. Are you making some fine tuning adjustments somewhere?"

Lang: "Well, my understanding, Representative, is that we have some provisions in the law similar to these, but not exactly on point. So, relative to giving someone a summary criminal contempt citation, that's different than civil contempt, which we have in the law now."

Black: "Okay."

Lang: "This would allow a Judge to look at the obligee and say, 'You've been lying to me for the last ten months, you've in this court 20 times, we know you can pay, you're refusing to pay, into the slammer you go.' That is not, as I understand it, in today's law. Relative to the licenses, yes, I believe someone's drivers license can be revoked today for not paying child support, but it is not automatic and, in addition, this would go on to talk about every license issued by the State of Illinois: a law license, a carpenter's license, a fishing license and so to those who covet these licenses that they have to help them with their hobbies, to help them make a living, the state would automatically revoke those if a Judge found you in willful contempt for failing to pay all your child support."

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Black: "So, you think the provisions on some of the other licenses are new to law? I thought professional licenses have been in there for some time, where we would pull your dental license or your law license."

Lang: "My understanding is that the current recitation of law is not complete, but surely if it is, we can either drop that out on the Senate or let Enrolling and Engrossing do it, should it get that far."

Black: "Well, what kind of due process... I know that the Amendment doesn't speak to this. My concern, as I've expressed on this Floor before, my experience with the division of child support has not all together been pleasant. Many of my constituents are hounded by these people and they are not in arrearage and it takes weeks to get it straightened out. If you'll recall two or three years ago, they had a press conference and named the #1 deadbeat dad in the State of Illinois, couldn't find him, had no idea where he was. A reporter left the meeting and found him in 35 minutes. I just want to make sure that people who are caught up in this web have adequate due process before criminal charges are going to be sought against them. Because the list, as you... I'm sure your district office has the same kinds of cases, where they say someone is in arrearage and six, nine, ten weeks later they find out, whoops, he was not in arrearage. That they made a mistake."

Lang: "My response is two fold. First, your comments point up exactly why we need to reform the entire way we collect money in the State of Illinois, which I tried to do last spring, but most people on your side of the aisle voted against, but let me go more to the point. We're not talking here about someone hounding a person who's been

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declared to be in default. This Amendment very specifically, talks about what a Judge can do when the person is already before them. So, if the person is already before them in a hearing setting, the person on the face of it is obviously getting due process because they've been summoned to that courtroom, they have the opportunity to have a lawyer there with them and this just says that a Judge can throw this person in jail if after a hearing the Judge determines, not simply that they owe the money, because a lot of people owe it but can't pay it, due to a change in circumstances. We're talking here about a willful refusal to pay and if a Judge makes that determination, that person ought to be behind bars."

Black: "And I think you're on the... I think your on the right target here. That's why I'm such a strong supporter of the Majority Leader's Bill, that perhaps we move the entire child support effort to another entity all together. There's just one last question that I need to ask you and it's very, very important in Rural Illinois and that is, when you suspend a drivers license for child support, and I'm not defending those who actually owe child support, but I have seen many a case that has not been correct. Under this Amendment, I see no mechanism for an RDP or a judicial driving permit. And in Rural Illinois, where we do not have a transit authority, if you can't get to work, you're going to be fired. And if you can't work, obviously, you can't pay child support. So, I'm a little concerned about no mechanism in this Amendment to make some arrangements for the person to get to work."

Lang: "My understanding is that, that mechanism is already in the law. As you know today, Mr. Black, if the Secretary of State suspended your driver privileges because of driving

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under the influence a... you can make a petition to get a judicial driving permit to go to and from work."

Black: "Okay."

Lang: "I don't see that being inappropriate here, either."

Black: "Well, I... In talking with our staffer, who's done a great deal of work on this, if you would just simply agree to have this looked at as it goes in the Senate, she is afraid and this is my fear, that your Amendment does not reference current law and may in fact strike that judicial review or restrictive driving permit and I'm not sure that that's what we want to do. So, with your... with your word that you'll take a look at that and make sure we're not making it an impossibility..."

Lang: "Sure."

Black: "...for someone to get to work. "

Lang: "Well, then... Of course you have that commitment and, in fact, we can't expect people to pay their child support if they can't get to work."

Black: "Absolutely."

Lang: "So, we want to make sure they at least have that ability and I certainly will take a look at that as it goes over to the Senate."

Black: "Okay. That's all I can ask for. Thank you very much, Representative."

Lang: "Thank you."

Speaker Hannig: "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 Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Representative Burke, we have the Fiscal Note on 2167. Representative Burke, we have

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your Notes on 2167. Do you want to move the Bill? No. Okay. Representative Hartke, we have the Fiscal Notes on 2375. Okay, out of the record. House Bill 2687, Representative Saviano. Okay, out of the record. (Sic-House Bill) 2688. Same way, out of the record. (Sic-House Bill) 2690, Representative Saviano. Still out of the record. Okay. Mr. Clerk, read House Bill 2724."

Clerk Rossi: "House Bill 2724 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed, no Floor Amendments approved for consideration."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2746."

Clerk Rossi: "House Bill 2746 has been read a second time, previously. No committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Representative Righter on House Bill 2800. Representative Righter... Righter. Out of the record. Representative Giles? Read the Bill Mr. Clerk, 2814."

Clerk Rossi: "House Bill 2814 has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Giles has been approved for consideration."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker. Mr. Speaker, could I have Amendment #1 tabled?"

Speaker Hannig: "Okay. Mr. Clerk, we need to return to House Amendment #1 and Representative Giles moves that House Amendment #1 be tabled. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and House Amendment #1 is

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tabled. And now, Mr. Clerk, any further Amendments?"

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

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 simply cleans up the language that Amendment #1 had. There was a question dealing with, should a voter 'may' or 'shall' and that was the clean-up language. We now have the language that a voter 'may', permissive language. This Amendment is a very good Amendment and what it does is simply allow the voter to have the option to deposit their ballot into the ballot box. And I ask for its adoption."

Speaker Hannig: "And on that question, Representative Black is recognized."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I'm just not sure, and we've talked earlier about this, I'm not sure why this Amendment is necessary. If all of you would just listen very carefully for two or three minutes. I think this Amendment has the capacity to bring back the old days where a precinct captain could really control all the votes in that precinct. All you have to do is to get a mark... a punch card, punch it the way you want it, give that punched card to a voter, say now, you take this into the bal... into the precinct, you put this in the envelope and you drop that in the ballot box, you bring me the unmarked card and I'll mark it when I... when you bring it... you know, when you bring it out here. If you can get one ballot, you can control 80, 90, 100 votes and I thought... I thought the

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existing law was designed to help prevent that. In other words, I give my ballot to the judge and the judge puts it in the ballot box. That prevents me from stuffing that envelope with a pre-marked ballot or maybe putting another marked ballot in there as well, and it seems like your Amendment would say that the judge could not take the ballot. The judge could observe, but I would drop it in there, and you do see the scenario I'm worried about? I mean, it could happen."

Giles: "Thank you, Representative. The current process of depositing a ballot into the ballot box, that process is which that a voter will get a ballot, go behind the voting booth and vote their ballot and simply walk around and give that ballot to the election judge. And the election judge would tear off the stamp, the part in which the voter should have to prove that they have voted and that election judge would check and make sure that that... the jacket of the ballot is signed and signed by the election judge."

Black: "Initialed, right?" Giles: "And then at that time and point, the judge will deposit that ballot into the ballot box. What this particular Amendment simply does is it allow a potential voter to place their ballot into the ballot box. There has been situations, for instance, and I use myself as the example. When I went and vote in the last election, I vote my ballot, I made sure that my jacket was signed by the judge, I handed the ballot over to the election judge. At that point, and instantly, that election judge should have placed the ballot into the ballot box, but what that judge did was began to converse and talk and socialize with someone else in the polling place and I sat there and wait for about three minutes, literally three minutes, to make sure that my ballot was

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deposit into the ballot box. And what this Amendment would do is simply allow me, give me the option as the voter to make sure that my ballot is deposited into the box. Now, the question that you've raised about some fraudulent activity. Well, first of all, the process is still the same in which I am voting my own ballot and... and that election judge, at any point in time, can ask for that ballot to make sure that it is properly prepared before it is placed into the box or that judge will look at that ballot and say, 'Okay, you may now deposit your ballot into the box.' That is an option. What this language does is give that voter an option to be able to do so."

Black: "Okay. Has the... Has County Clerk Orr taken any position on this Amendment or is he even aware of it that you know of?"

Giles: "At this time, Representative, I am not sure."

Black: "Okay."

Giles: "I have no opposition to this..."

Black: "Okay. Well, I know that there are several... You know, he is very active in the election process, obviously, and there are several independent voters and so forth in the Chicago area, and they've not expressed any concerns about this?"

Giles: "I believe IVI IPO is a proponent of this legislation."

Black: "A proponent?"

Giles: "That's correct."

Black: "Okay. Fine. Thank you, Representative."

Speaker Hannig: "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. Representative Kubik on House

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Bill 2842. Out of the record. Representative Scott on House Bill 2843. Representative Doug Scott. Out of the record. Representative Giglio on House Bill 2846. Representative Giglio. Out of the record. Representative Mitchell on House Bill 2885. Representative Mitchell. Out of the record. Representative Ronen on House Bill 2921. Out of the record. Representative... Okay, out of the record. Representative Dart on House Bill 3000. Rep... Out of the record. Representative Burke on House Bill 3016. Representative Burke, 3016? Out of the record. Representative Smith, 3019. Representative Smith. Out of the record. Representative Durkin on House Bill 3067. Representative Durkin. Out of the record. Representative Kenner on House Bill 3127. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3127, the Bill's been read a second time, previously. No committee Amendments. Floor Amendment #1, offered by Representative Kenner has been approved for consideration."

Speaker Hannig: "Representative Kenner on the Amendment."

Kenner: "Mr. Speaker, I thought that Amendment was approved in committee last week?"

Speaker Hannig: "The committee approved the Amendment, Representative, but we still have to adopt it on the Floor. So, you need to explain the Amendment."

Kenner: "Oh, okay. Okay. Thank you. Amendment #1 is basically a clean-up legislation from House Bill 452. Thank you, Jeff. It's clean-up legislation for House Bill 452... and the Bill calls for... The Bill increases the number of certificates from three to four. It adds a teaching certificate for K through 12 for smaller districts. This Bill is asked for by the Illinois Federation of Teachers. Basically, it'd very simple Amendment."

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Speaker Hannig: "And on the Amendment, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I just have one question, but I think it's a very important question to the heart of the process here. It's my understanding that when you presented this Bill in committee and it originally passed out as a vehicle, you stated that this Bill would only be used for a pilot program for truancy. Did you, in fact, make such a statement?"

Kenner: "No, Representative, I did not make that statement. It was, in fact, a vehicle Bill for a truancy Bill, initially. However, Representative Winkel had a very similar Bill, so I actually scrapped my truancy Bill and signed onto his Bill."

Black: "So, this... This is not the Bill that became an issue in the Education Committee...?"

Kenner: "No, this is not the Bill."

Black: "It's my understanding that there were some people upset with you in the Education Committee, that you indicated this was only going to be used for a pilot program on truancy, which is a very important issue and then later it shows up as a... This Floor Amendment becomes the Bill, does it not?"

Kenner: "Absolutely."

Black: "Okay. So, it's... You... It's not your understanding that there was a dispute about the underlying Bill?"

Kenner: "No."

Black: "Could you hold on for just a second, Mr. Speaker? Give me about 15 seconds, here."

Speaker Hannig: "Representative Black."

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Black: "All right. Representative, is it your intention that this be the only Amendment to the Bill and that the Bill is as straightforward as the Amendment says it is?"

Kenner: "That is my intent. Yes."

Black: "Will you resist any other Amendments?"

Kenner: "At this point, I will. Yes."

Black: "Thank you. All right, thank you very much, Mr. Speaker."

Speaker Hannig: "On the Amendment, 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. Representative Hassert on House Bill 3128. Representative Hassert. Out of the record. Representative Erwin, we have the Fiscal Note on 3147. Representative Erwin in the chambers? Out of the record. House Bill 3235, Representative Schoenberg. Wish to move that Bill? Out of the record. Representative Myers on House Bill 3236. Representative Myers. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3236, the Bill has been read a second time, previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Representative Kubik on House Bill 3273. Out of the record. Representative Feigenholtz on House Bill 3318. Out of the record. Representative Hartke on House Bill 3325. Out of the record. Representative Holbrook, we have the Fiscal Note on 3352. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3352, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 3356, Representative

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Wait. Representative Wait. Out of the record.
Representative Bergman on House Bill 3375. Out of the
record. Hou... House Bill 3403, Representative Hartke.
(Sic-House Bill) 3403 is out of the record. Representative
Silva on 3447. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3447, the Bill's been read a second
time, previously. Amendment #1 was adopted in committee.
No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Representative Gash, we have the
Fiscal Note on 3502. Do we wish to move that Bill?
Representative Gash. Out of the record. Representative
Saviano on House Bill 3520. Out of the record.
Representative Woolard on House Bill 3539. Representative
Woolard. (Sic-House Bill) 3539, Representative Woolard.
Out of the record? Okay. Representative Giglio, we have a
Fiscal Note on 3556. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3556, the Bill has been a second time,
previously. Amendment #1 was adopted in committee.
Amendment #2 was adopted on the Floor. No Motions filed."

Speaker Hannig: "Third Reading. Representative Art Turner on
House Bill 3559. Out of the record. Representative
Granberg on 3628. We have a Fiscal Note. Out of the
record. Representative McGuire on House Bill 3630. The
Gentleman is not in the chamber. Out of the record.
Representative Scott on House Bill 3632. Out of the
record. Representative Dart on House Bill 3696. Mr.
Clerk, read the Bill."

Clerk Bolin: "House Bill 3696, the Bill's been read a second
time, previously. Amendment #1 was adopted in committee.
No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Representative Boland, we have
the Fiscal Note on 3741. Shall we proceed? Representative

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Boland. Out of the record. Representative Schoenberg, we have the Fiscal Note on 3758. Representative Schoenberg. Read the Bill."

Clerk Bolin: "House Bill 3758, the Bill has been read a second time, previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk? Okay, Representative Ryder on 3775. The Gentleman's not in the chamber. Out of the record. Representative Scully on House Bill 3794. Would you like to move that to third? Read the Bill."

Clerk Bolin: "House Bill 3794, the Bill's been read a second time, previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Representative Gash on House Bill 3806. Out of the record. We're going to go back to 3806 for Representative Gash. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3806, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Daniels, has been approved for consideration."

Speaker Hannig: "Representative Daniels. Representative Black, would someone like to handle that for Representative Daniels, the Amendment? Yeah, Representative Black on the Amendment."

Black: "Yes, Mr. Speaker. It'd be my honor and privilege to move this Amendment for the House Republican Leader. The Amendment is very straightforward. It just simply says that the ban on Sangamon County fund-raisers shall apply only during the months of April and May to Members of, and candidates for the General Assembly whose districts include all or portions of Sangamon County, so we don't unfairly impact those who... whose districts are here. So, that's

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all the Amendment does. Be glad to answer any questions."

Speaker Hannig: "Is there any discussion? 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. House Bill 3833, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3833, the Bill's been read a second time, previously. No Committee Amendments, no Floor Amendments, no Motion was filed."

Speaker Hannig: "Third Reading. We're going to move to the order of House Bill's Third Reading. Representative Granberg on House Bill 21. The Gentleman's not in the chamber. Representative Gash on House Bill 2370. Representative Gash? Representative Capparelli on House Bill 2385. Out of the record. Representative Saviano, (sic-House Bill) 2445. Out of the record. Representative Lindner on House Bill 2503. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2503, a Bill for an Act to amend the Freedom of Information Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is a very simple Bill. It amends the Freedom of Information Act in the public record Section and makes a public record complaints that are the results of complaints in the Department of Children's Service staff findings of licensing violations at daycare facilities and personal and identifying information would not be released. This is a companion Bill to Representative Righter's Bill where there would be an 800 number that people could call for this information if there is a decision that these... that there have been

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daycare violations."

Speaker Hannig: "And on the Bill, Representative Black is recognized."

Black: "Thank you very much, Mr. Speaker. At the appropriate time, make sure you ring the bell to summon all of our Members back. This is Final Action, is it not?"

Speaker Hannig: "That's correct, Representative Black."

Black: "Good. Will the Speaker... Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Thank you. Representative, what... what's the protection of, and due process for a daycare owner/operator who has been accused or maybe a hotline called, but a subsequent investigation completely exonerates them? They're not going to be on the internet as running a bad home or violating the law? This is only upon what? Conviction?"

Lindner: "Yes. A decision that there has been a violation."

Black: "Now, would this be a finding by a court of law or a finding by the agency?"

Lindner: "I believe that's by the agency. That is reported to the agency."

Black: "Yeah, I... You saying that this... the report that you could access would be a finding by the agency..."

Lindner: "Yes."

Black: "...or an actual conviction in a court of law?"

Lindner: "Well, it's not actually a conviction. It is a finding in... This Bill does not actually say that there is any finding. This Bill just adds that if there is a finding, that it will be a public record under the Freedom of Information Act, but it does not have anything to do with the process."

Black: "What... what hap..."

Lindner: "But it does only apply to if there is a founded

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violation."

Black: "All right. But what happens if upon administrative review, the finding or the allegation is found to be a complete error in judgment? Wouldn't... Wouldn't that individual then have civil recourse?"

Lindner: "My Bill does not address that because there is a process now. There's not a new process, but there is a process now in DCFS for handling complaints and this would only be limited to the violations, the founded violations. So, I don't know the whole process that it goes through with DCFS."

Black: "Well, I'll... You know, I'll defer to your legal expertise, Representative, but my fear is that there may be a rather serious lack of due process before the public could say, 'Oh my, this individual is running a terrible daycare facility', and that may not be... that may not be an accurate statement."

Lindner: "It first is in-house in DCFS, but it could be filed in court if there... It could go to court, also."

Black: "All right, so... so, 'notice' would simply be a finding by a licensing representative, and that does not afford me, as a daycare operator, a great deal of due process, does it?"

Lindner: "Again, this Bill does not address the process."

Black: "Okay."

Lindner: "This Bill only says that if there is a finding of that process that is already in DCFS, I'm not changing that process at all, that it would be a public record under the Freedom of Information Act."

Black: "It is coming... Yes, it's coming back to me, now. This Bill... If I have a well digger who didn't pass a class, do they go on the notice net or was that a Bill we passed

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yesterday or are they all run together?"

Lindner: "I think you are mixing that up with another Bill, Representative."

Black: "Okay. Thank you, Representative."

Speaker Hannig: "Representative Skinner."

Skinner: "Yes, would the mild mannered Representative answer some questions and speak into the microphone so the rest of us can hear her?"

Speaker Hannig: "She indicates she'll yield."

Skinner: "How does the information you're going to provide on the internet differ from the information that Representative Righter's Bill will provide through an 800 number?"

Lindner: "This is onl... This only amends the Freedom of Information Act. There has to be a... There is a Section for public records and they're already are things that are public records that you can obtain through the Freedom of Information Act. So, if Representative Righter's Bill passes and people do call in, it would be accessible under the Freedom of Information Act. All this Bill does is add those complaints... those founded complaints as a public record under the Freedom of Information Act."

Skinner: "So, his Bill doesn't work unless your Bill passes?"

Lindner: "That's... No, I think that there could still be an 800 number, but it..."

Skinner: "But there be no information to reveal?"

Lindner: "Under the Freedom of Information Act... if you ask for that information under the Freedom of Information Act, unless my Bill passes, that would not be a public record under that Act."

Skinner: "You two should have gotten together, it seems to me. Thank you."

Speaker Hannig: "Representative Cowlshaw."

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

Speaker Hannig: "She indicates she will."

Cowlshaw: "Representative, this Bill, I believe you said, amends the Freedom of Information Act, is that correct?"

Lindner: "Yes it is."

Cowlshaw: "Could you, please, tell me the position of the Illinois Press Association, on this Bill?"

Lindner: "I have not been contacted by the Illinois Press Association, but as far as I know, there are no opponents to this Bill."

Cowlshaw: "So, to the best of your knowledge, the Illinois Press Association is not opposed to this Bill?"

Lindner: "I have not heard from them, but as far as I know, no one else has either."

Cowlshaw: "Thank you very much."

Speaker Hannig: "So, the question is, 'Shall House Bill 2503 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. Representative Persico on House Bill 2650. Out of the record. Representative Burke, 2656. Representative Burke? Representative Burke? Read the Bill, Mr. Clerk."

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 Hannig: "Representative Burke."

Burke: "Thank you, Speaker. If Representative Black is prepared, this matter came under serious debate in the last couple of

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sessions here, and the last movement on the Bill was to amend to provide that contracts be compet... competitively bid, I beg your pardon, and I believe that was one of the serious concerns that was cited earlier. Basically, what the Bill would do... What the Bill would do in general is, as 27 other states in this country have accommodated, contracts can be let for both the design and the construction of projects that the Water Reclamation District would undertake. It is insisted that there is a savings, not only in the preparation of these building projects but also, in this litigation cost. There seems to be constantly conflict when these bids are let between the designer and the final construction aspect of the project, and I would ask for the Body's favorable consideration. I'm prepared to answer any questions."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "Indicates he will."

Black: "As amended, Representative, and we've discussed this, I'll not belabor the point. Did you... Were you able to get any information on how many designed to build firms might be in the Chicago Metropolitan area that could handle these kinds of projects?"

Burke: "I did discuss your question with the representative of the Water Reclamation District and they did not have an idea. It appears that the firms that currently would bid these contracts, have the facilities to do both. So, there wouldn't be a specific number of companies or a particular entity that, at this point in time, because they don't have the opportunity to do it, would offer themselves for this particular type of activity."

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Black: "Well..." Burke: "But I would suggest that those who are currently engaged in these projects could accommodate both the design and the final construction. That's what I'm told."

Black: "Okay. Let me ask you a question, and I don't think it's pro... I don't think it... it may not be a fair question and if you don't want to answer it, I understand that, but I think it's germane to the issue at hand. Some weeks ago, in one of the Chicago papers, I don't know if it was the Sun Times or Tribune, we don't always get them on time, you know we've lost our railroad service and if the horse dies during the night, the papers don't get downstate, but we try. I thought there was a rather interesting article about a water tunnel project that burrowed under Lake Shore Drive and everything that could go wrong, did go wrong and I was just curious as to whether that was a design to build contract or it was done the old fashioned way?"

Burke: "Well, I could... I'm not familiar with the specifics of that particular project but in current law, they would not have had the opportunity to do both the design and the final construction. This legislation would give them the authority and maybe, those problems wouldn't have occurred if both the design and the final project were completed by the one firm."

Black: "Or perhaps, we could hire a firm to design and build a new railroad line between Chicago and many of the downstate communities, but we'll work on that in the future."

Burke: "I'd love it. I'd love it. I'd be happy to come over to your home for dinner one of these evenings."

Black: "Absolutely. And we'd be honored to have you."

Burke: "And I might suggest that in future, if the paper is late arriving to Vermilion, you might want to get on the

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internet."

Black: "What's that?"

Burke: "We'll talk later."

Black: "Well, we've still got that phone with the crank on it. Can I get on the internet? Thank you, Representative."

Speaker Hannig: "Is there any other discussion? Representative Burke to close."

Burke: "Thank you, Speaker. Again, for the Members information, this Bill would provide that contracts that were being considered for the Water Reclamation District could be accommodated with both the design and the build. It saves money, it saves the cost of litigation. They can reduce their many attorneys that are at the board, currently, and it's a time saving, cost saving measure and I believe it has great merit. Twenty-seven other states in the country have provided this accommodation to these projects, and I would ask for the Body's favorable consideration."

Speaker Hannig: "The question is, 'Shall House Bill 2656 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 36 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2553."

Clerk Bolin: "House Bill 2553, a Bill for an Act concerning sanitary districts. Third Reading of this House Bill."

Speaker Hannig: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2553 makes three changes to the Sanitary District Acts of 1917 and 1936. There was no controversy about any of these changes and no opposition to it, that I

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know of. Very briefly, the changes are that 'like' is possible in the municipal code for municipalities, that the sanitary district would be able to, in essence, jump over a forest preserve to annex property on the other side of the forest preserve. It doesn't mean they annex the forest preserve or anything like that. It's just a... a method that they can use, like the municipal code can. The second one would be that a sanitary district may self-insure its employees and that they can also buy from for-profit, as well as not-for-profit. We think that's the case already, we just want to make sure there's a loophole that's closed there. And the third section would be to make remedies for nonpayment of special assessment use only the tax collection procedures. Right now, lien and foreclosure are used pretty frequently. It's a rather draconian method that they want to not have to be able to use and bring some continuity to the collection of the special assessments. Again, there is no opposition to this, that I know of. It passed out of committee 16 to 0 and I'd appreciate a favorable vote."

Speaker Hannig: "Is there any discussion? There being none. The question is, 'Shall House Bill 2553 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 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2656, Representative McGuire. Read the Bill, Mr. Clerk. I'm sorry, 2656?"

Clerk Bolin: "(Sic-House Bill) 2756"

Speaker Hannig: "Pardon me, 2756."

Clerk Bolin: "House Bill 2756, a Bill for an Act to amend the

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counties code. Third Reading of this House Bill."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. This Bill has been brought to me by some veterans. And what the Bill does, it asks that the indigent burial be raised from \$600, as it is now in most counties, to \$900 so that the indigent burial would be the same on a par or the veterans burial would be the same, or on a par with the indigent burial and that's the extent of the Bill, Sir. I'd appreciate your vote."

Speaker Hannig: "Is there any discussion? There being none, then the question is, 'Shall House Bill 2756 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. Representative Younge on House Bill 2774. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2774, a Bill for an Act to amend the school code. Third Reading of this House Bill."

Speaker Hannig: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Would you take that back to Second Reading for purposes of an Amendment?"

Speaker Hannig: "Okay. Mr. Clerk, return this Bill to Second Reading. Representative Capparelli on House Bill 2822. Okay, out of the record. Representative Schakowsky on House Bill 2884. Out of the record. Representative Reitz on House Bill 2944. Representative Reitz? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2944, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

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Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. This Bill will allow water commissioners to receive expenses for their duties. I've worked with the municipal league, and they are neutral on the Bill, now. I appreciate an 'aye' vote."

Speaker Hannig: "Is there any discussion? There being none, then the question is, 'Shall House Bill 2944 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. Mr. Clerk, read House Bill 3135."

Clerk Bolin: "House Bill 3135, a Bill for an Act concerning rulings of the Commissioner of Banks and Real Estate. Third Reading of this House Bill."

Speaker Hannig: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 3135 simply extends the identical good faith reliance provisions to the Electronic Fund Transfer Act and the Illinois Financial Services Development Act. These were inadvertently left out last year when we were passing the Electronic Funds Transfer Act. These good faith reliance already has been... is in the Illinois Banking Act, the Corporative Fiduciary Act, the Interest Act and other Financial Industry Regulatory Acts and these are just the Bills... these two agencies were left out and we're just extending the same reliance that we have in the other Acts. And I would ask for it's passage."

Speaker Hannig: "Is there any discussion? Representative Black."

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

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yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, what... why are we creating a safe harbor for any and all parties connected with a financial institution? It seems to be a blanket exemption."

Bugielski: "Well, that would the... because that would be the easy way and we don't do things easily down here."

Black: "So, what... what if I... what if some language comes out from the Commissioner's Office limiting the fees on an ATM machine and my bank doesn't... either didn't get or didn't pay attention to the directive. They charged me a much higher fee than the law would currently allow. Does this mean I can't go back and say, 'Hey wait a minute,...'"

Bugielski: "No."

Black: "...you've been charging me all kinds of fees, here, that I shouldn't have to pay it. I'd like my money back.' Does that mean I can't get my money back?"

Bugielski: "As long as they get the okay from the Commissioner's Office, if it was the Bank that made the error, then they are responsible. But all we're saying is, when they act on reliance from the Commissioner of Banks, we're just going on that, you know, we're protecting the banks. The banks are protected because they're following what the Commissioner on Banks said. If the banks... If the Commissioner of Banks said that you can't do this and they do it, well then, the bank is responsible. But all we're going on... we're letting the banks go on the good reliance of the Commissioner of Banks, the regulatory power here in the State of Illinois."

Black: "All right. So, if the bank makes the error, I have recourse."

Bugielski: "Right."

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Black: "If the Commissioner of Banks and Trusts puts out conflicting or erroneous information, then I don't have recourse on the bank?"

Bugielski: "Correct. But, the Commissioner usually, when he's giving out his... when he sends these letters out, he's following what the law states, what the current law states, right now. So, the current law will state a certain issue and the Commissioner of Banks will tell the individual bank, 'You are allowed to do with this according to the current law and we are protecting the banks on that good reliance from the Commissioner.'"

Black: "And... And you're reasonably certain that this Bill does not detract or take away any consumer protection that an individual may claim we're infringing upon consumer rights?"

Bugielski: "No, Sir. And as I mentioned before that this was inadvertently left out last year when we passed the Electronics Act. If you remember the Electronic Fund Act last year, was a very large Bill and this was inadvertently left out and all we're doing is adding it to these two Acts now that... we should have done last year because of the other Acts that have this protection already. We're bringing it in compliance with the other Acts."

Black: "Did... It isn't reflected on... on my analysis, but has anybody contacted you in opposition of the Bill?"

Bugielski: "No one has contacted me."

Black: "Okay, thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, then the question is, 'Shall House Bill 3135 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

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this question, there are 82 voting 'yes', and 28 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Scully, for what reason do you rise?"

Scully: "Mr. Speaker, on House Bill 3135, I voted 'present' because of a conflict of interest. Thank you."

Speaker Hannig: "Very good, thank you, Representative. Representative Wood, on House Bill 3173. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3173, a Bill for an Act to amend the Sale of Tobacco to Minors Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Wood."

Wood: "Thank you very much. House Bill 3173 provides that any person under 18 years of age who purchases, possesses, or used tobacco products will be guilty of a petty offense. This Bill was very similar to a Bill that was passed out of this chamber last year with nearly a 100 votes and I would respectfully ask for your support."

Speaker Hannig: "Is there any discussion? Representative Steve Davis."

Davis, S.: "Yes, thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Davis, S.: "Representative, do you have a Fiscal Note on this Bill? What's the Fiscal Impact?"

Wood: "I don't believe that any Fiscal Note was requested."

Davis, S.: "So, you don't know what the local impact is to the local police that would have to go out and police... police these young... young people who are out smoking behind the barns or out smoking behind the school buildings?"

Wood: "I don't believe that there was any Fiscal Note requested,

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arguably, because there will not be a Fiscal Impact upon the local police that are doing their normal business."

Davis, S.: "It's my understanding then, that the first offense would be a fine of how much, \$25? Is that correct?"

Wood: "Actually, the first offense, the fine would be community service."

Davis, S.: "First offense, the fine is community service? How many hours?"

Wood: "Up to 25 hours."

Davis, S.: "And how about the second offense?"

Wood: "The second offense, occurring within a 12 month period, could involve a fine of \$25 and I believe up to 30 hours of community service."

Davis, S.: "Is there a provision for a third and fourth offense?"

Wood: "For a third offense, you may be sentenced up to 30 hours of community service and a fine not to exceed \$50. I would like to note that these penalties are reduced from what was passed by the House last year."

Davis, S.: "Representative, it seems to me, and I can understand what you're trying to do with this Bill, but it seems to me that this may be one piece of legislation that we really don't need to be voting on here. It seems to me like this should be the job of the parents in the State of Illinois to be able to determine whether their kids are smoking, sneaking off to take a smoke, and it seems that we should, at least, allow the parents in the State of Illinois to do something when it comes to raising their kids. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Davis, S.: "I can appreciate what the Representative is trying to do, however, once again, this is another example of big business getting involved in the... in the raising of our

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children. And I can just imagine that Douglas MacArthur with his... with his corncob pipe sneaking off behind the barn, getting fined, and having a criminal... a criminal record, one of our greatest military leaders. I can imagine a great spokesman and a great statesman like Winston Churchill sneaking off behind his house, if he were in America or if he was living in the State of Illinois, to have a drag off of one of his cigars. I can't imagine what will happen to the music industry with songs such as, Smoke Gets In Your Eyes and Smoking In The Boys Room, we'll never to be able to have a great song like that again. So, Mr. Chairman... or, Mr. Speaker, Ladies and Gentlemen of the House, I would request a 'no' vote on this Bill."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "To the... Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Davis, M.: "Representative, this legislation, it appears is designed to keep children from smoking, is that correct?"

Wood: "This legislation is intended to send a clear message that our teenagers should not be using and possessing tobacco products. Currently, over three thousand children... teenagers start smoking every day."

Davis, M.: "So, if they're caught smoking, walking to school or if they're caught smoking on the way to school, what happens to them, Representative?"

Wood: "Under this Bill, we've created a petty offense if teenagers are caught using or possessing tobacco products."

Davis, M.: "And what will happen to them?"

Wood: "A petty offense is, under this Bill, something that's subject to either community service or a small monetary fine."

Davis, M.: "How much would the monetary fine be?"

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Wood: "On a first offense, there is no monetary fine? On a second offense, within 12 months it's up to, I believe, \$25. And the third, if there is a third offense, up to \$50. More importantly..."

Davis, M.: "Representative... Representative, suppose the parent of this child decides that if my child wants to smoke, my child has a right to smoke. Now, most parents don't want their children to smoke but maybe there's a parent who would rather have that child be given permission to smoke rather than have that child be given a criminal record."

Wood: "Under this Bill, a child will not receive a criminal record."

Davis, M.: "Where is he supposed to get \$25?"

Wood: "Actually, the Bill provides for community service ordered by a Judge, and I believe that community service where a young person maybe spends 25 hours a week on a cancer ward and sees the effects of smoking, will have a much better effect on that child than just having someone pay a monetary fine, which is why we provided for community service or cessation program."

Davis, S.: "Representative, wouldn't it be better to have the children visit a cancer ward through their schools, through school projects? I mean, I find it... I'm going to be honest and I hope my colleagues will listen. I find it very difficult, very difficult to add to the court cases for a student who was smoking a cigarette when we have children who have committed murders, children who have set fires, children who have vandalized to the million dollar degree, school buildings, children who have intimidated people with gang intimidation and here we're going to clog up a court room talking about the kids smoking. If the kid has my luck, he'd get caught the first time. The first

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time he's smoking a cigarette or with a cigarette, he'd be caught and he'd be sent to so-called juvenile... what do you call it... community service."

Wood: "Isn't this on Short Debate?"

Davis, M.: "And even if it's on Short Debate, this is a long sentence you're giving these kids. I really... Now, all of us would prefer that any mother's child not smoke. All of us in here, some of us are mothers, we're grandmothers and yet, we do not want the State of Illinois to decide that my child will have a criminal penalty and have to go before a Judge if he or she is caught smoking. Representative, does this Bill do anything with the child's drivers license?"

Wood: "Okay. Is that a question?"

Speaker Hannig: "Yes. Did you hear the question, Representative?"

Davis, M.: "That's a question, not rhetorical, it's a question."

Wood: "Could you repeat the question, please, Rep... Could you please repeat the question?"

Davis, M.: "Does this Bill do anything to a child's drivers license?"

Wood: "No, it does not."

Davis, M.: "Okay. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill, Representative."

Davis, M.: "Standing before me, is the mother of the little girl who was killed by Yummy, the 11 year old. Mrs. Deans, the mother of that child who was killed, is standing here before me. Two other high school students from downstate Illinois are here before me in reference to real serious health issues like concealed weapons and trigger locks on a gun. For us to take the fact that a child may sneak a cigarette and decide that child is going before a Judge, in my opinion, is overstepping our bounds. I didn't want my

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children to smoke but I didn't want the State Government to enforce that law either. I would not want my child to have to try to find \$25 to pay a fine because then, I may force him or her into being a thief or committing a bigger crime to find that \$25. Now, I know there's some people who find it difficult parenting their children. Let me repeat that. Some people have a difficult time parenting their children and they're looking for government laws to help them parent their children. Children should learn at home and at school that smoking is very unhealthy."

Wood: "I agree."

Davis, M.: "Children should learn at home and at school that it causes death, through dreadful diseases."

Wood: "I agree."

Davis, M.: "But I don't think children should learn in a courtroom of law that his or her will is being thwarted when he or himself are the only people being harmed. This law is what you would call draconian. This law is what you would call something being passed by the Roman Empire."

Wood: "Are we done? Can we..."

Davis, M.: "No one wants children to smoke but even beyond that, we don't want children arrested because they choose to do often what children will try and get away with doing. Are adults going to go before court if they smoke? Does this Bill apply to some of my Representatives who go in their offices and smoke? Are they going to have to pay a \$25 fine? Are some of these grown-ups going to have to go before a Judge and get community service?"

Wood: "No. No. The Bill applies to minors."

Davis, M.: "Then it should not happen to children. This should be a 'no' vote. This should be a 'no' vote."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "She indicates she will."

Black: "Representative, under current law, is there a penalty for possession of tobacco by a minor?"

Wood: "Under current State Law, it is illegal for a minor to buy or to purchase tobacco products. Last year, this chamber passed with nearly a 100 votes, a Bill to make it illegal for a minor to use and possess tobacco products."

Black: "All right. So, your Committee Amendment #1 becomes the Bill, is that correct?"

Wood: "Yes, Sir."

Black: "All right. Under current law, if a minor purchases a tobacco product that minor could be charged with a petty offense and could be fined \$200 for that first offense, under current law, is that correct?"

Wood: "Under current law. Yes, under current law."

Black: "So, your Amendment actually reduces the fine and the petty offense, is that not correct?"

Wood: "Yes, it does. For purchasing, that remains the same as the current law. We felt that use and possession... We didn't want to be penalizing our young people. We want to be sending a clear message to them and believe that community service cessation programs are the answer to send that message, not just a monetary fine."

Black: "All right. Let me give you a hypothetical question. I know these are difficult to answer but there are sections of this great state and you know, you've been from north to south, east to west, it's a very diverse state. It is not unusual, I don't condone it, but it's not unusual, for some parents to send their child in a very small community, 11, 12, 13 year old child, down to the only store in town where

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everybody knows everybody and says, you know, 'Give Johnnie a package of Kool and so he can bring them home for me.' Now, I don't condone that but I think it happens, particularly, in smaller communities. So, the 12 year old child is on his way home, he possesses a pack of cigarettes not for his use and, in fact, may have been sent there by his mother or father, is this child going to be charged with a petty offense for possessing tobacco?"

Wood: "Under this proposal, they could be charged with a petty offense which is not reportable for possessing tobacco. But I guess my question would be is, how many parents would send their child to the store to pick up an alcoholic product for them and bring it back home?"

Black: "Well, Representative, I can take you in some towns in my community where that was a very common practice up until a few years ago. In coal mining communities, it was not unusual on Saturday nights to send children down to the corner tavern, again, it was like a social club, and pick up what was called a growler of beer for dad which is, you and I would call that a bucket. That was not unusual and... yeah, 'cause everybody knows everybody in these little towns and they would do that. I don't think it's done anymore and I understand what you're saying. Would there be... would there be an affirmative defense on behalf of the minor who was caught with tobacco in his or her possession? Would it not be an affirmative defense to say... the minor says, 'Your Honor, I only had this tobacco, this cigarette, this cigar, because it's financing my education and I'm just trying to get a new computer for my computer lab?'"

Wood: "Sure."

Black: "Would that not be an affirmative defense?"

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Wood: "I'm sure that a minor could raise it as a defense in front of a Judge, whether or not it would be an affirmative defense would be a legal..."

Black: "Well, I know if I get caught with it, it's going to be my defense, you know. Smoke one for the kids. But in actuality, your Bill does reduce the current penalty and fine, does not involve a fine for the first offense..."

Wood: "Correct."

Black: "...could involve a fine for the second offense..."

Wood: "Yes."

Black: "... and a third offense, you could be fined not to exceed \$50."

Wood: "Fifty dollars."

Black: "Okay. When you rework the current law by this Amendment, and we've been all over this. At one time, I know the Retail Merchants were opposed. Did anybody sign in opposition to this as amended?"

Wood: "Actually, there is no opposition to this Bill. Not from the health groups. Not from the tobacco industry. The Med Society has some out in favor of it. The Illinois Attorney General has come out in favor of it. So, there's no known opposition to this Bill."

Black: "And I wouldn't imagine that there would be. I think some of us are a little bit concerned because it's conceivable that a nine year old or an eight year old could... and I don't know these would be adjudicated. I don't know whether they would go to the courthouse or there'd be a station adjustment, and I think that's some of the concerns that are expressed, that it might introduce a relatively young child to the workings of our criminal justice system and I don't know whether that's good, bad or indifferent."

Wood: "And that's exactly why under this Bill, it's a petty

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offense and because we did not want to criminalize our young people. We want to help our young people. It is also a non-reportable offense."

Black: "Well, could we amend the Bill on its face to add a felony charge to those who smoke in the rear of the chamber? I just happened to visit..."

Wood: "Be glad to do that. Be glad to do that."

Black: "Yeah. What'd you think of that, huh? I just wandered back in the executive wash room and the... my suit and tie now smell like yesterdays camel. But be that as it may... By the way, Mr. Speaker, could we get a bigger air filter back there? People back there smoking cigars three times as big as the air filter but that I digress. Representative, you've done a lot of work on the Bill. I thank you for your forthright answers and certainly, wish you no ill will with the Bill. Thank you."

Wood: "Thank you."

Speaker Hannig: "Representative Cross."

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

Wood: "Thank you."

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question shall be put. Representative Wood to close."

Wood: "Thank you very much. I'd appreciate your support on this legislation similar to legislation which passed here last year. The real thrust of this Bill, which has no known opposition, is to make sure we send a clear message, like dozens of other states have done, that smoking among our youths should not be tolerated. Thank you very much."

Speaker Hannig: "The question is, 'Shall House Bill 3173 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... Representative Wait wishes to be recorded 'aye'. Have all voted who wish? Mr. Clerk, Representative Wait wishes to be recorded as 'aye'. Mr. Clerk, take the record. On this question, there are 95 voting 'yes' and 17 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We're going to pause a few moments and... for the purposes of an introduction. Mr. Clerk, would you read the Resolution, please."

Clerk Bolin: "HOUSE RESOLUTION 368

WHEREAS, The members of the Illinois House of Representatives wish to congratulate the Raiders of Central A & M High School on winning the Class 2A State football tournament; and

WHEREAS, The Raiders placed second in 1992, 1995, and 1996; in 1997 they went all out, and secured themselves the first place win; and

WHEREAS, The Raiders are led by Head Coach, Mark Ramsey; his Assistant Coaches, Brad Kerby, Doug Morrell, Brett Hefner, Mike Lees, John Hayden, and Jerit Medler; Trainer, Doc Boyer; and Manager, Jessie Adrian; and

WHEREAS, The Central A & M Raiders are comprised of: Bob Hogan, Richard Stuart, Brad Reatherford, Jeremy Medler, Michael McLain, Jason Churchill, Tim Webster, Perry Jordan, Darin Wall, Graham Danyus, Brent Damery, Jeff Carter, Virgel Coffman, Matt Gray, Derek Wall, Trent Jordan, Chris Stringer, Nathan Dugan, Josh Collins, Brett Snow, Richard Steuart Minott, Justin Dirks, Jacob Elder, Josh Monson, Nathan Morrison, Chad Banning, Marty Hunter, Justin Danyus, Chris Snow, Brian Varner, Nathan Bressner, Greg

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Collins, Seth Potsick, Brandon McVey, Blake Zinn, Brett Williams, Nick Kime, Justin Binkley, David Matlock, and Will Minott; and

WHEREAS, Central A & M High School is a consolidated high school comprised of Moweaqua and Assumption, Illinois; the superintendent is Mark Gregory, and the Principal is Randy Grigg; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Central A & M Raiders on winning the Class 2A State Football Tournament; and that it be further

RESOLVED, That a suitable copy of this resolution be presented to the Central A & M Raiders.

Speaker Hannig: "All in favor of the Motion on the Resolution say 'aye', opposed 'nay'. The 'ayes' have it and the Resolution is adopted. The Central A & M team is a bipartisan effort. Representative Noland and I represent those two respective communities. I represent Assumption and Representative Noland represents Moweaqua, so we're here today to congratulate these fine young men on an outstanding job of representing our region of the state in the state championship game and winning that game and bringing home the great pride and trophy that they did for all us. Representative Noland, do you wish to add to that?"

Noland: "Along with Senator Vince Demuzio and Senator Kevin Kehoe we want to welcome the Central A & M Raiders. Ladies and Gentlemen, this school has been consolidated since 1992, they have been to the quarter finals twice, they've been second in the state three times and last year they were undefeated as state champs. They are arguably the top... they are the top 2A program of the 1990's and we're very

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proud. Would you please help me welcome the Central A & M State Champion Raiders?"

Coach Ramsey: "I'd just like to thank the State of Illinois and IHSA for running such a good athletic program and running such a unique state finals in football. Thanks for your support."

Senator: "Hello. I just want to say congratulations to the team. We Senators had to come over to the House in order to congratulate you, because we have finished our business for the day and the Senate has adjourned, but I wanted to come over and say congratulations."

Ramsey: "I'd like to introduce our players: our captains; Perry Jordan, Jason Churchill, Tim Webster and Mike McLain, he's sick today, also Bob Hogan, Richard Stuart, Brad Rutherford, Jeremy Medler, Darin Wall, Graham Danyus, Brent Damary, Jeff Carter, Virgil Coffman, Matt Gray, Derek Wall, Trent Jordan, Chris Stringer, Nathan Dugan, Josh Collins, Brett Snow, Ross Minott, Justin Dirks, Jacob Elder, Josh Monson, Nathan Morrison, Chad Banning, Marty Hunter, Justin Danyus, Chris Snow, Brian Varner, Nathan Bressner, Greg Collins, Seth Potsick, Brandon McVay, Brett Williams, Nick Kime, Justin Binkley, David Matlock and Will Minott. Also, our principal Randy Grigg. Thank you. Oh, I'm sorry, and Doc Boyer, our trainer. He's here, and Jerry Medler, defensive coordinator. Thank you."

Speaker Lang: "Mr. Clerk, Representative Lang in the Chair. What a wonderful group of people. On House Bill 2756, Representative McGuire has informed the Chair that his switch didn't work, he intended to vote 'aye' on that Bill. The record will so reflect. On House Bill's Third Reading, page 13 of the Calendar, appears House Bill 3030. Representative Durkin. Please read the Bill, Mr. Clerk."

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Clerk Rossi: "House Bill 3030. A Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Lang: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. House Bill 3030 is an attempt by the Associated Beer Distributors to clear up a problem that's been existing for the past few years in which a number of bogus non-profit organizations are obtaining special event retail liquor licenses without actually having the tax exempt status. This Bill will require any group that is seeking to obtain a special event retail liquor license to show that they are... have actual proof that they are a non-profit organization by showing the tax exempt status under the ROT Act. There was no opposition to this Bill. There was in committee with the Illinois Liquor Control Commission. On the Floor, I amended the Bill which eliminated the opposition and I am ready to answer any questions."

Speaker Lang: "The Gentleman has moved for the passage of House Bill 3030. Is there any discussion? Seeing none, the question is, 'Shall House Bill 3030 pass?' All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 117 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 13, there appears House Bill 3225. Representative Saviano. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3225, a Bill for an Act concerning allied health practices. Third Reading of this House Bill."

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Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3225 is a Vehicle Bill. The Allied Health Practice Bill is intended to be used for numerous requests that we have gotten from small numbered professions like profusionists, surgical assistants and other small professional organizations who came to us and wanted to be licensed. We are currently negotiating this Bill with the Illinois Medical Society and all the groups concerned. We're only about half way there. I would like, with the Members indulgence, to get this over to Senate to accommodate those negotiations, and you have my word that this Bill would not be used for anything else, other than addressing those individual small groups of professionals who are seeking licensure from the state. And I would ask for your favorable vote. Thank you."

Speaker Lang: "Discussion? Mr. Skinner."

Skinner: "Yes. I wonder if the Gentleman would yield to a question?"

Speaker Lang: "The Gentleman yields."

Skinner: "Are among those allied professions, medical technologists, the people that read the test results and determine whether... or help the doctors figure out what you're sick of?"

Saviano: "I don't know if I quite understand that question."

Skinner: "Medical technologists, they're an unlicensed profession in the state. My wife just happens to be one and she wonders, since she has the authority to draw blood and to give doctors, basically, a road map of... on which they shall make their diagnosis, whether her profession is ever going to be licensed."

Saviano: "To be honest with you, that particular profession

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hasn't approached... approached me or the department or the committee. We'd be happy to sit down with them and include them into the negotiations. See the problem we have is, like profusionists, we only have a 100 throughout the whole state, and it would be somewhat non-cost effective for us to just license them on their own because the department could never absorb the cost to administer a licensure for such a small group of people. So, we're trying to find a common ground with a variety of these different health care professionals in which we could accommodate their needs and their intentions without putting a overburden on the state by a full licensure."

Skinner: "Well, I must admit that I'm sort of amazed that my wife's profession isn't licensed, especially, since we licensed hospital dietitians."

Saviano: "Thank you, Representative."

Speaker Lang: "Further discussion? Seeing none, the Gentleman moves for the passage of House Bill 3225. Those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'yes', 22 voting 'no' and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 13, House Bill 3279, Representative Lindner. Representative Lindner. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3279, a Bill for an Act amending the Violent Crime Victims Assistance Act. Third Reading of this House Bill."

Speaker Lang: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is... comes from Jim Ryan's Emergency Campus Summit on the date rape drug."

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There is already a Violent Crimes Advisory Commission in existence in the Attorney General's Office, and one of the things that was found at the summit was there needed to be a lot more education and information on campus and so, this Bill merely adds two more people to the already 14 that are on the Violent Crimes Advisory Commission and that would be an administrator of a public institution of higher education and a student enrolled at a public institution of higher education."

Speaker Lang: "Is there any discussion? Seeing none, the Lady moves for the passage of House Bill 3279. This is final action. Those in favor shall vote 'aye'; those opposed shall 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 117 voting 'yes', 0 voting 'no' and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3292. Representative Wait. Mr. Wait. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3292, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a clean-up Bill from IDOT. Basically, what it would do is say that one and only one overweight object will be permitted on the state highways and also, it allows for, instead of a single trip permit, you get a round trip permit. Currently, the way it is, you pay \$50 each way. This way would allow one round trip for the same price of 50 bucks. In other words, it would save the people moving it, money, and also, it would help IDOT because it would not be creating duplication. I'd be happy to answer any

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questions."

Speaker Lang: "Mr. Bergman."

Bergman: "Mr. Speaker, would the record show that I abstained from voting on this Bill for a possible conflict of interest?"

Speaker Lang: "The record shall so indicate. Mr. Mautino."

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

Speaker Lang: "The Gentleman yields."

Mautino: "Representative, would this have any effect on, for example, the super weight class on the way that we do their permitting? I've had some problems with some people in my district that run the cranes on the boom dollies. For permitting, would this make any change to that system?"

Wait: "No, it would not."

Mautino: "Sorry to hear that. I'd like to see that one get corrected. So, yours would simply allow for, instead of the one way permits, to give round trips, same price?"

Wait: "Right."

Mautino: "Okay. Anyway we could put the boom dollies in those weight classes they're in?"

Wait: "I think we'd be happy to work on it maybe in the Senate."

Mautino: "I appreciate that because seriously, that's a tremendous problem which a lot of our contractors have with the Department of Transportation. So, I support your legislation. I understand what you're trying to do and I'd like to talk to you about possibilities of correcting some of the inadequacies on their program at IDOT."

Wait: "Okay, fine."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Gentleman yields."

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Black: "Yes, is this a Wait Bill?"

Speaker Lang: "Is this a Wait Bill, Mr. Wait?"

Wait: "Yes, I believe it is. A very weighty issue."

Speaker Lang: "Mr. Wait says it's a Wait Bill, Mr. Black."

Black: "I do have one question. This clears up the confusion that's been on the books for some time, particularly, if you haul implements of husbandry and take the wheels off. Some troopers, I believe, were calling that a double load because you might have the wheels up on the... the wheels to the combine or tractor would be separate. Isn't that what this is designed to clear up?"

Wait: "Actually, this Bill does not affect animals of husbandry because that's agriculture equipment and agricultural equipment is exempt."

Black: "All right, but I seem to recall one of these in my district where it was like they were hauling a bulldozer or something from Cat and they took the treads off and then they said it wasn't covered under... because it was really two loads rather than one, which is kind of a silly... I thought at the time it was rather silly and that's going to clear this up, wouldn't it?"

Wait: "Yes, it is. It's supposed to clear that up."

Black: "Okay, fine. Great idea. Thank you, Mr. Wait."

Speaker Lang: "Mr. Hartke."

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

Speaker Lang: "The Gentleman yields."

Hartke: "Representative Wait, I heard you mention with a previous Speaker that the cost for the double permit as opposed to just one permit, would be what?"

Wait: "Right now, a single one way would be \$50. So, in other words, a round trip would be a \$100. This would allow a

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single and a round trip to be only \$50."

Hartke: "What is the anticipated revenue loss for the Department of Transportation?"

Wait: "I have not heard any figures but they figure the amount they're going to save and not have to have a duplication will more than make up for any loss of revenue."

Hartke: "What does it cost the Department of Transportation now?"

Wait: "Well, I'm not sure what the cost is but they don't really think it's going to be a minimum cost loss to the department. But the time they're going to save will more than make up for that."

Hartke: "So, this should be a cost effective piece of legislation?"

Wait: "Right, one of the few things we see down here, right."

Hartke: "We're saving money every day in the Department of Transportation."

Wait: "Yes. Right."

Hartke: "Good legislation, Representative Wait."

Speaker Lang: "Mr. Stephens."

Stephens: "Will the Gentleman yield? Representative, this doesn't have anything to do with wide loads does it?"

Wait: "No, it... no, it does not. Just for overweight loads."

Stephens: "Very sensitive issue for us downstaters, as you know. Nothing about wide loads?"

Wait: "Exactly."

Stephens: "All right."

Wait: "Only overweight loads."

Stephens: "Well, I'm still kind of cautious."

Speaker Lang: "Further discussion? Seeing none, the Gentleman moves for the passage of House Bill 3292. This is final action. All those in favor shall vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. The Republicans are due quest an immediate conference in Room 118."

Speaker Lang: "And as I understand it... and as I understand it, you're conference will be about 45 minutes, is that correct?"

Tenhouse: "That's correct."

Speaker Lang: "The House will stand in recess till the hour of 3:15 p.m. The House will be in order. Will Members come to the Floor? We're going to continue to run Bills on Third Reading. It is the Chair's intention to run as many Bills as we can, as fast as we can. So, if Members will be in order, if Members will pay attention and if Members will be brief, we can get through as many Bills as we can move on Third Reading today. On the Order of House Bill's Third Reading, page 13 on the Calendar, there appears House Bill 3339. Representative Erwin. Representative Erwin. Read the Bill please, Mr. Clerk."

Clerk Bolin: "House Bill 3339, a Bill for an Act concerning benefits for certain health treatments. Third Reading of this House Bill."

Erwin: "Thank you, Speaker. House Bill 3339 is an idea whose time I hope has come. This year in Illinois, some 65 thousand of our constituents, friends and neighbors will contract cancer. Over 10 thousand of those individuals will be diagnosed with breast cancer. Illinois can be part of this solution in terms of finding the best, most appropriate treatment for cancer. A Bill similar to this

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has passed the House on two prior occasions. House Bill 3339 is really a mere shadow of it's former self. In 1996, I think this Bill when Representative Anne Zickus was the Sponsor, passed the House with 112 votes, last year it passed with close to 100 votes. The change this year is this, we are dealing with the issue of clinical trials and insurance coverage for clinical trials. A clinical trial is a cancer research treatment protocol that a cancer patient opts into and... and treatment that a doctor and a physician, an oncologist, agrees is the most appropriate. This year, this issue is really just down to trying to have a three year pilot program to assess the actual cost in Illinois. I can tell you that there are 12 to 13 states who are either doing this now, covering clinical trials for cancer research or are on their way. At the federal level, Medicare is covering clinical trials just for cancer treatment. So, it now is just down to a three year... a three year trial to see what the actual costs are and secondly, we have further refined the Bill so that it really only is dealing with cancer clinical trials that are the closest to being considered a standard treatment. Let me remind you, we're not talking about the difference of, on one hand, having treatment or not having treatment. If you are insured and you contract cancer, you will receive treatment. The question is, if the most appropriate treatment for you is in a clinical trial, we want you to be able to access that clinical trial. The experience in other states are that the actual cost frequently goes down because whoever is paying for the clinical trial, usually the Federal Government, pays for most of the cost related to the trial. So, we're really just talking about those attendant patient care costs, blood tests and x-rays that

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would be covered in any treatment. As I said, when Representative Zickus was the lead sponsor, I think this received a 112 votes and well over 90 last year. I would certainly encourage an 'aye' vote. We're getting much closer, I think, in the Senate to passing this, and I think it just would be a wonderful tribute for Illinois this year, to decide to be part of this solution."

Speaker Lang: "The Lady moves for the passage of House Bill 3339. And on that question, Representative Mulligan."

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

Speaker Lang: "Lady yields."

Mulligan: "Representative Erwin, isn't there a sunset in this Bill, this time?"

Erwin: "Thank you. Representative Mulligan, that's what I meant, really, by saying that it's a pilot program. This statute will sunset in three years. That will give employers and the insurance industry time to assess what the actual costs are. As I said, in other states, there has not been an increased cost, and in fact, the sunsets have been removed."

Mulligan: "I remember in committee that there was an estimate of approximately how many people could access this type of treatment. Could you give us that number?"

Erwin: "Thank you. Representative Mulligan, interestingly, there are... there are very few people who actually, appropriately belong in a clinical trial for cancer research. We're looking at less than a thousand people in the State of Illinois currently, and at any time, you know, it is in the neighborhood of five to six hundred individuals. So, it's a very small number."

Mulligan: "Representative Erwin, I really commend you for pursuing this Bill over and over, and I do think that the

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way it is formed now will give us a accurate picture of what this should cost and that it will probably cost less than what the other optional treatment or the real treatment that companies will cover where these new treatments, which are actually pretty well tested by the time they reach this so, they're not controversial and they may be a better treatment. I think we'll get a better idea of what they cost with this three year program and I certainly commend you and intend to vote for this Bill."

Speaker Lang: "Representative Wood."

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

Speaker Lang: "The Lady yields."

Wood: "I just want to say that I stand in strong support of this Bill. Unfortunately, cancer affects one out of every three people. Breast cancer affects one out of every eight people. We've made great strides in terms of treatment whether it's chemotherapy, whether it's surgery, whether it's bone marrow transplants but the bottom line is, we're continuing to see in increase in cancer and it's time that we find a cure. We've gone about as far as we can go in terms of finding treatment solutions. We need to find a cure and one of the ways we can do that is to make sure that the clinical trials are reimbursable to make sure that in a pre-FDA approval stage, that we have more datas so we can actually find out what is causing this terrible disease. I stand in strong support of this Bill. Thank you."

Speaker Lang: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. I, too, would like to commend the Sponsor of this Bill for all the work and effort she's put into it over the years. By including a sunset clause in this Bill, I think we're

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answering some of the objections of the business community and insurance community that's been opposed to it. The clinical trials are responsible for an increase in survival rate in many cancers today. Almost all of us in this room have been touched by cancer, either personally or with that of a loved one and I ask your support of this Bill. Let's help give these people a chance and increase those survival rates until it's a 100%. Thank you."

Speaker Lang: "Mr. Parke."

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

Speaker Lang: "The Lady will yield."

Parke: "Representative, do you have any concept in terms of the cost that it will cost Illinois businesses if you were to pass this legislation?"

Erwin: "Representative Parke, as you would know, getting a definite cost figure is difficult when we're not actually doing it. That's the idea in having a sunset so that employers will have a firmer... a firmer assessment on the actual cost. I can tell you that in other states where there is data, the costs have not increased and, in fact, insurance companies, I mean essentially, they were able to show that the cost of doing business to an employer as it would relate to this issue, did not increase and sunsets were lifted. I should point out that in 20 or 30 states, they get at this issue in slightly different ways, Representative Parke, and for instance in some states, there may be a state mandate on something called external review, so that for instance, an employer or an insurance company would mandate that if someone opted to go in a clinical trial, there would be a mandatory external review provision. That actually is a very common statute or

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agreement with departments of insurance. It is something, Representative, that I have asked employer groups in Illinois to take a look at. I didn't include it in this version but I am certainly encouraging them to look at what we can do to insure that it does not increase the cost of business, at the same time we get at trying to find the best therapies for cancer treatment."

Parke: "Representative, I don't understand that. I don't know how you can say that it isn't going to cost Illinois business money. It's an additional cost that the business community has to pay because of the increased cost in doing business in Illinois."

Erwin: "Representative Clark, that... Representative Parke, that... just is simply not true. If you have an employee who contracts cancer and you provide health coverage insurance to that employee, they will be covered for a standard therapy. If that patient, on the other hand, and the doctor says, 'You know what, the most appropriate, the best care for you is in a clinical trial where you also will receive a therapy.' Guess what, the Federal Government pays part of the cost, a pharmaceutical manufacturer may pay part of the cost. The fact of the matter is, the cost in the clinical trial, most frequently is less. It cost less than being in the standard therapy where obviously just the insurance company is paying the full tab. I guess my point is, we're talking about a cancer patient that is going to get some kind of treatment. It's what the most appropriate treatment is."

Parke: "So, in other words, you're saying that the pharmaceutical companies and the Federal Government will pay for it. So, all the taxpayers of the nation will pay for this, so there is a cost. I mean, I don't know how you could tell..."

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so..."

Erwin: "Representative Parke."

Parke: "... So, it's some other taxpayer that's paying it. Well, we're all payed to the Federal Government and we all pay increased costs to pharmaceutical companies when they provide this kind of care. So, somebody's paying for it. So, to stand there and say that no one... it doesn't cost anybody anything, and my argument would not be valid."

Erwin: "Well, Representative, would you concur that cancer does cost... cost employers and our society? I mean, there is a dollar amount in terms of what the cancer treatment is anyway. You know, certainly, the cost of not finding the best therapies for cancer treatment and cures is exceedingly high. Let me suggest to you that the cost of not doing good research is a much higher price tag. We have all but cured childhood leukemia. Why? Because children with cancer and leukemia were almost 100% in clinical trials. We have now... We now have about a 95% cure rate. The cost of not doing the research is far more expensive than doing the research and, as I said, I have been working for four years with employer groups with HMO Association, trying to find ways to narrow the focus of this Bill. And every year, it has gotten narrower and narrower and we're still working on it, but I think we're getting very close."

Parke: "Well, I have to commend the overall argument, the overall goal that you have. I mean, how can anybody say to somebody who's either has cancer themselves or a family or loved one that has cancer, how can you say that we don't want to try and treat it? My concern is at the other end. My concern is that when you keep increasing the cost of medical care because we're adding more and more people into the cost of health insurance it starts to rise. When it

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rises, business community can no longer... some business community can no longer pay for it and have to drop it and, therefore, those people now, do not have insurance, therefor then, they are picked up on the cost of the State of Illinois for... for Medicaid or whatever other social programs we provide for treating. So, it's a cycle that keeps going on. Let me ask you, is this limited only to cancer?"

Erwin: "Yes, it is."

Parke: "Yeah. Do you have a concept that tomorrow you may want to increase this to kidney disease which is just as deadly as cancer, and heart disease, and lung disease? Where do we stop with worthwhile needs that our society has? Where do we draw the line and say, 'You can... If you got cancer, you can have this additional benefit, but if you have kidney disease you can't'? Where do you draw the line? How come it only applies to cancer?"

Erwin: "Well, Representative, because this Bill only deals with cancer clinical trials, that's why. In fact, other states do deal with external review on all diseases where there is an investigational treatment. This legislation deals only with cancer. As I said, there are about 65 thousand residents in Illinois that will be diagnosed this year with cancer but thanks to some research and some insurance companies being willing to cover just the patient care cost, we have reduced the rate of prostate cancer. The quality of life has improved for many people with cancer and, in fact, in many instances, we have all but cured cancers. The cost of not doing the research is much higher. I am sympathetic to the cost of doing business in this state. It is why this Bill now has a three year sunset. It is why I think, Representative Parke, we need to

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collect real data for Illinois not the maybe, could be, would be, because I've argued for four years that the cost in other areas of the country have not gone up. But that has not been sufficient, at least, to move some of the opponents in the Senate. I will tell you that I think we are getting close and I am still looking at trying to provide a provision on external review where an insurance company or an employer could say, 'Well, you know what? I'm going to let an independent expert panel, an external review panel, take a look at this.' And I think that that would be a reasonable compromise. So, I'm still working on it."

Parke: "Thank you, Representative. To the Bill. Ladies and Gentlemen of the House, I don't know how, on the concept of this, how you do not want to provide care for anyone that's hurting, that has a need to be treated. It's hard for anyone to say no. But there's... there's a... there's a balance to this. There's another side to this issue. Today, it's treatment for cancer. Tomorrow, it's treatment for some other medical disease. Senior citizens keep coming to me and telling me we need to offset their pharmaceutical cost because it's too expensive for them to pay for that. Everybody who has a health care need wants the benefits and as a society, we want to provide it to them but what happens is that the cost of medical care then increases. It increases to a point in time where we have to say, 'As a businessman or woman, they have to make a decision on whether or not they want to carry health insurance.' My fear is that worthwhile Bills like this one with Sponsors who truly care, who are trying to solve a problem will continue to erode the health insurance of this state and this nation and ultimately, we will end up with

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socialized medicine that will not work, cannot work, and we still will continue to have the problems. I guess I'm frustrated that I don't know where the answer is but I think that increased mandates on the business community will not ultimately solve the problem. It will just create a greater problem by more and more people not having insurance covered by their work place. I'm sorry that I couldn't be more positive on this legislation."

Speaker Lang: "The Chair would like to remind Members that it's important to be brief if we're to move everybody's Bills. Representative Wojcik."

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

Speaker Lang: "The Lady yields."

Wojcik: "Representative, what other states cover clinical trials?"

Erwin: "Representative Wojcik, according to the NCSL Legislative Brief in July of 1997, there are Florida, Massachusetts, Minnesota, Missouri, New Hampshire require coverage of experimental treatments. Georgia, New Jersey, Virginia require insurers to offer treatment at a slightly higher option. Kentucky requires health plans to cover specific high dosage chemotherapies. There are about 15 states that require external review, which I just explained to Representative Parke. I am happy to work along those lines and have employer groups looking at that language, right now. I wanted to point out that two years ago when you, Representative Wojcik, were one of the lead sponsors of this Bill, when Representative Zickus was the lead sponsor, Representative Parke voted for the Bill, then. So, I guess my point today is that if anything, it's a mere shadow of it's former self. It is now... sunset's in three years. I, also, have taken what some people consider to be the

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most experimental, although, we're talking about only NIH and National Cancer Institute approved trials out of the Bill entirely. I mean, this is a mere shadow of it's former self. In the meantime, the rest of the country is moving in this direction."

Wojcik: "To the Bill, Mr. Speaker. I can not understand in the whole world, why we would not be wanting to cover the cost for clinical trials. We sit here and we listen to this rhetoric about the business person, we hear about the taxpayers but you know what, in the long run, the individual and the employer become well and they go back to work and they save money for the employers. I think they have to start looking at the cost. If it's such a high figure and if we're looking at the overall situation, then why don't we make them match their insurance cost? That's my suggestion. We have to start doing more of this. If we don't, we're going to be losing it. Other states are doing it, and Illinois should do it."

Speaker Lang: "Representative Erwin to close."

Erwin: "Well, thank you. And thank you, Representative Wojcik, I appreciate that. Again, I would urge us to not only vote 'aye', but I think that we do have an opportunity in Illinois to be part of a forward thinking state that can help try and find the best and most appropriate treatment for cancer. Thank you and I appreciate an 'aye' vote."

Speaker Lang: "This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 107 voting 'yes', 9 voting 'no' and 1 voting 'present'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. We have a few housekeeping matters, some Bills that need to be moved from Third Reading to Second for purposes of an Amendment. Mr. Clerk, what is the status of House Bill 3410? Excuse me, Mr. Clerk. Mr. Novak, for what reason do you rise?"

Novak: "Yes. Mr. Speaker, for the record, my switch was inadvertently voted as 'no' on this previous House Bill and I intended to vote 'yes'."

Speaker Lang: "The record will so reflect. Mr. Speaker... Mr. Winters."

Winters: "I would like to echo the comments of Representative Novak, that my switch was pushed the wrong way."

Speaker Lang: "That will be done, Mr. Winters. House Bill 3410 shall be placed on the Order of Second Reading. Mr. Clerk, the status of House Bill 3047?"

Clerk Rossi: "House Bill 3047 is on the Order of House Bills - Third Reading."

Speaker Lang: "Put that on the Order of Second Reading, please, Mr. Clerk. The status of 3431, Mr. Clerk?"

Clerk Rossi: "House Bill 3431 is on the Order of House Bills - Third Reading."

Speaker Lang: "That Bill should be placed on the Order of Second Reading. House Bill 3674, please."

Clerk Rossi: "House Bill 3674 is on the Order of House Bills - Third Reading."

Speaker Lang: "That Bill should be placed on the Order of Second Reading. House Bill 3406, Mr. Clerk."

Clerk Rossi: "House Bill 3406 is on the Order of House Bills - Third Reading."

Speaker Lang: "That shall be placed on the Order of Second Reading. On page 13 of the Calendar, under House Bill's

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Third Reading, appears House Bill 3341. Representative Art Turner. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3341. A Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Lang: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Basically, this is the authorization to allow Chicago park districts to enter into a... an agreement with the Department of Natural Resources to help dredge and clean up lagoons in the Chicago land area, and I move for the favorable adoption of House Bill 3341."

Speaker Lang: "Mr. John Turner."

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

Speaker Lang: "The Gentleman yields."

Turner, J.: "Representative, I have to apologize, it's kind of noisy in the chamber. Could you just briefly repeat what the Bill does?"

Speaker Lang: "Mr. Turner, before you respond, could I ask the Members to pay attention to those who are debating these Bills? Your Bill may be next, let's give it some attention so we can move as many Bills as possible. Mr. Turner."

Turner, A.: "Basically, this is the authorization language which would allow the Chicago Park District to enter into an agreement with the Department of Natural Resources in dredging and cleaning lagoons in the Chicago area."

Turner, J.: "Is there any opposition?"

Turner, A.: "There's none that I know of."

Turner, J.: "And who are the proponents, Representative?"

Turner, A.: "Chicago Park District and all the citizens... fine citizens in the City of Chicago and those tourists who will be visiting those parks when they come to the city."

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Turner, J.: "Thank you. I have no further questions."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "He will yield."

Black: "Representative, what's the real purpose behind dredging these ponds in the City of Chicago? Might it be a riverboat? Might it be a floating casino? Is that the hidden agenda here, Representative?"

Turner, A.: "I don't think they'll be putting too many boats in these lagoons, Representative. And that's not the intent of this legislation. Actually, it's to catch some of those trophy bass, some of those nice striped trouts that are floating in those little ponds all over the State of Illinois. Some... you know, like the ones in the back of your house. We'd like see if we could catch a few crappies..."

Black: "You... You come downstate for the trophy bass. What lagoons are you going to be dredging in the City of Chicago?"

Turner, A.: "Well, there happens to be one not far from me called Douglas Park and there's one not far... even closer called Columbus Park. So, there are a number... there's approximately 12 lagoons that we're looking at in the City of Chicago that we intend to... these were old boat houses years ago."

Black: "I'm telling you, it's 12 lagoons today, its 24 tomorrow, and I smell a riverboat on one of them. Can you give me a reasonable assurance that there's nothing up to a boat in a moat?"

Turner, A.: "Unless that riverboat looks like one of Mark Twain's old rafts that floated down the Mississippi, I doubt very

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seriously if it will be able to sit inside of a park district lagoon."

Black: "I've seen a couple of those on the Mississippi."

Turner, A.: "Well, let me say this, Representative, it is not my intent, and that's all I can speak for at this point. That is not the intent of this legislation or this Representative, to put a boat there."

Black: "Representative, you're a man... you're integrity is never questioned in this chamber and never has been, and I doubt that it ever will be. But, there are forces at work in the City of Chicago, in the shadows of tall buildings, who have been talking about boats and moat or riverboats for quite some time. I just want to make sure... how much of my hard earned money is going to go up to dredge these ponds?"

Turner, A.: "I think there's a racetrack up north that would probably be much better suited to create a moat for a boat, but it's our intention here, to just make the parks in Chicago the type of facilities that they should be and be able to provide the kind of recreational needs for our young people and old people in the city so they can enjoy it."

Black: "Would there be a diversion of dollars from the Department of Natural Resources that might go to established parks throughout the state and then, the money gets diverted to these Chicago lagoons?"

Turner, A.: "I missed the first part of the question, Representative."

Black: "Is there going to be a diversion of money that would otherwise go to established State Parks and fisheries?"

Turner, A.: "It is not... it is not our intention to take any money from GRF for any diversionary funds. At this point, there are... there is no appropriations set aside. So, we

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will be coming back with some other legislation to try to deal with the funding. This is a 50% matching program. So, the city would be... this would allow us to set up the matching program with the Department of Natural Resources. So, in any case, the... and it would not be 100% funding in the part of the state, but it would be a 50% match."

Black: "Does the city have the money set aside?"

Turner, A.: "They'll find the money, Representative."

Black: "Do you have any assurances from the fifth floor of the Municipal Building of that fact?"

Turner, A.: "Representative, you may have been reading the paper recently and it talked about a number of expansions and some of the beautification programs that are going to take place in the south loop around Grant Park and also, I think in today's paper, there was some question about the Art Institute and the Art Museum and what they intend to do there in terms of utilizing some of the park facilities. So, I think that the plan right now is parks, parks, and more parks, and I think this just fits into the overall picture."

Black: "Well, that's what I'm afraid of. I... Any money going to be set aside to dredge Meigs Field?"

Turner, A.: "Not in this particular Bill. That was... Meigs Field does not have a lagoon, unless you want to call Lake Michigan a lagoon but, this is..."

Black: "Well, these current... These lagoons that you're talking about, I'm not familiar with where they are, but are these currently are they... do they have a fish habitat or do they need to be cleaned up? At one time, Chicago was the hog butcher of the world. Did these used to be hog lagoons?"

Turner, A.: "These are... these lagoons, some of them currently,

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have fish habitat but what we've learned, that is a ... the fish are having a pretty hard time. So, that they do need dredging and cleaning up which would make the habitat a lot better. So, that's the plan at this point is to... to rehabilitate and to work on some of the lagoons that we currently stock fish in, right now."

Black: "All right. Well, Representative, no one does a better job for the City of Chicago than you do, but I'm always a little concerned when I see that armored truck from that treasury going up north. I always want to know how many armored trucks and how much money. You say this is about a two million dollar project?"

Turner, A.: "Two and a half million dollar project. We think that's the fiscal impact. And, Representative, I understand your concern because that armored truck when it comes north, don't always go west and so, we do have an extra eye and we're all watching that truck when it comes that way."

Black: "I understand that. Good enough, if you'll put one of those tracers on that truck, I'll help you watch it."

Turner, A.: "Thank you."

Black: "Thank you."

Speaker Lang: "Mr. Hartke."

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

Speaker Lang: "The Gentleman will yield."

Hartke: "Representative Turner, I think I heard you estimate a two and a half million dollar grant, is that Chicago's portion or is that the state portion?"

Turner, A.: "That's the... We think that's the entire... that's the state portion."

Hartke: "You're sure."

Turner, A.: "We're saying that the... according to my analysis,

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the fiscal appropriation for this Bill is two and a half million and it is my... the city gives two and a half and the state will give two and a half."

Hartke: "Well, I'm a little... I have just a little bit of concern about. That down in my district, I have a small town of Oblong, Illinois that has a city park, and I've been trying to find funds for years to try to assist them to clean out their park pond where they have recreation skating in the winter time, if it's cold enough, and summer time... But the thing over the years have silted in, and I've been trying to find funds for that. Well, last year, the community went out on their own and had bag sales and raffles and everything else to raise funds. That little, bitty pond, about four and a half acres, it cost them in excess of a 150 to \$200 thousand to dredge and revamp this pond. It took a lot of study, a lot of construction cost and so forth. So, I'm concerned whether you can do this unless they're small ponds and small lagoons. Could you give me some idea on what these ponds and lagoons, how big they are?"

Turner, A.: "I'm not certain about acreage, Representative, but if I... because, you know, in our area we talk about blocks and you call them acres. But I would venture to say..."

Hartke: "An acre is 56 thousand... 43,560 square feet."

Turner, A.: "How many square feet is that again?"

Hartke: "Forty three thousand, 560 square feet is an acre."

Turner, A.: "Oh yeah. Well, we're probably talking less than a half an acre with most of these lagoons. In fact, I would venture to say, they're even smaller than that and they are, at this point, they have been, you know, the state has been stocking some of them with fish over the last couple of years. I don't know what to recommend to you, and I'm

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not certain why DNR would not work with your community in terms of a matching grant program. And that's why, we, rather than ask the state to come up with all the money, we said, 'Look we'll do a 50% match in this case.' But I know that if I were to try to describe it, I would think that they are less... a half an acre certainly is a... would be, I think, a fair comparison of the size of each of these lagoons and we're talking 12 of them in the city, approximately 12 to 14."

Hartke: "Well, when this Bill reaches the Senate and so forth, is there a possibility that you would entertain with the Senate Sponsor, an Amendment on it for a community in my district?"

Turner, A.: "Is your community interested in doing a 50% match? Because this Bill..."

Hartke: "I'm sure they would. I'm sure they would. Half of something is better than all of nothing."

Turner, A.: "Well, if it'll bring some downstate votes, I mean, I... I said votes, not boats, I don't think I'd have any problem with amending this Bill or allowing it to be amended to... to bring on, you know, your community. I don't have any qualms with that."

Hartke: "Thank you."

Turner, A.: "Because I think this is all good for the entire state. As I say, I would hope that you'd come up and utilize our lagoons and likewise, I'd like to come to Oblong and use the lagoon there... or use the park there."

Hartke: "Fine, you have my support."

Turner, A.: "Thank you, Representative."

Speaker Lang: "May I remind Members that this Bill is on Short Debate. Mr. Giles."

Giles: "Thank you, Mr. Speaker. I'm just here to rise to support

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this initiative. One of the parks that's mentioned in this legislation, Columbus Park, happens to be in the heart of my district. And let me just briefly, just tell you how important to the revitalization and the dredging of this river can do to my community, in general. For instance, if we have this particular program, what this... what this will actually do is bring back... bring back the usage of a lagoon, and that is the fishing programs. Yes, we do have fish at this particular lagoon in Columbus Park. That fishing program can be, and are, available to many of kids in my community who have not had the opportunity to actually fish, to have a constructive activity. What the fishing does... what this lagoon will do is to bring more of our kids and our community to this particular facility and in doing so, this particular facility has a golf course and more kids will get involved into some of the golf activities. When the kids come to this lagoon, they will see a tennis court that is surrounded by this lagoon. More of my kids, in my district, in the community, will get involved with the tennis activities. So, we're talking about bringing back a family structure, particular activities so that youth in our community can appreciate and benefit from. And so, I commend the Representative for putting together such a program that's cost very minimum of dollars. We're only talking about 2.2 or \$2.7 million. I think it should be more. I think this program should be expanded throughout the state and so, once again, I would like to commend the Representative for bringing such a constructive program that will benefit children in our community so that they can have constructive activities. Thank you."

Speaker Lang: "Mr. Schoenberg."

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

Speaker Lang: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; all opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Mr. Art Turner to close... briefly."

Turner, A.: "Thank you, Mr. Speaker and may the fishing be well in the Chicago Park Districts. I move for the adoption of House Bill 3341."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3341. This is final action. All those in favor shall signify by voting 'aye'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Morrow. Mr. Morrow, you all set now? Have all voted who wish? The Clerk will take the record. On this question, there are 63 voting 'yes', 54 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Scott, for what reason do you rise?"

Scott: "Thank you, Mr. Speaker. I rise on a Point of Personal Privilege."

Speaker Lang: "Please proceed, Sir."

Scott: "Thank you. Like Mr. Lang has said often, that when he's been conflicted, I'm conflicted a little bit today. Got some mixed emotions because the House and the House Democrats are losing a truly valued and wonderful staff person who's... she's moving away from me a little bit. I want her to stand over closer to me. Every once in a while, in this business, you get to meet a truly exceptional person and I've had the good fortune for the last three years of having Mary Jane Moffett be working

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with me. She's been here for 14 years and in addition to taking care of my secretarial needs, she's also been the office manager for all of the House Dem's secretaries. You can't find a more dedicated, hard working, loyal, fun loving, and just all around wonderful person than Mary Jane. We wish her nothing but the best. She's going to work for her son. So, her son's gain is definitely our loss and I wanted to, in fact, most of the secretaries from the House Democratic side have joined behind us, which, I think, speaks volumes of a wonderful person she is and we wanted to thank you for your years of service. With... and with leave of the House, Mr. Speaker, I would like to ask if Miss Moffett could say a couple words."

Speaker Lang: "With no objection, please proceed."

Moffett, Mary Jane: "Well, I have no words of wisdom to tell you and I have no great stories to tell you, or maybe I have a couple, but I won't tell you those. So, I'll just leave you with one of my favorite prayers. May God bless and keep you. May God's face shine on you. May God be kind to you and grant you peace. Thank you very much."

Speaker Lang: "On page 13 of the Calendar, House Bill's Third Reading, appears House Bill 3389. Representative O'Brien. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3389, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Lang: "The Chair wishes to remind the Members that these Bills that are marked Short Debate should have one speaker on each side, so we can move as many Bills as possible. So, to the extent we can, the Chair would like to adhere to the Short Debate Rules. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. On House Bill 3389 would

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require that people incarcerated in the Department of Corrections would be required to pay 80% of their inmate's salaries to the Department of Corrections to help defray the cost of their room and board unless the individual that is incarcerated has a child support obligation and then, they would be paying that as child support. I'd be happy to answer any questions."

Speaker Lang: "There being no one asking for recognition, the Lady moves for the passage of House Bill 3389. This is final passage. Those in favor shall signify by voting 'aye'; those opposed shall 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 116 voting 'yes', 1 voting 'no' and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3306... I'm sorry, 3406. Representative Kubik. Out of the record. On page 14 of the Calendar, House Bill 3410. Mr. Saviano. Now, that Bill has been moved to second. House Bill 3428. Representative Zickus. Out of the record. House Bill 3446. Representative Schakowsky. Out of the record. All right, let's put it up. Mr. Clerk, please read the Bill. Representative Howard, for what reason do you rise?"

Howard: "Yes, thank you, Mr. Speaker. I had intended to vote 'yes' on the Bill that... the last one that we voted on and I was away from my seat. I certainly wish that you would record a 'yes' for me on that."

Speaker Lang: "The record will indicate your intentions, Representative."

Howard: "Thank you very much."

Speaker Lang: "Mr. Clerk, please read House Bill 3446?"

Clerk Rossi: "House Bill 3446. A Bill for an Act amending the

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Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Lang: "Representative Schakowsky. This Bill is on Short Debate, Ladies and Gentlemen."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill has two parts: One brings Illinois into conformity with Federal Law in our definition of qualified aliens in the Illinois Public Aid Code. It adds to the list of qualified aliens, Cuban or Haitian entrants, Amer-asians and certain battered immigrants, their children and parents. The second part of this Bill would allow the State of Illinois to adopt the family violence option that's included in Federal Welfare Reform Law and by doing so, it gives Illinois increased flexibility in applying the requirements of the New Welfare Program. It will help Illinois to avoid any penalties if down the line we're having trouble meeting our work requirements because it gives the Department of Human Services on a case by case basis, the ability to not count certain victims of domestic violence toward the work percentages that are required under the Federal Law. So, there's not only no cost to the state but this legislation, can down the line, help the State of Illinois to get its maximum amount from the Federal Government and would also protect battered women. This is legislation that is supported by all of the women's advocacy groups the child advocacy groups and the low income advocacy groups in this state, and I would urge its adoption... it's passage."

Speaker Lang: "Representative Stephens."

Stephens: "If we can excuse... excuse the Body for just a moment. I think this is a rather historic moment. If you'll notice the sponsorship of this Bill, I don't believe that's ever

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occurred in the history of the House and it's likely not to occur again but I do rise in support of the Motion. Thank you, Representative."

Speaker Lang: "This Bill was on the Order of Short Debate, Representative Schakowsky to close."

Schakowsky: "Thank..."

Speaker Lang: "Well, wait, let's back up, let's back up. Let's reread the rules. Someone needs to speak in opposition. So, Mr. Black, you're next."

Black: "Well, pursuant to Rule 52A, I'm joined by seven of my colleagues to take this Bill off Short Debate."

Speaker Lang: "Well, now it's off Short Debate. Now you can proceed."

Black: "Now, let the debate begin."

Speaker Lang: "Now you can proceed, Mr. Black."

Black: "I yield my time to the right, Honorable Gentleman from, I don't know, Kendall, or wherever he's from, Representative Cross."

Speaker Lang: "Mr. Cross."

Cross: "Inquiry of the Chair."

Speaker Lang: "State your inquiry."

Cross: "Does this Bill not violate the single subject issue, we can have an inquiry of the Chair?"

Speaker Lang: "We'll review the Bill and take that under advisement. Do you have further debate, Mr. Cross?"

Cross: "Well, I'm sure I do. I'd like an answer on that, though."

Speaker Lang: "So, you want to hold up the proceedings while you wait for that answer, Sir?"

Cross: "Mr. Speaker, we were here yesterday and we're here today, we'll be here tomorrow. We'll hold up debate while we get an answer."

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Speaker Lang: "All right, and we were here waiting on your caucus too, but we'll be with you shortly."

Cross: "Well, we were here yesterday at 3:00 and left at 5:00 and we were prepared to go all last night. So, we'll wait for this."

Speaker Lang: "And we'll get you an answer, Sir."

Cross: "Okay."

Speaker Lang: "Mr. Cross, we're reviewing your request and we'll be at ease while we get you an answer."

Cross: "Thank you."

Speaker Lang: "The Parliamentarian is prepared to give you your response, Mr. Cross."

Kasper, Mike.: "Representative Cross, the... both provisions of this Bill amend the Public Aid Code and both, in fact, deal with domestic violence. So, I don't... I believe your point is not well taken."

Cross: "Thank you."

Speaker Lang: "Further debate, Mr. Cross."

Cross: "Yes, if I could... do I have time to ask some questions of the Sponsor, Mr. Speaker?"

Speaker Lang: "Please proceed."

Cross: "Well, thank you. Representative, could you tell us, what would the cost be to the state if the family violence option section of your Bill passed?"

Schakowsky: "Actually, Representative, the potential is that it would save the state money and there is no cost that... the Fiscal Note is minimal cost."

Cross: "Could you explain to us the logic of the costs savings? We're having a struggle with that?"

Schakowsky: "Yes, I'd be happy to. The reason that this could save money is it gives flexibility to the State of Illinois to not count certain victims of domestic violence in the

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number of people that we have to have in the work force in order to get our maximum benefit from the Federal Government. The state would have an option of excluding certain victims of family violence from the requirement that they work and therefore we could still get our maximum return from the Federal Government under the TANF Program. It's like an insurance policy in a way."

Cross: "Pardon me."

Schakowsky: "It's like an insurance policy. We insure against losing federal dollars by including this option in our TANF Program."

Cross: "Let me go to another area because I'm... I'm... didn't follow that at all but... If you're exempting people from the work requirements, how does that get an individual out of a potential domestic violence situation?"

Schakowsky: "First of all, Representative, it would be done only on a case-by-case basis and all of the experts on domestic violence will tell you that there are certain situations where it is extremely dangerous for a woman to go to work, that her life will actually be threatened. We're also aware that there are many people... there are some people whose efforts at going to work are continually being sabotaged. It's hard to go to work with a black eye or if someone hasn't shown up to baby-sit for you and so, the idea is that services would be provided to this person to get her in a position where she could go to work. But I want to be clear that this is not any kind of a blanket exemption. A woman could not walk in and say, 'I'm a victim of domestic violence, I don't want to have to go to work.' This would be done only under scrutiny of the Department of Human Services in cases where her life could be endangered or it's clear that she needs special services to get her

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ready for the work force."

Cross: "Isn't she safer at work and not at the home?"

Schakowsky: "In fact, the... it has been demonstrated that sabotage and violence actually increases when women leave their abusers and the workplace, we've seen all too often, the cases of violence that take place at work where someone is shot or killed or injured by a spouse or partner. And so, that's not always true and this would allow for those instances where it looks like it wouldn't be true."

Cross: "Thank you, Repre... Thank you, Representative. Thank you, Mr. Speaker."

Speaker Lang: "Representative Ronen."

Ronen: "Thank you, Speaker. I rise in strong support of this Bill and I'm also proud to be a Co-sponsor with Representative Stephens. I hope this is the beginning of lots of Bills together. This Bill, as everybody is been listening to the debate can hear, there is no reason to vote against this. This is only logical, common sense that we do this, both provisions. The first, to bring us in line with federal regulations, we need to do that. The second, in relation to the domestic violence option, it only gives the state more flexibility. As is perfectly clear from the questions just asked and responded to, there's no reason to not support this. This helps the state. It helps us to meet our work requirements but most importantly, it helps us to address the needs of women who are on welfare and making sure that we're meeting those needs and helping them to get off welfare. And for those women who are victims of domestic violence, we know that we need to provide special services. We need to give special attention to their needs and make sure that what we're asking them to do is not going to be putting them in a

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vulnerable or unsafe position. So, I'm proud to be a Co-sponsor of this Bill and I would urge all my colleagues to support this very, very sound public policy."

Speaker Lang: "Representative Biggert."

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

Speaker Lang: "The Lady yields."

Biggert: "Representative Schakowsky, did... we discussed the Wellstone Amendment a lot in the Governors Task Force, and wasn't this... did this pass out of committee last year, in the Human Services?"

Schakowsky: "I'm not su... I wasn't the Sponsor last year. I'm not sure that it did. I don't know that."

Biggert: "Well, I'll speak to the Bill, then. Thank you. To the Bill. I just have some concerns about what we're doing here and in looking at the Welfare to Work Reform that we passed last year, it seems to me we have an awful lot of Bills that are coming up to really change what's happened, and I don't think that we've really had enough time as far as seeing what's happened and whether we really should make those changes until we really could look and see what's happened. To me we've... I think we've found that Illinois is really in the top 10 of the states as being able to provide the welfare to work, the top 10 of all the states in the country in providing welfare to work for people. I also have concerns with really putting in the Wellstone Amendment now, when we really haven't seen whether this really works that... that women who have been abused are really going back to work. To me, that really is the best thing, for them to get back into the work force and not really to have the exemptions. I don't really know why that's needed if it hasn't worked yet. But we've already put 41 thousand families back on the work rolls and I think

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that we're tinkering with something that we haven't really had a chance to evaluate. And having spent a lot of time in discussions with the Department of Human Services, and as a Member of the task force, that I really haven't seen the reasons for making these changes yet when we don't know what the results have been. Thank you."

Speaker Lang: "Mr. Skinner."

Skinner: "Yes, would the Lady yield?"

Speaker Lang: "The Lady yields."

Skinner: "Representative, would you put on the record, the answer to the question that I asked in committee and that is, how many people can be expected to exercise this option? I think somebody came up with a figure from New York that was 50 for a year."

Schakowsky: "The experience of other states is that, not very many people actually have utilized this option. We aren't expecting... we aren't expecting any kind of overwhelming use of it, but there are some critical instances where we'd like to. So, it's hard to give a number because we're leaving discretion to the Department of Human Services on a case-by-case basis. But, we aren't expecting very large numbers."

Skinner: "Representative, it seems to me, if the number of cases is in the tens or in the scores or in the hundreds, this Bill is no problem whatsoever. If, on the other hand, it turns out to be in the tens of thousands, we ought to come back and revisit it. I intend to vote for the Bill."

Schakowsky: "Thank you."

Speaker Lang: "Representative Durkin."

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

Speaker Lang: "The Lady yields."

Durkin: "Representative, approximately how many immigrants do

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you... do we believe will qualify under this family violence option in the next year?"

Schakowsky: "Again, it's a... that's even a narrower question than the one that Representative Skinner asked. We're talking about, really, just a handful of people altogether, and even fewer immigrants that we think will be part of this. Although, again, we're leaving it to the discretion of the Department of Human Services. Not very many is the answer, though."

Durkin: "With respect to the family violence option, now, someone who feels that... who is... claims that they are victim of some type of domestic violence... what... they go into a caseworker, what is the threshold requirement which that person must show to the caseworker in order for them to qualify? Is there... I mean, what's the burden? Is it preponderance, reasonable doubt, clear convincing? How do we... how does that caseworker make a decision as to whether or not this is a... the claim is actually legitimate?"

Schakowsky: "Well, as so many other things, with the implementation of the TANF program, this is going to be a case-by-case decision that is made by a caseworker in conjunction with that person's supervisor. We leave it to the department to... we had thought about making very strict requirements, et cetera, and decided rather than doing that, to leave it to the discretion of the department to set out more specific guidelines that will fit more with our program here. So, I can't tell you the threshold because we've deliberately not set specific requirements there, but leave it to the department."

Durkin: "Well, doesn't the department already have the ability to exempt somebody if they are a victim of domestic violence?"

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Isn't that already part of the... I mean, I'm being told that, that is presently the law."

Schakowsky: "Well, they can exempt them, but they're still in the pool of people that may be... they're still in the numbers that are counted against our work requirement. So, as the years go on and we put more and more people to work, and we're only allowed to have 20% not in the work force, it... the current legislation does not allow us to exempt from those work requirements altogether from the number we submit to the feds, victims of domestic violence. So, while they may be exempt from work requirements in Illinois, they still have... are counted toward our federal goals."

Durkin: "Thank you very much."

Speaker Lang: "Representative Mulligan"

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

Speaker Lang: "The Sponsor will yield."

Mulligan: "Representative Schakowsky, does not... doesn't this enlarge the amount of money and the base of the number that would be covered over and above what we already, federally, can when we just include domestic violence in Illinois' plan, rather than taking a look and adding the federal provisions?"

Schakowsky: "I'm sorry. I don't understand the question."

Mulligan: "Doesn't this expand the base of the number that we can have that are covered federally, for a longer period of time if we include this as a separate inclusion?"

Schakowsky: "Well, if what you're saying... we are allowed to exempt these individuals, continue to provide them with benefits..."

Mulligan: "But over and above what the normal base would be if we just include domestic violence exemptions in Illinois'

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plan, correct?"

Schakowsky: "Yes."

Mulligan: "Isn't there some type of threshold now that the department is using, and can the department still use their own criteria in how they identify who they feel are victims of domestic violence?"

Schakowsky: "Yes, this would allow complete flexibility to the department. It's a one sentence Bill that allows... portion that allows the state to exercise the family violence option. It doesn't specify."

Mulligan: "So, if a woman comes in and says, 'I'm a victim of domestic violence', that doesn't qualify her for this exemption. She then has to show something such as a hospital report, an Order of Protection, although an Order of Protection is further up on the line, but there are other criteria that the department will look at before they could qualify her as a victim of domestic violence. She just doesn't get to be qualified by saying, 'Gee, I'm a victim of domestic violence so I don't have to go to work.'"

Schakowsky: "That's exactly correct. Just someone coming in and saying, 'Exempt me, I don't want to go to work because I'm a victim of domestic violence', would not result in that person being exempted."

Mulligan: "Did the department ever get back to you with the numbers that they're currently exempting?"

Schakowsky: "No."

Mulligan: "You know, we asked for that in committee and there was no hard numbers. It seems strange to me that there aren't any numbers on that."

Schakowsky: "I agree."

Mulligan: "We argued about this the first time around in welfare

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reform, I don't think it's expanding it. I think it's something we should have done the first time around and I'm willing to support you on this."

Schakowsky: "Thank you."

Speaker Lang: "Representative Schakowsky to close."

Schakowsky: "Thank you. This... this Bill is supported by the American Jewish Committee, the Illinois Coalition for Immigrant and Refugee Protection, the Illinois Hunger Coalition, the Jewish Federation of Metropolitan Chicago, Latino Institute, Mexican-American Legal Defense and Educational Fund, the Poverty Law Project, domestic violence groups and women's groups, and Representative Ron Stephens and I would urge your 'aye' vote."

Speaker Lang: "Okay. The Lady has moved for the passage of House Bill 3446. This is final action. All those in favor shall signify by voting 'aye'; those opposed will 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 110 voting 'yes', 6 voting 'no', and 1 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3477, Representative Schakowsky. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3477, a Bill for an Act to grant family and temporary medical leave under certain circumstances. Third Reading of this House Bill."

Speaker Lang: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm pleased to be presenting this Bill on behalf of it's Chief Sponsor, Speaker Madigan. It is an expansion of the Family and Medical Leave Act and, essentially, what this do... does is, it says that

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employers of 25 or more employees, will grant their employees unpaid leave for the following reasons: the... up to 12 weeks... up to 12 weeks of unpaid leave for the birth of a child, for the placement of a son or daughter as a result of adoption or foster care, for the care of a spouse, son or daughter, or parent with a serious health condition, or because of the worker's own serious health condition. This is, essentially, the federal legislation expanded to employers of 25 or more instead of 50 or more, and I would urge it's adoption."

Speaker Lang: "The Lady moves for the passage of House Bill 3477 and on that question, the Chair recognizes Representative Skinner."

Skinner: "Mr. Chairman... or Mr. Speaker, Madam Chairman, Chairlady, Chairperson, on the day we considered this Bill in your committee, I was reading something that was from Southern Illinois University saying that the economy in the southern part of the state, if it were to grow, it was going to be dependent on the growth of small business, and I thought, how ironic. Here the Democratic party is proposing... is making a proposal that will hurt small business. I don't want you to answer this question. I just want to assert that this will hurt small business and the goal of job growth in Southern Illinois and in other parts of the state where we do not have Motorolas plunking down in the middle of town like they do in Harvard, is going to be hurt if this proposal passes. I know it's a great election Bill, but you have conflicting goals. If you want economic growth, you shouldn't vote for this Bill."

Speaker Lang: "Mr. Parke."

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

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House. Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Parke: "Thank you. Representative Schakowsky, on your Bill.

What other states have this law in place?"

Schakowsky: "Well, of course every state has this law, has the 50 or more employees in place."

Parke: "That's not what I asked. I asked how many other states have your proposal in place?"

Schakowsky: "Down to 25, I... quite frankly, I don't know that."

Parke: "The answer is none. None of the surrounding states do. Why did you go down to 25? What's the reason for that?"

Schakowsky: "We wanted to exclude very small employers and we thought that this was a good compromise number, 25."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, let me point out to you that this Bill is actually not a good idea. Bringing it down to 25 employees from 50 to 25, puts our small business employer, man or woman, at a disadvantage. We have a very tight job market right now. There are not a lot of employees around. This Bill allows an employer to have to give leave intermediately, that can take three hours one day, they can take 6 hours another day, they could take one day, they can take three days. This creates a real problem for the small business man or woman. It gives them inflexibility at a time when it's hard to find people that can be replaced. Plus, those employers that have 25 to 50 have the least flexibility of this legislation... that this legislation creates. I would say that this is anti-jobs growth. This will put the employers of Illinois at a competitive disadvantage to surrounding states. That means Missouri, Wisconsin, Iowa, Minnesota, and Indiana will have a better opportunity to encourage small businesses to come to those states to do

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business. We already have high unemployment insurance and high worker's comp. Now, we want to make it even more difficult for small working man and woman to provide a working... a meaningful work place. This Bill is not a good idea. I would ask the Body opposes this idea and do not lower the rate from 50 to 25. No other state does this and I would ask a 'no' vote."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. First, an inquiry of the Chair, if I might."

Speaker Lang: "State your inquiry."

Black: "Yes, pursuant to House Rule 37a and b, the Principal Sponsor of the Bill is Speaker Madigan. Has he, in fact, given permission for a Cosponsor to handle this Bill? The Principle Sponsor is in control of the Bill. It's very clear in the rules."

Speaker Lang: "Speaker Madigan was up here personally to ask me to ask Representative Schakowsky to handle this Bill for him."

Black: "Did he check with anybody on our side of the aisle because, we don't know that? I'm going to... I'm not... will not question the veracity of your statement but, it's unusual that no one knows over here, but according to you, he specifically asked that she carry the Bill?"

Speaker Lang: "In fact, he asked me to ask her to handle the Bill."

Black: "And so, you asked her to carry the Bill?"

Speaker Lang: "I think he asked her."

Black: "Oh, he asked her through you."

Schakowsky: "Well, he also asked me."

Black: "He asked you, too?"

Schakowsky: "He asked us both."

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Speaker Lang: "There you are."

Black: "Well, you know, I wish he had come over here and ask one of us, but whatever. Well, will the Sponsor yield, now that we have that straightened out?"

Speaker Lang: "The Lady yields."

Black: "Thank you. Representative, does this cover agricultural employees?"

Schakowsky: "My trusted staff says that there doesn't seem to be any exclusion for agricultural workers."

Black: "You know, and I won't question that, but generally, there is an agricultural exemption, simply because of the nature of the business. During harvest et cetera, if two or more of your employees were on family leave, and there may be valid reasons, but that could really throw a monkey wrench into a job classification that, you know, may not work two weeks, but then they work 24 hours a day for three days and I just... I couldn't remember whether the federal Bill had an agricultural exemption or not."

Schakowsky: "There is no exemption..."

Black: "Okay."

Schakowsky: "... in the federal Bill, apparently as well."

Black: "Okay. Now... so then, I would assume that even a very small school district, that say only had 26 teachers, would then be covered under this state extension, correct?"

Schakowsky: "There are special provisions for teachers to prevent disruption of the school year."

Black: "Now, that dispensation to prevent the disruption of the normal business day, does that carry over to any other business?"

Schakowsky: "A general section that says that when scheduling leave, the employee must do it in a way to minimize any disruption of the business. I think this legislation

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envisions a kind of collaborative effort between the employer and employee."

Black: "So, it would be operating then, under the old latin term of 'de minimis', which I have no idea what it means, but I like the way it sounds."

Schakowsky: "Where is that, de minimis?"

Black: "I have no idea."

Schakowsky: "It's in the Caribbean, I think, yeah."

Black: "Ask the staffers. Surely he's heard of de minimis. I think it's about 40 miles south of Galesburg, but anyway. What would happen in the case of a very small law enforcement agency, say a city of 26 police officers? Now they're covered. Now, that's a very critical situation where a worker's comp case may put one off duty, testifying in court may take one off duty, and then, if somebody invokes the Family Leave Act, you could endanger the health, welfare, and safety of people in that community. What protections are there in your extension?"

Schakowsky: "Well, again, I think the general provision of de minimis, or whatever that was, and also that there has to be a 30 day notice for that kind of leave."

Black: "Okay, all right. What... what if, in a small business, or a small police force, what if the person says, 'No. I can't. I cannot let you go. I'm sorry, it would put us at risk.'? Then does that employee have some legal recourse or... I'm just... I'm curious how that might be worked out."

Schakowsky: "I'm afraid the language of the Bill does not really address that particular instance. I don't know that."

Black: "All right. Well, Representative, I appreciate your answers and that's a very honest answer. Mr. Speaker, to the Bill. I don't question the Sponsor's integrity nor her

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absolute support of this, but I think the answer she just gave, and it was a very honest answer, should give pause because we don't know what the impact on very small employers or public safety entities would be and if the employee does have legal recourse, if they're denied on the basis that it would put people at risk if it was granted, then I really think that, that should give you pause and, for no other reason, I have to stand in opposition. I live on the Indiana border and I can tell you that state is very aggressive in economic development. And I cannot, in good conscience, support anything that takes Illinois out of the same playing field with the State of Indiana. Those of you that live on border districts should think about that very careful..."

Speaker Lang: "Mr. Black, have you completed your remarks? Representative Schakowsky to close."

Schakowsky: "Thank you. You know, there is really not a shred of evidence, nationally, that this legislation... that the Family and Medical Leave has, in any way, diminished the success of American business. In fact, to the contrary. We do, since the passage of this Bill, and I'm not attributing the success of business to it's passage, but we have seen a real boom and, in fact, there are many employers who would attest to the fact that this kind of more flexible work environment has actually enhanced their work force. There are an incredible number of employer protections in this Bill, and while I wasn't able to specifically answer all of those questions, what we attempted to do in this legislation, is to make sure that when such leave is taken, that it's done in a collaborative way between the employee and the employer. Many, many businesses already do this. What this will do is enhance

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the work environment for families in Illinois who are making the hard decisions about whether to take care of their children, their sick parent, themselves, while still protecting the employer community, and I would urge an 'aye' vote."

Speaker Lang: "The Lady has moved for the passage of House Bill 3477. This is final action. All those in favor show vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'yes', 53 voting 'no', and 1 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3476, Mr. Scully. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3476, a Bill for an Act in relation to conditions of employment. Third Reading of this House Bill."

Speaker Lang: "Mr. Scully."

Scully: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 3476 is the Flex Time Rights Act. The purpose of this Bill is to give workers the right to recognize the need for personal family leave time to deal with emergencies. It applies only to employers who have at least 25 employees. It gives each employee the right to take up to 24 hours of leave, annually, to deal with personal family commitments. This time off is uncompensated. A worker... an employer can require that this time be taken in four hour increments. It requires that the employee require at least seven days prior written notice of their intent to utilize their rights. In the event there is a dispute, it provides meaningful, administrative remedies on both parties. I think House

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Bill 3476 recognizes the needs of families, as well as the needs of employers, in terms of allowing people to deal with these personal family emergencies. The Bill specifically exempts any employer who pleasantly allows... who presently allows at least three business days of personal time. We think this is good public policy in the State of Illinois and I ask for your affirmative votes."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3476, and on that question, Mr. Parke."

Parke: "Thank you, Mr. Speaker. I would like to move this off of Short Debate, and I am joined by the required number of Members."

Speaker Lang: "That's fine. This Bill's already on Standard Debate, Sir. Please proceed."

Parke: "Thank you, good. I just wanted to make sure that it was. Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Parke: "Thank you. Currently, under current law, what do the employers of the State of Illinois grant their employers... employees? I said, what does the current federal law require Illinois businesses to provide to their employees in terms of federal medical and family medical leave?"

Scully: "The existing federal law is substantially different. It only applies to employers with 50 or more employees and it has a substantially different structure of remedies."

Parke: "This applies to 25."

Scully: "That's correct."

Parke: "And it's less. Now, you're requiring Illinois employees... employers to provide greater benefits than any of the federal requirements. That makes us less competitive."

Scully: "I disagree that they're greater benefits."

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Parke: "Would you not agree?"

Scully: "Could you please restate your question?"

Parke: "If we now apply this to employers of 25 employees or less, and the federal government doesn't go down that far or doesn't want to have that many more, doesn't that make Illinois businesses competitively disadvantaged to surrounding states that may not require this?"

Scully: "No."

Parke: "Why?"

Scully: "The structure of the benefits to employees, under this Act, is substantially different and substantially less than their rights under federal law."

Parke: "You want to take... isn't this three more days of leave beyond current mandates?"

Scully: "Beyond the current mandate of state law, which is none."

Parke: "Yes, but if it's 50 or more, don't they have to provide 12 weeks in a 12 month period of unpaid leave? Can't... can't they already get that, if they're 50 or more?"

Scully: "As I said, Representative, the structure of federal law, on this topic, is substantially different. Now, you're comparing apples and oranges."

Parke: "I have a question. Don't we have a school visitation law in Illinois already?"

Scully: "Yes."

Parke: "And what is that?"

Scully: "I don't recall offhand."

Parke: "Well, it's eight hours. This... it's eight hours a year that any person in Illinois can take off time to work with our students for meetings with the principal, meeting with their teacher, whatever. Now you want to take and make it three more days on top of that already. Can they... do they have to take that in a consecutive three days or can

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they take it and break it up?"

Scully: "First, I disagree with your statement that this is three additional days."

Parke: "Then what is it? What is your Bill?"

Scully: "It calls for three days but it's not necessarily three additional days in addition to the family... the School Leave Act to which you just referred."

Parke: "How can that be?"

Scully: "It's very simple to be."

Parke: "If you already get eight hours in a school... in a year, to take off to work with your student in Illinois, doesn't yours now apply for three more days beyond that for any reason they want?"

Scully: "Only if the time was used for purposes other than school leave."

Parke: "I agree. I agree with that statement. Do you know... Mr. Speaker, to the Bill."

Speaker Lang: "To the Bill."

Parke: "There was a 93-94 personnel practice survey of 15 hundred Illinois companies, and they asked the companies, 'What do they give for personal days off or absentees?' And it said here, virtually all companies provide a maximum, a minimum, excuse me, a minimum of six personal absences and approximately 40 percent provide as many as 10 to 12 days. Nearly 70 percent allow employees to take time to tend an ill child. Ladies and Gentlemen, I understand what the Sponsor of this Bill is trying to do but, again, it makes Illinois competitively disadvantaged with surrounding states. It makes it more difficult for business men and women to do business in this state. I don't think we need this. We already have a federal law for 50 or more..."

Speaker Lang: "Mr. Parke, please bring your remarks to a close."

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Parke: "I do not support this legislation. It is not a good Bill and I would ask my colleagues to vote 'no'."

Speaker Lang: "Mr. Black. You have some trouble with your flex time there, Mr. Black?"

Black: "Yeah. I think... hello? Hello? Are you out there? All right. Could you have the electrician visit me at sometime in the future? Will the Sponsor yield, Mr. Speaker?"

Speaker Lang: "The Gentleman yields."

Black: "Representative, what if the business already offers two personal days, as many of them do, are they exempt under your Bill?"

Scully: "They're exempt if they offer three personal days."

Black: "So, if we've negotiated two days of unpaid leave, then the state will mandate one additional day of unpaid leave, correct?"

Scully: "That's correct."

Black: "That's kind of odd, isn't it? I mean, we're going to supersede a collective bargaining agreement?"

Scully: "I'm sorry, could you restate your question?"

Black: "Yeah, you mean, this law will supersede a collective bargaining agreement, signed in good faith by labor and management?"

Scully: "It would not sup... it would not... it would supplement such an agreement."

Black: "Well, in other words, it would render my agreement null and void if I only agreed to two days. You're telling me the state would come in and say, well, that's fine, but now you owe them another day, too. Well, let me ask you another question. Does this Bill impact the Illinois Generally Assembly? Will we be covered by this law?"

Scully: "Yes."

Black: "Okay. Let me give you a for instance. On a night like

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tonight, I would imagine, since the Generally Assembly is covered, many of our staffers would want tomorrow off. Some of them would ask for today off, but it's probably too late. Who makes the decision on whether or not our staff will take tomorrow off?"

Scully: "The employer would make that decision, following receipt of seven days prior written notice from the employee."

Black: "I thought your Bill said it could be taken with as little as 24 hours notice."

Scully: "For emergency purposes and with 24 hours written notice, the employee could take advantage of this Bill."

Black: "Do you really think that after a week of going through what our staff goes through, that there wouldn't be 10 requests for Thursday of an emergency nature? Somebody's going to say, 'No, you can't have the time off, because the time off would completely disrupt both sides of the aisle and, in fact, would probably shut down the Illinois General Assembly, which may not be a bad idea. Maybe that's what you're trying to do. I would join you in that, but don't you see how this is going to disrupt the orderly flow of a business operation? It would absolutely decimate this place."

Scully: "I'd like to answer your question."

Black: "Okay."

Scully: "There's a specific requirement in the Act at line 142 mandating that the employee must consult with the employer to schedule the leave, so as to not unduly disrupt the operations of the employer."

Black: "Well, I think that would be a matter of interpretation, and it would be interesting to see how it would impact the Illinois General Assembly. I'd support your Bill if you would just make a pilot project for the Illinois General

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Assembly and let's see how it would work here before we impose it upon other businesses but, I know, that's not possible at this point. Mr. Speaker, just a matter to the Chair that, so that we don't have any mistakes later on, joined by the requisite number and pursuant to House Rules, we would seek a verification should this get the requisite number of votes. And, I would just close by saying, you know, and again, it might... the idea is not without merit. But, once, just once, I'd really like to see us impose a pilot project on the Illinois General Assembly first and foremost, to see how it really works. And then, if it works, fine, gee, maybe we could take it out in the private business. I would again remind those who serve on border districts, as I do, whenever you pass something that takes you out of the same playing field with your neighboring state, don't think for a second, it will not be used against you in economic development. It has been, it will be, it will continue to be. For that reason, I'll vote 'no'."

Speaker Lang: "Mr. Black, your request for a verification is acknowledged. We will send the electrician over to your desk. Don't hurt yourself. Mr. Cross. The Lady yields... the Gentleman yields. Sorry."

Cross: "Representative, what if, as an employer, I already provide, as part of an employment package, two days of flex time. What would your Bill do to that? Would it give me an additional three?"

Scully: "No, it effectively mandated an additional one."

Cross: "It would mandate an additional one because your Bill says absolutely nothing about this."

Scully: "It would mandate an additional one. Excuse me... let me... please restate your question."

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Cross: "I'm already... it's part of an employment package, it's part of compensation package. I, as an employer, running my business, trying to be successful and competitive say, 'I'm going to offer two days of flex time.' All of a sudden, we pass this Bill where you now add an additional three. Does... do I get five now, as an employee? Your Bill seems to be silent about that."

Scully: "If the two days that you are presently offering are two days which already comply with the Act, then you would merely be required by law to provide a third day, which complies with the Act."

Cross: "And your Bill specifically says that somewhere, because I don't see it."

Scully: "No, it does not specifically say that, Counselor, but I think if you understand the logic of the law, you would understand that if you are already offering two days, which comply with the law, the law requires that you offer three days, then you would only be required to offer one additional day, which complies with the law."

Cross: "George, would this apply to sports teams? I mean, if the Chicago Bulls have 25 employees, and Michael Jordan wanted to get off on the last game of the Championship Series, could he get flex time?"

Scully: "If his request for flex time complied with the law, including the requirement that he consult with the employer as to not unreasonably disrupt the operations of the employer, yes, he would be entitled."

Cross: "And that would be then, George, perhaps contrary to his contract? Is that the intention here?"

Scully: "I'm not familiar with the terms of his contract."

Cross: "Would this override his contract? Is that what we want to do? Is that what this Bill would do, override his

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contract?"

Scully: "No, it doesn't override his contract. It creates law in the State of Illinois as a matter of public policy that employees have this right."

Cross: "All right. I don't want to belabor all of the other points, but I think there's a point here that we haven't talked about, and that is the fact that you are criminalizing this Act. That if an employer, perhaps makes a mistake, doesn't follow the law properly, doesn't follow everything that you've outlined here, he or she, under your Bill, if I read it correctly, is guilty of a Class B Misdemeanor. Is that correct?"

Scully: "No, that's incorrect, Counselor, because you said that if he makes a mistake. The criminal element, the men's reason for this, is willful and knowingly."

Cross: "Where does it say that, George? Because what we're talking about is..."

Scully: "Line 219."

Cross: "...every employer in our district potentially..."

Scully: "Line 219 is the answer to your question."

Cross: "... every employer in our district potentially, could go to jail, could end up with a criminal history and pay a fine of a couple of thousand dollars. Is that what we want to do now, in the course of employment and employer relationships, criminalize it? Does your Bill provide for a Class B Misdemeanor... Class B Misdemeanor?"

Scully: "I can't hear you."

Cross: "Does your Bill provide for a Class B Misdemeanor if an employer violates this section? Yes or no?"

Scully: "If the employer willfully and knowingly violates."

Cross: "Any employer or his agent, who violates any provision of this Act is guilty of a Class B Misdemeanor? Any provision

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of this Act, so we're going to send them to jail. We're going to send them to the county jail for six months. They have a criminal history for the rest of their lives. I just want to make sure that, that's clear. It doesn't say anything about willful and wanton, George. Ladies and Gentlemen, I would ask you to take a real hard look at this. Perhaps the intent of the Sponsor, I'm sure... not if perhaps. Surely, the intent of the Sponsor is good. But, if we want to send employers a message in this state, I certainly don't think it's one that, if you violate this provision, you're going to go to jail, you're going to end up with a criminal record, and you're going to pay a fine of maybe up to \$25 hundred. I think the only responsible vote is a 'no' vote. Thank you."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in opposition to this Bill. Normally, you would find perhaps, that women's community would support this Bill. I think when we negotiated 50 as a number, that allowed employers to fill in with someone who was already their employee. In a discussion with a women-owned business in my district, she pointed out to me how difficult this was for her small business to have to accept such a mandate from us as state government. Many of the new businesses that are started up are women owned businesses, and they have a small number of employees and to expand to 25, is really a pretty good size for them. But, to have to then abide by such regulations that we put on, the state puts them under a hardship and I do not think this is an appropriate Bill to pass. I think when we talk about 50 as a number, that's a pretty large number you can fill in with employees. But, when you start getting down to 25 and you start looking at the fact that

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many of the new businesses are women start-up business, they go out, they get their loans, they plan very carefully. And then they have some kind of a mandate like this imposed upon them. It puts an undue hardship, I think, particularly on women business owners, and that's one of the fastest start-ups now. I would suggest a 'no' vote is the appropriate vote for this Bill."

Speaker Lang: "Mr. Scully to close."

Scully: "I think we've thoroughly debated this Bill. This Bill was before the House a year ago. It's good public policy for the State of Illinois and I ask for your affirmative votes."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye', those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 48 voting 'yes', 65 voting 'no', and 5 voting 'present'. Mr. Scully, do you want to postponed consideration on this Bill?"

Scully: "Consideration please."

Speaker Lang: "Put the Bill on Postponed Consideration, Mr. Clerk. House Bill 3710, Mr. Saviano. Mr. Saviano. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3710, a Bill for an Act amending the Illinois Plumbing License Law. Third Reading of this House Bill."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3710 strictly deals with continuing education requirements for licensed plumbers in the State of Illinois. This is a Bill that's been worked out between

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the Plumber's Union and the Plumbing Contractors of Illinois. It's an agreed Bill and I would ask your favorable vote. Thank you."

Speaker Lang: "The Chair recognizes Representative Joe Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I also rise in support of this Bill. I know Representative Saviano's worked hard on this both last year and this year, and I would recommend everybody on our side of the aisle to support this Bill. Thank you."

Speaker Lang: "No one seeking recognition, the question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall 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 118 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2724, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2724, a Bill for an Act amending the Worker's Compensation Act. Third Reading of this House Bill."

Speaker Lang: "Mr. Brunsvold. The Gentleman takes the Bill out of the record. House Bill 3696, Mr. Dart. Please read the Bill, Mr. Clerk. Would Mr. Hartke come to the podium, please?"

Clerk Rossi: "House Bill 3696, a Bill for an Act concerning construction safety. Third Reading of this House Bill."

Speaker Lang: "Mr. Dart. Representative Hartke in the Chair."

Dart: "Thank you, Mr. Speaker. House Bill 3696 is a Bill we've seen around here before. It is a Bill to restore the workers' safety in this state. It was the Structural Work Act which we had, had on the books in 1907, and it is

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something that, while we had it on the books, Illinois had the distinction of being one of the safest states in the State of Illinois... in the United States as far as construction safety. Since its repeal, we have lost that distinction. Now we have one of the more hazardous states. It is with that, that we bring this back, because when this was repealed, we had heard a lot of stories about how much money this was going to save, how unnecessary this was, only to find out none of that was true and, unfortunately, unlike a lot of the other mistakes we make around this place, we found that out through the number of bodies, the number of people who died, additionally. And some people say, 'Well, how you make the correlations?' Well, the numbers don't lie. Since the repeal of the Structural Work Act, we've seen a marked increase the number of construction deaths, while at the same time, the number of deaths in other industries have gone down. So, we had something in this state that was unique to us and New York, that worked, and for reasons that I think were more driven by money than any other concern, we repealed it. And it was a mistake, a horrible mistake, and a lot of people have paid for this in a very, very deadly way. So, without any further comments, as I said, I'm sure there will be some questions in regards to this. I would urge your support of this. This is something where, as I say, some people try to categorize as a Bill that deals with lawyers and the like, this is not that. This is a Bill that deals with labor, people who work in the construction industry. For those of us who like to go around telling everybody about what strong labor supporters we are, here is your opportunity to show labor just how much you are behind them. This is their Bill that is a priority for them,

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because it means saving people's lives to them. So, I would hope that we can get a bipartisan effort here to support this measure. As I said, the numbers are, they don't lie, they show that we were the safest state. We aren't now, and it's time to remedy that, and I'd be happy to answer any questions."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "Indicates he will."

Parke: "Representative, you claim in your remarks that this has not saved Illinois business any money."

Dart: "Correct."

Parke: "Where did you get those numbers?"

Dart: "Well, I got that number because of the numbers in... as far as the liability insurance profits. Profits have gone up for insurance companies, while at the same time, the costs have grown for insurance companies by \$50 million."

Parke: "Say that again."

Dart: "I said, during the course of the time that this Act has been in repealed, the costs for insurance companies have grown over \$50 million."

Parke: "Well that's... that's really strange. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "Members of the General Assembly, any time we lose a life on a construction work site, for any reason, is one too many. But the facts of the matter are, that we have had a trend of downward loss of lives. You know, there are... with the repeal in Illinois, there are 49 other states in this nation that use workers' comp as the sole remedy for injury in the workplace and we use OSHA for the... for

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correcting any unwork safe places, (sic-unsafe work places) so that working men and women are not put at bodily risk or life of risk. The numbers that I show that come from the Illinois Department of Public Health show that, in fact, that except for one year, which was a few percentage points lower, we have had a decline in deaths in the workplace. Now, if I use the construction industry and the manufacturing industry for falls, because that's what the Scaffolding Act applied to, falls. Not assaults, not fires, not transportation, but to falls. You'll see that in 1994 there were 20 deaths from falls than the construction industry or 8% of the deaths or manufacture was six deaths or 2%. If you go to 1995, there were 28 deaths in the construction industry or 11%. Or in the manufacturing there were six deaths, witch 2% and 1996, last year, there were 16... excuse me, two years ago, the new figures are coming out for '97. They show there were 16 deaths, or 6% and in the manufacturing, there were three deaths or 1%. The statistics, I guess it depends on where you get them. We have these from the Department of Public Health. It shows, except for one year, a decline in deaths. We also show that there has been a marked lowering of the cost of workers' compensation and that comes from the NCCI. Every year since we have passed the Repeal of the Scaffolding Act, the working men and women of this state have benefited by employers having paid less in unemployment insurance costs, because what they have done, is shown that if you have a safe workplace, you can protect the working men and women because they will not get hurt, if you have a safe workplace. That's what's creating a downward trend, not because of anything about keeping, or not keeping a Scaffolding Act in place. Now, I talked to some of my

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colleagues from New York and they told me that they, in essence, had gutted their concept of a Scaffolding Act and there's only a shell of what was there two years ago. So, in fact, no state has this legislation. I have pointed out to this Body, this afternoon, on numerous legislation that we want to be competitive. We want to be able to tell the businessmen and women of this state that we are a state that's friendly to business, that we can create jobs. And not only are those jobs created, but they're safe jobs and when we have to compete with Indiana, with Wisconsin, with Missouri, with Iowa, Kentucky, we want to be able to say, 'Stay in Illinois, keep your business here because we don't have an antiquated system.' If you read the old Scaffolding Act, nowhere in there did it say that you would have a better working, safer working position. It was a... a contract in telling the trial bar how they could sue. It did not say that, if you have this in place in your workplace, that you'll have a safer workplace. Read it if you don't believe me, read it. We do not need this artificial protection. What we need is a sound OSHA Program that the unions ought to call to task when they're making decisions that are not safe or fair. Just like every other state in the Nation has, we do not need the Scaffolding Act. Ladies and Gentlemen, the Workers' Compensation..."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in very strong support of this piece of legislation. Much of what I've heard from the previous speaker baffles me. First, this isn't about lawyers. Some that are opposed to the Scaffolding Act would like to say it's about lawyers."

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This is not about lawyers. Illinois and New York were the only states in the country that had the Scaffold Act at the time we repealed it. And Illinois and New York were the two safest workplace states in the country. Was that an accident? When I asked the Sponsor on the other side of the aisle when the Scaffold Act was repealed three years ago to account for Illinois and New York being the two safest workplace states, I was told, 'Well, those two states must train their workers better.' I don't think, that although we think we train our workers pretty well, I don't think that was a legitimate answer and neither do you. The background of this Bill comes from what they did three years ago on the other side of the aisle. The very first Bill that the new Republican Majority passed, the very first Bill that they passed after they got a hold of this chamber, was a repeal of the Scaffolding Act. They did it to send a message, and they sent a real good message. They sent the message to business that, at the expense of the safety of workers, they were going ahead and proceed. They sent a message to workers that at their expense, at the expense of their job safety, at the expense of their futures and their families' futures and their health, that they were simply going to proceed, because they were on a course that they predetermined. And that course was to send these messages and, of course, the messages were sent and the message now is that it's okay for workers to fall off scaffolds and die. It's okay for big business contractors that may not care about their workers, most do, but some do not. It's okay not to put guardrails on a scaffold that's hundreds of feet in the air. It's okay for them to fall. And I keep hearing about deaths, well deaths are up. But what about injuries,

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substantially up. This isn't just about people dying, that's pretty bad, but it's about legs off and heads broken and arms off and eyes gouged out. It's about the health care of workers in the State of Illinois, and it's about their families. Should we say to their families, 'Take those few dollars that are available to the under workers' compensation', when a 25 year old worker falls off a scaffold, 'take those few dollars and go away and try to raise your two kids, or three kids, or five kids on those few dollars?' I don't think that's right and it's especially not right when the evidence is clear. What is the evidence? The evidence is that Illinois was the second safest workplace state in the United States of America, New York was the safest. The Scaffolding Act had served us very well for decades. It made job sites safer. It said to contractors, 'You're all building this building together. You need to work together to protect the workers on your job site.' The callousness of those who voted to repeal the Scaffold Act three years ago, is evident now in the rising number of deaths and the astronomical rise in injuries. It is inappropriate and, in my view, violative of our oath to our constituents and to the people we represent, to stand on this House Floor and talk about business profits. To talk about how we're worried about being competitive with other states. Well, we're competitive all right. We're competitive in deaths, we're competitive in injuries. What we want to be is better than those states. What we want to be is a state that is not only friendly to business, but a state that's friendly to workers, to want people to come to our state and raise their families and go to work here, in an environment that they feel is safe, in an environment that they feel works

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for the betterment of their families and their families' future. The repeal of the Scaffold Act three years ago was a callous and cynical message sent to labor in the State of Illinois, and that message was received loud and clear. And today, a different message must be sent. Today the message must be sent that we care about workers in Illinois, we care about their futures, we care about their children, we care about the state of their health, and we care about their families. Vote 'aye'."

Speaker Hartke: "The Chair recognizes the Gentleman from Coles, Representative Righter."

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

Speaker Hartke: "Indicates he will."

Righter: "Well, Representative, when was the Structural Work Act first enacted?"

Dart: "In 1907."

Righter: "Was workers' compensation in place at that time?"

Dart: "Sir, can you... I couldn't hear you?"

Righter: "Was workers' compensation in place at that time?"

Dart: "No, it wasn't."

Righter: "Okay. My understanding of workers' compensation was to provide relief for an employee, regardless of whose fault it was, to be compensated, and be compensated immediately, so that employee's family did not go without an income in place of the traditional negligence system in the work place. Is that right?"

Dart: "Yeah, partially correct. Partially correct, in that, I guess it's how you define compensation. You're definitely right in the sense of no fault. It was supposed to be immediate, as well. But, as far as full compensation, we all know that workmen's compensation never was intended for that, and that's what the Structural Work Act has been

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for."

Righter: "Can you tell me, Representative, whether or not there's been any study of what reenacting the Structural Work Act might do in terms of insurance premiums, or cost to business? Or if that happens, how many people, work forces, might lose their insurance that's provided by their employer?"

Dart: "Well, the numbers we do have is that if it were, that since it's been repealed, insurance premiums have not gone down. Insurance companies have received more profits than ever before and more workers have died. So, I guess it gets down to a question of how we're going to balance this all out and in our opinion here, we feel pretty strongly that when you have such a unmistakable trend, despite what somebody else talked about earlier, of the increase in workers' deaths, that you would want to do something about that. I guess that's why we're here, I suppose. I mean, that's the evidence that we... I mean, we have unmistakable evidence here, that shows that the number of deaths have gone up dramatically since the repeal of this and, as I say, whether we're dealing with crime issues or we're dealing with child welfare, take your pick, when we get some evidence that deaths are increasing, the legislature should act. So, when you talk about loss of jobs... I don't understand where that comes in because while the Structural Work Act was in place, there was, you know, job booms and the rest were going up and down, based on the economy. So, it would be difficult to stretch that one."

Righter: "Thank you, Representative. To the Bill."

Speaker Lang: "To the Bill. Representative Lang, in the Chair."

Righter: "Mr. Speaker, it's my opinion that this is a bad Bill. The Structural Work Act is a relic, from the past, before

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we had workers' compensation. As a person who represents a border district that competes with Indiana for jobs, it's important for the people in my district to have their businesses as competitive as possible and that's the reason I urge a 'no' vote on this Bill. Thank you, Mr. Speaker."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. As a Member of the Labor Committee, one who sits and listens and deliberates on many issues that affect the laborer, I find the Structural Work Act Bill to be one of the most important in the State of Illinois. Each day, when men and women go to work in the workplace, it is hoped and expected that they will be in an environment in which the employer has attempted to make it as safe as possible. Documentation has shown that since the repeal of the Structural Work Act, the number of deaths in the State of Illinois have increased. Well, what does that mean? It simply means that someone decided to take a shortcut or not to do what might have been more expensive, and risked the life of some employer... employee. That meant that some child's father never made it home that night, or someone had a long stay in the hospital. This legislation is the one piece that we have in this General Assembly, during this Session, to provide guidelines and safety for the workers that we send to do building, construction, to work on ladders, hoists. Three years ago, when we repealed this legislation, I'm sure it was done with the belief and the hope that employers would do what is right and just for those who work for them. We realize, at this date, that did not occur in every case. Too frequently, financial... financial... what you spend on keeping an area safe, became more important than that worker's safety and that worker's life. Well, this piece of

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legislation puts it back in place where the worker will be protected by the Structural Work Act. When that little boy's father goes to work in the morning, or when that lady's husband goes to work, she will have some sense of assurance that the State of Illinois has put into law those things that will make, or help that employer not do what is financially expedient, but will do what is financially safe for those workers. And I urge you, for the working men and women, for the State of Illinois, to give an 'aye' vote on this legislation. There is no other way to vote, but an 'aye' vote."

Speaker Lang: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. In the event this Bill gets 60 votes, we request a verification."

Speaker Lang: "Your request is acknowledged."

Cross: "Thank you very much."

Speaker Lang: "Mr. Dart to close."

Dart: "Thank you, Mr. Speaker. As has been brought out by some of the people who spoke here today, this isn't just a question about lawyers. As anybody out here realizes now, the lawyers have been making money, will continue to make money, always will. We aren't going to be taking up any collections for them. This is simply put about workers. People brought up some red herrings about, well, we got OSHA out there. If we were to have no new construction, none at all, from this day forward, it would take until the year 2049 for OSHA to examine every worksite we have out there, right now. Does that make you feel particularly safe? I would think not. And for those people that talked about what workmen compensations out there, workmen compensation was never envisioned to compensate a worker for a loss of life or anything along those lines. One of

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the previous speakers mentioned, that was just for an immediate quick fix for the worker with no fault, that was it. What we have here are individuals who operate in an inherently dangerous business. It's not quite as nice and neat as strolling into the Capitol Building and coming up here everyday. These are people that operate under very, very dangerous conditions. This Act worked. The numbers show that. There is no contest there. And the individual brought this downward trend on deaths, must of had his sheet upside down, because there's no other way to explain that. The numbers don't lie, we have the same numbers. They show that prior to the repeal of this, we averaged 42 deaths a year. Since the repeal, we're up to 60. Is that something we should be proud of? No, that's something we should be ashamed of, and we all know that. We had something here that worked and we got rid of it. We got rid of it and we have not witnessed any of the savings anybody promised were going to occur. This is pure and simple, a Bill about working people and looking out for those individuals who are in these inherently dangerous trades. As I said, it was mentioned, these people have every right to feel that when they leave and go to work everyday, that their husband or spouse is going to come back that night. We have the ability to do that with this Bill. It is a Bill that is rather straight and right to the point. It sort of tells you where you stand on this issue. Are you supporting working people, people who are in the construction industry? Or you don't. This has nothing to do with lawyers. Throw out the rest of the red herrings. They aren't out there. It's purely a question of whether you're not with working people. Simple, it's a up or down vote, folks, and I would encourage an 'aye'

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vote."

Speaker Lang: "The Gentleman moves for the passage of House Bill 3696. This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes', 56 voting 'no' and 2 voting 'present'. Mr. Dart. This Bill, having failed to received the appropriate Constitutional Majority, fails. A couple of announcements. The Appropriations Public Service Committee, which was to meet at 7:30... Public Safety Committee, sorry. Sorry, Leader. The Appropriations Public Safety Committee, which was to meet at 7:30 a.m. tomorrow will meet at 9:00 a.m. tomorrow and Session tomorrow will be at 10:00 a.m. We are not adjourning now, please do not leave. The Members should be prepared to work late tomorrow evening and there will be Session Thursday. Mr. Clerk, House Bill 3000, Representative Tom Johnson."

Clerk Rossi: "House Bill 3000, a Bill for an Act amending the Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Mr. Clerk, read House Bill 3000."

Clerk Rossi: "House Bill 3000, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Lang: "Mr. Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House. This Bill is a Committee Bill of the Prison Reform Committee. It is a vehicle Bill. There is nothing on this Bill at this time. We would like to move it to the Senate so that

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the Prison Reform Committee can continue its work and, hopefully, here by the end of the Session, those items that the committee and the Body can agree on, we'll try to add them to that and have a vote at that time. But, we just want to move it to the Senate to keep the Bill alive at this time."

Speaker Lang: "Is there discussion? The Chair recognizes Mr. Bost."

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

Speaker Lang: "The Gentleman yields."

Bost: "Representative, is it your intent, in any way, shape, or form, to have privatization of the correction facilities in the State of Illinois put in this Bill?"

Johnson, Tom: "Mr. Bost... or Representative Bost, at this time, there are about 10 points concepts which are being discussed within the Prison Reform Committee. It is our intention, as a committee, that those items that are not in great dispute or that, in fact, we reach agreement on in a bipartisan fashion within the committee, that those are the items that we will be moving later in this session. Now, in direct answer to your question, I would imagine that that particular issue is not going to be one that we're going to reach bipartisan support and I can assure you that if that is not the case, that it will not be on there, but it is a concept that is part of 10 points for discussion."

Bost: "Thank you."

Speaker Lang: "Mr. Pugh."

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

Speaker Lang: "The Gentleman will yield."

Pugh: "Representative Johnson, you stated that this is just a vehicle Bill. So, do you have any idea the nature of the

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content of the legislation that will be included in this or the number of pieces of..."

Johnson, Tom: "Yes, Representative Pugh, you know, this is a bipartisan committee of which Representative Dart and I co-chair. About 2 weeks ago, in Chicago, we announced, really a 10 point concept, sort of program that we are discussing. And, as I stated, it will be only after hearings on each of these concepts and those issues that we, as a bipartisan unit, can agree on, that we would bring that Bill back later in this Session. But, unless it is something that we agree on, I can assure you that it's not going to be going anywhere in this House."

Pugh: "So, between now and the end of Session, we're going to have a series of hearings prior to..."

Johnson, Tom: "That's correct."

Pugh: "... the development of the legislation?"

Johnson, Tom: "That's correct. In fact, we've already started those hearings and they're going on weekly. There's a published thing. I would suggest that you talk to Representative Dart and I'll be happy to talk to you about it, as well."

Pugh: "And so, there's... but there's no idea of the number of pieces of legislation and the... content?"

Johnson, Tom: "No... no... not at this time."

Pugh: "At this time."

Johnson, Tom: "Right."

Pugh: "Thank you. I have no further questions."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Gentleman yields."

Black: "Yeah, Representative, I think you're on the right track, from what I've heard of the committee and I think your

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questions to Representative Pugh answered my concerns with one exception, and I would hope that you look at this. I have a prison in my district and, whatever you do, I'm sure that you will do in conjunction with correctional officers, who I think are the real experts in this and I would just simply urge you to keep in mind that any mandate or anything that we do, that we make sure we will have the appropriate staff to carry out those policies. It's... I've watched this prison and, for 12 years in my district, the staffing continues to go down as the inmates continue to go up. It's hard to get days off. It's hard, sometimes, for them to get vacation time, and it's not unusual to work a double shift because of sick leave and what have you, and I think that's a major, major problem. Thank you. You shut me off, Mr. Speaker, you rascal. So, I would just encourage you to work with the correctional officers because staffing is a critical need in these facilities and without addressing that, whatever we do, may be a very hollow victory and I appreciate the work you have done."

Speaker Lang: "Mr. Johnson, do you wish to close?"

Johnson, Tom: "Just to ask for your favorable vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes' and 1 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 14 of the Calendar, House Bills Third Reading, there appears House Bill 3485, Mr. Parke. Out of the record. House Bill 3575, Representative Lou Jones.

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Lou Jones. Out of the record. House Bill 3636,
Representative McKeon. Out of the record. House Bill
3652, Representative Biggert. Please read the Bill, Mr.
Clerk."

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

Speaker Lang: "Representative Biggert, before you proceed,
Representative Brown, for what reason do you rise?"

Brown: "Yes, on the last vote, my light thing didn't work. I was
voting 'yes'."

Speaker Lang: "The record will indicate your intentions, Sir."

Brown: "Thank you."

Speaker Lang: "Thank you, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 3652 provides that
a defendant eligible for the death penalty, if a 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 the Order of
Protection was issued under the Illinois Domestic Violence
Act of 1986. I'd be happy to answer any questions."

Speaker Lang: "Is there a discussion? Mr. Black."

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

Speaker Lang: "The Lady yields."

Black: "Representative, I... this Bill... have you amended this
Bill?"

Biggert: "Yes, I did."

Black: "Okay. I remember asking you a question..."

Biggert: "The original Bill was deleted from the... and the
Amendment became the Bill, and then there was a second
Amendment also."

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Black: "Okay, so, it's the Order of Protection... you no longer have... does it have anything to do with police officers anymore?"

Biggert: "No, it has nothing to do with police officers."

Black: "All right. One of the concerns, this has come up in my district, where people will seek treatment, voluntarily. I've had a couple of cases in the last few months in my district because of plant closures, and they'll go to an outpatient clinic..."

Biggert: "Representative, this has nothing to do with that..."

Black: "Well, but under current law, because they go in vol... because they go in voluntarily, then their... their FOID card is revoked."

Biggert: "Representative, this has nothing to do with FOID cards. This has only to do with first degree murder and Order of Protection."

Black: "Oh, I remember... and the Amendment cleared up that it was only to the person who, if you killed the person who had the Order of Protection against you, right?"

Biggert: "That's correct."

Black: "Okay. It, it takes..."

Biggert: "The Amendment..."

Black: "... me a while to catch on, but I usually get there. Then this is a fine Bill. Thank you very much."

Biggert: "Thank you. Thank you."

Speaker Lang: "Mr. Pugh."

Pugh: "Thank you, Mr. Lang. Representative, could you tell me that the genesis of this piece of legislation?"

Biggert: "There was a court case, People vs. Reed, where a woman was killed by her husband, and she had, had an Order of Protection. It was also a genesis of a time that I served on a jury, and it seemed to be that there was a woman who

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had, had an Order of Protection and her boyfriend was sent to jail, but it was the opinion of the State's Attorney that there was nothing that could be done, and as soon as he got out, he would kill her. So, although this doesn't solve that problem completely, it does address it."

Pugh: "So... So, basically, this piece of legislation will mandate that an individual, once he has... he or she has received an Order of Protection against he or she, will be subjected to the death penalty if he violates that Order of Protection and subsequently, murders someone?"

Biggert: "It provides that he would be eligible, he or she would be eligible for the death penalty if he or she is convicted of first degree murder, and there was an Order of Protection issued and it was against... issued for the person against whom... it was issued for the the person that there was an Order of Protection issued for."

Pugh: "I'm not sure I understood that last comment."

Biggert: "Okay. If there's an Order of Protection that has been issued against you, and you kill or murder, and it's found to be first degree murder, and you murder that person again... who got the Order of Protection, then you are eligible for the death penalty."

Pugh: "So, in the event that an individual has an Order of Protection against them for somebody else, and they murder an individual whom which they don't have the Order of Protection against them for, they will not be eligible for the death penalty?"

Biggert: "Under this law, that's correct. It's only the person that has the Order of Protection."

Pugh: "So, if an individual has an Order of Protection against the mother of a child, and he goes back and takes revenge against the child, then he would not be... he would receive

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a lesser sentence for murdering the child than he would for murdering the mother, whom he had taken the Order of Protection out against?"

Biggert: "Usually, both of them would be covered under that same Order of Protection, so that would apply. But if there is not the Order of Protection, that's true. But usually in a family situation where a mother would go in to get an Order of Protection, that would include her child, as well."

Pugh: "So, would it include other members of the family? Would it include cousins, aunts, uncles? If an individual wanted to take revenge out, does the Order of Protection... the original Order of Protection, include the others?"

Biggert: "It would include anyone who was included in that Order of Protection."

Pugh: "So, the death penalty would apply to an individual, only if he or she murders a member of the fam... or member that is protected under the original Order of Protection?"

Biggert: "That's correct."

Pugh: "If he murders someone else, a former girlfriend that he has abused or a former lover he has abused, then he would not be eligible for the death penalty, am I correct?"

Biggert: "That's correct, not under this Bill."

Pugh: "Well, to the Bill, Mr. Speaker. I think if we continued to operate as a Legislator, as a legislation, developing legislation to identify individual cases that we have in our individual communities that we will, again, work to flood the court system with an inordinate amount of legislation that it is not necessary. I think that this Bill, although may..."

Speaker Lang: "Please bring your remarks to a close."

Pugh: "... that this piece of legislation, this well intended piece of legislation does not cut to the intent that you

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are attempting to address and that we're going... that there is some inherent flaws that might even result into some Constitutional questions. So, therefore, I request a 'no' vote."

Speaker Lang: "Representative Biggert to close."

Biggert: "Thank you, Mr. Speaker. This Bill provides that a defendant is eligible for the death penalty if convicted of first degree murder, and the murdered individual was subject to an Order of Protection, and I would ask for an 'aye' vote."

Speaker Lang: "The question is, 'Shall House Bill 3652 pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 100 voting 'yes', 12 voting 'no', and 5 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3672, Representative Dart. I'm sorry, please read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3672, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Lang: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This Bill is a little less controversial than my last one. This Bill is one that we passed out of here before 118 to 0. It came out of committee with no dissent. What this does is, this would allow the State of Illinois to actually take care of the wards of our state. Presently, right now, we have approximately 200 some of our children throughout the State of Illinois... or throughout the United States right

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now, in all sorts of different settings. The reason for that is because we do not have on our books a law, which would allow for secure setting for children in this state. Right now, as I say we have children in Texas, we have them in Oklahoma, Ohio, Arizona, all over the place. These are abused and neglected children and we do not have adequate places to have them in, in this state. This Bill would do, it would allow us to bring our children back into our state where we can take care of them better. About a year or two ago, we found out much to our distress, that in some of the facilities out of the State of Illinois, these children were being further abused and were, in fact, in some cases abusing other children as a result of earlier abuse. This would allow us to more closely monitor our children. It would also, in the end, save us money because there would be a lot less spent on transportation, and it's a common sense Bill. I know of no opposition from anyone and the department and myself have worked out the details on this Bill, and I would appreciate your support."

Speaker Lang: "Mr. Pugh."

Pugh: "Thank you, Mr. Lang. Representative... Will the Sponsor yield for a question?"

Speaker Lang: "The Gentleman yields."

Pugh: "Representative Dart."

Dart: "Yeah."

Pugh: "You say there's a component in this Bill that will stop the transfer of juvenile inmates to other states?"

Dart: "No, these are strictly children who have done nothing wrong themselves. These are children that have been abused and neglected. These are not delinquent children. These are abused, neglected children who, under our law, in this state, we are not allowed to have a secure setting for

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them. So, for certain children, primarily children who are known as fire starters or aggressive children, or sexually aggressive and act out, we ship them out of state just because we have not put the laws in the books. We have providers from one end of the state to the other who are pushing this legislation, because they feel that we can do that in this state, and keep a much closer eye on our children. But it has nothing to do with delinquent children at all."

Pugh: "So, make me understand, that this Bill is to address neglected and abused children?"

Dart: "Yeah, specifically, includes no other children."

Pugh: "And so the neglected and abused children will be involved in some community service?"

Dart: "No, no. What it is right now is that, we have... when a child is brought child into the state care because of abuse and neglect, right now, more often than not, they're put in a foster home or sent back to their parents at some point, long-term residential home, one of those options. There's a small group of children, however, who because of the amount of violence that was perpetrated on them, are very difficult to be taken care of in a normal foster home. And so... and primarily, these are children normally who are called fire starters, who will be burning houses down in the foster home and sexually acting out on other children in a foster home. We don't allow in our state, right now, to have them in a secure setting, where we can keep them. So, other states have that on their books. We take those children and we send them to other states, and costs us a great deal of money. And once again, they're our children and any relatives and family members who would want to visit them either can't do it or it comes as a great

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expense to fly them out to Arizona or fly them to Texas. So, this is just purely children who, themselves, were victims of abuse and neglect, and it's just those children that we're dealing with here who are a very small category, but yet, are shipped out of our state."

Pugh: "So, children... children that have been..."

Speaker Lang: "Mr. Pugh, can you bring your questions and your remarks to a close, please?"

Pugh: "No, I can't."

Speaker Lang: "This is on Short Debate, Sir."

Pugh: "Well, I mean, but I have some questions, Sir."

Speaker Lang: "Well, you can ask him a couple more questions. All right, there's the requisite number of hands behind you, this will be removed from Short Debate. Just trying to follow the rules, Sir. Please proceed. Mr. Pugh, please."

Pugh: "Sir, the first rule would be to turn my mike on, and the second rule would be that I'm Representative Pugh, not Mr. Pugh. Thank you, Representative Lang. Mr. Dart, if we're addressing children that have been abused and neglected, do you think that it's fair to place them... I mean, as you call them, fire starters, to further... to place them in a secured setting as opposed to a setting that... that is more conducive to familiar or old ties?"

Dart: "In most of these situations, if not all of them, they've already attempted all of those measures. They've started off in maybe relative foster care, gone to non-relative foster care, have gone into maybe residential placement settings, and they have in those settings, they have either set the house on fire or they have sexually attacked one of the other children in the house. And so, because of that, you can't get anybody to take these children because no

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one's going to let them into their house if they know that they're going to be taking into their house, a child who sexually acts out on other children. So they're going to be worried for their own kids. And so, these are children who have gone through those very things you've talked about, and we are at the end... they're at the end of the line. There's no where else to put them. So, right now, what we do is, we ship them out of state, which I don't know of anybody that thinks that's the best way to deal with our children. Let's ship them away."

Pugh: "So, is there in the Bill, a criteria that outlines the steps. I mean, first they've been in a foster home, then they've been in a second foster home. So, what are the criteria? What are the steps involved before we determine that these children have to be situated...?"

Dart: "What it is, is it's most of this is through the rule-making of the Department of Children and Family Services and what it is, is the case would come into the court system, where the child would be represented by an attorney or a public guardian or whoever the attorney may be, most likely a public guardian, and more often than not, the child's attorney, themselves, are advocating for this, too, because they can't find another setting for this child. No one will take them. And as I say, when you get down to it, where else will this child go? Where? We don't know. And so, what ends up happening, these are the children nobody wants and so we're left with, 'Okay, what are we going to do with our children who did nothing wrong initially? They were sexually assaulted or beaten half to death. What are we going to do with them?' And, right now, what we do is we give them a plane ticket and we send them out to Arizona, where it costs us a lot of money, where

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their family cannot talk to them. So, their extended family, who may still have ties with them, and may have had nothing to do with the incident. They can't see them. They can't talk with them."

Pugh: "Okay. So, my question was, Sir, what is the process for determining that they should be shipped out and...?"

Dart: "It comes in front of the court and what will happen then, is the child's advocate then would determine what would be the best setting. It would be in accordance with the DCFS case plan, which would mean that it has gone through all the stages already of this child should or could go into foster care, can't because of aggression, has been in residential care, can't go there. The parties would come in front of the judge and then judge our recommendation, DCFS's case plan would be that this child be sent out to Arizona where there's a special facility for children."

Pugh: "So, we're depending on DCFS to make the decision?"

Dart: "No, it's with DCFS with... as I say, you know me, I've never been the biggest fan of them in the past. It's DCFS's plan in accordance with the court and with the child's attorney, as well. So, I mean, the child's represented there, too. As I keep throwing out, I mean, ultimately, without this measure, these kids are going to be in secure settings but they're going to be in Texas where they can have no contact with their family."

Pugh: "Thank you. I have no further questions."

Speaker Lang: "Representative Monique Davis."

Davis, M.: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman will yield."

Davis, M.: "Representative Dart, does this Bill have anything to do with restitution?"

Dart: "No, at one point it did because, to make a long a story

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short, this is a Bill, as I said, we passed out of here 118 to 0 last year, and in that Bill, it had a restitution provision. So, when I put this Bill back... when I filed it again, I just filed the old Bill from last year, and it still had the restitution in there. So, I pulled that out in another Amendment. I think it was Amendment 2 of this Bill, pulled the restitution provisions out."

Davis, M.: "So, what this Bill does is, it says that children who are under the authority of the Department of Children and Family Services can be placed in what is considered the most... the most..."

Dart: "Secure."

Davis, M.: "Secure facility?'"

Dart: "Yeah, and see they already are, too. But it's just, as I say, it's purely questionable whether we're going to place them in secure setting in Illinois or in Texas or Arizona."

Davis, M.: "All right. Does your Bill say they have to be in Illinois?"

Dart: "Yeah. My Bill says let's bring them back. Let's bring our kids back to our state."

Davis, M.: "Well, you know, my understanding in talking to the Department, that they have less than 300 children who are still outside of the state."

Dart: "Yeah, exactly."

Davis, M.: "And they have done everything in their power to bring them back, and they're continuing to do that. So, your Bill will create a situation where they must bring them back rapidly?"

Dart: "No, what my Bill does would... the few that are left and you're right on target, it's about between 2 and 3 hundred kids that are left out of state, they physically are at the point now where there's some of these kids, they just can't

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bring back, because there originally was about 500 kids. We had one child actually in Puerto Rico, even. So, we've had them out of the country even. Some of these kids... we've cut the number from 500 down to about, I think, it's 250 or something, because those were the marginal kids that weren't as bad..."

Davis, M.: "All right, here's my question."

Dart: "No, I'm just finishing my... those were the ones that weren't that bad. We're down to the pool of children right now, that are so severe that they... the only way we can bring them back is to have a secure setting here."

Davis, M.: "All right. So, where do you plan this secure setting to be?"

Dart: "Well, all the different agencies, whether it was Ada McKinley or any of the other providers that I've worked with, have all said that they've felt comfortable that they could put together the secure facilities for these children, and they've actively wanted to do that."

Davis, M.: "So, it wouldn't be like an orphanage?"

Dart: "Well, it'd be... well, I guess... like right now, Father Smith has Maryville and we have a Mercy boys' and girls' home, as well. It would be something similar to that, but it would be much smaller, is how we envision it. (A) there's a lot less children, but it would be a much smaller thing, where there would be much more attention, individual attention, to these children. Right now, and this Bill won't change that, these children are very expensive items, big ticket items because of the fact they need so much attention and monitoring. And so, this will be smaller living arrangements. It's from... the providers have told me that's the type of setting they're envisioning."

Davis, M.: "How many providers will be involved in accepting

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these children?"

Dart: "It's open to all of them who feel as if they can put together a proposal that the Department would accept."

Davis, M.: "So, any provider can present an RFP and become the guardian, temporarily, for children who are hard to place?"

Dart: "What it would be is, is that the state would stay as their guardian, but exactly, though, they would then be... the state would put them into their custody for whatever the period of time the child needed to be there, to try to make the child better."

Davis, M.: "But there's absolutely... that's the only issue on this Bill?"

Dart: "The only issue is the fact that right now, our statutes do not allow us to have these secure settings, other states do. So, we ship our kids to other states. This would allow us to do the same thing."

Davis, M.: "Our statutes currently don't allow us to place children in these new kind of environments?"

Dart: "Correct. It does not allow us to place them in state. We can place them out of state, but not here."

Davis, M.: "What is the law that prevents that?"

Dart: "It basically says that it does not provide for the use of secured settings for children in this state."

Davis, M.: "So, when we talk about secure settings are we..."

Dart: "So..."

Davis, M.: "... we're not talking about jails, huh? We're not talking about juvenile detention centers?"

Dart: "No, no, no, no."

Davis, M.: "So, what exactly are we talking about?"

Dart: "We're talking about, as I said, envision place like Maryville, or Mercy boys' and girls' home, where you have a situation, where it's a residential home, but they'll have

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the ability to have locked doors so the children don't run away."

Davis, M.: "Will they be locked... I mean, will they be located in Chicago, or where will they be located?"

Dart: "They could be, as I said, I've had some tentative conversations with some of the providers, not that I'm going to be making the decision, but just asking them what they thought, and some of the providers thought that they could do it within the city, they could do it around the city. They..."

Davis, M.: "You know, let me just say this to the Bill. This Bill is more serious than meets the eye. It really is more serious than meets the eye. If your saying to me that current legislation does not permit the State of Illinois to put children behind locked doors, we do place children behind locked doors."

Dart: "Delinquent children."

Davis, M.: "We have the juvenile detention center..."

Dart: "Those are delinquent children. There's a difference. These are abused, neglected kids. These kids did nothing wrong. They were sexually attacked or beaten half to death. The other kids are the one's who are the aggressors, themselves."

Davis, M.: "So, Representative, if these children have done nothing wrong, why do we want to put them behind locked doors?"

Speaker Lang: "Representative Davis, if you could bring your remarks to a close, please."

Dart: "The reason we want to put them behind locked doors is what I mentioned before, was the situation is, is that these children have been in relative foster placements, they've been in nonresidential, and they've been in even long-term

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residential homes, and they've been sexually attacking other children. They've been starting the houses on fire, all of the above, and acting out on other children and so, nobody wants them. There is not a foster parent, and I guarantee you, you could look at that list of 200 and so kids left, who will take these kids?"

Davis, M.: "To the... let me just... let me wind this up. We already have the juvenile detention center. For the first time in history, it is under... you know, it's not full. It's usually overcrowded. It's not overcrowded, for once, because of our alternative schools, which is very good. And in that place, there are children who have committed sexual acts against other children. So, I'm concerned about what you have in mind here. I'm not sure, and I know the Speaker wants me to bring my remarks to the close, but I'm really not sure what kind of facility you have in mind that's different than what we already have. And the juvenile detention center that we have today, is not just for delinquent children. Some of those..." Dart: "It is."

Davis, M.: "The original purpose of this place was for abused and neglected children. It's just that the delinquent children started to outnumber the abused and neglected."

Dart: "No, that isn't true. The detention center has and will be... It's a place for children who have committed delinquent act. This is for non-delinquent children, non-delinquent. These kids have not been brought into the system because they did anything wrong."

Davis, M.: "But, Representative Dart, the things you've told me that they've done, those are delinquent acts."

Dart: "The subsequent to the initial act, which brought them into the system."

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Davis, M.: "Mr. Dart, do you have any children?"

Dart: "No, I don't."

Davis, M.: "I end my remarks."

Speaker Lang: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. To the Bill. I rise in support of this Bill. We are not creating a new class of children to lock up here. I had a Bill several years ago that asked DCFS to investigate this situation because there were already children in secure care facilities, but they were being sent out of state instead of in state. Now, all Representative Dart is doing with his Bill is bringing these children back to our state. We will no longer be spending thousands of dollars sending these children out of state. Plus, it will create jobs in state as secure care facilities. This is also important for the children. As you recall, we now have a juvenile law that we are supposed to act in the best interest of the children. That's what this Bill does, because it brings them back to the community. The eventual end of the program is that the children should be back in homes, in their community, and they cannot bond with their community if they are in Texas or Minnesota or Wisconsin or the number of other places that Illinois has been sending them before. So, now, we are bringing them back into the state. It will serve the best interest of the community, and I urge an 'aye' vote on this."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise in support of this Bill. Just to give you an example, let me just ask Representative Dart, how many millions of dollars did we spend last year to send kids to Colorado, Texas, Oklahoma? It could be up

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to... I know there were kids that left my district, that I think we were paying \$250 a day."

Dart: "There's some that can go upwards to almost \$400 a day, and as I said, we had one child in Puerto Rico. We've had them... Arizona, Arkansas, California, Colorado, Connecticut, Florida. I mean, from one end of the state... Utah, Virginia, we have them all over the place, and they're the most expensive children."

Black: "The only question that I have, and I wanted to talk to you when I thought it was going to be on Short Debate, that's why I came over there, but so be that. Who will determine where these facilities go? Would that be the Department? Now, I assume that all applicable zoning restrictions will be followed and so forth and so on?"

Dart: "Correct, correct."

Black: "I, you know, I think this is a remarkable Bill. It's long overdue, I commend you for this. It's time to bring Illinois children back to Illinois, and let's work on our problems here, rather than sending them off all over the United States and even in some territories. That has never made any sense to me. It is a tremendous drain on the treasury, not to mention the fact that you have removed a child from any support network that, that child may have back in his or her home. This is a good Bill. It should come out of here with tremendous bipartisan support, and my thanks to you, Representative, for working on this."

Dart: "Thank you."

Speaker Lang: "Representative Mitchell."

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

Speaker Lang: "Gentleman will yield."

Mitchell: "Representative, I applaud you for your Bill, number one, but I do have a few questions concerning the education

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of these students when they come back to Illinois. I realize that once a youngster that's been out of the state, and usually they're out of the state because they're not only... they don't only have some behavior disorders, it's severe disorders and they're extreme problems. Oftentimes, when they come back to a local school district, that district has no method of educating them. If they are, in fact, in a facility that needs to send them away from the facility, even in the state, who has the responsibility for the cost of the education of that particular child?"

Dart: "The Department would have the responsibility of securing an educational setting for this child. And that also would be... it would be dictated depending on, once again, as you mentioned, they all have different degrees of problems, and as I say, I keep going back to the setting such as Maryville Mercy boys' and girls' homes. Depending on the severity there, they will have... either the child will be... as I said, they don't have the real severe children. But in those settings, even, those children will either be in local schools, but quite often, the more severe children such as the ones we are talking about now, they're taught within the facility themselves, and as I say, the experts, the people who really have worked with these kids and know something about these kids are the ones that will be determining where this child will go for educational purposes, which, more often than not, as you mentioned, we're down to 250 of the toughest cases. Those kids will more likely be in the facility where they're residing at the time, for the educational purposes as well."

Mitchell: "But oftentimes, Representative, the problem is, is they're not... see, it's just not behavior, they are severe profound, as well. Many times, the kind of institutions

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you're talking about, don't have the facilities to educate them. We just had a case about four years ago in my district, where DCFS placed a student at a mental health center that did not have the facilities. That student wound up going out of the district, but he was there over more than 90 days. Now, the law says that if a student is in your district for more than 90 days, the educational responsibility relies with that local school district. The taxpayers in Lee County wound up paying for the education of a student that had been out of state for four years, came back to that district for 91 days, and was sent then, again, out of the district at a cost of over \$270 a day. That cost remained with the school district. We objected to no avail. So, there are some inherent risk with bringing those students back without laws in place that ensure that the State of Illinois is going to pick up the educational cost, and they will not wind up on the local taxpayer. Because of the way the laws are structured now, you've got some real problems with these most severe cases. It's just something to think about. I think this... this Bill has some merit, but I also think there needs to be some trailer legislation that ensures that the local taxpayer won't wind up with the burden for the cost of these students. Thank you."

Speaker Lang: "Mr. Scott."

Scott: "Thank you, Mr. Speaker. About a year ago, there was a special committee hearing on this issue, and a couple of gentlemen from DCFS testified about this in the wake of having found that at one of these facilities, these secure facilities out of state, that we were sending our children to, they had been brutalized, they had instances of children hurting, raping, beating other children in these

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institutions. These were our kids from Illinois that we had sent to these institutions. When they asked the Governor of one of these states, after this investigation, you know, what did he think about that, and was he prepared to do something about it, his response was, 'They're Illinois kids', let Illinois take care of it.' Well, that's exactly what we're trying to do today. This Bill does not... as Representative Lindner correctly pointed out, does not create a new class of children. What it does is, it takes Illinois children who are basically unsupervised by Illinois officials, that are now out of state, and brings them back home. When we asked the person from DCFS who said, 'Well once you found out that this had been going on at this facility and you knew obviously that the Governor and the Legislature of that particular state didn't care what was happening, did you then go and inspect the other facilities in the state that were... in that same state, where Illinois children were?' And they said, 'No, we don't have the time, we don't have the resources to be able to do that.' So, there are children in a place where we know the government of that state has declared they just don't care and those are our children, and we want to bring them home. The facilities here can do it. It's something that probably should have been done through our own agency years ago. They've got the willingness to do it. I say let's take them up on it and pass this Bill."

Speaker Lang: "Mr. Hartke."

Hartke: "I move the previous question."

Speaker Lang: "The Gentleman moves the previous question, and the question is, 'Shall the main question be put?' All in favor shall vote 'aye'; all opposed shall say 'no'. In the

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opinion of the Chair, the 'ayes' have it. The main question is put. Mr. Dart to close."

Dart: "Thank you, Mr. Speaker, not to belabor the point. My colleagues have put it better than I have. These children are our responsibility. They always have been, and we are neglecting them by not bringing them home. It will not cost us any more. It will save us, and there may be some issues regards to their education be addressed, but any way you cut it, this is our responsibility. It always was, and it should have been from the get go. I don't know how we allowed this to happen and as a result, I think this is something that should receive bipartisan support and I encourage your vote. Thank you."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', and 0 voting 'present'. Then this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. For purposes of an announcement to the Body. Many of us were privileged to work with Ferd Sugent for a number of years, who was the Legislative Liaison for IDOT. I think Ferd retired a couple of years ago and was battling cancer, of course, when he left. It's my distinct bad news to deliver that Ferd passed away. For those of you that are interested, and did know and like and work with Ferd, the visitation will be tomorrow night from 5 to 8 at the Staab Funeral Home, here in Springfield. The funeral will be Thursday at 10:00 a.m. at Grace Bible Chapel out on Old Rochester Road.

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I know many of you worked with Ferd and enjoyed him as I did and would want to know of those arrangements. Thank you, Mr. Speaker."

Speaker Lang: "Thank you, Mr. Black. Mr. Cross, for what reason do you rise?"

Cross: "Yes, thank you, Mr. Speaker. Would it be possible to give us some indication of when we might adjourn tonight?"

Speaker Lang: "We're still working on that, Mr. Cross. I don't really know, but as soon as I... the Chair has some indication, we'll try to pass that on to you."

Cross: "Do you anticipate it being a late night or would it be the next half hour, 45 minutes?"

Speaker Lang: "I really don't know, Sir, but I'll try to get that information for you."

Cross: "Well, sorry that we appear to be unreasonable in requesting that."

Speaker Lang: "It's certainly not unreasonable, Sir. I'd like to leave myself. Representative Deuchler, for what reason do you rise?"

Deuchler: "Purpose of an announcement."

Speaker Lang: "Please proceed."

Deuchler: "The women legislators will meet at 8:30 tomorrow morning in D-1. Thank you."

Speaker Lang: "Thank you. House Bill 3724, Representative Gash. Out of the record. House Bill 3835, Representative Lopez. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 3835, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Lopez."

Lopez: "Thank you, Mr. Speaker. House Bill 3835 adds to the Aid to the Aged, Blind, Disabled Program, that people who are

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non-citizens or legally present in the United States before August 22, 1996, who are 65 or older, and who are ineligible for SSI because they didn't meet the disability standard, are eligible for financial aid under a section of the Illinois Public Aid Code. These people will be eligible for public aid under this program, notwithstanding that they are excluded from eligibility under this Code and other provisions. This is a Bill which will help our legal residents, seniors, who are unable to find work and go... cannot read the criteria for disability. The cost will be approximately, according to the department, \$2.8 million and that's the most it would cost because we expect people, as the year goes by, for either, people to pass away or become citizens. I'm open for any questions."

Speaker Lang: "No one seeking recognition, the question is, 'Shall this Bill pass?' All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no', and 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. There are a series of Bills where fiscal notes have been filed that we will do some housekeeping and move from Second Reading to Third Reading. Mr. Clerk, House Bill 2167."

Clerk Bolin: "House Bill 2167. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. House Bill 2375. Please read the Bill."

Clerk Bolin: "House Bill 2375. The Bill has been read a second time, previously. Amendment #1 was adopted in committee."

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No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 2843."

Clerk Bolin: "House Bill 2843. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 3147."

Clerk Bolin: "House Bill 3147. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 3502."

Clerk Bolin: "House Bill 3502. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Mr. Clerk, please put House Bill 2843 back up, please. This Bill had been moved to Third at the request of the Sponsor. Please return it to the Order of Second Reading for purposes of an Amendment. House Bill 3628 please, Mr. Clerk."

Clerk Bolin: "House Bill 3628. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Granberg, has been approved for consideration."

Speaker Lang: "Hold that Bill on Second Reading, Mr. Clerk. Out of the record. House Bill 3697."

Clerk Bolin: "House Bill 3697. The Bill has been read a second time, previously. Amendments #1 and 2 were adopted in committee. Floor Amendment #3, offered by Speaker Madigan, has been approved for consideration."

Speaker Lang: "Mr. Dart, are you handling that Amendment? Out of the record, Mr. Clerk. House Bill 3741."

Clerk Bolin: "House Bill 3741. The Bill's been read a second time, previously. Amendment #1 was adopted in committee."

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Speaker Lang: "There's been a request for those non-authorized personnel to leave the Floor. Would you please do so immediately?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Boland, has been approved for consideration."

Speaker Lang: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. Amendment #4 becomes the Bill and provides for a punishment. Basically, it enhances the present amount of jail time from seven days to 30 days or moves... and also moves the community service time from 30 days to 60 days for those people who have been convicted once of DUI and then are convicted of driving on a suspended or revoked license."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Gentleman yields."

Black: "So, you're going to increase the minimum number of... our analyst says prison term, of 30 consecutive days for driving while your license is suspended or revoked?"

Boland: "Right, moves from the present seven days to 30 days or community service, it moves that from 30 to 60 days."

Black: "You know, I don't really have a major problem with it, except I would assume that these people are going to serve their sentence in a county jail and not a facility of the Department of Corrections. Is that... would that be a fair assumption?"

Boland: "That's a fair assumption."

Black: "Well, we... well, most of the county jails in my area are already full and we contract out. Have you heard from the Illinois Sheriff's Association about this idea? Or the State's Attorneys or the judicial folks?"

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Boland: "I haven't heard from the Sheriffs. The police chiefs are for this and also, that's why we had the provision about the community service. So that if you do have a crowded jail, why, the judge can assign that as an alternative."

Black: "Does every county have a community service provision available to it?"

Boland: "I would think so in this modern day and age. A lot of, you know, nonprofit groups, you know, use these people."

Black: "Alright. Well, I... Again, I don't quarrel with your intent, but I'm not sure, given the state of most county jails, whether this is going to be feasible, but we'll see. All right. Thank you very much. I appreciate your answers."

Boland: "Thank you."

Speaker Lang: "Representative Turner. John Turner."

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

Speaker Lang: "The Gentleman yields."

Turner, J.: "Representative, does the Bill apply to driving while suspended or driving while revoked?"

Boland: "Both."

Turner, J.: "And does it apply in all circumstances where a license has been revoked or suspended or does the revocation or suspension have to occur because of a specific crime?"

Boland: "It has to occur because of a DUI."

Turner, J.: "And the, as I understand it, penalty will be... the minimum penalty will be increased from 30 days in jail, is that right or seven days in jail?"

Boland: "From seven days to 30 days or 30 days community service to 60 days community service."

Turner, J.: "Is the jail time required if the community service

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is performed?"

Boland: "No."

Turner, J.: "So, is an either or question for the court?"

Boland: "Right. It's an either or question."

Turner, J.: "But in any event, if there is a conviction, the court must provide for a sentence of either 30 days or in the alternative, the 60... what was it, 60 days?"

Boland: "Right, right."

Turner, J.: "Of community service?"

Boland: "Right. That's it."

Turner, J.: "Does the law, as it currently is written, allow the court to give up to 60 days right now?"

Boland: "Let me see here. The current one is 30 days community service, seven days imprisonment."

Turner, J.: "I'm sorry. I didn't hear that."

Boland: "The current law is a mandatory seven day imprisonment or 30 days of community service."

Turner, J.: "But, my question actually goes to, under current law, could a judge not actually give up to 364 days for this violation?"

Boland: "Yes, they could. Yes, possible. Yes."

Turner, J.: "So, what then, is the purpose of your measure?"

Boland: "Well, it increases the mandatory time and it sends a much stronger set message out there to drivers who are either intending or are violating the... you know, the law in this regard."

Turner, J.: "Does it not take away the factors of... in mitigation and aggravation at a sentencing hearing? For example, one DWLS or DWR may be less or more aggravating than another. Does it not do that?"

Speaker Lang: "Mr. Turner, have you completed your questions?"

Turner, J.: "I may have. I haven't had a response to my last

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question, though."

Boland: "Would you repeat that question, Mr. Turner?"

Turner: "My question was, does it not take away the court's discretion, with regard to applying mitigating and aggravating factors?"

Boland: "Really, it doesn't because they can always give the higher sentence if they find there are circumstances that warrant it."

Turner, J.: "I don't have any other questions."

Speaker Lang: "Mr. Clerk, Committee Announcement."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's conference room. The Rules Committee will meet immediately in the Speaker's conference room."

Speaker Lang: "Mr. Cross."

Cross: "Will the Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Cross: "Representative, I... you know I had some problems with this in committee, and I do appreciate your perseverance on this issue, but I think... I think you've got a problem with this Bill. If you'll look at your change of requiring 30 consecutive days of jail on a first offense, and on a second offense, you can be charged with a Class IV Felony. Do you realize that on the second offense, you could do absolutely no jail time, but on the first offense, you have to do 30 days? Is that what you want to do?"

Boland: "That is true, but on the second offense they could do up to, well, one to three years."

Cross: "They could also give them probation and absolutely do no jail time and I'm just suggesting to you, that the second offense could end up with a sentence that's lighter than the first offense."

Boland: "What?"

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Cross: "Are people going to now be voting on a Bill that can be perceived as lighter on the first offense than the second?"

Boland: "Well, that..."

Cross: "I don't know if that's what you want to do."

Boland: "That's true, right now, and as you may recall, I did have some provisions earlier that I thought would strengthen the subsequent offenses and we decided to take those out because they had some problems."

Cross: "But you're acknowledging that, now, under your Bill, a first time offender of a 'driving while suspended' will get 30 days. That's non... let me ask you another thing. I'll go back to that in a second. Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence. What do you mean by that?"

Boland: "I think that was... where are you at on the Amendment?"

Cross: "Page three, lines nine through eleven. And I only ask you that, Representative, I've never heard of that language. There's always... my guess is what you're trying to do is get away with good time."

Boland: "Representative Cross, that's the language as present. My Bill does not change that in any way."

Cross: "Well, let me ask... let me ask you this, Representative. Is your intention that they serve the full 30 days and not get good time credit?"

Boland: "That would be my view."

Cross: "I'm not sure this Bill says that. Have you talked to any of the counties about the additional cost that we're going to impose on them, under your Bill?"

Boland: "I have not."

Cross: "Pardon me?"

Boland: "I said I have not."

Cross: "Do you have any idea what it's going to cost each county

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in this state?"

Boland: "Well, I would think that, as far as court costs and that, that would be covered by the offender."

Cross: "I'm sorry."

Boland: "It would be my view that, and I'm not an attorney, but I believe, aren't the court costs of someone convicted, aren't they paid by the offender?"

Cross: "No. Court costs are one thing, but the cost to incarcerate them for the additional 30 days are another thing and they are not always reimbursable. Often, they aren't. Do you know what the cost to each of our respective counties will be?"

Boland: "Well, as I said, you know, if there is undue cost, they can always assign the community service."

Cross: "Representative, this is just where we fall into some of these traps. Not every county in this state has community service and I think we... I think we're just creating a problem here with your Bill. Representative, let me ask you another question, and I don't know if you can answer this, but have you considered the Constitutional problems of some counties that do not have the availability of community service will have to sentence these individuals to jail time, so I'm going to be treated differently in one county than in another because that county doesn't have community service. Do you... do you know if that's a problem?"

Boland: "I believe that's the same situation today, so, this Bill does not change that circumstance in any way."

Cross: "Well, I suspect this Bill's going to fly out of here, but I think there's some problems with it, and that's unfortunately what happens when we rush ideas around here, and I appreciate your time."

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Speaker Lang: "Mr. Wait."

Wait: "Will the speaker yield?"

Speaker Lang: "The Gentleman yields."

Wait: "Representative, is the intent of your Bill here just to go after people who had improper behavior? In other words, they were on drugs or alcohol?"

Boland: "That are driving, that have been convicted once, they're disobeying the law by driving on their suspended or revoked license and, you know, this is an invisible crime that, if the person is driving normally, the chances of them being detected are probably very little. It's if they're doing something that is, you know, violating the traffic laws or something, that's where they're probably going to get caught at."

Wait: "Would your Bill apply, though, if a person had not used drugs or had not been using alcohol, would it still apply to them?"

Boland: "You mean, have they been convicted previously?"

Wait: "No..."

Boland: "If they are right now, you mean, and they're stopped? I'm out driving and I... I run a stop sign, I'm stopped and the policeman discovers that my license has been revoked or suspended? Yes, it would affect that person."

Wait: "So, it would. So, your intent here is not just to go up to people without drugs... or that are on drugs or alcohol, but it's to go on anybody who has had their license suspended, is that correct?"

Boland: "No, they have to have had it suspended because of DUI conviction or the drug conviction. What we're trying to get at is to send these people a message that, you know, just having your license suspended is not some light thing that you'll be able to get away with very easily."

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Wait: "But, are you aware here that you could have a case where there's a fatality where there was not any alcohol or drugs involved. So, they lose their license, it's now suspended and if then they were driving on a suspended license, then that you would put them in jail when the... there was no drugs or alcohol involved in the first place? Are you aware of that?"

Boland: "Yes, that's true. They're involved in a fatality and I would hope that, you know, they're violating the law for driving on their suspended or revoked license anyway, and here they cause a fatality. I would hope they get a little bit of jail time over that."

Wait: "What if it's a case like a true accident? Say it was a foggy day, you're at an intersection, you pull out, you think it's clear, and you pull out, and all of a sudden, there's a fatality. It's a true accident. Nobody was really quote 'responsible' I guess you'd say."

Boland: "But for their part, as far as if they're driving on a suspended or revoked license, yes, they're violating the law there."

Wait: "Do you think they should have been revoked in the first place if it was a true accident?"

Boland: "Well, they would've been revoked. We're talking about people who are suspended or revoked because of a DUI conviction, okay. They're... you might say they're serving out their sentence of having a suspended or revoked license. They shouldn't be driving in the first place. They're breaking the law right there. So, yeah, if they go out and get in an accident, they should have to face the music for the violation of driving on the suspended or revoked license."

Wait: "So, you're saying, one or the offenses, they had to be

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involved with drugs or alcohol, is that right?"

Boland: "Right, because, yeah, their first conviction, they had to have been convicted once at least of DUI."

Wait: "Right. But I think the Bill here goes further than that in which, 'cause I can think of a specific case where it was suspended, where there was no drugs or DUI and then you're going to..."

Boland: "No, this Bill only affects those that had a DUI conviction. It does not affect other types of violation of traffic laws where their license is suspended."

Wait: "I think you'll find out that it's broader than that. If you would, I'd appreciate you checking out, because I think it's broader than what you think it is. Thank you."

Boland: "Thank you."

Speaker Lang: "Mr.... Mr. Hartke."

Hartke: "Speaker, I call the previous question."

Speaker Lang: "Well, there's no one else seeking recognition, but thank you, Mr. Hartke. The question is, 'Shall this Amendment be adopted?' All in favor say 'aye'; all opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment... Floor Amendment #4 is adopted. Mr. Clerk."

Clerk Bolin: "No further Floor Amendments have been approved for consideration. A correctional budget and impact note, as amended by House Amendment #4, has been requested on the Bill and has not been filed."

Speaker Lang: "Please hold the Bill on the Order of Second Reading. House Bill 3697, Mr. Dart."

Speaker Bolin: "House Bill 3697. The Bill has been read a Second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Dart, has been approved for consideration."

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Speaker Lang: "Representative Dart."

Dart: "Thank you, Mr. Speaker. Floor Amendment #3 is a compilation of Amendment 1 and 2 with a couple of minor changes. What... what this is, is it's the clean-up language for the Sexual Predator Bill that we passed last year. Myself and the Attorney General's Office worked for quite a while in getting that language together. This is the clean-up language that was needed for this. A couple of the measures were ones we had anticipated, other ones came about as the statute was being implemented. I'd be happy to answer any questions and go through the details of the Amendment. It has about six or seven different parts dealing with the expansion of the time for the filing of the petition when you have a situation concurring in consecutive sentences, one on a sex offense and one not on a sex offense. We also have provisions in here dealing with additional days being allowed for a probable cause hearing and, as I mentioned before, a few other ones in here as well that I'd be happy to go through if there's anyone that has any questions."

Speaker Lang: "Representative Skinner."

Skinner: "Mr. Speaker, when we finish the order of Dart, may we leave? May we adjourn?"

Speaker Lang: "We'll adjourn at the appropriate time, Mr. Skinner. Further questions?"

Skinner: "How many more items are on the order of Dart?"

Speaker Lang: "Well, I don't know about the order of Dart. Perhaps he could give you a list of those. They aren't... they aren't up here in that li... in that order, Sir. Do you have any further questions?"

Skinner: "No."

Speaker Lang: "Representative Black."

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Black: "Thank you very much, Mr. Speaker. I hate to follow that, but I'll do the best I can. Will the Sponsor yield?"

Dart: "Yes."

Speaker Lang: "The Gentleman will yield."

Black: "Thank you. Representative, your Bill is silent as to who will defend these people. In fact, it... doesn't it say a public defenders don't have to. So, it would seem to me that... I don't imagine we're going to appoint pro bono counsel, although I love that word, too... de minimis and pro bono, I love that. Who's going to defend these people?"

Dart: "You're regular lawyer."

Black: "Latin 101."

Dart: "Right now, what's been going on is the court has been... the court has been appointing lawyers to represent these individuals. There's a debate going on right now, whether or not it is in the purview of the public defender's job or not and, originally, when it was an issue, we were going to tackle, it's a battle going on right now with the public defender's office. The AGs and myself have sat down and decided to talk about this issue and we... because of deadlines, we want to move this over to the Senate, and the discussions are going to continue there."

Black: "All right, we... you know, I don't want to draw this out. I think we're all tired. I filed a fiscal note, as amended. I'm sure you can get it. I think this is going to be a cost item. I'd like to have some idea of what it is. If we can't get it worked out, you know, before the Thursday deadline, I'll withdraw it, but I'm sure you can get some idea. I know my county has very limited resources and I don't even want to get into the... I'm really concerned that some of these people are not going to seek

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treatment because they know if they seek treatment, they're going to, perhaps, get caught up in the criminal justice system. But, even... I mean, that can get worked out later, but I would like some idea of the cost and I... that's why I filed the fiscal note. Go ahead and adopt the Amendment. If you can get me some idea on cost, I'd really appreciate that before we..."

Dart: "Yeah, I definitely will, and all I can tell you right now is that under the existing law, the Attorney General's Office and the state's attorney will continue to file these petitions and that's going to go on with or without this Bill, and with or without this Bill, the court will be appointing council which, once again, is going to cost the same amount with or without this Bill, and so, I'd be happy to try to ascertain a cost on that though, if we could."

Black: "And, well, maybe we could amend the Bill on it's face to set the limits of what we would pay these appointed counsel. Would the Bar Association join me in that move?"

Dart: "I think they're having a hard enough time right now getting some of the counsels for this. I don't know."

Black: "I understand. All right, I... I appreciate your patience and we'll talk about cost and we'll go from there."

Speaker Lang: "Representative Cross."

Cross: "Inquiry of the Chair."

Speaker Lang: "State it."

Cross: "Mr. Speaker, I guess if we all lived in a hog farm, you wouldn't have to tell us when we're going to get out of here. But it is getting to that point for most of us, that we'd like to know whether we should order dinner in or out. Could you give us some idea of how long we're going to be here and if we're going to be here a while, are you going to order dinner?"

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Speaker Lang: "I'm informed that you will not be eating dinner on the premises, Representative."

Cross: "Thank you. You're very kind."

Speaker Lang: "Thank you. Further questions? There being no one else seeking recognition, Mr. Dart, do you wish to close? The question is, 'Shall this Amendment be adopted?' All in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #3 is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. A fiscal note and a home rule note have been requested on the Bill as amended and those notes have not been filed."

Speaker Lang: "Please hold the Bill on the Order of Second Reading. Mr. Clerk, read House Bill 3778."

Clerk Bolin: "House Bill 3778. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 was withdrawn and Floor Amendment #3 was adopted. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 2607."

Clerk Bolin: "House Bill 2607, the Bill's been read a second time, previously. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed. Several notes have been filed on the Bill... several note requests have been made, and those notes have not been filed."

Speaker Lang: "Please hold the Bill on Second Reading. Please read House Bill 2469."

Clerk Bolin: "House Bill 2469, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Fritchey, has been approved for consideration."

Speaker Lang: "Mr. Fritchey."

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Fritchey: "Thank you, Mr. Speaker. Floor Amendment 2 was originally the body of this Bill. It was taken out, and at the request of a couple of individuals in my district, they've asked me to put it back in, in response to what happened in Jonesboro. In essence, Floor Amendment 2 raises the penalties for aggravated discharge of a firearm from a Class I Felony to a Class X Felony, in the event that, that offense takes place in or on property comprising a school, regardless of the time of day or the day of the week. I don't see this Amendment as being a solution to the tragedies that have happened. I see it being part of the solution. I think we have other issues that need to be addressed in the future and I hope this Body will address those issues. This is just one part of that. I'd respect... respectfully ask for your favorable consideration of the Amendment."

Speaker Lang: "All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments."

Speaker Lang: "Third Reading. House Bill 3593, Mr. Clerk."

Clerk Bolin: "House Bill 3593, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 3811, Mr. Clerk."

Clerk Bolin: "House Bill 3811, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #5, offered by Representative Mulligan, has been approved for consideration."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Amendment #5 to House Bill

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3811 affects the conversions of a ro... from a regular IRA to a Roth IRA. It provides that the amounts transferred from a regular individual retirement account to a Roth IRA will not be subject to state income tax. The conventional rollover from an IRA are subject to federal income tax, but in Illinois, if you waited with the regular RIA (sic-IRA), and took your money out at the term... at the end of the term when you're retired, you would not be subject to income tax. So, we're hoping that Illinois would be one of the first states out of the box to declare what they're going to do. There is a window of opportunity to spread the consequences of this Roth IRA. If you take your regular IRA and roll it over into a Roth IRA, in 1998, you could spread the federal tax consequences over four years. So, I felt it was important to determine how Illinois would treat that and that's why I'm offering this Amendment. So, what would happen then, is your rollover would not have any consequences for your federal... for your state income tax. I'd be happy to answer any questions."

Speaker Lang: "All those in favor shall vote 'aye'; all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #5 is adopted. Mr. Clerk, anything further on this Bill?"

Clerk Bolin: "No further Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 31, 1998, reported the same back with the following recommendations: 'direct for consideration' for Amendment #5 to House Bill 2307. Amendment #2 to House Bill 2498. Amendment #3 to House Bill 2645. Amendment #2 to House Bill 2774. Amendment #1

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to House Bill 2843. Amendment #2 to House Bill 3047. Amendment #3 to House Bill 3063. Amendment #1 to House Bill 3126. Amendment #4 to House Bill 3265. Amendment #2 to House Bill 3273. Amendment #3 to House Bill 3318. Amendment #2 to House Bill 3386. Amendment #4 to House Bill 3399. Amendment #2 to House Bill 3406. Amendment #2 to House Bill 3674. Amendment #2 to House Bill 3771, and Amendment #1 to House Bill 3775."

Speaker Lang: "The Chair wishes to notify the Members that a sheet is coming around relative to tomorrow's schedule. It indicates Session at 10:00, indicates various committees at 9:00 and at 9:30. Mr. Clerk, please read House Bill 3625."

Clerk Bolin: "House Bill 3625, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1 was withdrawn. Floor Amendment #2 was adopted. No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. Please read House Bill 2605."

Clerk Bolin: "House Bill 2605, the Bill has been read a second time, previously. Amendments #1, 2, 3, 4, and 5 were adopted in committee. Floor Amendment #6 was withdrawn. Floor Amendment #7 was adopted. No further Amendments. No Motions filed."

Speaker Lang: "Third Reading. Representative Currie now moves that the House stand adjourned until 10:00 a.m. tomorrow morning. Wait, wait, hold on. Hold on. The Chair recognizes Representative Morrow."

Morrow: "Yes. All right, we won't vote on your add-ons in committee tomorrow. Appropriation Committee on Public Safety, the time has been moved from 7:30 a.m. to 9:00 a.m. in Room 118 and we will be voting on budgets of various agencies. No Shell Bills."

Speaker Lang: "The Chair recognizes Representative Poe for an

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extremely important announcement."

Poe: "Thank you, Mr. Speaker. Tomorrow, at noon, everybody bring your appetites because we're going to have some good Sangamon County fried chicken."

Speaker Lang: "The Chair recognizes Representative Woolard for an announcement."

Woolard: "Thank you, Mr. Speaker. The Ag Committee, which was scheduled to meet at 9:30 a.m., is not necessary. So, the Ag Committee is postponed."

Speaker Lang: "Seeing nothing further and hearing no objection, the House stands adjourned until 10:00 a.m. tomorrow morning."