

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

40th Legislative Day

April 11, 1997

Speaker Granberg: "The hour of 1:30 having arrived, the House will come to order. Members will be in their seats. Unauthorized persons shall retire to the rear of the Gallery, or exit the Chamber. We will be led in prayer today by the Reverend John M. Sevick, who is the Pastor of Saint Walter's Church in Chicago. Reverend Sevick is the guest of Representative Larry McKeon. Guests in the Gallery may wish to rise for the invocation."

Reverend Sevick: "Let us pray. In You Lord, our God, all things have their beginning, continuation, and end. Grace us with Your saving presence. Aid us with Your constant help. And let us glorify You now and forever. My brothers and sisters, listen to the words of the prophet, Isaiah, 'Cry out full-throated and unsparingly, lift up your voice like a trumpet blast! Is this the manner of fasting I wish that a man bow his head like a reed and lie in sackcloth and ashes? Do you call this a day acceptable to the Lord? This, rather, is the fasting I wish. Releasing those bound unjustly, setting free the oppressed, breaking every yoke, sharing your bread with the hungry, sheltering the oppressed and the homeless, clothing the naked and not turning your back on your own. Then your light shall break forth like the dawn, and your wounds shall quickly be healed. Your vindication shall go before you, and the glory of the Lord shall be your rear guard. Then you shall call and the Lord will answer, you shall cry for help and he will say, 'Here I am.' If you remove from your midst, oppression, false accusation, and malicious speech, if you bestow your bread on the hungry and satisfy the afflicted, then light shall rise for you in the darkness and the gloom shall become for you like midday. Then the Lord will guide you always, and give you plenty, even on the parched land."

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Lord we pray, send down Your blessings on these your servants, who generously devote themselves to the representation of their people. May the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He look upon you with kindness and give you His peace. Amen."

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

Lyons - 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 Granberg: "Roll Call for Attendance. Mr. Cross."

Cross: "Representative Ryder requests that he be excused today, through me because he's not here. But if he could be excused, we'd appreciate it."

Speaker Granberg: "Acknowledged. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Let the record reflect that there are no excused absences on the Democratic side."

Speaker Granberg: "Thank you; 116 Members showing... voting present. There is a quorum. The House is hereby convened. Mr. Clerk, Committee Reports."

Clerk Rossi: "Committee Reports. Representative Gash, Chairman from the Committee on Judiciary II Criminal Law, to which the following Amendments were referred action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 232. Representative Deering, Chairman from the Committee on Transportation, to which the following Amendments were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 541, Floor

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Amendment #1 to House Bill 745, and Floor Amendment #1 to House Bill 1534. Representative Younge, Chairman from the Committee on Appropriations Education, to which the following Bills were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 457, House Bill 458, House Bill 877 and House Bill 878. Representative Morrow, Chairman from the Committee on Appropriations Public Safety, to which the following Bills were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 398, House Bill 399, House Bill 881 and House Bill 882. Representative Monique Davis, Chairman from the Committee on Appropriations Human Services, to which the following Bills were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 412, House Bill 413, House Bill 868 and House Bill 869; 'do pass as amended Short Debate' House Bill 832. Representative Schoenberg, Chairman from the Committee on Appropriations General Services, to which the following Bills were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 455, House Bill 456, House Bill 871 and House Bill 872. Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 44, Floor Amendment #2 to House Bill 494, Floor Amendment #2 to House Bill 561, Floor Amendment #2 to House Bill 651, Floor Amendment #1 to House Bill 708, Floor

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Amendment #2 and 3 to House Bill 800, Floor Amendment #1 to House Bill 829, Floor Amendment #1 to House Bill 843, Floor Amendment #3 to House Bill 860, Floor Amendment #2 and 3 to House Bill 968, Floor Amendment #1 to House Bill 974, Floor Amendment #1 to House Bill 989, Floor Amendment #2 to House Bill 992, Floor Amendment #1 to House Bill 1121, Floor Amendment #2 to House Bill 1129, Floor Amendment #1 to House Bill 1280, Floor Amendments #1 and 2 to House Bill 1373, Floor Amendment #1 to House Bill 1424, Floor Amendment #1 to House Bill 1437, Floor Amendment #1 to House Bill 1441, Floor Amendment #1 to House Bill 1535, Floor Amendment #1 to House Bill 1550, Floor Amendment #2 to House Bill 1556, Floor Amendment #1 to House Bill 1643, Floor Amendment #1 to House Bill 1664, Floor Amendment #1 to House Bill 1751, Floor Amendment #1 to House Bill 1758, Floor Amendment #1 to House Bill 1823, Floor Amendment #1 to House Bill 2188 and Floor Amendment #2 to House Joint Resolution 8. Representative Woolard, Chairman from the Committee on Agriculture and Conservation, to which the following Amendment was referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment to House Bill 216. Representative Burke, Chairman from the Committee on Executive, to which the following Amendments were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #3 to House Bill 169. Representative Lopez, Chairman from the Committee on Consumer Protection, to which the following Amendment was referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 207. Representative Mautino, Chairman from the

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Committee on Insurance, to which the following Amendment was referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #4 to House Bill 2226. Representative Howard, Chairman from the Committee on Children and Youth, to which the following Amendments were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1812 and Floor Amendment #2 to House Bill 630. Representative Harold Murphy, Chairman from the Committee on Personnel and Pensions, to which the following Amendment was referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1136."

Speaker Granberg: "Mr. Clerk, what is the status of House Bill 1250, Representative Mulligan's Bill?"

Clerk Rossi: "House Bill 1250 is on the Order of House Bills-Third Reading."

Speaker Granberg: "Return that Bill to Second. Representative Mulligan, did you wish to... Is the Lady in the Chamber? Out of the record. Mr. Clerk, what is the status of House Bill 1368, Representative Myers' Bill?"

Clerk Rossi: "House Bill 1368 is on the Order of House Bills-Third Reading."

Speaker Granberg: "Return that Bill to Second. Representative Myers, did you wish to offer an Amendment to that Bill at the present time, or did you wish to wait? Wish to wait? Out of the record, Mr. Clerk. House Bill 652, what is the status of that Bill, Mr. Clerk?"

Clerk Rossi: "House Bill 652 is on the Order of House Bills-Third Reading."

Speaker Granberg: "Return it to Second. What is the status of

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House Bill 61, Mr. Clerk?"

Clerk Rossi: "House Bill 61 is on the Order of House Bills-Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1556, Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 1556, is on the Order of House Bills-Third Reading."

Speaker Granberg: "Return that Bill to Second. The Gentleman from Whiteside, Representative Mitchell. For what reason do you arise, Sir?"

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

Speaker Granberg: "State you point, Sir."

Mitchell: "Thank you. I would like to address the Members of the House to the Gallery, on my right I have two groups of students with their teachers, 'Kristy Woodard' and 'Alice Schaffer', from Reagon Middle School in Dixon, Illinois, along with their adult chaperones here to watch the House in Session. I would like you all to give them a round of applause. Thank you."

Speaker Granberg: "Welcome. Mr. Clerk, House Bill 1324. Would you read the Bill, Sir?"

Clerk Rossi: "House Bill 1324, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Coulson. Do you wish to present your first Bill?"

Coulson: "Yes, I do. Thank you."

Speaker Granberg: "Please proceed, on the Lady's first Bill."

Coulson: "House Bill 1324, is a college savings plan that provides a tax incentive for creation of savings plans dedicated solely to higher education expenses of young,

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middle-class individuals. The intention of this incentive is to encourage parents and relatives, along with the children, to contribute to an account dedicated to assisting and offsetting the higher education costs. Many times students in my district, and other middle-class students are unable to access grants and scholarships. This incentive plan leaves them... allows them to make choices and to build a college fund from the time they're able to afford it. It empowers families to make decisions, and encourages financial responsibility. And I would like to answer any questions."

Speaker Granberg: "On the Lady's Motion, on House Bill 1324, is there any discussion on the Lady's first Bill?"

Coulson: "No."

Speaker Granberg: "Representative Coulson, that question is not directed to you. Representative Cross, the Gentleman from Kendall."

Cross: "Will the Sponsor yield?"

Speaker Granberg: "Absolutely."

Cross: "And just for the record, Mr. Speaker, I was looking through the House Rules, that double verification I asked for last night, we'd still like to use that, both before and after the vote, if that's acceptable to the Chair."

Speaker Granberg: "Certainly."

Cross: "Okay. Thank you very much. Representative Coulson, I have no idea what your Bill does. We were in the middle of a discussion over here. Do you mind explaining it to us one more time?"

Coulson: "Sure. Basically it's a college savings plan that allows students and relatives, as well as a legal guardian, to put aside up to a thousand dollars a year and the interest, so that it's a deduction from income tax."

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Cross: "Would this apply for fraternity dues and sorority dues, as well?"

Coulson: "It only applies to tuition and fees and books."

Cross: "Would I have to declare this? I was in a fraternity in college, would I be able to, excuse me a second."

Coulson: "Which fraternity?"

Cross: "I didn't hear the question."

Coulson: "Animal house?"

Cross: "Whoa. Excuse me one second. What... There are apparently a number of opponents of this Bill. Do you care to elaborate on the opponents, Representative?"

Coulson: "I have not heard of any opponents to the Bill."

Cross: "Is the Department of Revenue neutral on this Bill?"

Coulson: "I'm sorry. The Department of Revenue did have a fiscal implication for it. I would point out that their Fiscal Note states that, if every single child under the age of 20 had an account like this, then state revenues would be reduced by \$105 million. However, I doubt it's very likely that every single child under 20, in the State of Illinois, is going to take a part in this."

Cross: "If I decided to go back to college now, would I be able to take advantage of this plan?"

Coulson: "Yes. As amended it would allow other students to be able to go back and have an account."

Cross: "Could I use this to go to any university in the country, or even in Europe, if I wanted to, out of by some chance I was accepted into a Rhodes Scholar Program? A highly unlikely, most anyone that knows me would know that. But if that happened and I wanted to follow President Clinton. Could I use the money to do that?"

Coulson: "It's suppose to allow choices for students to go anywhere that they so choose."



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Cross: "So, this is a worldwide program."

Coulson: "I guess you could say that."

Cross: "We have in our community a college trucking school. Would I be able to use this money for the trucking school in Yorkville?"

Coulson: "It does allow for vocational schools. I'm assuming that a trucking school would probably be included in that."

Cross: "Same with a barber school?"

Coulson: "If it's considered a vocation, then I would say it is included."

Cross: "Are there any similarities between this Bill and the 10 or 20 Bills we did yesterday on college savings plans? This one looks like a better Bill than those."

Coulson: "There was one other college savings plan Bill. There are some similarities. But some key differences in that we have a cap of a thousand dollars, so that the deduction can only be a thousand dollars."

Cross: "Well, Representative, I'd like to support this Bill. And I guess there's some merits to it. But apparently yesterday was Education Day, and we're past yesterday. So, until we come back to another day of college savings plan, I can't support this. And I would encourage everyone on our side of the aisle, and I suspect everyone on the other side of the aisle will join us in opposing this Bill. And I would reaffirm my request for the double verification, Mr. Speaker."

Speaker Granberg: "The double verification is acknowledged. The Gentleman from Cook, Representative Lang."

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

Speaker Granberg: "Indicates she will."

Lang: "So, Rep... Hi. Hi there, Representative. First Bill huh?"

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Coulson: "Yeah, I guess so. Everybody has to do it the first time once."

Lang: "This is exciting, isn't it? It's exciting for you. And you're going to help all these young men and women proceed with their college education. And you're going to help them with these expenses, right?"

Coulson: "They're going to help themselves, I hope."

Lang: "Right. But you're going to enable them to do that. Your the enabler here, aren't you?"

Coulson: "I guess you could say that."

Lang: "And I suppose you do have college students in your district, right?"

Coulson: "Probably a lot of them."

Lang: "Right. So this wouldn't be self-serving. I mean, these kids all don't live in your house or anything, do they?"

Coulson: "I don't have any children, no."

Lang: "Okay. So this is supposed to be for college expenses. Is 'expenses' defined in the Bill?"

Coulson: "Yes, it is. College expenses mean tuition and books. It's defined under section 215, subsection A."

Lang: "So tuition and books, only?"

Coulson: "Correct."

Lang: "So it wouldn't apply to room and board?"

Coulson: "No. You know, we all have room and board whether we're going to college or not. So I felt it was important to encourage for tuition and books, and those true college expenses that might need to be put aside before they go away to college, or stay at home for college."

Lang: "What about fees?"

Coulson: "Fees are not included in here as a particular word. But I would think that we could use fees as tuition."

Lang: "Well, I recall when I went to college, which admittedly

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was you know prehistoric time ago, as I recall there was a separate line for fees, student fees."

Coulson: "Right."

Lang: "Do you contemplate including that in here at some point?"

Coulson: "Student fees paid to the university, yes."

Lang: "What about such things as season tickets to the college football games? Would that be included? I know that before you answer I want you to think this through. Because the team spirit, just as we had the team spirit here in the Illinois House of Representatives. If you go to college, see, Representative Pankau's got the right idea, when you go to college you want to be part of this team effort. Don't you think those ought to be included here?"

Coulson: "I think that it's real important, I happen to be a Northwestern grad, and I've gone to every game, even when they were losing, to have team spirit. But, I think that that could probably be an expense that wouldn't be included to be allowed under this account. You can do that out of your spending money, or other money that you might have if you so choose."

Lang: "Well, since you brought up Northwestern, are they ever going to win a bowl game?"

Coulson: "Yeah, this year. That's my prediction."

Lang: "Well, Representative, I have some grave reservations about this Bill, because I don't think it's complete. There's some other things that students need at college. How about pizza money? Can you go to college and not have pizza money?"

Coulson: "You know, I think everybody needs pizza money. I don't believe it should be part of a college expense. If you decide that you want pizza tonight, you're not going to

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have it out of an account where you were able to put it aside before taxes were paid."

Lang: "Yeah, but I'm going to get me some lobbyist to get me that pizza. But when you go off to college, pizza is almost as important as books to a college student. Don't you think?"

Coulson: "I think you have to eat. But you have to eat anyway, so."

Lang: "What about telephone expenses? Do you want these kids to go off to college and not call mom and dad?"

Coulson: "You know, now a days you have to have your computer, not the telephone. They just e-mail to their parents now."

Lang: "That brings up a good point. You're going to include books. What about computer software? College students need computer software."

Coulson: "Well, you know, that might be a more modern Amendment that we could look at in the Senate."

Lang: "Will you take a look at that in the Senate?"

Coulson: "I sure will."

Lang: "What about expenses for Cliff's Notes? Representative Churchill, I know, went all the way through college using Cliff's Notes. And I'm wondering if that is a book?"

Coulson: "That is a book."

Lang: "And I'm wondering, ... Yeah, all 12 years he went to college, he needed Cliff's Notes. And I'm just wondering if you're including that here?"

Coulson: "A book is a book. It says, tuition and books."

Lang: "Well, how would... That's a very good point. So when these students access these funds, who do they have to prove it to that it was for a book, as opposed to something that you don't include?"

Coulson: "Well, that would be up to the Department of Revenue. They would put it on their tax form. And, then again, if

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they're audited, or would need... there may be a form. The Department of Revenue is enabled in this Act to set up all those rules."

Lang: "So would they have to, when they file their tax return, list, put the receipt down for the books, what they bought?"

Coulson: "That would be up to the Department of Revenue."

Lang: "So you don't have an opinion about what the Department of Revenue should do, relative to that, do you?"

Coulson: "No. I believe they believe in voluntary compliance, and then might audit after the fact. But, I believe that should be their responsibility and their decision."

Lang: "Well, do you think the Department of Revenue should be burdened with this, given the fact that they can't even collect back taxes from deadbeat taxpayers?"

Coulson: "I don't think this will be a big burden. Again, it's just an additional line, or maybe even a line that's already on the tax form. And then they could look at it."

Lang: "Well, Representative, I may support your Bill. But you have a lot more answers you have to give to some other people here. At least I hope you do. Thank you."

Speaker Granberg: "The Gentleman from... The Lady from (Sic-Lake), Representative Coulson. Representative Coulson, Beth."

Coulson: "Yes."

Speaker Granberg: "Do you wish to close on your Bill?"

Coulson: "I would love to close on my Bill."

Speaker Granberg: "Go ahead."

Coulson: "Let me find my closing. I would hope that this good public policy that encourages savings, would be a Bill that you could all vote for. And that way my first Bill would be passed. And then I can go on from here. Thank you. I

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move for passage of (Sic-House Bill) 1324."

Speaker Granberg: "The Lady from Cook, Representative Coulson, urges the passage of House Bill 1324. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish, on the Lady's first Bill? Have all voted who wish? Mr. Clerk, take the record. On this question 116 voting 'aye', 0 voting 'no', and 0 voting 'present'. House Bill 1324 having received the Constitutional Majority is hereby declared passed. Congratulations, Representative. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Schakowsky, Chairman from the Committee on Labor and Commerce, to which the following Amendment was referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 2098. Representative Flowers, Chairman from the Committee on Health Care Availability and Access, to which the following Amendments were referred, action taken on April 11, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 347 and Floor Amendment #1 to House Bill 143." Speaker Granberg: "House Bill 1294. Representative Howard, do you wish to proceed with your Bill, Ma'am? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1294, a Bill for an Act amending the Alcoholism and Other Drug Abuse and Dependency Act. Third Reading of this House Bill." Speaker Granberg: "The Lady from Cook, Representative Howard." Howard: "Thank you, Mr. Chairman (Sic-Speaker), Ladies and Gentlemen of the House. House Bill 1294 amends the Alcoholism and Other Drug Abuse and Dependency Act. And it would authorize the Department of Human Services as successor of the Department of

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Alcoholism and Substance Abuse, to establish a three year demonstration program for high-risk, pregnant adolescents, who are abusing alcohol or drugs. In order to combat alcohol and drug abuse among pregnant teenage girls, and to reduce the cost of caring for babies born with defects, or illnesses, because of their mother's alcohol or drug abuse, and to assure that all babies are born healthy, this Bill would permit the Department of Human Services to establish an Adolescent Family Life Program, in Cook County. The program would be designed to meet the developmental, social and educational needs of high-risk, pregnant adolescents. These would be defined as persons between 12 and 18 years of age, who use alcohol to excess, or are addicted to a controlled substance, or habitually use cannabis, and, of course, these ladies would be pregnant. If the department establishes this kind of program it would submit a report to the General Assembly within 31 months of the program's initiation. The report must contain the number of high-risk pregnant adolescents, an accounting of the health outcomes of infants of high-risk pregnancy, the number of high-risk pregnant adolescents who attend school, an assessment of the effectiveness of the counseling services in reducing alcohol and substance abuse among high-risk pregnant adolescents, an assessment of other health programs aimed at reducing substance use among the groups, and lastly, the need for the availability of substance abuse treatment programs in the program areas. I will endeavor to answer any questions you might have."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 1294. On that question, the Gentleman from Logan, Representative John Turner."

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

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

Turner, J.: "Representative, this proposal applies only to Cook County. Is that correct?"

Howard: "That's correct, Representative."

Turner, J.: "Why have you chosen to establish the pilot program only in Cook County?"

Howard: "Well, at one time there was a plan to try to do it across the board, across the state, but the cost was sort of astronomical. So we decided to really test the kind of program that this is, in the smaller area, to see whether or not it is going to be successful. And if so, perhaps, there will be plans to establish it across the state."

Turner, J.: "What's the cost of the program should we pass your legislation?"

Howard: "It would be 1.5 million."

Turner, J.: "And, from where would you get the 1.5 million to fund this proposal?"

Howard: "It would be a part of the budget of the Department of Alcoholism and Substance Abuse."

Turner, J.: "Coming from the downstate area, as many of us do, do you think it is fair for us to vote for a pilot program, which applies only to Cook County, when the money's going to be taken and generated all over the State of Illinois, and that's where part of the 1.5 million would come from, obviously."

Howard: "I certainly understand what you're saying, Representative. But, unfortunately Cook County is where the greatest need exists."

Turner, J.: "All right. And, you say it has a three year sunset. Does that mean that after three years it's going to be reevaluated, the program in and of itself, or you'd have to do some new enacting legislation? Or just what would



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happen?"

Howard: "Yes, exactly what you just described. It would have to be... We'd have to have some reenacting legislation."

Turner, J.: "Okay. Is there some kind of, in your Bill, a reporting on an annual basis, prior to the three years? I mean, is there some way to trace what's going on with the program, whether it's successful, what they're doing, how they're spending their money? Is there something on an annual basis as a check?"

Howard: "Yes. As I indicated in my opening statement, there would be a report to the General Assembly within 31 months of the program's initiation. And, of course, there were several things that I indicated would be a part of such a report. So that, yes, we would be able to make a determination about whether or not the program is being successful, and if, in fact, we should consider its instituting it for additional period of time."

Turner, J.: "I think I asked you this before, but I couldn't hear what your response was. Who did you say was in opposition?"

Howard: "I didn't say there was anyone in opposition."

Turner, J.: "Okay, maybe I didn't ask. Is there anyone in opposition, or any entity in opposition?"

Howard: "To my knowledge there is no one in opposition."

Turner, J.: "And the department's position, maybe that's what I asked before, what is their position? Is it neutral?"

Howard: "Their position is that they'd be willing to do this if the funds are available."

Turner, J.: "Doesn't the Department of Alcohol and Substance Abuse already have contracts with treatment providers statewide? Isn't that already part of their program?"

Howard: "Not for this particular type of program, Representative."

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I understand that there are programs, but not for this particular target group."

Turner, J.: "So, we are doing absolutely nothing through the department, at least, as far as you know? With regard to this type of counseling, there's nothing offered right now?"

Howard: "As evidenced by the fact that the department has indicated to me that they would be interested in doing a program that has certain kinds of services, I would think that they believe this program is needed. This program would have components having to do with residential care, recovery home treatment, case management, and outpatient services. So I would say that the program is needed and I think the department is telling me that in fact, it would like to provide those kinds of services to that target group."

Turner, J.: "Thank you, Representative. That's all the questions I have, Mr. Speaker."

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

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

Speaker Granberg: "She indicates she will."

Cross: "Representative Howard, if I could ask a couple other questions. I apologize if I'm repetitive in following Representative Turner. How would you go about, and I guess the concern we have, and I know the idea is not necessarily a bad one, but the cost is a concern of ours, or at least it is for some of us. How do you envision paying for this program?"

Howard: "We would be looking to the department to define the program, Representative Cross. We don't think that this is an astronomical amount for the kind of good it's going to

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do for the numbers of young women who will be benefited and for their innocent children who will be harmed, absent this kind of program. And we certainly would hope that this would be included in next year's budget request, as well."

Cross: "Is it 1.5, per year, for the pilot program?"

Howard: "Our understanding of the Fiscal Note is, that it is the entire three year period that costs the \$1.5 million"

Cross: "Has DASA indicated, assuming they implement this program, what, if any other services, will have to be reduced to fund this?"

Howard: "The department has not indicated to us that there would be any need to reduce other services. In fact, as I understand they might be willing to seek assistance from other sources of funding in order to make certain that this is funded."

Cross: "Why not help out the rest of the state? Aren't there needs throughout the rest of the state, other than in the City of Chicago and Cook County?"

Howard: "Well, obviously, this kind of situation can exist all over the state, Representative Cross. But I indicated earlier, unfortunately, Cook County is where it is really prevalent. It is a real serious problem, probably more so than other parts of the state. So we decided to select an area for the pilot program. If, in fact, this particular area, the program in this area proves to be successful, then we will consider, or I'm hopeful that the department will consider implementing the same kind of program across the state."

Cross: "Is there anything that would prohibit the department from implementing this program right now? Could they do that under their rules and regulations without this piece of legislation?"

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Howard: "I am certain that they probably could."

Cross: "Let's talk about maybe some of the specifics. How do you identify the kids that have the drug problems? And how we plan on, or propose taking care of those problems?"

Howard: "Representative Cross, we are asking that the department define those parameters. We're asking that they would develop a means of identifying those young people who need the services. And it will be done as... If, in fact the program funds are made available, they would be given the authority to do that. So I cannot tell you exactly how they would go about doing that definition."

Cross: "Has anyone, and I'm assuming that there's a problem, just like everyone else, but has anyone been able to come up with numbers as to how many adolescent teen pregnancies there are, adolescent pregnancies with drug problems? Before we jump into spending \$1.5 million a year, or over three years."

Howard: "It's my understanding that in 1995 there were about 24 thousand young women who were pregnant teens. And we don't know exactly how many of those, but we know that there were significant numbers. Were significant numbers, so that, we think that probably since that time, since drugs are much more prevalent than they were even two years ago, that there perhaps will be a much larger number that would, in fact, need the kind of services that we're speaking of."

Cross: "But all we can ascertain is that we have 24 thousand teenagers that are pregnant. But we don't know of those 24 thousand, I want to make sure I understand this, we have no idea of those 24 thousand how many have drug problems."

Howard: "Let me just indicate to you, Representative Cross, that information that I received from DASA, is that there approximately 36 hundred pregnant teens would be considered

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at risk, of the 24 thousand that were said to be teenage mothers back in 1995. So that, we can sort of see that, yes, there is a great need for this."

Cross: "And, once again, and maybe I'm naive, but I'm puzzled by this. Right now if a teenage mother has, what we're talking about, has a drug problem, there's a good chance that woman is in the court system. Maybe not always, but I suspect a good chance. Don't we have programs now, through the court systems that address this problem? We have a variety of social service programs throughout this state, good ones, maybe some not so good. But I suspect the people that run those programs would tell you they were very good. So, I guess I'm going back to the need question. If you've got a kid in a court system and the court is saying, you're going to go to this program as a condition of your probation or supervision, or deferred prosecution, whatever the case may be. Why is there a need for this?"

Howard: "Unfortunately, Representative, there are not enough programs of the nature that you just described. So, that, we feel that this program should be implemented because it is going to target the teenage population. I understand that there are programs for adults, but we feel that the teenage pregnant mother is unique and there must be specific services that are designed to meet the needs that she has."

Cross: "Thank you, Representative. To the Bill. This is a Bill that I think is well intended. And I think no one wants to ignore teen pregnancy and drug abuse. But I would caution people to look at the cost of this. I would caution people to ask whether or not there's a real need before you vote on this Bill. Thank you very much."

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Speaker Granberg: "The Lady from Kane, Representative Deuchler."

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

Speaker Granberg: "She indicates she will."

Deuchler: "Representative Howard, I'm wondering, is this program implemented in other states, that you know of?"

Howard: "It's my understanding, yes, that that is the case. That it is modeled on legislation that has been passed and implemented in other locals."

Deuchler: "So that these pregnant teenage girls, many of whom would be in their first pregnancy, would have the option of voluntary participation?"

Howard: "It would be voluntary. It's permissive. That's correct."

Deuchler: "So that if they decline, for any reason, then there is no cost associated with this program?"

Howard: "I'm sorry, would you please..."

Deuchler: "Then there's no cost. I think you said there would be a \$15 hundred screening fee to identify, if a girl had chosen to participate."

Howard: "No, I never said there was any fee. Are you speaking of a fee that the client would pay?"

Deuchler: "No, that would be the cost of the agency, to the agency."

Howard: "No, I never broke down any specific costs, Representative. I indicated to you that the cost of the entire program would be \$1.5 million. I never specified the cost of the screening or any of the other services. But we are hopeful that this kind of program will keep some of the young ladies from getting involved in the system in the first place."

Deuchler: "What would the nature of the treatment be? What kind

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of program do you envision?"

Howard: "That would be something that the department would have to identify and be more specific about. I can only say that I'm certain that there will be drug treatment, there will be some need for prenatal care. See, we're talking about trying to keep these mothers from producing so-called, 'crack babies'. And you know what that means for, the educational system. So, we believe this program is very important. And we are hoping that we can help these young women, but, of course, their innocent babies as well."

Deuchler: "To the Bill. I do stand in support of this legislation. I think the Representative has identified a very serious program. I assume you have first hand knowledge of this, or have seen some areas in the city. I think it is very forward-looking that these pregnant teens be identified, that they be worked with, and that we can, in some way, stop the proliferation of so many defective babies moving into the school system and needing remediation and help. Let's help them be healthy before they're ever born. So, thank you, Representative."

Howard: "And, thank you."

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

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

Speaker Granberg: "She indicates she will."

Pugh: "Representative, do you have any idea of the number of women, or women that you're attempting to address with this piece of legislation?"

Howard: "As I mentioned earlier, Representative, while I don't have specific numbers, in 1995 there were 24 thousand women, in this state, who were teenage mothers. And of

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those, there were 36 hundred considered to be high risk. High risk meaning that they were abusing drugs and alcohol."

Pugh: "And, currently there is no specific program that addresses the problem that you're attempting to address with this piece of legislation?"

Howard: "My understanding is that, yes. That is correct. There is no problem that specifically speaks to the kinds of uniqueness that the teenage pregnant mother would have."

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

Speaker Granberg: "Proceed."

Pugh: "I rise in support of this particular piece of legislation. After speaking with several substance abuse clients and the providers of these services, it's my understanding that only 10% of the 24 thousand individuals that we're attempting to address with this piece of legislation, are currently having any type of treatment services being offered to them. And those treatment services are limited to a 30 day period. As you know, a pregnancy lasts for more than six or nine months. Only 30 days of treatment is available to these individuals. After that 30 day period, whether or not they have a miscarriage, or whether or not they have a deformed child, or whether or not they have a healthy child, they are put out on the street with a baby, a drug problem, and usually all the other problems that are associated with drug abuse and teenage pregnancy. This piece of legislation will not totally address the problems. We're looking at less than a half a million dollars a year to save the lives of over 48 thousands individuals. There is no cost that you can place on human life. Therefore, I rise in strong support of this piece of legislation, and urge all of my colleagues, with any conscience, to be in



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support also. Thank you."

Speaker Granberg: "The Gentleman from DuPage, Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield? Representative, I intend on supporting your legislation. And I think it's a good attempt. But I do have some questions for you, here. You know, in reading the Bill, I'm always concerned in most these programs how we ultimately analyze their success or failures. And in you Bill I noticed that at the 31st month the department will give us a report. And it lists five items which they will report on. And as I look at those five items, and this is the accountability issue, the report does not seem to be centered on the results of their work with the individuals they have treated, but more a statistical gathering sort of report. How many of these people are there? What's their truancy rates, etcetera? That, to me, does not ever get to the issue of, how did this program work with these people? What is your thoughts in terms of that? I guess I want to make sure this works."

Howard: "Well, I would certainly hope that, as you suggest, that in addition to the numbers, that six things that I did list, that there will be some more specifics about the outcomes. And I'm certain that the department will provide such."

Johnson, Tom: "Well, you know, are you willing, you know, an obviously, we probably won't to hold this up, but, you know, what kind of, what criteria would you, as the Sponsor, see is important to determine whether it's successful or not, other than just counting the number of bodies, we're good at that."

Howard: "Well, certainly, Representative, it would have to do with whether or not the young ladies who are in the

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program, in fact, have been helped. That they, in fact, have been able to shed the drug problem, that they have been educated to the extent that they understand how the drugs are, and will affect their unborn children, whether or not, perhaps, they have decided that they will, in the future, behave in a more proper manner. I understand the last two items would, in fact, address what you are questioning."

Johnson, Tom: "Well, when I read the last two items it says, the effectiveness of the component of other health programs aimed at reduction substance use, and so on. Again, when I look at that it doesn't tell me that it's aimed at the people who we have actually treated. And, we know that our success rate in drug rehab programs, really intensive drug rehab programs is not all that sterling. It's a very tough issue, and I admire what you're doing. But, somewhere we need to come to grips with longitudinal studies on these individuals, and I just don't see that in here, and I am concerned about that."

Howard: "And I accept that as a criticism of this program. And I am certainly going to continue to work with the department and, perhaps, that kind of outcome can be established as well."

Johnson, Tom: "Okay. Now, there is another portion of your Bill that says to the extent, you're encouraging the department to utilize existing programs. I think it says, 'Coordinate services that are already in place.' In essence, I see this more as a coordination venture than an actual treatment venture. Is that what it really is?"

Howard: "Well, I think what I said earlier is that there are some things unique about these teenage pregnant women. And, therefore, there will probably have to be some innovative

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actions taken."

Johnson, Tom: "So maybe some new programs?"

Howard: "Of course there will be. Of course there will be, if at all possible, a coordination of whatever else is existing to avoid any duplications that is unnecessary."

Johnson, Tom: "Okay, but as we talk about existing, to coordinate existing services and programs, do you envision the department, for example, referring people to Planned Parenthood, or other groups? Because these are services that are already there."

Howard: "Yes. I would say that probably Planned Parenthood and other such agencies would be sources of services that can be coordinated to benefit these young women."

Johnson, Tom: "Okay. Do you envision abortion counseling, for example?"

Howard: "I'm sorry, I didn't understand you."

Johnson, Tom: "Do you envision abortion counseling for these individuals?"

Howard: "This program is really about trying to make certain that young women understand what the effect is of drugs and alcohol on their unborn children. I am not envisioning that. This is to help them manage their pregnancy."

Johnson, Tom: "Okay, it's not your intent that that's where we're going with any of this."

Howard: "No, this has nothing to do with that."

Johnson, Tom: "Okay. And I accept that."

Howard: "Thank you."

Johnson, Tom: "Okay. I have no further questions."

Speaker Granberg: "Thank you. The Gentleman from Washington, Representative Deering. Representative Deering, you're the last speaker."

Deering: "Thank you, Mr. Speaker, Point of Personal Privilege."

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I'd just like to know if the former, most feared Majority Leader in the history of the House of Representatives, could make himself available?"

Speaker Granberg: "The Lady from Cook, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Howard, I didn't hear you, but I think, I want to make sure, this is a treatment center. Am I correct?"

Howard: "This is a comprehensive program, Representative Jones, that will include, in some instances, residential services, there might be outpatient services. It's going to depend on the needs of the individual. So not necessarily a center. There will be a lot of coordination of services from other types of agencies. Some young women will not have to be involved in in-house treatment, they will be outpatient and will come to wherever the department, or DASA establishes the base, receive services and return to their homes. So, it's not necessarily a treatment center, per se."

Jones, L.: "Mr. Speaker. Mr. Speaker, can we have a little order in here. I mean, this is a very important legislation to Representative Howard."

Speaker Granberg: "Give the Lady your attention, please."

Jones, L.: "Thank you. As a result of the treatment or counseling, or whatever, that these young women will get, can I truthfully say that the babies that they'll be carrying if they have this treatment or this counseling at a early age, or early time in the pregnancy, is it a possibility that these children would be born without a lot of complications?"

Howard: "Oh, certainly. If you catch anything in time there's always a possibility that you can minimize the kinds of

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problems that will happen if a person who is pregnant and abuses for nine months, that kind of harm, the extent of the harm can certainly be minimized."

Jones, L.: "To the Bill."

Speaker Granberg: "Proceed, Ma'am."

Jones, L.: "I've heard a lot of conversation in regard as how much this program is going to cost, one point some odd million dollars. This is a very, very important issue. There are a lot of young women out here, young ladies out here that are, have used drugs and alcohol. And I think a program such as this, in fact, there was one agency that had this type of program that had to close it down because their funds were cut. And, a lot of babies' lives are saved when they get early intervention, when their mothers get early intervention away from drugs and alcohol. I think it's a great piece of legislation, and I urge an 'aye' vote."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 1294. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 83 voting 'yes'; 32 voting 'no'; 0 voting 'present'. House Bill 1294, having received the Constitutional Majority, is hereby declared passed. House Bill 1493, Representative Ryder. Representative Ryder is excused today. Out of the record. House Bill 1503, Representative Biggert. Representative Judy Biggert, do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1503, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

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Speaker Granberg: "Proceed, Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1503 is a Illinois Department of Public Aid Agency Bill, and it is to authorize the department to provide, by Rule, the certification of past due support to other states child support enforcement agencies for the purpose of requesting administrative enforcement by the other state. And I'd be happy to answer any questions."

Speaker Granberg: "The Lady from DuPage moves for the passage of House Bill 1503. On that question, there being no Members seeking recognition, the Lady moves for the passage. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 115 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1503 having received the Constitutional Majority, is hereby declared passed. House Bill 1412, Representative Capparelli. Representative Capparelli, in the Chamber? Out of the record. House Bill 1487, Representative Santiago. (Sic-House Bill) 1487, Miguel. Do you wish to call the Bill? Call the Bill."

Clerk Rossi: "House Bill 1487, a Bill for an Act to amend the Illinois Act on Aging. Third Reading of this House Bill."

Speaker Granberg: "Representative Santiago."

Santiago: "Mr. Speaker, Members of the General Assembly, House Bill 1487 creates a new provision to the Illinois Act on Aging. It requires the Department of Aging to establish a commission to review Rural Senior Citizen Health Care Funding Programs. It requires a commission to evaluate funding formulas in the order to fully and properly distribute funds statewide. So, this is basically for downstate Illinois."

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Speaker Granberg: "The Gentleman, from Cook, moves for the passage of House Bill 1487. On that, the Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, the census is still about three and a half years away. So, why do you want to formulate a commission to review the funding formula for the Rural Senior Citizen Health Care?"

Santiago: "Well, individuals from downstate came to me and asked me to do this for them because they wanted this to be done right away. They don't want to wait three years."

Black: "If you don't mind my asking, who came to you from downstate? I mean, was it an agency, or a department, or a bureau?"

Santiago: "A couple of citizens came to me and asked me to do this. And I didn't have any opposition from anyone. I asked around. I'm not too familiar with the issue in itself. I asked and there was no opposition to none of this, so I proceeded with the idea."

Black: "Okay. I appreciate your answers, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill."

Speaker Granberg: "Proceed, Mr. Black."

Black: "I would caution those of you that live in rural areas. And that doesn't necessarily have to be a downstate county. This commission, if this Bill becomes law, and a commission is established to review the funding formula, this has the potential to dramatically change how the funding formula for Rural Senior Citizen Health Care could be drafted. Now, I don't have any problems in waiting until the 2000

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census to do that. That's when we're supposed to do it. So, I don't know why we're anticipating about a three year head start on this. You know, regionalism can be pretty ugly when we get it in this Chamber, and I don't know any way to address this, other than that fact. If this Bill becomes law, my guess is that the result of it will be that the numbers used for rural, over the age of 60, for the planning and service areas for rural health care, downstate will suffer."

Speaker Granberg: "Excuse me, Mr. Black. Ladies and Gentlemen, Ladies and Gentlemen, we are on Third Reading. We are on Third Reading. Give the Gentleman your attention."

Black: "I would say, in all due respect to the Sponsor, if I lived in Chicago, obviously, I would probably be very interested in this Bill. Because under the current formula and census, the city has absolutely no one in the over 60 rural count for Senior Citizen Health Care. And I don't think it's his intent to short-circuit that formula. But I don't know why we want to do this. The census in 2000 will require that the formula be revisited based on that census. I would simply caution the Members of this Body that have a significant senior population, in need of Rural Senior Citizen Health Care, that this Bill may not, I say, may not be in the best interest of the seniors who live in your district. I would advise you to wait until the 2000 census before I would do this. And it's for that reason I intend to vote 'no'."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman from Jo Daviess, Representative Lawfer. Proceed, Sir."

Lawfer: "Thank you, Mr. Chairman (Sic-Speaker). I just wanted to echo what the previous speaker spoke on. There is already a commission that reviews the Senior Citizens Health Care



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Funding, in regards to the population. It is true that the rural population is growing in age. But this commission, the formula that is already in existence, is a very fair program. And if we start to fool with it now it is going to not be fair, and we going to have to revisit it again at some future date. Therefore, I would urge a 'no' vote in regards to House Bill 1487."

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

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

Speaker Granberg: "He indicates he will."

Cross: "Representative, it's kind of, it's not kind of, it's extremely noisy in here and we have not been able to hear most of the answers to the questions regarding what this Bill actually does. Could you... Mr. Speaker, we just are having trouble hearing on this side."

Speaker Granberg: "Ladies and Gentlemen. Ladies and Gentlemen, Representative Cross, has requested your attention. Give the Gentleman your attention."

Cross: "Representative Santiago, could you be a little more specific, or at least repeat what you said earlier to Representative Black's questions, with respect to what this actually does?"

Santiago: "What the Bill does, it will require the Department of Aging to establish a commission to review Rural Senior Citizen Health Care Funding Programs. It requires the commission to evaluate funding formulas in order to fairly and properly distribute the funds statewide. So, it basically just establishes a commission to study the current formula."

Cross: "What do we do right now?"

Santiago: "Currently, we follow whatever the trend of the census'

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statistics."

Cross: "Why the need to change, then, if we have a system in place?"

Santiago: "Because there is some areas downstate that are not being served under the current status."

Cross: "Representative, and you know how people around here get a little protective of their districts. Can you tell us under your proposal, how it would affect us adversely, if at all, in different parts of the state?"

Santiago: "This is just a commission to study it so that we can distribute the money properly to downstate areas."

Cross: "Who's going to be on the commission?"

Santiago: "Basically, the department will establish the commission and they will make the recommendations."

Cross: "Representative, to be quite frank with you, I don't see any need to make the change if you're from downstate Illinois. As Representative Black earlier said, and I'm not trying to give you a hard time, I'm being very sincere. If you're from outside the City of Chicago there's no incentive to change, as I read the Bill. What would convince me that a change would be good for those of us in the collar counties, or downstate?"

Santiago: "Well, let me tell you, this was recommended by the Department of Aging on the report that they recently published entitled, Project 20/20, which was published by the institute of Metropolitan Affairs of Roosevelt University, which called for the creation of this commission. They feel that only 50% of all eligible people statewide, are served by Senior Citizen Health Care Programs. So, you know, the department itself is asking for this commission to be established."

Cross: "Mr. Speaker."

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Speaker Granberg: "Representative."

Cross: "Can we request a verification if this receives a requisite number of votes? I have a couple other questions. Representative, why would the Department on Aging be an opponent on this Bill?"

Santiago: "They file a no position on the Bill, Tom."

Cross: "For some reason our analysis shows an opposition from the Department of Aging. At least from the committee slip there's an opponent."

Santiago: "No one has talked to me on this Bill, Tom."

Cross: "We also are showing the Suburban Area Agency on Aging as an opponent. Do you know why?"

Santiago: "No one."

Cross: "Can you check your records, Representative, and check on the two opponents I mentioned? Can you find out?"

Santiago: "Yeah. This is just a study. What we're trying to do is set up a commission to do a study to find out if to see if they could improve the current status."

Cross: "Just a couple other questions, Miguel. As I look at this language, we're going to change the way we fund this from 'to need', rather than 'population'. Is that accurate?"

Santiago: "We're not changing anything. We're asking for a commission to be set up to conduct a study."

Cross: "'The commission shall evaluate funding formulas for all Senior Citizen Health Care Programs based upon actual need rather than on population.' So if my population drops..."

Santiago: "I didn't hear what you said, Tom."

Cross: "If my population drops there's a good chance I'm going to lose money in whatever area I reside."

Santiago: "This is not what the Bill says. It says, 'a commission to study and evaluate.' It doesn't mean that they have to cut funding from any source. All we're trying

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to do is study it and make it fairer for everybody."

Cross: "I know what... But what we're doing is we're directing the commission to do it based on need whether than a population. So, if the commission follows the direction of this piece of legislation there are parts of this state that will lose money. If I read it correctly."

Santiago: "That's not the intention of the Bill. The intention of the Bill is to create the commission, to study it and make it fair for everybody. It doesn't say take away funding from one area and give it to the other. It says, evaluate it, and look at it and study it, and make it fair for everybody for downstate. I mean, I'm not trying to hurt downstate, I'm trying to help them."

Cross: "I know we're being a bit repetitive, Miguel, but maybe you need, and I'm not trying to be cute about taking it back to Second, but maybe you need to take out that language, shifting it from 'population' to 'need'. If you were doing that, we can't help but lose money. If you're downstate you're going to lose money."

Santiago: "How are you going to lose money? All the Bill says, you have a commission to study it. You're studying the issue. You're not taking any money away from anybody. And the best way to do this is by the department establishing that commission. And let the department, which who has the experience in dealing with senior citizen affairs, let them evaluate it, and let them make the judgement if it's fair or not."

Cross: "If you look at the current set up, Miguel, the only places that are going to lose money will be outside the City of Chicago, the only places. Because right now in the city there are no rural numbers, none at all. And I'm not... If I were you I'd be sponsoring this Bill, as well."

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Santiago: "I'm not trying to hurt anybody. I'm trying to help the downstate population that are in great need for this type of money. So, you know, my intention is to help, not to hurt anybody."

Cross: "If I'm in a area right now with a certain population, but my need is demonstrated to be less, I'm going to lose money. And that can only happen under the current formula. And the proposed idea that you're suggesting is if you're from downstate. If you're from the city there's no way to reduce because we're already at zero."

Santiago: "Tom, if the commission, you formed a commission, the commission studies. The commission doesn't have to make any specific recommendation. All they could do is study it, analyze it, and if there's a great need they'll make a recommendation. It doesn't say that they have to take the money from one source or the other. It says, it's just basically a recommendation."

Cross: "I have no further questions. Just in closing, real short, I think if you're from downstate you need to take a real hard look at this Bill. In our analysis of reading this Bill, and if you read the current formula there's a real good chance that you could lose money if you're in different parts of downstate, certainly if you're from the City of Chicago you might want to think about voting 'yes'. But any downstate Legislators need to be real careful. Thank you."

Speaker Granberg: "Representative Cross, do you persist in your request for a verification? You're within your rights. Acknowledged. A verification has been requested if it reaches the requisite amount of votes. On this Bill, Representative Santiago to close."

Santiago: "Thank you, Mr. Speaker and Members of the General

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Assembly. All I'm trying to do is help those downstate rural areas that are in desperate need for senior citizen services. We're not trying to take money away from anyone. All this Bill does, is it's asking for the Department on Aging to set up a commission to study the conditions of those areas. That's all it does. I'm trying to help the downstate areas. And I think every downstater here should get up and support this Bill. It doesn't do anything for me, it doesn't do anything for the City of Chicago. All I'm trying to do is trying to help downstate senior citizens. So, I ask for your support on this Bill. Thank you very much."

Speaker Granberg: "The Gentleman from Cook Representative Santiago moves for the passage of House Bill 1487. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, Representative Santiago requests the Bill be placed on the Order of Consideration Postponed; 57 voting 'aye', 55 voting 'no', 2 voting 'present'. He's within his rights, the Bill be placed on the matter of Postponed Consideration. House Bill 968, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 968, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Brunsvold, has been approved for consideration."

Speaker Granberg: "The Gentleman from Rock Island, Representative Brunsvold, on Floor Amendment #2."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 becomes the Bill. If no one

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realizes this in this great State of Illinois, which is I think ranked in the top five in our nation, we have no way of replating our automobiles. There is absolutely no procedure to set up a replating cycle for the automobiles in this state. I have been working with Senator Parker and Secretary Ryan. We've been meeting for the last three or four weeks to set up a Bill that, we hope we can pass, that would set up this procedure for replating of vehicles in this state. Amendment #2 is an agreement between the Secretary and the Sponsor in the Senate, Senator Parker and myself, to set up a procedure to do that. Amendment #2 would start a procedure of replating in 1999. Start there, and then subsequently would set up a periodic replating of the cars in this state. There's 9 million vehicle plates that would be considered here. The replating would, or this Amendment would set up a replating fund in the Secretary of State's Office, of which we would put in 75¢ of the present \$48 license plate fee. That's taking 75¢ out of the \$48, it's not an increase of 75¢. This is not a fee increase. That fund would set up about \$6 million over a period of five years for a replating in the next cycle. Personally I'm lobbying Secretary Ryan to do the first replate in 1999, in one year. That would set up a procedure where we could get rid of all the old plates. We have approximately, 20 or 30% of the plates in this state are 13 years old. My seatmate, Frank Mautino, has indicated that they've called his office and asked if they were selling those little stickers for the license plates. And he said, 'Well, yes they are.' And the lady said, 'Well that's good because I need that sticker to hold my license plate together.' That's the kind of plates we've got in this state. So, we need to do this. This Bill sets

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up that procedure. It also sets up a procedure where the Secretary of State will promulgate rules on enforcement of displaying those plates, and also sets up the penalty of petty offense for not having your sticker. So that is what Amendment #2 does. And I would answer any questions."

Speaker Granberg: "The Gentleman from Rock Island moves for the adoption of Floor Amendment #2. Representative, I believe we're going to put the Amendment on, and then debate the Bill on Third. So the Gentleman moves for the adoption of Floor Amendment #2. All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Brunsvold."

Brunsvold: "Amendment #3 is a technical Amendment in that it clarifies the language on the Secretary of State's Replating Fund. I'd ask for the adoption of Amendment #3."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #3 to House Bill 968. All in favor shall say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 968, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

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

Brunsvold: "I have described Amendment #2 which becomes the Bill. Let me further add, the supporters of this Bill, the plates are very hard to read after five years the reflectivity becomes less than desired. Let me read the list, Illinois



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Sheriff's Association, the Illinois Fraternal Order of Police, Illinois Chiefs' of Police, the Illinois Construction Industry Committee, Illinois Automobile Dealers' Association, the Illinois Manufacturers Association, Mothers Against Drunk Drivers, MADD, and Crime Stoppers Association, are all supporters of this Bill. We do have an opponent. The Department of Transportation does oppose the Bill. And I understand that, if I were a member of the Department of Transportation. I suppose if we took some money out of the Road Fund, I guess I would oppose it also. But let me just tell you that since 1984 the citizens buying their stickers, or their license plates, have put \$5 billion into the Road Fund. Since then we have not had any new plates, no new design. The people of this state want, I think, new plates. My people do. They like to have a new plate every so often. And the cost to the state will be approximately \$35 million, which in our research indicates that that will be paid back in two years. There is approximately a 5% portion of our drivers that do not buy stickers. Now, that's not my numbers, the Council of State Government did a survey in 1996, and that study said that 4.95% of all the people in the nation don't buy stickers for their plates. The State of West Virginia, and I have the studies here if you'd like to see them, did the replating with the same debate we're having here today. And they found out, after a very careful survey of the first year of the replating, 7% increase in their funds, second year was another 7%. Mayor Pataki of New York is in the replating process, 4% decrease there. Wisconsin, Milwaukee Journal said 6.6% of the people in Wisconsin do not buy sticker plates. Iowa is in the process of replating. Iowa State Police, 5% of their citizens are not

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buying stickers. If we could replate in one year, we can increase the funds to this state by \$22 million. That over a two year period will more than pay back the money that we will borrow from the Road Fund to do this. Must we do this? Well, if we don't do this we're going to lose that \$22 million. In five years the Department of Transportation will have lost \$100 million in funds that they could have used for our roads. So, yes, I think we have to act on this Bill today. And we cannot wait for some possible gas tax or plate increase in fees coming at the end of this Session. We must do this now. And I would ask for your support of House Bill 968."

Speaker Granberg: "The Gentleman from Rock Island moves for the passage of House Bill 968. On the question, the Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Yes."

Turner, J.: "Representative, my analysis indicates that a license plate essentially has a life span, if you want to call it that, of about seven years. Is that correct?"

Brunsvold: "Approximately five to seven years, yes."

Turner, J.: "Nevertheless, it appears that your Bill as amended, requires a reissuing process occur on a five year basis. Is that right? And if so, why would you do that? Why not a seven year basis?"

Brunsvold: "We really haven't mandated anything to Secretary Ryan. I have lobbied him to do the first replate in 1999, in a one year period. That would flush out the people not buying stickers. We have not really mandated that he do that. It's up to the discretion of the Secretary of State, George Ryan, who does support this, to do the replating process at his discretion."

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Turner, J.: "Representative, I know that, at least at one point, Secretary Ryan was supportive of this measure, it's been amended, I think there are three Amendments now. Is the Secretary, as this piece of legislation has been amended, is he supportive of moving this forward?"

Brunsvold: "Yes, he is. He is very supportive. Secretary Ryan and Senator Parker and I had a press conference on Tuesday to show support and to ask that this Bill be passed."

Turner, J.: "Whether true or not, at least, there is a rumor that this will in some way take away money from the Road Fund, and we're already in trouble in that fund anyway. Is there a cost associated with this? I know that you mentioned that you felt like we would recoup the cost within a couple of years. But, I think for all Members on both sides of the aisle, could you go over that again as to why you don't believe this is going to cost money, but in fact save money?"

Brunsvold: "We will approximately, in this one year cycle, if I can get Secretary Ryan to do this, would cost about \$35 million for the making of the plates and getting the plates out. These plates, by the way folks, are made in Decatur through a disabled facility, and they would be making these plates, and they would have to generate all 9 million plates, or so, up until 1991. So they would have to have a time span to get to there. Right now, Representative Turner, we are losing approximately, and I think I can verify this by the numbers here on the studies We've looked at, we are losing \$22 million a year at a conservative estimate, on people not buying plates. Now, Secretary Brown will say that's not true. From the 1984, they did it over three years. And three years, I think, is not the way to do it. Those numbers, if you look at two sets of

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numbers, they're very different. But our studies here, from other states, say that Illinois is approximately, and our study, say we're losing about \$22 million conservatively every year by not replating. So if we replate, in two years we'll have paid back the Road Fund of \$35 million, plus. So, I think in the long run we're actually going to gain money in this fund."

Turner, J.: "I have had a few constituency calls, and of course when a constituent calls they're always wondering, what's it going to cost me. I think I know the answer to this. But just for clarification, is this going to be any additional expense or cost to the person who actually gets license plates, is it going to cost any more?"

Brunsvold: "This will cost the citizens nothing more than they're paying right now, the \$48, for their sticker."

Turner, J.: "So the registration fee, as they're currently paying for the sticker, will remain the same, at least under this particular measure?"

Brunsvold: "Yes. It will remain the same. And I don't think, you know, if you look at this probably the way to do it, and I'm not advocating this now, the way to do it probably increase the fees a little bit to the replating fund. But I know that's not very acceptable. The people don't want to do that, and I'm not going to do it. So we're taking this 75¢ for the fund out of the \$48."

Turner, J.: "I only have one more question. Again, looking at the analysis, it seems that, and I wish I had the Bill in front of me but I don't. I want to make sure that we're not mandating that the Secretary of State start the process up every four or five years, or six years. I think you said you took that language out. But is it permissive, or is it mandatory as to the Secretary of State?"

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Brunsvold: "It's permissive. We didn't want to mandate to the Secretary of State that he had to do it in a certain time table. I think he needs to do that at his discretion. When that 75¢ builds up to approximately \$35 million, and the 75¢ would raise approximately \$6 million a year. When he gets to that point he'll start replating again."

Turner, J.: "Thank you for your responses, Representative, I appreciate it. Thank you, Mr. Speaker."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in reluctant opposition to the Bill. Partly, because, the Sponsor makes some great points, we do need to replate. Partly, because he is extremely nearby. I do have a few questions here."

Brunsvold: "Yes, Sir."

Mautino: "As far as the revenues for this, what is the hit to the Road Fund?"

Brunsvold: "It's approximately \$35 million if they replate in one year."

Mautino: "And this is all front end cost on the Road Fund."

Brunsvold: "This is going to come out of the Road Fund. And, yes, you know, I argue the point that since 1984 the people buying stickers have put \$5 billion into this fund, why can't we have just a little bit, borrow just a little bit for new plates? We'll pay it back."

Mautino: "I understand your point. And, you've worked on this for quite a long time. I know the Secretary of State has opposed this in the past, but then again we were looking to take the funds from his budget. And, so, we have questions brought up. And I see the support and I understand the need, because we have not replated for a long time, but a

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\$30 million hit to the Road Fund, in addition to some of the other Road Fund diversions that we've had in the past years is having an impact that we're all discussing and, I doubt, has met with all of the Caucuses to date to show that we're going to see a decrease next year of \$150 million in the road plan. We've seen it in what's been issued to us. And those are the roads and the bridges that are the primary function, and what we need to increase and enhance the economic development of the state."

Brunsvold: "I agree with you, Representative. I would be one of the last people that would want to take money out of the Road Fund and hurt our bridges. But, in fact, I think the opposite is going to happen. We have people now that I call 'plate poachers'. They do not buy stickers, they're driving up and down the roads and not paying their plate fees. We get that money back at \$22 million a year, in the next five years we'll actually have increased the budget for the department of transportation, not decreased it."

Mautino: "Well, as I understand that claim, the registration scofflaws or the people who are skirting this are going to be motivated to reregister because of the new style of plate is going to make it more obvious to the police. But the gradual replacement of old plates over a period of years might leave a legitimate mixture of old style plates. And that might just diffuse some of what you're talking about."

Brunsvold: "Well, that's exactly, that's why I'm lobbying the Secretary to do it in one year. If you do it in three years like you did before I think you dilute the situation. And I want him to do it in one year. I think that is very effective for the citizens. Citizens of this state want a new plate. Talking to my people back home in my district,

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they want a new plate, they like a new plate. In fact, some say, one of my friend's wife says, 'Do I have to put this old crummy plate on my new car?' So, you know, she'll probably go out and buy the environmental plates."

Mautino: "They are absolutely correct, we should replat. My question is where the revenues come from on it. Now, you're going to be taking 75¢ out of every registration and putting it into this fund? Why did you exempt, now currently the Secretary of State's Office has a cap, which they cannot exceed out of the Road Funds, so this money is going to be over, it's not going to affect that cap, so it's additional money outside the \$52 million we give to the Secretary of State right now. Is that correct?"

Brunsvold: "Correct. Correct."

Mautino: "Ladies and Gentlemen, and to the Bill. I applaud the Gentleman's efforts. And he's setting forth something that we need to do. However, the timing and the location of the dollars that we're going to use to pay for this program, I believe is incorrect. I could support this from another budget, or from a program where we're not looking at potentially increasing taxes to maintain safe roads for the public. We do need to do this. I just don't know that it's the proper venue."

Speaker Granberg: "The Gentleman from Livingston, Representative Rutherford."

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

Speaker Granberg: "Indicates he will. Proceed."

Rutherford: "Thank you. Representative Brunsvold, you had talked about the approximate \$22 million be recaptured each year."

Brunsvold: "Yes."

Rutherford: "And, I was, I've heard you speak on this before."

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Help explain to the Body how you calculate that figure. I mean, there's certain percentage, I believe, that there's estimates out there of people that are not tagging."

Brunsvold: "There have been a number of studies done. I mentioned the Council on State Governments have done one nationwide. Each state usually does a study. We've done a study. And, in fact, Secretary of State's has a task force that looked at the question and recommended replating, two years ago. And, those studies indicate that at 5%, that's a very reliable number. And 5% of our plates, that's \$22 million. And we're going to realize that, but I think we need to do it in one year. As I said, I want to lobby the Secretary to do that."

Rutherford: "Okay. Without going through the effort on lobbying, and so forth, I am supporting the Bill so I want to walk through this very simply. Doing a replating for every plate in the entire State of Illinois is how many plates?"

Brunsvold: "About 9 million."

Rutherford: "And it would cost us approximately \$35 million. In doing that, that comes out of the Road Fund?"

Brunsvold: "Right."

Rutherford: "Taking \$22 million of recaptured tag money, that is going back into the Road Fund. Is that tag money that would be recaptured, approximately \$22 million, Road Fund money?"

Brunsvold: "Yeah. That 22 million would offset the 35 in the first year, so it would be less really. And if Secretary did it over two or three years it would not be that big a hit."

Rutherford: "Right. The question, very simply, is that money that we are not capturing today in tag money, as it may be captured, does that go directly into the Road Fund?"



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Brunsvold: "Directly into the Road Fund. And if you figure five years on that we're going to lose \$100 million, if we do nothing."

Rutherford: "Terrific. Second point, talk about the safety side of it, the reflection. What is the major concern today from law enforcement with regards to the bad plates that we have? Is the reflection bad to be able to read them, or what is it?"

Brunsvold: "It's a reflectivity, for one. The law enforcement community cannot see the plates for reflective reasons, they can't see the numbers. For number two, because they're so beat up. A lot of them are very beat up plates. And redoing these plates every four or five years would solve that problem."

Rutherford: "Terrific. Mr. Speaker, to the Bill. I stand in favor of Representative Brunsvold and the other Sponsor's piece of legislation because, and I've been in committee when Representative Brunsvold has presented this in the past few years. The one thing that I think is most enhancing to it all right now is the idea of us being able to actually capture approximately 5% of the plates that are not being tagged a year, to generate the amount of money we're talking about, could well be \$22 million a year, multiplying by that by the number of years that we're missing these. We definitely are going to be able to replenish the Road Fund through that. And I stand in favor of the legislation."

Speaker Granberg: "Thank you, Representative. The Lady from Cook, Representative Erwin, brief question."

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

Speaker Granberg: "Yes."

Erwin: "Thank you. Representative Brunsvold, I certainly

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appreciate the concern over needing to replate, and in terms particularly of public safety so that police officers can read license plates. I would be much more supportive of this if you did actually increase the fee by 75¢ and have the owner of the automobile pay for the new license plate. I do think that anyone that lives in Northeastern Illinois, or the six county Metropolitan area ought to be very concerned, that by not having an increase of 75¢ on these fees that we are effectively transferring money away from mass transportation. So, while I understand that, you know, your concern in some instances about Road Fund money downstate, we have double trouble here. Not only are we not getting increases in mass transit funding for the Chicago area, but now on top of that, we could lose up to 40 million out of IDOT funds that could go to mass transit that would essentially go to fund this replating. So, I would urge you to reconsider the fee issue here. Let's increase the fee by 75¢. I don't disagree that we need to replate. Let's just pay for it. If it's public good, and we all agree it is. Let's just all agree that we need to pay, we need to have it pay for itself and not take anything away from mass transit. So I would strongly encourage anyone in the RTA Region not to vote for this, with all due respect, until we put an increase in it."

Brunsvold: "Representative Erwin, I would totally agree with you. If I put this Bill on this Floor with a fee increase of maybe 48 to \$50, or 48 to \$60 and take \$2 and put it in the replating fund, and the rest of the money goes into the Road Fund, I think that would be the way to go. Or, DOT would not be opposing this Bill if they had a gas tax. So, I guess I ask the people on this Floor, you know, would they support a plate increase, or a gas tax? I'm up

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against that political stump. And, you know, I think you're right. I think maybe we ought to increase the plate fee to pay for the replating. I'm not against that, I would do that. George Ryan does not want to do that, nor does Senator Parker. So, here I am, I think actually we're going to get more money here, and you may get more money in the mass transit because of the increased monies, I think we're going to get in this Bill. So, I agree with you."

Speaker Granberg: "The Gentleman from Adams, Representative Tenhouse. Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Granberg: "Indicates he will. Proceed."

Tenhouse: "Representative, I know we've plowed this ground a few times, it's a little hard to hear all the way across, but I've been listening to too many tractors over the years. Would you be able to fill us in a little bit? You were telling about the studies that took place in other states."

Brunsvold: "Right."

Tenhouse: "Were those studies, any of those studies done over a multi-year period, as opposed to, like you were talking about earlier, with a one year replating?"

Brunsvold: "Yes. West Virginia did a replating and they did a discussion just like this, probably argued the same issues we're arguing. But they replated and then went through a process of actually following the numbers. And they found in the first year there was a 7% increase. Now, I would suspect in the second year you would have found a fall off a little bit, because people tend to get into the groove then, maybe a few more would not buy plates. But in West Virginia they had a continued 7% increase. So, it continued at 7%."

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Tenhouse: "I guess one of the other questions we had, is there a reason why we have to do this legislatively, or can the Secretary of State do this without legislation?"

Brunsvold: "I don't think so. My staff... We don't have a procedure to replate, Representative. As I started out, I said, you know, I looked back talked to Secretary of State's people, we don't have a procedure for replating. This Bill sets up a procedure for replating with a 75¢ fund. You know, if we're going to replate, really, you have to come back to the General Assembly to do it every time."

Tenhouse: "And I don't want to take up any more of the Member's time. Thank you, Representative. To the Bill. I guess I can't help but agree with a lot of the comments that Representative Erwin made here a moment ago. I guess for a person who's been down here, I guess I've been here too long, and I know some of the voters feel like that back home as well. But I guess one of the real concerns that I have is, how many times have we gone through different Bills and we say, you know, if we spend on this we're going to end up saving money in the future? And I really sincerely hope that the Sponsor's correct in terms of his anticipation here. But for those of us who live in an area where we fought tooth and toenail to end up coming up with enough dollars to keep our roads going, and are just thrilled to be able to finally see some progress, we have some real concerns about this. The local newspaper, the Quincy Herald-Whig editorialized very well on this issue, talking about the fact that this could conceivably be a 30 to \$35 million Road Fund diversion if we don't see the revenue that Representative Brunsvold talked about earlier. So as a result, even though I have the greatest deal of

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respect for the Sponsor, I am reluctantly in opposition of this legislation, and would urge other Members to do the same."

Speaker Granberg: "The Lady from Macon, Representative Curry."

Curry: "Thank you, Mr. Speaker. I rise in strong support of this Bill. I come from a district with one of the highest unemployment rates in the state. This Bill would allow for the employment of an additional 180 people at a place called Macon Resources, in my district. Macon Resources is a place where people go on a daily basis. And they would be in charge of the replating. The folks at Macon Resources also plan to hire individuals who are on Public Aid, and who are out of work. This would be a tremendous boost to my district, as well as Representative Duane Noland's district. So I would hope that you would consider the fact that we have one of the highest unemployment rates in the state, that this helps the disabled, that this helps people out of work. And, the fact of the matter is, depending on whether we do a three year replating or a five year replating, this cost is going to be spread out over a period of years. So we are not going to have to pay all \$35 million in one fiscal year. I would appreciate an 'aye' vote. I would appreciate a vote for the people of Decatur and Macon County, in trying to put more individuals, disabled individuals, individuals on welfare back to work. Thank you very much."

Speaker Granberg: "The Gentleman from Macon, Representative Noland. Duane."

Noland: "Thank you, Speaker. Let me just echo the previous speaker. Macon Resources... Let me just repeat some comments earlier mentioned. Only two states in the nation, Illinois and Kansas, use citizens with disabilities to

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build license plates. This is a tremendous program. It will increase employment, provide opportunities for those with disabilities. And I think it's a great idea. We understand the safety concern. We regret the concern on the Road Fund. Please vote 'aye'."

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

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

Speaker Granberg: "Indicates he will."

Deering: "Representative, there's a similar Bill to this that came over from the Senate. Is that not correct?"

Brunsvold: "Yes, it did."

Deering: "And, was that a unanimous vote, or a high Roll Call Vote, or?"

Brunsvold: "Forty-four votes out of the Senate."

Deering: "Okay. So, apparently there is broad support in the Senate for the Bill."

Brunsvold: "Yes, bipartisan support."

Deering: "You get as many calls, I guess, in your district office, and here in Springfield, as do your colleagues here, I'm sure."

Brunsvold: "I have individuals at home that have plates that are totally unreadable."

Deering: "Will this require us to replat the standard bearer plate that we have today, or will this require all plates in the state to be replaced?"

Brunsvold: "No, this would be the standard plate we have. The blue and white plate now, would be redesigned at the discretion of the Secretary of State. Now, how he chooses to do that is up to him, of course, but it would be a brand new design plate."

Deering: "And there is a provision, is there a provision in this

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Bill to repay the Road Fund back the monies that are appropriated out of it?"

Brunsvold: "Yeah. The increase in the plate purchases will be about 5%. I think that's a pretty good number. DOT will argue that number. But I think by all the studies it indicates that we're going to get about 5% increase, that would be \$22 million the first year, and we get approximately \$22 million the second year."

Deering: "So you're talking about the increase that we'll gain from the people who aren't purchasing the annual sticker. But there's not an increase in the \$48 fee."

Brunsvold: "No. No increase in the fee. We have 5% of the vehicles out there are running around with out-of-date stickers."

Deering: "Okay. Even though we do get that increase, is it spelled out in the Bill that the monies will be paid back?"

Brunsvold: "All that money does go to that fund, it's got to go there."

Deering: "So actually it will be a money maker for the fund."

Brunsvold: "Yes."

Deering: "To the Bill, Mr. Speaker. You know, I've always traditionally been opposed to Road Fund diversions, especially since we've had a lot of debate and a lot of talk about how the Road Fund status is today, I think the Secretary of Transportation has kind of alluded to the fact. However, this is one diversion that I support. I think we need this. I think it is a money making proposition for the state and for the Road Fund. And with the provision that's in there to establish the new fund to cover the cost of replating down the road, I think it will be an additional money making proposition for the Road Fund down the future. The contractors in the state are somewhat

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concerned about the diversion. But having spoken to them the other day, they understand there is a provision for the monies to come back, which hasn't been in place in some of the previous and prior Road Fund diversions. But this is one time I think it's warranted, it's a safety issue. This is something that the people of the State of Illinois want. We, as elected Representatives of the people, should grant their wishes. I recommend strong support for this Bill."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

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

Speaker Granberg: "He indicates he will."

Hartke: "Representative Brunsvold, I have two suggestions for you."

Brunsvold: "Thank you."

Hartke: "One is that, the cost you're suggesting is about \$35 million. And I have no problem with creating those jobs at this facility in Decatur, absolutely needed. However, the State of Illinois is one of few states that have license plates, both front and back, on an automobile. It causes two problems. One is, we have twice as many license plates, maybe, as we need. That causes the State of Illinois, whenever a resident in the State of Illinois buys a new automobile they must put a bracket, that cost extra when you buy that new automobile, to be placed on the front of the car, then we put a license plate on the front of that car. Has the committee looked at the possibility of following the lead of some of our neighboring states to only have one license plate?"

Brunsvold: "Your question was, should we go to one license plate? Law enforcement is totally against that. They do not, and will not support a one plate system."



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Hartke: "Well, I realize that, but they're against a lot of things that we do here. But other states have been able to live with that issue and that problem. I don't know how many cars you're really going to meet on the interstate to tell that anyway. And I don't know what the travel is in miles, but I'm sure that we could live with it. What would be the reduction in cost of the plates if we went to a one plate system?"

Brunsvold: "Well, just off the top of my head, it would probably be half as much."

Hartke: "Well, I really doubt it would be half. But I think we could probably cut it to 25 million, or maybe 26 million, rather than the figure you were talking about earlier. And that would mean less of a hit on the fund. I would suggest that maybe the Senate maybe take a look at this, at the cost end. It could help the Road Fund out quite a bit. Thank you for your time."

Speaker Granberg: "Thank you. The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I believe that Representative Brunsvold has answered most of the questions I had when I first turned my light on. But, let me just speak to the Bill. I believe that when we look at the situation we're in and the time period we're in, to make decisions about how we should upgrade our status of license plates, that this proposal is very worthy of our support. And I think that when we look at how the cost could be spread over the various period of years here, I know the Secretary of State will have the flexibility to decide that. But, in view of that I believe it's a positive proposal. And I think, one of the things that really makes me look at this as being a little bit

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more positive, is the fact that when we look at areas that have a high unemployment rate, such in Southern Illinois that we have, and in Macon County, and that the community that will be providing the work force for these license plates, I believe it will be money well-spent. And the economic spin-off will be great. Thank you."

Speaker Granberg: "Thank you. The last speaker, the Gentleman from McHenry, Representative Skinner."

Skinner: "Do you know how much it costs to get a new set of license plates? It's \$12. I just bought a pair for my wife. Don't tell her, it's a surprise for this Sunday. She's been bugging me for two months to get her a set of plates. If anybody wants new plates, write a check, that's all you have to do. This speech, by the way, is an attempt on my part to ingratiate myself to the Illinois Department of Transportation. It's never worked before, I don't think it will work now. I can tell you, however, where to get the \$35 million. The State Department of Transportation is planning to give the Illinois Toll Highway Authority \$64 million worth of assets, which were purchased from the Road Fund. So, anybody who wants to justify their vote in favor of this by saying that they have a way to replace the money, it's sitting there. All the Governor has to do is make two phone calls, one to the Secretary of Transportation, and one to the Executive Director of the Toll Way Authority, or maybe the Chairman of the Toll Way Authority, and say, hey guys break that deal, do something rational."

Brunsvold: "Thank you, Mr. Skinner."

Speaker Granberg: "Thank you. The Gentleman from Rock Island, Representative Brunsvold, do you wish to close, Sir?"

Brunsvold: "Thank you, Mr. Speaker. And just briefly, Ladies and

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Gentlemen of the House, can we not do this? The plates are so old right now they're falling off the vehicles. We're losing \$22 million a year. And if we continue not to replate we're going to continue to lose that money. We, as a state, need to replate, and now is the time to do it. If you're ready to vote for a gas tax at the end of the year, that's fine; if you're ready to vote for a plate increase, I guess that's fine. But this does not do that. This is a replate, which I think most citizens in this state would like to see, and they would like to have a new plate on their car. Please vote 'yes'."

Speaker Granberg: "The Gentleman from Rock Island, Representative Brunsvold, moves for the passage of House Bill 968. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 64 voting 'yes'; 46 voting 'no'; 4 voting 'present'. House Bill 968, having received the Constitutional Majority is hereby declared passed. Ladies and Gentlemen. Ladies and Gentlemen. Ladies and Gentlemen, if staff could retire to the rear. We're coming to the Special Order of Business, Special Order of Call at 3:00. Very serious issue, we have a number of Bills that want to be discussed. The Members want to call these Bills. House Bill 1812. Mr. Clerk, read the Bill. Representative Carol Ronen."

Clerk Rossi: "House Bill 1812, a Bill for an Act to amend the Children and Family Services Act. Second Reading of this House Bill. No committee amendments. Floor Amendment #1, offered by Representative Mulligan, has been approved for consideration."

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

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Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 1812 would replace the Bill as originally drafted with a Bill that is now, would be termed a ban on late term or partial-birth abortion. This Bill is different from the Bill that is already out on the House Floor in a number of ways. The definition of partial-birth abortion, and I don't know if this is up on the system already, but if it isn't I will be willing to go into each provision. The definition of partial-birth abortion means an abortion in which the person performing the abortion partially, vaginally delivers a viable human fetus before killing the fetus and completing the delivery. Viable means the fetus, in the medical judgement of the attending physician based on the particular facts of the case, has a reasonable likelihood of sustained survival outside the womb with or without artificial support. It would prohibit partial-birth abortions. Any person who knowingly performs one would, and thereby kills a viable fetus, is guilty of a Class II felony. This is already the abortion law in Illinois, except that it does not apply to a partial-birth abortion that is necessary to preserve the life or health, and 'health' is the word I want to emphasize here, of the mother, which is currently the law in Illinois. It changes the liability. A physician who knowingly performs a partial-birth abortion in violation of Section 10 shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with Section 22 of the Medical Practice Act. And a physician, who in good faith determines that a fetus is not viable or performs an abortion that in medical judgment of the physician is necessary to preserve the life or health of the mother,

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shall not be subject to any type of civil or criminal liability or discipline. And prosecution of the woman is prohibited, the woman that has the partial-birth abortion. How is this different from the Bill that has been perpetrated out there to actually ban a late term or partial-birth abortion? In the other Bill that is being sponsored in the Illinois General Assembly this year the definition is not of a viable human fetus, it's a living human fetus or infant. The definition is over broad. It opens up all kinds of discussion that is not constitutional. We talk about Class IV Felony in the other Bill, Class II is currently the law and is a stiffer penalty than Class IV. In the other Bill we talk about life, we do not talk about the health of the mother. The health of the mother can also include, if a pregnancy is going back, removing the uterus of a 25-year old woman in the midst of her first pregnancy, who may never be able to have another child. The civil action is, of course, different. So what we have here is a clear distinction of a Bill that is constitutional, that will ban the procedure that apparently is so controversial right now, and gives you a reasonable choice. One of the lobbyists against 1812 and for the other Bill states that this Bill is a sham. The definition of a good lobbyist in Springfield is one that tells you the total implications of a Bill, both upside and downside, and does not put you on a bad vote without letting you know ahead of time where it's going to be. The other Bill, which is totally unconstitutional and which the Sponsor of that Bill has been asked repeatedly, and in Committee when the Bill was presented, to amend the Bill to make it constitutional, has refused. If you are deliberately attempting to pass a Bill that is

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unconstitutional you are pushing an issue that will go to the courts, and in the courts the definition, which the lobbyists in Committee said they were trying to change, is that of a viable fetus and changing it to a person. The definition of a person is at the root of all reproductive rights of women in the Supreme Court. So the other Bill that many of you may be sponsoring or planning on voting for will definitely put you on a vote that will make you at the root of outlawing reproductive choice and abortion rights for women in Illinois. I don't think that you were told that. This Bill is being offered even though I as the Sponsor feel that it is important for women to have freedom and not for the Legislature to play God in making these types of decisions, but in order to offer a viable alternative to a Bill that is a very bad Bill that purports to do something that it does not. This Bill will allow you as a Representative, who feels compelled to vote for a ban on this type of procedure, to have a good vote for a constitutional Bill that still protects the life and health of the mother. I would seek a favorable vote on this Amendment and I would like to pursue the Bill to its conclusion."

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

Schakowsky: "Thank you, Mr. Speaker. I rise in somewhat reluctant support of this Amendment, but want to urge my colleagues to vote for it. As all of you, I'm sure, know I am pro-choice. I believe in the constitutional right of women to choose an abortion, and I'm offended in many ways by the notion that's been perpetrated that women on the verge of delivering a child would decide for frivolous reasons that, 'oh I guess I've changed my mind and I'll

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have an abortion,' and so this procedure is used. I think that that's really at the heart of the effort to outlaw this so-called partial-birth abortion, this misconception and disrespect for women. But I rise in support of this Amendment as an alternative for those who feel that we should make a statement about partial-birth abortions and offer it as a constitutional alternative that one can support, that says that it will be banned except in cases that it is necessary to protect the health and the life of the mother. This Bill would make a partial-birth abortion illegal except in those narrow circumstances, and it seems to me that if you're serious, if you are serious, about the issue then I would urge you to support this Bill rather than something that is patently unconstitutional, that is simply political that is going to be used against Members of this General Assembly, and not because your interest is to protect life. This is the Amendment that should be supported and I urge an 'aye' vote."

Speaker Granberg: "The Gentleman from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Inquiry of the Chair. Can you tell me the status of this Bill in terms of how many times it's been read and so forth?"

Speaker Granberg: "Mr. Roskam, the Bill has not been read a second time, if the Amendment is adopted the Bill will remain on Second Reading."

Roskam: "To the Bill. Ladies and Gentlemen, I rise in opposition to Floor Amendment #1 to House Bill 1812, and here's why. This is basically the position that President Clinton has tried to articulate much against the overwhelming sense of public sentiment in this country. It has a health of the mother exception. Now, at first glance that sounds like a

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great idea, but as Congressman Henry Hyde recently said on the floor of the U. S. Congress, 'Anybody who has spent 10 minutes looking at the Federal Law knows that the health of the mother exception is really no exception at all', because in 1973 there were two abortion decisions that the Supreme Court came forward with, one was Roe v. Wade that we're all familiar with, and the second was the companion decision, Doe v. Bolton. In Doe v. Bolton, health of the mother was defined, and health includes not the narrow idea of health that we as Legislators may consider, but health was greatly expanded to include these factors: physical, emotional, psychological, familial. So what the bottom line is, even though the Sponsor may very well be well-intentioned, this Amendment makes no ban on partial-birth abortions at all. Now, the Bill that will be coming up later on, which was referenced earlier, House Bill 382, has a life of the mother exception. I will vigorously argue the constitutionality of that Bill, but I will restrict my remarks to this Bill. This Bill is not a ban on partial-birth abortions. This Bill allows partial birth abortions for any time at any reason, and I urge a 'no' vote."

Speaker Granberg: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. Before I speak we would like to request a Roll Call Vote on this Amendment, may we?"

Speaker Granberg: "Acknowledged."

Ronen: "Thank you. I rise in support of this Amendment. It's sad that we have to, that we had to introduce this Amendment. We did it in response to a Bill that we feel very strongly, that I feel very strongly jeopardizes a woman's health. For people who care about these issues, this is a reasonable Bill to vote for. The other Bill is



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designed in a way that really is all about setting up restrictions and narrowing a woman's access to choose. That's what it's all about, and if the framers of that Bill really cared about the issue they would have framed it in a way that would meet constitutional muster, which their Bill will not, and would protect women's health, because isn't that what we should all be about? This Amendment is better because rather than letting politicians and bureaucrats decide on medical procedures, it says let's let doctors decide. Let's let doctors use their best medical judgement to make these decisions. The previous speaker talked about the health exemption being too broad. Well, in 1995, and the speaker knows this because we discussed this in Committee this morning, nobody in 1995 in the Medicaid Plan exerted the health exemption. Last year there were only 30. So it has not been abused, that has not been the practice, and he is being disingenuous at best at saying that is. What we're saying in this Bill is, let's be clear about what we're trying to do, if we're trying to ban a procedure, let's not do it at the risk of women's health. That's why I support this Amendment. I urge all my colleagues who are serious about this matter to look very closely at this Bill and vote 'yes' on this Amendment."

Speaker Granberg: "Thank you. The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in support of this Amendment to this Bill, because this is the only language before this House today which is going to affect late term abortions only. I urge each one of you, on using your computers, to look at the House language of House Bill 382. Get off your analysis and look at the language of the Bill. The other Bill of which there has been a great deal of

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rhetoric about, this Bill applies to late term abortions and all of the rhetoric that has gone with that, has no reference in that Bill to viability. It has no reference in that Bill to trimester of the pregnancy. It has no reference in the Bill to the weeks of the woman being pregnant. It's simply an attempt to outlaw abortion completely, and you have to be aware of that. You have been, excuse me, you have been misled by the Sponsors of that Bill, if you think that that is a late term abortion Bill, but it is not. Clearly, under the U. S. Supreme Court decisions, abortions after viability of the fetus are only allowed for the life or the health of the mother. This procedure should be illegal after viability just as any other procedure should be illegal after viability, but the problem with 382 is it does not refer to that point. It's simply trying to, the way it is written, would outlaw any abortion. I think severe impact of health of the mother is something that is important. We've talked a lot in this General Assembly about women's health and concerns for women's health. We cannot abandon a woman's health simply because she is pregnant. I urge you to vote for this Bill, and every one of you who wanted to vote and are planning to vote for 382 because you thought that was a late term abortion Bill, should vote for this Bill also, even if you're going to vote for the other one, because this is the only Bill that impacts late term abortions. Thank you."

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

Clayton: "Thank you, Speaker. I rise in support of this Amendment. I know when 382 was presented before the Executive Committee and I was faced with a vote there. I felt I had to vote 'present' on that Bill. I don't like to

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vote 'present', but I was not comfortable with a 'yes' vote, I was not comfortable with a 'no' vote. After hearing the gynecologist that testified in that Committee describe the procedure that had been referred to as partial-birth abortion, but both sides agree that's really not the term, so I don't know what the appropriate term to use, that's why I say the procedure that was described by Doctor Smith in Committee. I have no problem at all with banning that procedure. The concern that I had with the Bill, and the reason I felt I had to vote 'present' on it was because of my concern for the health of the mother, that that had to adequately be addressed. And the concern that in fact the procedure that had been described was the one that we were banning. So with this Amendment I feel much more comfortable. I will be pleased to be able to vote 'yes' on a Bill that would ban the procedure that had been described at that time and I would urge others to follow us with that. Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Mulligan's Amendment. I did not come to this decision easily. As many of you know, I guess I'm pretty much considered a pro-choice legislator, but when confronted with what partial-birth was all about, this whole procedure that's been talked about in Congress, people visiting my office with pictures and descriptions of a very grisly procedure, I started thinking about well maybe we should be in a different place on this one. Maybe I should rethink my position on this one. Maybe this, protecting my pro-choice values goes too far on this one. And then I did something we should all do, Ladies and Gentlemen, I read the Bill, and when I read the

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Bill and I read it many times and I read it very carefully, it occurred to me that I didn't really need to get into those issues on this Bill the way that the other Bill that we're going to deal with later is written. When you look at what was proposed as a partial-birth abortion ban you see a number of things. First you see an effort to ban a procedure that's already illegal in Illinois. Illinois already has a law that restricts the ability to have a third trimester abortion. So that seems to be a bit redundant. We don't need to ban third trimester abortions, we've already done that. And then I read the Bill a little further, and while the heading of the Bill, and while the Sponsors of the Bill, and while the proponents of the Bill discuss partial-birth abortion, when you read the language of the Bill what you see is all abortion. You see an abortion ban. Well that certainly goes against my grain, I believe in Roe v. Wade. Then I read further and I found all sorts of vagueness in the Bill. The Bill is vague, it's unconstitutionally vague. Well, I don't think we can support a Bill that's unconstitutionally vague. We took an oath to uphold the Constitution of the State of Illinois and the United States of America, and then I read a little further and I saw a Bill that leaves no interest in the value of the life and health and safety of the mother. And I ask you, at what point in the process of becoming a mother does a woman lose the value of her life? The value of the woman's life, the value of the mother's life, the mother is a person, a person doesn't lose her rights, her value as a human being because she's about to perhaps become a mother. Or because she's made a choice about what to do with her own body. And then I read some other evidence and although some talked to me about a grisly

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procedure, the fact is there doesn't seem to be any evidence that any of these procedures have ever taken place in the State of Illinois. Nobody can give me the name of a doctor who's ever performed one of these procedures. Nobody can give me the name of a patient who's ever requested one of these procedures. In fact, the evidence seems to indicate that some women who wanted to do this had to leave our state because we have a ban on third trimester abortions in the State of Illinois. And so, Floor Amendment #1 deals with these issues. It takes an unconstitutionally vague Bill, the other Bill, and renders it constitutional, it's not vague, it's very clear. This Amendment is clear in its terms about what it talks about. It's clear in its terms about what it bans and what it does not ban. It's clear in its terms that the value of a woman who is pregnant is the same value of a woman who is not pregnant. And it's clear in terms of the law of the State of Illinois, which is that people should have a choice, that women have value, and that we must insist on the floor of this House to not vote for or against measures out of emotion or because someone brought some nasty looking pictures to our office. But we have a responsibility to uphold our constitution and to protect all citizens in the State of Illinois. Since we already have a law that forbids third trimester abortion, the original Bill that this Bill seeks to change is unnecessary and redundant, accordingly we must vote for this Amendment and I strongly urge 'aye' votes."

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

Parke: "Thank you, Mr. Speaker. Will the Sponsor of this Amendment yield?"

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Speaker Granberg: "Indicates she will."

Parke: "Thank you. Representative, is there, there is a ban on third trimester abortions in the state on the books, isn't that true?"

Mulligan: "Yes there is Representative."

Parke: "And is there any exceptions to that?"

Mulligan: "The exceptions are for the life and the health of the mother."

Parke: "And the health of the baby, of the mother you mean?"

Mulligan: "Absolutely."

Parke: "Life and health of the mother. And health can be defined in many ways. What if a mother says this is going to put a strain on me to have this third trimester baby, and that I'm going to have emotional problems, do you think that some doctors would say, 'well, therefore the health of the mother's in jeopardy and therefore I as a doctor would authorize her to have that abortion,' couldn't that happen?"

Mulligan: "Representative, unless she had developed a mental illness along the way I think if a woman was going to make that decision she'd make it long before a third trimester abortion. I think you insult women if you refer to that in that way, and that is a large insult to women as all the discussion..."

Parke: "Oh, so if I ask you a question, I presume therefore if I ask you any questions you're going to say there an insult to women?"

Mulligan: "No, I think that if you decide, that someone decides that it's burden to have a child, and she looks down suddenly in the last trimester of her pregnancy and says, 'oh my God, I'm pregnant, I think I'll do something about this.' It is an insult to women in this state."

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Parke: "Well, you know, I don't know how you could say that. I think that that's a rather poor analogy to say that it's an insult to anybody. I have a legitimate right to ask these questions and I would prefer that you did not take a personal affront to that. I mean, this is an argument on the Floor of the House. I have a right to say that, and matter of fact, I would say that some women would do just that. Those that choose not to have the life of a baby to be continued. So please, let's not get personal on this, I have a legitimate right to ask these questions. And to say that I'm insulting anybody is out of line."

Mulligan: "Representative, I'm not denying you right to ask the question."

Speaker Granberg: "Representative, let's keep the discussion civil."

Parke: "That's what I would like."

Mulligan: "Would you like another answer to that question?"

Parke: "No, you've insulted me and I shall let it go. The Bill, the Amendment that you have here says that it delivers a viable human fetus. Who determines whether that fetus is viable?"

Mulligan: "In all instances as it always should have been, it should be the doctor that decides that. I am not a doctor, nor is any of the Representative in this Body that I know of are they doctors. I think that is a doctor's decision."

Parke: "Okay. Now some of those doctors will be the personal physicians of that pregnant mother. They will be, some will be the doctors at the abortion clinic that will be deciding whether or not it's viable, isn't that true?"

Mulligan: "Representative Mulligan (Sic-Parke), doctors at abortion clinics do not perform third trimester abortions. Third trimester abortions are major surgery that would be

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performed in a hospital by a doctor who is a capable doctor and not one that, and the reason they cost so much after you go by, past the first trimester is because you can no longer do that in a clinic setting."

Parke: "Well, my question is, who determines the viability and somebody like myself might have a different perspective than someone else, and whether that position has a liberal perspective on that or not, I think would be a question that disturbs me with your Amendment. So, to the Bill, to the Amendment, I think that in fact very few third trimester abortions will be stopped with this Amendment, and that in fact, the only true way of limiting the partial-birth abortion is with the Bill that will be presented later. I think this Amendment is a smoke screen to circumvent a Bill that truly stops third, the partial-birth abortions that will be coming up later, and I think that this is a bad idea and we should defeat this Amendment."

Speaker Granberg: "The Lady from Cook, Representative Coulson, Beth."

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

Speaker Granberg: "Indicates she will."

Coulson: "The term partial-birth abortion is not a medical term and it has been described by the proponents of 382 as a procedure whereby a living human fetus is partially removed and then destroyed. This kind of procedure, of course, is loathsome and is to be condemned. However, fortunately for those of us in Illinois, it has been illegal for a viable fetus to be aborted for over 20 years. The Illinois Abortion Law of 1975 expressly made it a felony to abort any viable fetus. I have the citation if anyone would like it. The only permitted exception is when a physician



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certifies in writing that an abortion is necessary to preserve the life or health of the mother. Even then the physician is required, under penalty of a felony, to utilize the method of abortion which is most likely to preserve the life and health of the fetus. In an addition, a second physician must be present to provide needed care if the fetus is born alive. As a working physical therapist, I have worked with many physicians and many premature babies, some disabled and some not. I've held them in my hands, I have been thrilled at how exciting it is to have a birth no matter how early it might be. No one is more aware or cares more about a new human life than I. However, in view of our long-existing successful state ban on partial-birth abortions, I didn't feel this was a necessary Bill. So I talked to the Sponsors, I talked to other professionals, and I talked to attorneys to look at 382, and to see if this new legislation was needed or desirable. What I found is that there are no partial-birth abortions performed, that we can tell, in the State of Illinois, and they must be reported. What I found was that attorneys, who are not on either side, but are experts in constitutional law, have informed me that the proposed new law in 382 is fatally vague, poorly drafted and clearly unconstitutional under the U. S. Supreme Court opinions. Whereas, the existing ban we have from 1975 is fully constitutional. Some of these lawyers have warned that the proposed Bill could even undercut and compromise the existing ban from 1975. In view of all of these, this information, I do not see what protections 382 would provide since it would probably be unconstitutional. I also questioned the intrusion upon personal values and the private relationship between a woman, her family, and her

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doctor. Existing Illinois law has sought to strike a balance consistent with legal constitutional principles. I support this balance and I rise to speak in support of this Amendment, but against 382. Thank you."

Speaker Granberg: "The Lady from Kane, Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. I will be very brief as everyone has said everything that I was going to say, but I rise in support of this Amendment also. I think we're in the business here of drafting laws and I hope that everybody has looked at the language, because the language in this Amendment is definitely a partial-birth abortion ban. They use the language 'viable human fetus', which is used in all the case law, which is also used in medical terminology, and the other Bill does not contain that. Also, if anyone doubts that this is unconstitutional the summary in Roe v. Wade concerning the health of the mother says, 'a state criminal abortion statute of the current text as typed that excepts from criminality only a life saving procedure on behalf of the mother without regard to pregnancy stage and without recognition of the other interests involved, is violative of the due process clause of the 14th Amendment.' It's pretty stupid of us as a Legislator to pass anything that is violative of a Supreme Court decision that has stood for the past 20 years or so."

Speaker Granberg: "Thank you, the Gentleman from McHenry, Representative Skinner."

Skinner: "Well I took the Gentleman's advise from Skokie, and I read the Bill. I read the Amendment and on line two of the second page is the following, 'that is necessary to preserve the life or health of the mother.' I assume all these constitutional lawyers on the House Floor know about Doe v. Bolton I remember reading about seven years ago or

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eight years ago, so I asked for a copy of it and found this little snippet, which is fairly significant. 'Medical judgement may be exercised in light of all factors: physical, emotional, psychological, familial, and the woman's age relevant to the well-being of the patient'. All these factors may be related to health. Well, I have a little family story that perhaps is relevant. When my eldest niece was two years old, my younger sister was pregnant, and being a modern mommy, my sister Jan told the two-year-old about how the baby was in the womb and the baby was going to come out of the womb, and everything was fine until my sister Janet brought Sara home from the hospital. Esther looked at Sara and said, 'Mommy, put her back in the womb.' Things have not improved very much since then. By the time they were 18 and 16 my sister had put locks on all of the bedroom doors, because the sisters had a sibling rivalry which was unhealthy, I think it would be safe to say. Now what if Esther had come up to my sister shortly before the delivery date and said, 'Mommy, don't let that baby out of the womb.' Under Doe v. Bolton she could have had a very third term abortion. I would suggest that most of the supporters of this Amendment are very firmly on record as being pro-choice. There are some new players and we can reserve judgement on them, we'll know by the end of the day. I don't think that a pro-life concept is going to be sponsored by a pro-choice Legislator. So I would urge you to vote 'no' on this Bill if you agree with 80% of the people in the United States that we ought to ban partial-birth abortions."

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

Biggert: "Thank you, Mr. Speaker. To the Bill. In response to the previous speaker I would just like to say that there

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are a lot of pro-choice people who are in favor of a ban, and the Amendment itself is a ban on partial-birth abortion. I would also like to speak to the concept of the health of the mother. I think most of the issues that I believe are in this Bill have been addressed, but I think that the opponents to this Amendment have glossed over the health of the mother, where it is necessary to preserve the life or health of the mother. If you go back to the 1975 law, in Illinois it states that, 'no abortion shall be performed unless, in the medical judgement of the attending or referring physician based on particular facts of the case before him, it is necessary to preserve the life or health of the mother'. This means that there is a medical judgement that is made by a physician whether to perform this procedure or any procedure in the late term abortion. And I believe that this is not done as our opponents would have us believe without a lot of thought, without a lot of medical decisions being made, and I really can't believe that they think this is something where people just go and have it done at a whim. It is the medical judgement of a physician, and they are bound by certain rules and ethics of their profession and this is done in consultation with a woman, where it should be and we should not be, as the Legislature, making this decision for women. And I would urge an 'aye' vote on this Amendment."

Speaker Granberg: "The Lady from Cook, Representative Mulligan to close on the Amendment."

Mulligan: "Thank you, Mr. Speaker. The arguments for this Amendment I think have been compelling. They state up front that this is the only Bill, or only Amendment to make a Bill constitutional that will ban a procedure that a number of people in this Body seemed bent on doing. The

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other Bill that we will be considering later is not constitutional, and the Sponsors of the Bill have refused to make it so. One has to question the ulterior motives in Sponsoring a Bill that will be unconstitutional, and I think the people that are up the middle on this issue and are really tired of being forced to choose sides, ought to take a look at the credibility of what they're doing here and what they're being asked to do. On the other Bill, which is patently unconstitutional, you are seeking a challenge of women's reproductive freedom. On this Bill you are banning an individual procedure. Why there should be any argument or any recommendation not to vote for the Amendment for this Bill would certainly leave questions as to the ulterior motives of the other Bill and why it was brought to this Body to begin with. I urge you to consider this. If you want a good vote on this procedure, vote 'aye' for this Amendment. Thank you."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Mulligan moves for the adoption of Floor Amendment #1. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'yes', 51 voting 'no', 0 voting 'present'. The Floor Amendment #1 to House Bill 1812 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading and hold the Bill on Third. Mr. Clerk, House Bill 382, read the Bill. Mr. Roskam."

Clerk Rossi: "House Bill 382, a Bill for an Act concerning abortions. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from DuPage, Mr. Roskam."

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

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House. I rise to present House Bill 382, which has been referenced frequently in the debate in the last Bill. I restrained, in terms of further detail, on this Bill because I thought it was inappropriate. But let me tell you what House Bill 382 is all about. What it would do is ban a procedure known as partial-birth abortions, which up until a couple of weeks ago opponents of this Bill were arguing was a vague procedure inarticulately put together in this Bill, but yet they adopted that very same language, the very same definition in the Bill that you just considered. I'd like to read from the Congressional Record of November 7, 1995. It's the testimony of Brenda Pratt Shaffer, who is a nurse. This is the testimony of Senator Smith before the U.S. Senate, or the speech by Senator Smith before the U.S. Senate. And he talked about Brenda Pratt Shaffer, who is a person who ended up being a nurse one day in an abortion clinic. Previously, she had strong pro-choice views, and after she saw what I'm about to read to you, it changed her mind. This is Miss Shaffer's testimony, 'I'm a registered nurse with 13 years of experience. But one day in September, 1993, my nursing agency assigned me to work at a Dayton, Ohio abortion clinic. I had often expressed strong pro-choice views to my two teenage daughters, so I thought this assignment would be no problem for me. But I was wrong. I stood at a doctor's side as he performed the partial-birth abortion procedure. And what I saw is branded forever in my mind. The mother was six months pregnant. The baby's heartbeat was clearly visible on the ultra sound screen. The doctor went in with the forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's arms and body, everything but the head. The

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doctor kept the baby's head just inside the uterus. The baby's little fingers were claspings and unclaspings and his feet were kicking. Then the doctor stuck scissors through the back of his head and the baby's arms jerked out in a flinch, a startled reaction, like a baby does when he thinks he might fall. The doctor opened up those scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Then the baby went limp. I never went back to that clinic. But I'm still haunted by the face of that little boy. It was the most perfect, angelic face I've ever seen.' Well, what is a partial-birth abortion? Ladies and Gentlemen, partial-birth abortion isn't a procedure that's done in emergency. It's a three day procedure, which one woman described in The New York Times, as pure hell. It's a procedure where laminaria are inserted into the cervix over a period of two days, until finally, the cervix is open enough so that the abortionist can pull the baby out and do the description of what I just told you about. Now, House Bill 382 was characterized a couple of minutes ago, but if I could, let me walk through a couple of salient points that are important for your consideration. #1) This Bill has a life of the mother exception. Let me draw your attention to it, it's on page 1 of the Bill, line 16. This section does not apply to a partial-birth abortion that is necessary to save the life of a mother because her life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering condition, caused by or arising from the pregnancy itself, provided that no other medical procedure would suffice for that purpose. So if people characterize this as not having a life of the mother exception, they're incorrect. I've just

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read you the language of the Bill. This is the same language, in essence, as the U.S. Congress has overwhelmingly supported in the recent debates on partial-birth abortion. This is the same language that has transcended gender, it has transcended parties, it has transcended traditional pro-choice, pro-life lines. In fact, Senator Daniel Patrick Moynihan, from New York, who's pro-choice credentials I don't think anyone would question, said, 'This is just too close to infanticide.' So he supported the Bill. U.S. Congressman, Dick Gephardt, the Democratic Leader in the House, strong pro-choice views, yet, he supported the Bill. Congressman Patrick Kennedy, from Rhode Island, he supported the Bill. Who are the other supporters? Well, there are 36 Cosponsors in the House of Representatives who joined with me in presenting House Bill 382. The 18 thousand members of the Illinois State Medical Society, who have the responsibility to care for women in Illinois, and children in Illinois, have signed on as supporters of this. They don't view this Bill as being intrusive on the authority, their professional decision making. They support the Bill. The Chicago Tribune Editorial Board, in discussing the Congressional ban on partial-birth abortion, which this mirrors, recently said, 'You don't have to be a fan of 'Operation Rescue,' to feel that this ghastly procedure comes repulsively close to infanticide. In an extreme case like this, government intervention is warranted. This is the Chicago Tribune Editorial Board, which has not had a right to life position in the past. Now, what I'd like to do is walk through the opposition arguments. And if I'm critical of opponents today, I'm not critical of any of my colleagues. This is an issue of the heart. And those who spoke, and will speak



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in opposition, I acknowledge heartfelt differences on this issue. When I'm critical of opponents, my criticism will be of opponents outside of this Chamber, in terms of advocacy groups, as I understand them. Now, argument #1) This procedure is medically necessary. Well, Doctor C. Everett Koop, the Surgeon General, former Surgeon General, who has had a long history in obstetrics, said this in the American Medical News, August 19, 1996, he said, and I quote, 'In no way can I twist my mind to see that the late term abortion, described as a partial-birth abortion, you know the destruction of the unborn child before the head is born, is a medical necessity for the mother.' One of the preeminent obstetricians in this country. Doctor Pamela Smith, here in Illinois, gave testimony before the Executive Committee, and she has said, and this is the head of OB/GYN, she may not be the head but she's in the OB/GYN department at Mt. Sinai, she said this, 'There are absolutely no obstetrical situations encountered, in this country, which require a partially delivered fetus to be destroyed to preserve the health of the mother.' So, argument #1) It's medically necessary for health. Not true according to the medical testimony; not true according to the 18 thousand members of the Illinois State Medical Society. Argument #2) We didn't hear this today but we've heard it generally, and basically, Congressman Hyde blew this out of the water. But there was a fairly credible argument, at one point that said, you know the anesthesia kills the baby; the anesthesia is so overwhelming that the baby actually dies and is numb and sort of slips away quietly. That's not true. According to Doctor Norig Ellison the President of The American Society of Anesthesiologists, with congressional testimony before

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Congressman Hyde's committee in Washington D.C. said, that anesthesia given to the mother does not kill the baby, nor does it provide pain relief to the baby. In fact, in order for the anesthesia to kill the baby, the Anesthesiologist Society has said you'd have to give so much pain medicine that it would actually kill the mother and be counterproductive. Argument #3) The language is vague. Now there are those who, up until this morning, were arguing that the definition, itself, of partial-birth abortions, is vague. But I'm pleased to report that Planned Parenthood has now adopted this actual definition in their Bill that we just voted on a couple of minutes ago. So the notion that the underlying constitutional is vague, is taken away. The opponents have now adopted the language. #4) The procedure is rare. Now for a long, long, long time, the abortion advocates, particularly those in Washington D.C., were saying that this is a rare procedure, it's unusual, it hardly ever happens. And then Ron Fitzsimmons came on the scene. Ron Fitzsimmons, who is the Executive Director of the National Coalition of Abortion Providers, came forward and he said, 'I was lying through my teeth when I said that. I was lying through my teeth. This happens far more frequently as been represented.' In fact, one of my friends from DuPage county said that this should be a rare procedure and, so forth, and that it hardly ever happens. But let me read to you a quote from The New York Times, from the head of a coalition of 200 abortion providers. He said, and I quote, 'In the vast majority of cases, the procedure is performed on a healthy mother, with a healthy fetus that is 20 weeks or more along. The abortion rights folks know it, the anti-abortion folks know it and so, probably, does

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everybody else.' This isn't rare. This isn't unusual. We're talking about inducing a baby to come down through the birth canal pulsing with life, and the abortionist holds it back like that nurse did, what I earlier described to you, holding back that baby until, what does he do, he jams the scissors into that baby's head. That's outrageous! That's not what this House should be about. And we need to stand against that. Now, the last argument that's floated around, and I held back on the other Bill so that we could focus on this one, is the constitutionality. Much has been made about the 1973 abortion decision, Roe v. Wade, which criminalized the Texas Statute. I have in my hand, Roe v. Wade. At the beginning of the opinion, the court, in determining what it was that they were going to evaluate in this opinion, they said, 'The Texas Statutes that concern us are Articles 1191 through 1194, and 1196.' What they did in footnote #1, and it's here for anybody to see, they left in place Article 1195. They didn't rule on it. They had nothing to say about it. In fact, Article 1195 has never been before the U.S. Supreme Court. And you know what Article 1195 was, and is in the Texas Penal Code? It says this, 'Destroying unborn child. Whoever shall, during parturition in the mother, destroy the vitality, or life, in a child in a state of being born and before actual birth, which child would have otherwise been born alive, shall be confined in the penitentiary for life, or not less than five years.' Do you understand what I just said? In other words, the U.S. Supreme Court, in all of their abortion decision making, in all of the things that have happened since 1973, have never, ever, made a decision on the status of a child in the process of being born. And they intentionally, in footnote #1 of Roe v. Wade, left

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this standing. What I'd like to do, there was testimony that was given by an attorney for the Catholic Conference of Illinois, Mary Hallen, that I think, and if you'll indulge me, I'd like to read a couple paragraphs as it relates to constitutionality. Because argument after argument, after argument, in opposition to partial-birth abortions, have been struck down. And so, what the opponents are doing now is, as they see this procedure about to be banned, their last gasp is constitutionality. Let me read this brief testimony. 'A discussion of Roe and Casey, which we know about, is premature, given that the legislation being considered here, does not fall under their jurisdiction. While the Supreme Court held in Roe that the word 'person' as used in the 14th Amendment, does not include the unborn, the court has never addressed the constitutional status of those who are partially born.' In other words, the point I just made. In fact, in Roe the Supreme Court struck down provisions of the Texas Penal Code, criminalizing abortion, but left in place a provision, Article 1195, which made it a crime to kill a child in the process of being born. The plaintiffs in Roe deliberately decided not to challenge this provision, which is still in effect, which is still upheld, which is still constitutional in Texas. The court noted this fact in Roe. No court has ever addressed the legality of killing a living child who has begun to leave the womb. Partially-born children in Illinois currently exist in a legal, no man's land, for they are neither fully born, and therefore protected by homicide laws, nor are they completely unborn and subject to Roe v. Wade, and other abortion decisions. This Bill, 382, would provide a specific legal status for these vulnerable children. But,

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for the sake of argument, even if this Bill is subject to Casey and Roe, it would be upheld, even under the Supreme Court precedence that block most government limitations on abortion, which is the point of the Tribune editors. The plurality in Casey held, that restrictions on pre-viability abortions, are constitutional as long as they do not pose an undue burden on the right to terminate a pregnancy. Partial-birth abortion is never medically necessary. House Bill 382 is specifically calculated to apply only to partial-birth abortion at any stage in pregnancy. So, discussions of trimesters have nothing to do with this Bill, leaving untouched other methods of pregnancy termination. House Bill 382, therefore, would not place any substantial burden on a woman seeking a pre-viability abortion. Ladies and Gentlemen, the opponents have tried to come up and say that this procedure is medically necessary. That's not true. They've tried to say, not these opponents here, but opponents outside of this Chamber has said, anesthesia kills the baby, and the baby just sleeps away. That's not true. The argument #3, about vagueness, have been cleared up. Our opponents have actually adopted our language. The rareness and infrequency of the procedure, is only done on severely handicapped babies. That's not true, even according to Ron Fitzsimmons of the National Coalition of Abortion Providers. As I just argued to you a couple moments ago, this procedure is legal, and it's constitutional, and it will be upheld, in my opinion. Now, what it comes down to is this, and I think Congressman Henry Hyde put it best on the Floor of the U.S. Congress when he said this, 'You could not execute a convicted murderer by jamming scissors in the back of his head. Can't we do better for children?' I'm happy to

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respond to questions, I know there are many. I appreciate your courtesy in listening to me today."

Speaker Granberg: "Questions? The passage of House Bill 382. On that question, the Gentleman from Cook, Representative Fritchey."

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

Speaker Granberg: "Indicates he will. Proceed."

Fritchey: "Representative Roskam, you and I have been able to do what most people have not been able to, and that's in the past have civil discussions on this, respectful of each others positions on the issue, as different as those may be. And I respect that, and in spirit of your earlier comments to continue that, please except that my comments are addressed to the issue, they have been, they will continue to be. Whether you like it or not, in light of what just happened on House Bill 1812, this is no longer a debate about partial-birth abortion. I'm not going to get into my feelings on the procedure. It's now moot. You are adamant in wanting a partial-birth abortion ban, 1812 gives it to you. You are adamant about doing away with, what you consider to be a grisly procedure, 1812 does away with the procedure. What this argument is now about, and what this vote is going to be about, and everybody in this room has to realize that is, do you or do you not want to provide for the health and the life of the mother, of the woman? Not just their rights, but their health, too. On March 12, about a month ago, I sent you a letter, prior to us being in the Executive Committee. I gave you a proposed Amendment that lifted language out of the statutes already, that would have provided for a health and life exception for the safety of the mother. And furthermore, it would have required the physician, at the time, to certify that

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the procedure was done to protect the health and/or life of the mother. You were gracious in your reception of it, and I don't mean to put words in your mouth in my distinct recollection of what you said was, 'John, it may or may not be constitutional, but if I provide an exception for the health of the woman I cut the Bill and the Bill becomes meaningless.' And I believe you referred at the time to Henry Hyde and his comments in Washington on that level. Representative, I submit to you, with the utmost in respect, the Constitution is there to protect ideas you like and ideas you despise, notions that you support and notions that you oppose. It is not to be used as a shield when you choose to use it, and ignored at times when you disagree with it. We have an opportunity here to pass a Bill in 1812 that will do away with the procedure that you want to do away with, that will provide for the health and safety of the women that are involved here, that will be constitutional. Each and every one of us in this room, we took an oath to uphold the laws of this state, the constitution of this state of the United States. Additional, Representative, you're an attorney, you took an additional oath to uphold the laws. If we pass 382, you are knowingly voting for a Bill that is going to go to court, that is going to be defeated, that is going to be sent back here. We are going to waste time, we are going to waste money, you are going to put a lot of people out on a limb, unnecessarily. You said that you had about 36 supporters for your Bill, 64 people just voted for a Bill that would do away with the procedure. But some of them didn't want to vote for the Bill, myself included, because I don't think the Bill is necessary. But if we're going to have a Bill, I'm going to vote for one that provides for

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the health and the life exception for the woman. Each and every of you 64 that voted for this last Bill, it is going to be duplicitous if you vote for this Bill. You want the ban, you take the ban in a constitutional form. If you voted for 1812, for the Amendment to 1812 to be adopted, you have got to vote against 382. This is no longer a vote on partial-birth abortion. The issue was as done and disposed of half an hour ago. This is a vote, are you voting in favor of, or against the health and safety of the women, of somebody's wife, of somebody's daughter, of somebody's sister, of a child's mother? Are you going to allow them to have a procedure that they need? These are not women who are wanting to have this procedure so they can fit into a prom dress. These are women seeking to have this procedure because it's medically necessary, because their health is jeopardized, because their fertility is jeopardized, because their life is jeopardized. It's not an abortion issue anymore. It's a health issue. It's to protect the women that are involved here. If you voted in favor of that last Amendment, you have got to hit the red button, you have got to vote 'no' on this Bill. Thank you, Sir."

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

Mulligan: "Thank you, Mr. Speaker. Certainly agree with the last speaker who has given the Sponsor of this Bill every opportunity to amend it to make it constitutional. Once again, we get to the heart of this. Do we want a constitutional Bill that passes and can be used for this ban, or do we want an unconstitutional Bill that will go out there to challenge reproductive rights of women? Do we want a Bill that makes an exception for the life and health



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of the mother? Do we want a Bill that allows a woman, whose fertility is at risk if she carries a pregnancy to term, to possibly have a procedure which, under the current Bill on the board, is so vague that it would apply to any number of procedures, not just to a partial-birth abortion. This term, by the way, is not found in any medical dictionaries, textbooks, or coding manuals. The fact of the matter is a few years ago we passed a welfare reform, and in that welfare reform we totally disregarded women who would have another child. At the time many of us spoke about the possibility of abortion and the difficult choices women are forced to make. When Representative Roskam spoke about the discussion of when these procedures are performed, he referenced a gentleman who said there were many more procedures, but on Nightline that gentleman recanted and said that they were midterm. This does not necessarily mean that they weren't because of a defect or a woman that has a hard time trying to raise the money for an early term abortion, or that has an honest concern over her health, whether it be because she has cervical cancer, another disease, such as diabetes, or if it's just going to jeopardize future fertility. We have not recognized the health of the woman. She has the protection of this under the Constitution of the United States. I cannot understand the lawyers in this Body, or the Representatives who have sworn to uphold the constitution, who seem to be honor-bound to challenge it in this Bill. I do not understand that at all. I think that women have the right to equal protection and the right to have their liberty and their life and their health protected. This Bill does not do that. We have already offered you a good alternative that will outlaw a procedure that is constitutional. Let's

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make no mistake about it, this Bill does not do that, nor does the Sponsor want it to. So, unfortunately we are faced with the prospect of trying to explain a vote that is going to be a 'no' vote. I personally can go home and explain this. This is an unconstitutional Bill that jeopardizes the health and the lives of the women in my district, who may be forced to choose between reproductive freedom and an unconstitutional procedure that is going to be challenged in the Supreme Court of the United States, and that's where this will go, and that's what in every state they are trying to do right now. So let's not make a mistake about it. A vote for this Bill will mean that you are voting to challenge the reproductive rights of women of this state. Also I would request a verification of this Bill, should it succeed, and I want to make sure it's not on Short Debate."

Speaker Granberg: "We have not limited the debate on this issue, and your request for a verification is acknowledged. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. speaker. Ladies and Gentlemen, I rise in opposition to House Bill 382 for many of the reasons that I was for the Amendment that we just voted on on 1812, which was not only a good overture, but a good Amendment. Ladies and Gentlemen, as you read through the Bill you see some interesting things. Aside from the obvious unconstitutionality, aside from the vagueness, aside from the obvious effort of the Sponsor, while I know well-intentioned, to really do away with all abortion and if that is his intent he should just introduce a Bill that does that and we could debate that issue. If you look at the Bill you see such language as, 'vaginally delivers a living human fetus or infant before killing the fetus or

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infant.' Well, Ladies and Gentlemen, killing an infant is murder. That doesn't belong in this statute. Then the Sponsor goes on to say that, for purposes of this Bill, 'fetus' and 'infant' are used interchangeably. Well, Ladies and Gentlemen, 'fetus' and 'infant' are not the same thing, 'fetus' and 'infant' are not the same thing, and to many they want to say they're the same thing, but that's not the current law and the Sponsor hasn't indicated he wants to change that law, but yet that's what this House Bill 382 says. It says that once there's a fetus we're going to redefine when that fetus becomes a viable child, and so the term 'viable' is used but also it says that the term 'infant' and 'fetus' are interchangeable and that is a contradiction in terms clearly. The Sponsor cannot mean both of those at the same time, and aside from the issues of the value of women that I discussed previously, that they should not lose their value as human beings just because they may or may not become a mother or just because they may or may not be pregnant. This Bill does a very unusual thing, it gives a civil cause of action to a father or a biological male to get damages from his wife for 'his' psychological pain and suffering. It even goes so far as to give grandparents the opportunity to file for a cause of action to get psychological damages, pain and suffering, from this woman who has just had this procedure. And yet there is no consideration whatsoever given to the pain and suffering that the woman goes through. We're going to take into account the father, we're going to take into account the grandparents, and we're going to worry about all of their problems. Their health problems, their psychological problems, their emotional problems, of the grandparents, but not of the woman who is about to go through the

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procedure. What kind of a Bill is this? What's the point of this Bill? If the Sponsor was sincere about all of it, and I know, Mr. Roskam, believe me, I know you're sincere about the issue of life. But if you were sincere about going after only what you say you're going after, you could not possibly ignore the values of the woman's life and the woman's health and then tell us you're so darn concerned about the grandparent's rights. That's ridiculous. It's way beyond anything this General Assembly should approve. Take a look at that section of the Bill, please. You all have your computers, take a look at that section of the Bill. Are we really going to say that the rights of the potential grandparents are more important than the rights of the woman who's on the table having the procedure? I don't think so. I don't think any court in America, or any court in Illinois can possibly uphold this kind of procedure, can possibly hold up this kind of program as proposed by Mr. Roskam in House Bill 382. So, for all the reasons given, these and the ones given earlier about vagueness, unconstitutionality, the fact that these procedures are outlawed in the third trimester now, the fact that Mr. Roskam wants to say that an infant and a fetus are exactly the same thing, you cannot vote for this. If the purpose is to ban partial-birth abortion, and that's the whole purpose, we have a Bill to do that now. It's House Bill 1812. It says that this grotesque and grisly procedure cannot be done in the State of Illinois, period, except for the preservation of the life and health of the mother. If the Sponsor is really sincere about stopping this procedure, the Sponsor has an opportunity to do that without vagueness, with constitutionality, and to say to women in Illinois, 'we value you, at least as much as

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potential grandparents.' Please don't vote for this Bill."

Speaker Granberg: "The Lady from Cook, Representative Coulson.  
Beth Coulson."

Coulson: "Thank you, Mr. Speaker, will the Sponsor yield? You know I have to say that I would agree with Representative Roskam, that a partial-birth abortion, as so somewhat vaguely defined, but as talked about in your speech, is not medically necessary in probably 99.9% of the cases. But what if, under our current law the doctor gets to make that decision? What if that woman's life is in jeopardy and it's the only way to save her life? I have a friend who was in a car accident, she was nine months pregnant and the doctor had to decide, 'am I going to save the baby or the woman?' Unfortunately, my friend died, the baby lived. That was wonderful, it was horrible. In another situation it could have been the reverse. I want the doctor, my doctor, to be able to make a decision in the life or the health of a woman on what procedure's appropriate. However, with 1812 we'll ban all partial-birth abortions as defined in Illinois. So, we will be doing that, and I'm not really in favor of it, but I guess we'll have to do that. It's a terrible procedure, you're absolutely right, but I think that existing Illinois law has sought to strike a balance consistent with our legal constitutional principles. The Illinois law seeks to respect a woman's right to choose, along with the state's interest in protecting the unborn. I support this balance and I rise to speak in opposition to 382, because of all of the things we've said about the vagueness and drafting and the constitutionality, and I would urge you to vote 'no' on 382, but if you want to ban partial-birth abortions, so-called, vote 'yes' on 1812."

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Speaker Granberg: "Thank you. The Lady from Cook, Representative Schakowsky. The Lady from Peoria, Representative Ricca Slone. Representative Slone."

Slone: "Thank you, Mr. Speaker, will the Gentleman yield?"

Speaker Granberg: "Indicates he will."

Slone: "Thank you. This is and should be, a decision to undertake this procedure, is and should be a personal decision of a woman, her husband, her religious or spiritual advisor, and her doctor as envisioned by the Roe Decision. Disregarding that privacy interest is illegal, it's unconstitutional, it inserts the state government into medical and family decisions where Illinois has no standing and does not belong as a government. Banning a particular medical procedure for nonmedical reasons interferes with a person's autonomy and a physician's authority. Many medical procedures would be as gruesome as what has been described here today if they were graphically pictured and described in detail. Chemotherapy, open-heart surgery come to mind. But no one questions the right of an adult patient to choose such procedures in consultation with his or her doctor in the interests of his or her long-term health. Pregnant women are entitled to the same legal right to make the best decision they can. No one makes such a decision lightly. No one uses a procedure like this as birth control. No one casually elects it. It is a grave and personal decision. We should respect the individual's power to make the decision in accordance with their conscience and with their religious beliefs, and to live with the consequences. We, as a Legislative Body, cannot know every medical situation. We do not know what is or is not medically necessary and it is arrogant of us to think we can make these judgments for others, or to

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think that we can decide for all situations and that each one of us cannot decide most appropriately for herself. Therefore, I ask for a 'no' vote on House Bill 382. Thank you."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Our founding fathers established under the Constitution, the Bill of Rights separation of powers. It is the role of the Legislature to present and vote on public policy. Many of the previous speakers keep talking about the constitutionality, it's unconstitutional. I say to you our job is to pass what we think is good public policy, and it is then the courts' responsibility to determine what is constitutional and not constitutional. For my colleagues to continue to say that does not give them the knowledge of what the courts may or may not determine on this legislation. Do not hang your hat on the constitutionality of this legislation. I believe it will be constitutional, but that ultimately is the role of the courts, and it is our role to decide what is good public policy. I believe this Bill is good public policy, it ought to be supported, and we will allow the courts, once it becomes the law of Illinois, to determine the constitutionality of this Bill."

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

Schakowsky: "Thank you, Mr. Speaker. Many people on the Floor of this House have talked about when a woman chooses to have a partial-birth abortion, when a woman decides to have a partial-birth abortion, let's make it very clear, no women decide to have that procedure. This is a decision that is

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made by her physician and often, when women get the news, the very few women who have this procedure late in their pregnancy, when they get the information that this is their choice it is a tragedy. It is like a woman being told, 'In order to protect your life and your health you're going to have to have a mastectomy, which by the way is a very grisly operation.' If somebody put a video together of a mastectomy I assure you it would be really hard to watch, and people would say, 'oh my God, why should we be doing this?' Only because it is necessary to protect the health and the life of a mother. But let's talk about protecting the life. Doctors are not God. Can they really know, with absolute certainty that if this procedure is not done that a woman will die? What if a doctor, now under this legislation, decides to be very conservative and says, 'well, I can't absolutely certify that unless you have that that you'll die.' And so the woman is forced to carry this pregnancy to term and she does die. Are there any penalties in this Bill for that? For forcing a woman to go through a procedure that will actually cost her her life. And what about future life? Vicky Stella, an Illinois woman who sought this procedure, who had to have this procedure, didn't seek it, had to have it, went to have it out-of-state, was told that her future fertility was at stake if she did not have this procedure. She now has a healthy other child. She might not have ever been able to conceive again. Her right to produce life in the future would have been abridged. This Bill is utterly disrespectful of the women who find themselves in a situation of being told by their doctor that this is a procedure that needs to be used. We're limiting the rights of medical professionals to make the proper decision. I



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cannot see for any of you who have any respect for the women, you know, and there was earlier mentioned a woman who might have had an abortion late in her pregnancy because her smaller child said, 'oh Mommy, why don't you keep that baby in the womb?' How dare we say that women would so frivolously end this? The 450 or even fewer women who have to have this procedure don't want it. This is a wanted pregnancy, and they are forced to have it. Please, do not support this legislation. We passed a Bill earlier that meets the needs, I think, of most of you who want to reduce the use of this procedure in, for abortions. We have a Bill, vote 'no' on 382."

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

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

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

Biggert: "Thank you. Representative Roskam, I know that you're sincere and really feel very passionate about this issue, but I also know that you're a lawyer and I really have some concerns about the Bill as it is drafted. And I'd like to ask you, and I think that Representative Lang talked about Section 15, which is the civil action. Can you explain to me why this is in this Bill?"

Roskam: "Because the best way to get at an abortionist that would do this type of procedure that even someone like you, who just on the last Bill, voted should be outlawed. The best way to get at that person is through their pocketbook, through a civil cause of action. There's no civil action against the woman, there's a civil action against the abortionist."

Biggert: "Alright. What does it mean then in line 27, I believe it is, where it says 'may in a civil action obtain appropriate relief,' and then it defines what the relief

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is, but what is the relief for? For what?"

Roskam: "The Wrongful Death Act."

Biggert: "I'm sorry, I couldn't hear."

Roskam: "Wrongful death."

Biggert: "Alright. Well, to me this whole section seems really vague and I don't understand it. Can you, and I think this has been asked before, do you have any knowledge of this procedure being performed in Illinois?"

Roskam: "Well, I'm glad you asked that. That same question came up, frankly, in New Jersey. I will get to the Illinois question, but in New Jersey they didn't know what was happening either, until a pro-choice reporter with the Bergen County Record decided to go forward and do an investigation. She found that there were 15 hundred of these procedures that were happening in that county alone, because this is a new, this characterization of an abortion procedure, which we've all supported or some of us will and some of us did in the last Bill. So we're all comfortable now with the definition of partial-birth abortion. There isn't any reporting requirement. Now I would be the first to try and amend the abortion reporting statute that would require the disclosure of this type of procedure. My argument, Representative, is this, if this happens one time, that's one time too many. If you think about the outcry of the type of thing that has happened when DCFS has made a terrible decision and the tragedy of a child who's gruesomely murdered, the outcry that that has brought in the General Assembly, I would say that one time, is one time too many."

Biggert: "But, there is no statistic that there has been one of this procedure performed in Illinois."

Roskam: "That's right."

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Biggert: "So, there have been none."

Roskam: "There may or may not be. Now, the testimony from Ron Fitzsimmons is that there was 6 thousand happening annually across the year. That is across the country. Now I think we could safely assume a populated state like this has a certain percentage of those. What that exact number is, I'm not able to bring that number to you because there's not a reporting requirement."

Biggert: "And the other issue I wanted to discuss was the viability and the definition of fetus, and I think that Representative Lang has covered that. But I would like to suggest, and I have here an Amendment to House Bill 382, which is similar as the one that Representative Fritchey brought to Committee, and it deletes the civil action and it has the liability of the physician and the definition of the viable fetus. And I would suggest, and I am joined by 40 other Members on this Amendment, if you would take your Bill, would you be willing to take your Bill back to Second and add this Amendment and then we could have the combination of 1812 and your Bill as one Bill?"

Roskam: "In all likelihood, not a chance, but what does the definition of, what is your change of definition that you're talking about? There's two things that you're talking about in other words? One is, you want to eliminate the civil action and give the abortionist, have them have no civil exposure. And then what's the other part that you're proposing?"

Biggert: "There's no civil action, there still is, it still is that the, a physician who knowingly performs a partial-birth abortion in violation of Section 10 shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with Section 22 of the Medical

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Practice Act of 1987; B, under that Section, 'A physician, who in good faith, determines that a fetus is not viable or performs an abortion that, in the medical judgment of the physician, is necessary to preserve the life or health of the mother shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for that action.'

Roskam: "Okay, I understand what you're proposing, my answer is 'no'. Here's why, I mentioned earlier that the health, the definition of health, and that's what this is really coming down to, was defined in Doe v. Bolton in 1973. As Congressman Hyde said, it's not just the definition of health that we as Legislators come up with, the actual notion of physical health and so forth, but the courts have said health means far more than that. It's expansive. It's so big that it has absolutely no meaning. So, with due respect I will persist in a Roll Call."

Biggert: "Well, there is one more, which since it's written into your statute it's hard to read here, but it's with the definition of the viability in taking out the infant but having, 'viable means that the fetus in the medical judgement of the attending physician, based on the particular facts of the case, has a reasonable likelihood of sustained survival outside the womb with or without artificial support.' And then replacing lines 15 through 29 on page one and says, 'thereby kills a viable fetus is guilty of a Class II Felony, except that this does not apply to a partial-birth abortion that is necessary to preserve the life or health of the mother.'"

Roskam: "No. Here's why, I would never trust the person who's about to jam the scissors in the back of the baby's head to make the decision about what's viable and what's not."

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Biggert: "Thank you. Well, we offer this, I think that would clarify your Bill, make it a better Bill, and We're sorry that you won't accept it. To the Bill, Mr. Speaker."

Speaker Granberg: "Proceed."

Biggert: "Again, I think that this Bill is unconstitutional, is vague, it does not have the definitions correct, and using the term 'fetus' and 'infant' interchangeably for having a civil action which seems to have nothing to do with the Bill. But it is not well-drafted and I would be opposed to this Bill."

Speaker Granberg: "The Lady from Cook, Representative Carol Ronen."

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

Speaker Granberg: "Indicates he will, proceed."

Ronen: "Mr. Roskam, would... do you believe a woman has a right to choose, at all?"

Roskam: "You know my position, Representative. I believe in the right to life. That's not a secret. In answer to your question, this is a narrowly focused procedure."

Ronen: "That wasn't my question. Do you believe that a woman has a right to choose?"

Roskam: "I believe in the right to life. So the answer is 'no'."

Ronen: "You believe that a woman never has the right to choose? That's correct isn't it? What this Bill is about, is about furthering that goal of limiting a woman's right to choose. Picking and picking and picking away at it, until it doesn't exist any more. Isn't that your agenda, Mr. Roskam?"

Roskam: "No, Representative that is not my agenda. Let me tell you what my agenda is."

Ronen: "No, a yes or no will do, Mr. Roskam. I want to talk about procedures."

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Roskam: "It's to end a recent procedure. You know, you're asking me what my agenda is."

Ronen: "I said, is that it? Yes or no?"

Roskam: "No."

Ronen: "Well, I beg to differ. Your voting record. Your introducing of this Bill indicates that that's exactly what your agenda is. And I think that if you look at the vote on House Bill 1812, I don't think that it is a coincidence that of the 51 people who voted against it, only four were women; 47 were men. We all understand what you are trying to do and we're trying to say, 'No, we don't want you to take away our right to choose.'"

Roskam: "Representative, what are you saying then about the four women that voted 'no'?"

Ronen: "I didn't ask you a question. I did not ask you a question."

Roskam: "What were you saying about the four women that voted 'no'?"

Ronen: "I'm saying that the overwhelming majority of people who voted 'no' on that Bill, were men. I saying the overwhelming majority of women in this Chamber want you to be protecting want us, want all of us, to be protecting a woman's right to choose. And in doing so want us to protect women's health. Your Bill does not do that. You know it doesn't do that. You know it's unconstitutional. But you know the politics right now are going to force people to vote for it. You know that and you're playing politics with this. That's all that this is about. To the Bill please."

Speaker Granberg: "Proceed Ma'am."

Ronen: "I strongly, strongly urge that people vote no here. Mr. Roskam, has introduced this Bill to start chipping away at

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a woman's right. That's all he really cares about and that's what he is trying to do in this Bill. What we're doing, if we pass this Bill, is intruding in the lives of women, of families. Intruding in the most tragic circumstances in saying we know better than your doctor. We, we politicians, we're going to decide what procedure to use when your health is at stake, when your life is at stake. That's wrong, we can't do that. And if we do that, if we vote for this Bill, all we're doing is giving in to the politics of the moment and in so doing, saying to women across the State of Illinois that we're not going to be here to protect your right to choose. And we're not going to be here to protect your health. I urge all my colleagues who feel that they politically have to vote for this, to think twice. If we, if you want to ban the so-called partial-birth abortion procedures, we've done that in House Bill 1812. Sixty-four Members supported that. We can pass that Bill. We can address the issue in a way that's not going to jeopardize the health of women. So I urge all my colleagues to vote 'no' on this Bill and join with us in a reasonable partial-birth abortion ban, House Bill 1812."

Speaker Granberg: "The Lady from Cook, Representative Lou Jones."

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

Speaker Granberg: "He indicates he will."

Jones, L.: "Representative Roskam, have you considered what this would actually do to poor women?"

Roskam: "You have an insight on that? Could you share it with me?"

Jones, L.: "Yeah, I could. No, answer my question. Have you?"

Roskam: "Yeah, I think I have. I think that there are people that deserve protections of the law, regardless of their

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income, Representative. And I think that women of ... that babies from poor women and babies from rich women who are manipulated by an abortionist into having this heinous procedure done, deserve the protection of the law."

Jones, L.: "Well, I think you're a hypocrite, cause your voting record. You are a hypocrite. Your voting record does not relate what you just said. You don't care about poor women. You don't vote to increase anything for poor people in this state. You're going to keep chipping away at the abortion, and rich women will leave this state, take their money and go do whatever they want to do. Poor women will have to stay here, 15, 16, 17 year old girls, who you don't think should have an abortion. Yet and still you don't want to increase any aid or any help for them, will have to stay here and do whatever. Another thing, 60% of children that are abused in this state are abused by teenage mothers that cannot have abortions. What you're doing with this Bill, I understand you know it's unconstitutional but you don't care. Your next Bill, coming up, is even worse than what this is. You going keep chipping at away at this that you're going to force rich women to go out of this state, have their abortions whatever and the poor women will stay here and have children whether they want them or not. You don't have the right to tell a woman what to do with her body. We do not have the right to tell you what to do with your body. The only thing about this really unfair is that you was born when you didn't have to have children. So nobody can tell you what to do with your body. You don't have the right to tell women what to do with their body. I urge a 'no' vote."

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



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Davis, M.: "I rise in the opposition to this horrible piece of legislation. I think Representative Lou Jones, has truly hit the nail on the head. Because some of the same people who will find that their attempt to intrude upon a woman's rights, leave them with the many opportunities to also cut government services to these people that they have insisted get born. We do want women's lives protected, the health. Many times a woman has more than one child and the birth of another at a particular point could cause her death or serious physical injury. She could become paralyzed if this birth occurs. We are not doctors in this Body. We may be very, very knowledgeable of many things. We are not doctors and when I hear people describe the atrocious act of what they perceive this one to be, many medical procedures are not pretty pictures. I've seen some operations on television and on video and on screen and when you looked at it you thought the patient might never walk again. And you wonder well how can the doctor do that, well that looks gruesome. That is awful, it looks awfully unappealing and it looks dangerous. It looks like it's painful and yet the victim gets well the victim survives. The victim goes home. Many medical procedures don't produce pretty pictures. I believe as Legislators we are upheld, we are supposed to make sure that the laws of the land are laws that allow people the pursuit of happiness. Laws that allow people to have freedom from the government's intrusion on what they choose to do medically for themselves. I'm truly appalled when I find people gleefully attempting to decide what kind of medical procedures are good for me and good for my children. In the State of Illinois I believe this procedure is not performed today. It is not performed in the State of

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Illinois and it's not performed not because of this legislation. It just hasn't been something used, what shall I say, profusely. I believe in and I trust the medical profession in the State of Illinois to use and exercise good judgement. To make that decision based upon the health of the woman and the woman's life. I urge a 'no' vote, in red."

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

Scott: "Thank you, Mr. Speaker. I also rise in opposition to this particular Bill. The Sponsor talked about the companion case to Roe v. Wade and when he did so he talked about it in terms of the health. The health exception being so overly broad as defined in that case, that it really doesn't have any value at all. Well, I would submit to the Sponsor, who is a talented Legislator and a talented attorney, that if he chose to make that health exception less broad or more well-defined and less vague, he could do that. And he had any number of people who are ready on this side and on that side of the aisle to help him do that. But that's not what this is about. That's not what this is about. The Sponsor is saying that his agenda... what his agenda is not that it is not to chip away. I personally believe it is too and that's all right, you can have that agenda. There's nothing wrong with having that agenda. It's just not mine. And this Bill actually does that in many different respects. You know the definitions in that particular case where they just talked about the psychological and the mental and the physical and the familial aspects of that, you can make, you can make definitions of those. That is not a case where those particular definitions are set forth in stone and you can't

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do anything to fill those in underneath. And you know as well as I do you can make those definitions that would stand up. I know you're shaking your head but we all know we could do that if that was, indeed, what the object of that was. But that's not it. We do have to worry about the Constitution unlike what one speaker previously said. We do have to look and see whether things will stand up to it. And we do have to look and see that there is case law that specifically says health or life of the woman, has to be upheld. We know this is going nowhere. Now if the goal is to somehow be the full funding act for the ACLU, congratulations, 'cause we managed to achieve that here today to. Because they will run right into court and be able to knock this out. And if the idea is just to advance the issue, that's fine too, then say that. But don't tell us this is the constitutional way to draw up this particular issue. And don't tell us you couldn't have better defined those particular terms, 'cause you could have. And I wasn't going to speak at all until you spoke in debate on the previous Bill. And when you spoke in debate on the previous Bill you dismissed the health and the psychological and the physical and the familial and almost blew them off as having no meaning at all. Well, they do have meaning, and neither you nor I should be in the position of so easily dismissing some of those concerns when it's not our lives we're talking about. Please vote 'no'."

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

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I first want to extend my thanks to those male Members of this Body who have seen that this issue does not

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cut across gender lines, that it does not cut across partisan lines, that it is not an absolutist proposition as the Sponsor has suggested. That it goes much more to the constitutional issues at heart. That there are actually serious issues which impair the very ability of those people who we place our trust to execute their best medical judgement, those issues for health of individuals. How we can criminalize physicians, particularly in a state which has such a spotty track record for even monitoring physicians is beyond my imagination. Think about this for a moment. Do we really wish to criminalize physicians for exercising their best medical judgement on a procedure which, contrary to a self-professed expert on abortion, who has since recanted his spotty testimony before the nation on Nightline? Do we really wish to criminalize physicians and impair them from executing their best medical judgement because some of us here want to practice focus group medicine? I don't think that's the case. The American Medical Association considered a resolution by the Illinois State Medical Society to support their position in favor of House Bill 382. The American Medical Society which is the authoritative, the definitive, group of physicians in this country declined to do so. They deferred judgement on doing so because in their view there was insufficient medical and scientific grounds for doing so. Insufficient medical and scientific grounds for doing so. Now if, perhaps, the Illinois State Medical Society had asked the American Medical Association to consider this on the grounds of how many moderate Republicans we can take out in the 1998 Primary, perhaps there would of been able to come to a swifter conclusion. That is the essence of this Bill. Do I need to have more Democrats in the House? I don't

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need to have more Democrats in the House. I don't need to have more Republicans of a certain persuasion in the House. What I need to have in the House are people who won't be manipulated by a cynical, manipulative, political, proposition, such as House Bill 382, that's what I need in the House. And I make this statement because, as many of you know, I have come to many of you, regardless of where you are on the abortion issue, to discuss an issue that we will be considering later on in this order. That is the issue of whether or not we want to make felons out of individuals who are sidewalk counselors, who might think in their conscience they want to encourage somebody not to go into a medical facility to have an abortion. I had that opportunity to do that. United States Supreme Court recently in a New York case in a decision written by Chief Justice Rehnquist, who is no Ted Kennedy, he's no Patrick Kennedy, he's no Kennedy at all. Chief Justice Rehnquist, upheld the New York right to make felons out of people who are sidewalk counselors. But my friends I've opted not to do that because I think that those of us in this building need to find a middle ground, need to find a ground of moderation and this proposition is nothing more than a cynical, manipulative attempt to put people in a position politically and nowhere else where they would rather not be. But I can take it. I can take the postcards. I can take the threatening calls. I can take the picketing. I can take anything that the proponents of 382 can throw at me. But not everybody feels as secure in their own standing. Some Members just got here and find themselves making a very difficult vote. Well, my friends I'd rather work with everybody to try to find a way to reach some common ground on those issues and those principles which

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are important to me rather than leave people out to walk the firing line, whether it's in a Republican primary or whether it's in a Democratic primary or whether it's in a general election. That's what I'd rather do. And now I'd like to return to the issue of whether or not we really wish to criminalize physicians. I also happen to find myself as the Chief Sponsor of one of the myriad of managed care reform Bills that we have before our Body. Now whether you support the Bill that I'm the principal Sponsor of which is supported by the Illinois State Medical Society or whether you support House Bill 626 which Representative Flowers, and Krause and others have done an extraordinary job of trying to find middle ground, on a very thorny issue. Or whether you support Representative Hughes, on that Bill which is advocated by the Illinois HMO Society. Or whether you support any other of the other managed care Bills. Much of the impetus behind managed care reform is that each and everyone of us without fail is saying we need to provide a more reasonable balance for physicians to make decisions, so that individuals who are less qualified than they, whether they are someone over the phone from an insurance company or someone who happens to be pushing paper at a particular managed care plan or any other individual who doesn't have the extensive medical training, we want to restore that balance in the decision-making process so that physicians can make the most appropriate medical decisions. We've spent a great deal of time and a great deal of energy discussing how we can restore that balance to who gets to make the right medical decisions. Isn't it a cynical irony that today we're talking about making convicted felons out of doctors who want to use the very procedure which is only necessary in an extenuating

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circumstances? I'm not going to bite and I hope that the rest of you can see through this transparent, manipulative endeavor and vote against it. Thank you."

Speaker Granberg: "The Gentleman from DuPage, Representative Roskam to close."

Roskam: "Thank you, Ladies and Gentlemen, Mr. Speaker, for your time and your attention. We've heard a lot of things from the last few speakers, I was just as an effort at self-defense in terms of the hypocrisy effort, I have a different philosophical approach in terms of empowering disadvantaged people. For the five years prior to my coming to the General Assembly I raised millions of dollars that went into Lawndale and Cabrini Green, enough said. Now did you notice something? Did you notice something in the closing arguments of all the debaters today? I talked specifically about a constitutional argument as it related to the Texas Statue. I gave you chapter and verse. I talked about footnote #1) the fact that the Texas Law has never been struck down, has never been before the U. S. Supreme Court on the issue of what is the legal status of a person as they are in the process of being born. That the 1973 court made the decision not to answer that question. And you know what? The opponents of this Bill didn't say a word about that. Do you know why? 'Cause there isn't a word to be said, because they're wrong, because they didn't realize that when they have come forward and made this drumbeat argument of constitutionality, this harangue really of constitutionality. I was told that my oath, as a Legislator and as a lawyer, is in jeopardy for the assertions that I've made today. Well that's absurd. Ladies and Gentlemen of the House, we all have very heartfelt feelings and I respect the Members on the other

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side of this issue, who have spoken passionately, some with respect, some frankly without it. But I respect their passion and their concern about this issue. But let's realize something. We tell people every day what to do with their bodies. We tell people that you can't use drugs, illegal drugs. We tell people you can't invade ... engage in prostitution-type relationships. There is a proposal that tells people where they can sit in their vehicle and what you have to do in terms of seat belts and so forth. Every day we tell people what to do. Now if this were such a onerous thing as it relates, as the previous speaker said, on medical doctors today, then why are the 18 thousand members of the Illinois State Medical Society not neutral on the Bill, not opposing the Bill, but are a proponent of the Bill. We, every day, tell physicians what to do, frankly. We in the last General Assembly, my recollection is that we told doctors how long they have to keep their patients in hospitals. And I supported that. So let's remember what this is all about. This is about a procedure that nobody really wants to defend. Even the opponents of the procedure want to vote in favor of the a on the procedure. But let's do it the right way. Congressman Henry Hyde, said it best 'you couldn't in Illinois execute a killer in the same way that the abortionists manipulate this system and jam these scissors in the back of a baby's head and do this gruesome deed'. You know what this is all about. I ask that you would stand with me and vote 'aye'. Thank you."

Speaker Brunsvold: "And the question is 'Shall House Bill 382 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Representative Brunsvold in the Chair. Have all voted who wish? Have all voted who



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wish? The Clerk, shall take the record. There has been a request for a verification. Representative Mulligan, do you persist in your request for a verification?"

Mulligan: "Yes."

Speaker Brunsvold: "The Lady persists. Clerk please read the Affirmative Roll Call."

Clerk Rossi: "All of those voting in the Affirmative. Representatives. Acevedo. Ackerman. Bergman. Biggins. Black. Boland. Bost. Bradford. Brady. Brosnahan. Brunsvold. Bugielski. Capparelli. Churchill. Cowlshaw. Cross. Curry. Daniels. Davis, Steve. Deering. Durkin. Granberg. Hannig. Hartke. Hassert. Hoeft. Holbrook. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Kosel. Krause. Kubik. Lawfer. Leitch. Lindner. Lyons. Lyons, Joe. Mautino. McAuliffe. McCarthy. McGuire. Meyer. Mitchell. Moffitt. Moore, Andrea. Myers. Noland. Novak. O'Brien. Pankau. Parke. Persico. Phelps. Poe. Roskam. Rutherford. Saviano. Scully. Skinner. Smith. Stephens. Tenhouse. Turner, John. Wait. Weaver. Winkel. Winters. Wirsing. Wojcik. Woolard. Zickus. Mr. Speaker.

Speaker Brunsvold: "Question of the Affirmative. Representative."

Mulligan: "Representative Deering."

Speaker Brunsvold: "Representative Deering. Representative Deering. Please remove him."

Mulligan: "Representative Churchill."

Speaker Brunsvold: "Representative Churchill in the Chamber? Representative Churchill. Please remove him. Representative Churchill has returned. Add him back to the Roll. Mary Flowers, asks leave to be verified. Is there leave for Representative Flowers to be verified?"

Mulligan: "She's a 'no' vote. Doesn't matter."

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Speaker Brunsvold: "Okay."

Mulligan: "I'm getting down to Minority Leader Daniels, but I want to check on a few others before I answer that."

Speaker Brunsvold: "Good point, Representative. Representative are you requesting a verification of Representative Daniels?"

Mulligan: "No I am not."

Speaker Brunsvold: "Oh. Okay."

Mulligan: "There has to be some sanity in this Body. Representative Cross."

Speaker Brunsvold: "Representative Cross in the chamber? In the back row, of the Republican side of the aisle."

Mulligan: "Representative Mautino."

Speaker Brunsvold: "Frank Mautino. Representative Mautino. He is coming out of the rest room."

Mulligan: "I always hate to embarrass a Member."

Speaker Brunsvold: "Tucking his shirt in, by the way."

Mulligan: "It's always good to ask for leave, you know."

Speaker Brunsvold: "Further questions, Representative? Representative, Lee Daniels has come in the back door. Is there leave to be verified?"

Mulligan: "Mr. Leader, I absolutely did not verify you. Thank you."

Speaker Brunsvold: "Thank you, I'd like to... He has appeared. Good to see him again."

Mulligan: "Oh. We see him all the time. He's a wonderful Leader. It's a little late to kiss up now, but you know. Thank you, that seems to be it."

Speaker Brunsvold: "Okay, the Lady has finished the... Representative Deering, has he returned? Representative Deering. Representative Deering has returned, please add him as an 'aye' vote. Representative Woolard, for what

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reason do you rise?"

Woolard: "See how I was voted. My glasses are foggy."

Speaker Brunsvold: "Thank you, Sir. And on that question there are 74 voting 'aye'; 37 voting 'no'; 4 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Granberg in the Chair."

Speaker Granberg: "Ladies and Gentlemen, for purposes of announcements, the schedule for this evening, 10:00 adjournment. We will be staying on schedule. And dinner is on your own. It's a new year of fiscal conservatism. Representative Black offered to buy again, but we didn't want to take him up on it. Saturday the hour is 9 to 4:00. Tentatively for next week, just so you can plan your schedules, committee's at noon, Monday. Anticipate a 1:00 p.m.. Session start on Monday through 10:00. And the remainder of the week 10 till 10:00. So, just so you can plan your schedules, arrange your schedules of business and with your families. The next Bill. The Gentleman from DuPage, Representative Biggins, for what reason do you arise?"

Biggins: "I have a question of the Chair, if I may, Mr. Speaker. I was hopeful that if we did the Bill today on the alcohol level that went from .10 to .08, if we passed that this afternoon would it be possible to change the... do the same thing to the schedule this evening, instead of adjourning at .10 like we've done all week, maybe we could adjourn at .08. And maybe we could get some support from some of the Members for this idea."

Speaker Granberg: "Good effort, Representative. Good effort. I admire you. House Bill 391, Ladies and Gentlemen, we're on the same subject matter, same subject matter. So if you

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could give the Members your attention. House Bill 391, Representative Erwin. Mr. Clerk, I'm sorry, 383. (Sic - House Bill) 383, Representative Cowlshaw. Representative Cowlshaw."

Clerk Rossi: "House Bill 383, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Granberg: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 383 reinstates exactly the same provisions of Illinois Law that were in effect in our state for many years, that prohibit taxpayer funding of abortions, unless that procedure is necessary for preserving the woman's life. Also adds those provisions for cases of rape and incest, in accordance with the Hyde Amendment, and to the extent that payment is required by the Federal Law. Let me explain, if I may, the judicial background of the provisions that are now in this Bill. On December 2, 1994, a Cook County Circuit Court Judge struck down the Illinois Laws prohibiting public funding of abortions, except to save the life of the mother. The judge ruled that they violated the Illinois Constitution, but did not issue a written opinion or explain how, or in what respect the funding laws violate the state constitution. The judge's order compels the Department of Public Aid to pay for any abortion, 'necessary to protect a woman's health'. But here again, the term 'health' is not defined in the order. And based upon the Plaintiff's Motion for summary judgment, must be understood to include abortion sought on psychological and emotional, and all other kinds of grounds, as well as on physical ones. The

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ruling in effect, mandates taxpayer funded abortion on demand throughout all nine months of pregnancy. A circuit court, declaring unconstitutional a statute of the State of Illinois, is appealable as a matter of right directly to the Illinois Supreme Court. However, when incoming Attorney General, Jim Ryan, filed just such an appeal, it was filed because he had, at that point he had just taken office, and he had missed the deadline for the filing of the appeal. And it is because the appeal was late, that the Illinois Supreme Court did not hear that appeal. General Ryan said, at that time, 'This may be the first time in Illinois history that a trial court judge decided what is constitutional for the entire state.' The purpose of this Bill is to reinstate the funding prohibitions and create again the opportunity for General Ryan to appeal the constitutional question to the Illinois Supreme Court for final review. My colleagues, in my view, this is a jurisdictional question. It takes both Chambers of this General Assembly, and a signature by the Governor to create a law in Illinois. For a circuit court judge to be able to strike down a law that has been duly enacted by this state, is not, it seems to me, the jurisdiction in which that should ever be permitted. If a law is to be declared invalid, that has been duly passed in the State of Illinois, it should be declared so by the Supreme Court of this state, and not by someone in the capacity of a circuit court judge. As a matter of jurisdiction, I believe that we should assert our rights as an equal balance in the three divisions of our state government, and not permit the circuit courts of this state to tell us which of our laws are to remain in effect. I thank you for your time, Mr. Speaker. And I will be glad to try to answer any

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questions."

Speaker Granberg: "The Lady from DuPage moves for the passage of House Bill 383. On that question, the Lady from Cook, Representative Erwin."

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

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

Erwin: "Thank you. Representative Cowlshaw, House Bill 383 has some very serious problems. Number one, let me just point out that as we stand at the juncture of some major welfare reform proposals in this state, which I know you and I hope, and are working towards their being successful. By offering House Bill 383, you are very, very seriously jeopardizing Medicaid funding. And I think that we can all agree, whatever our positions might be on, the issue of access to abortions. Whatever we may think about that, I think we all agree that we clearly cannot go forward on a rational successful welfare reform proposal in this state, if we don't have Federal Medicaid funding to support health care for all people in need, particularly women and children. This Bill jeopardizes Federal Medicaid funding. It flies in the face of Governor Edgar's position on this issue. He chose, actually very deliberately, not to appeal the court ruling that Representative Cowlshaw referred to. And I think that in fairness, let's understand here, what the court said was, that a 16 year old victim of rape, who had pregnancy-induced hypertension, liver, heart and kidney damage, needed because her health was in grave jeopardy, needed access to a medical procedure, and rightly the court ruled. And in this instance, our Governor chose not to appeal this ruling. Secondly, I think as you also are aware, Representative Cowlshaw, House Bill 383 will also fly in the face of Federal Law, because it prohibits our

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requiring of a victim of rape and incest, that they must first, before seeking medical procedure, go through the traumatization of filing police reports, prior to seeking this procedure. This Bill will require further traumatization of victims of rape and incest, which the Federal Law clearly states is not constitutional. House Bill 383, finally, I think, just, will not only jeopardize our Medicaid funding, but further, attempts to deny access to poor women, of a procedure that women who have the wherewithal, who have the wealth can seek, when they need to, under current Illinois Law. For those of you who might not have heard this earlier, the numbers are very minimal, and indeed, the Department of Public Aid does report these numbers, Representative Cowlshaw, which I think you are aware. There were only, in FY97 four cases, four. Four women asked the state for Medicaid coverage for this procedure because they were raped. You would require them to be further traumatized under this Bill by establishing unconstitutional barriers, to their seeking this medical attention. There were only eight, eight, eight women. We've heard a lot about how these provisions of the health provision, which has been upheld in court, I don't know why we think we're going to roll back the time clock here, we are not going to be able to roll back the time clock, thank God. Only eight women requested Medicaid funding for this medical procedure because a physician ruled and determined that their health was in serious jeopardy. Only eight, Representative Cowlshaw. So, we are talking about something that very, very few women seek, and yet they are women who, because they are poor, do not have equal access. Let me, finally, just say and reemphasize that by putting this Bill forward we are jeopardizing the Medicaid dollars

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that we so, so desperately need, to insure that women and children in this state, poor women and children in this state, have good prevention health care, and indeed are cared for so, particularly, our children may be ready to learn and indeed be successful and not live in a life of poverty. I urge a very strong 'no' vote on House Bill 383. And I would..."

Speaker Granberg: "Representative Erwin, I believe you requested a verification if it receives the requisite number of votes. Acknowledged. The Lady from Cook, Representative Mulligan."

Cowlshaw: "Do I get to respond?"

Speaker Granberg: "She was closing, Representative. She made a statement."

Cowlshaw: "I thought she asked a question. She didn't ask any questions."

Speaker Granberg: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in opposition to this Bill. After the last two debates, the Body is a little tense and calmed down and making noise. But this, to me, is a really important Bill. Number one, anything that jeopardizes our Medicaid allotment from the Federal Government is of supreme importance to the State of Illinois. As someone who's worked in appropriations for the last several years, this is a very tough time for dollars from the Federal Government. Secondly, I think that we are, once again, getting down to what procedures are outlawed under Medicaid and what are not, and why is it a woman's procedure? And, once again, we must address the issue of women with money, women with access to good health care, can have procedures that help their life, help their families, and they're allowed to make decisions. But poor



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women are not. This is not fair to the poor women of our state. We do not do this to poor men. Why is it that women are the ones that are chosen to pick out a procedure and have that procedure outlawed? The area of health for these women is just as important it is for any other women in the state that might be able to afford procedures. And, the matter of fact is, that there are so few procedures and so few abortions covered by Medicaid, to deny the women that need these procedures and comply under the law of Illinois for what is a proper procedure is unconscionable. I don't understand why we single out poor women to deny them access to adequate health care. I would urge a 'no' vote on this Bill."

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

Currie: "Thank you, Speaker and Members of the House. Let's be clear about the status of the present Medicaid Funding Program for abortions for Medicaid clients. The fact is that the only times state taxpayer dollars are used to fund these abortions, are when a physician has determined that there is a significant threat to the health of the woman should she carry the fetus to term, and, as under Federal Law, in cases of rape and incest. This measure would say that threats to the health of the mother are not a good enough reason for the state to provide abortion services to one of our poorer clients. That, to me, would seem to be a very bad public policy. It obviously was found unconstitutional. The failure of the state to provide those services was found unconstitutional by a court, a state court of Illinois, under our own constitution. Additionally, this Bill requires reporting requirements in cases of rape that have already been found unconstitutional by the Supreme Court of the United States. Why in the

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world would we want to say to these few women on Medicaid, that because your pregnancy threatens your health we're not going to help you out? Why in the world would we want to pass something that has already been found unconstitutional by the United States Supreme Court? Why in the world would we want to spend thousands, hundreds of thousands of our taxpayer dollars defending us in a lawsuit, certain to be brought, both on State and Federal Constitutional grounds? Let's have a heart, Speaker and Members of this Assembly, let's remember what we're here for. We're here to do things that are constitutional. And we're here to make sure that our public policies respect the health of our clients. I urge a strong 'no' vote."

Speaker Granberg: "Representative Cowlshaw to close."

Cowlshaw: "Well, thank you very much, Mr. Speaker. In response to some of the comments that have been made, this whole issue first came to my attention because I am a Member of the Joint Committee on Administrative Rules, the acronym for which is JCAR. And in response to the fact that the Federal Government might withhold funds from our state, let me point out that even if House Bill 383 became a law, and then were to be challenged in Federal Court, on the basis of requiring that instances of rape or incest must be reported at any time to a law enforcement agency before the abortion is performed. And even if the state lost the decision, it would be no different than it was in 1994 when a Federal court reviewed the Joint Committee on Administrative Rules decision not to pay for abortions that resulted from rape or incest. And that, the Federal Court struck down. But it did not result in any withholding of Federal Funds. I would like to point out, as well, that the purpose of asking for this to be reviewed by the

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Illinois Supreme Court is because, not only do I think that we need to make sure that we do not have circuit judges who seem to believe that they can strike down a law for the entire state, but I would point out that this exact language and law have already been upheld by the United States Supreme Court. That case went to the Supreme Court in 1979, and in June 1980 the U.S. Supreme Court upheld this law in the State of Illinois. The only question that remains then is the test of the constitutionality of this law in accordance with the Illinois Constitution. It has already stood muster under the provisions of the U.S. Constitution. I know that General Ryan would do an excellent job of defending this law before the Illinois Supreme Court. And I believe that he should be entitled to have that opportunity. I also believe that for us to not understand the importance of the jurisdictional matter, having to do with whether we believe a circuit court judge can strike down a law, is a really important jurisdictional issue. It is for all of those reasons, Mr. Speaker and Ladies and Gentlemen of the House, that I stand as the Sponsor in strong support of House Bill 383, and seek your affirmative vote. Thank you very much."

Speaker Granberg: "Thank you. The Lady from DuPage moves for the passage of House Bill 383. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye'; 49 voting 'no'; 0 voting 'present'. The Lady from Cook, Representative Erwin, has requested a verification. Representative Erwin, do you wish to have a verification? Mr. Clerk, proceed with the verification. Representative Erwin,

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Representative Deering requests leave to be verified. Leave granted. Representative Johnson requests leave to be verified. Does the Lady grant that grant leave? Leave is granted. Proceed, Mr. Clerk."

Clerk Rossi: "A Poll of those voting in the Affirmative. Ackerman. Bergman. Biggins. Black. Bost. Brady. Brosnahan. Brunsvold. Bugielski. Capparelli. Churchill. Cowlshaw. Crotty. Daniels. Deering. Durkin. Granberg. Hannig. Hartke. Hassert. Hoeft. Holbrook. Johnson, Tim. Johnson, Tom. Jones, John. Kosel. Kubik. Lawfer. Leitch. Lyons, Eileen. Lyons, Joseph. Mautino. McAuliffe. McCarthy. McGuire. Meyer. Moffitt. Myers. Noland. Novak. O'Brien. Pankau. Parke. Persico. Phelps. Poe. Roskam. Rutherford. Saviano. Scully. Skinner. Smith. Stephens. Tenhouse. Turner, John. Wait. Weaver. Winkel. Winters. Wirsing. Wojcik. Woolard. Zickus. Mr. Speaker."

Speaker Granberg: "Representative Erwin."

Erwin: "Representative Madigan."

Speaker Granberg: "Do you want to make that the last one instead of the first one?"

Erwin: "Not particularly."

Speaker Granberg: "Any thing further?"

Erwin: "Representative Capparelli."

Speaker Granberg: "Representative Capparelli. Is the Gentleman in the Chamber? Is Representative Capparelli... Representative Capparelli is in the Chamber."

Erwin: "Representative Woolard."

Speaker Granberg: "Representative Woolard. Representative Larry Woolard. Is the Gentleman in the Chamber? The Gentleman is in the rear of the Chamber by the restroom."

Erwin: "Representative Hannig. No, I see him. Thank you."

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Representative O'Brien."

Speaker Granberg: "Representative O'Brien is in the Chamber."

Erwin: "Thank you."

Speaker Granberg: "Nothing further? On this question, there are 64 'aye' votes, 49 'no' votes, 0 voting 'present'. House Bill 383, having received the Constitutional Majority, is hereby declared passed. House Bill 319. Mr. Clerk, read the Bill, 319. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 319, a Bill for an Act to create the Freedom of Choice Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "Second Reading of this House Bill. No motions filed."

Speaker Granberg: "Third Reading."

Schakowsky: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. House Bill 319 creates the Freedom of Choice Act. House Bill 319 provides for a public policy that recognizes and respects a woman's right to personal bodily integrity and autonomy. What House Bill 319 does, essentially, is codify the Supreme Court decision of Roe v. Wade. Now, I would like to point out to you that in all the debate that has gone on regarding the previous Bills, the partial-birth abortion Bill, the questions over whether or not Medicaid can fund abortions for poor women. Everyone has said that they believe that their legislation would be constitutional under Roe v. Wade, and therefore, what I am asking in the Freedom of Choice Act is that we establish that the State of Illinois does recognize the right of privacy that extends to the right of women to

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choose an abortion. It is obvious from the previous debates that there is a lot of room to discuss what are the specifics within that. What this does is essentially repeats the decision that says that state agencies and units of local government are prohibited 'from restricting the right of a woman to choose to terminate a pregnancy before fetal viability or at any time if the termination is necessary to protect the life or health of women.' I would urge that those of you who believe that there is this fundamental right to choose, and that do support the Roe v. Wade decision would vote in favor of House Bill 319."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 319. On that, is anyone seeking recognition? Mr. Clerk, has this Bill been read a third time?"

Clerk Bolin: "It has not."

Speaker Granberg: "Read the Bill."

Clerk Bolin: "House Bill 319, a Bill for an Act to create the Freedom of Choice Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook has moved for the passage of House Bill 319. Is there any discussion? There being no discussion, the Gentleman from Vermilion, Representative Black."

Black: "Inquiry of the Chair, Mr. Speaker."

Speaker Granberg: "State your inquiry, Sir."

Black: "The Bill clearly preempts Home Rule. Can we have a ruling from the Chair on how many votes this takes?"

Speaker Granberg: "Mr. Black, that was on the specific statute cite it would require 60 votes. I will get you the cite momentarily if you'd like to just hold on."

Black: "If that's your ruling that's fine. We won't appeal that."

Speaker Granberg: "Thank you, Representative. The Lady's moved

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for the passage. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 53 voting 'aye'; 58 voting 'no'; 1 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Representative Schakowsky, do you want Postponed Consideration? Place it on Postponed Consideration. Mr. Clerk, House Bill 391, Representative Erwin. Read the Bill, Sir."

Clerk Bolin: "House Bill 391, a Bill for an Act concerning abortions. Third Reading of this House Bill."

Speaker Granberg: "Representative Schakowsky, it's already on Postponed Consideration. You requested Postponed Consideration, it has to remain on Postponed Consideration. You indicated to the Chair you wanted it on Postponed Consideration. The Gentleman from Cook, Representative Parke."

Parke: "Mr. Speaker, you declared it lost. You declared it lost. You cannot put it on Postponed Consideration."

Speaker Granberg: "Representative Parke indicates... The Chair will agree with Representative Parke, the Bill is lost. House Bill 391, Representative Erwin. House Bill 391. Read the Bill, Mr. Clerk. The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. House Bill 391 is a pretty simple Bill. It will actually, in two parts, it will first codify existing Department of Public Aid practice. Department of Public Aid is currently, because of Federal Law and because of their own good decisions and because of court decisions, but also because it is the will of the executive branch of government, Governor Edgar's executive branch of

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government, is currently covering Medicaid coverage of abortion procedures when they are found to be medically necessary for the life or health of a mother. So we are currently doing this. When this Bill was heard in Committee, I'd like to point out two weeks ago, the response from the Department of Public Aid was that they didn't believe that House Bill 391 was necessary because it, in fact, was something that they were already doing. So, let's recognize that and let's put it in the statutes. It is current case law that they are following. We need to make sure that poor women, indeed, are protected and not discriminated against in seeking appropriate health care and put this in the statute. Secondly, since we do not usually want to ask of poor women and apply things to the poor that we are not willing to apply to ourselves, this Bill will also amend the State Employees Group Insurance Act by removing language which would prohibit a state employee from, again only when it is medically necessary and medically indicated, seeking an abortion and having their state health insurance cover it. As I mentioned before in Representative Cowlshaw's Bill, I believe strongly that at a time when we are looking with great optimism, I might add, to a welfare reform program where we are working in this state to see that particularly children and women have good health care coverage and the opportunity for jobs and a healthy and happy life, I want to insure that poor women are not denied equal access to medical procedures that are constitutional and fully protected under our laws for women that have the money to do so. So I encourage an 'aye' vote on House Bill 391. Thank you."

Speaker Granberg: "The Lady moves for the passage of House Bill



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391. Is there any discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "I rise for a belated Point of Order. Did we just have a ghost vote on that last Bill? I mean, is there a permanent record besides in the..."

Speaker Granberg: "The Bill was declared lost. The Chair agreed with Representative Parke."

Skinner: "Did we have a Roll Call?"

Speaker Granberg: "There will be a Roll Call."

Skinner: "How are you going to create it?"

Speaker Granberg: "They're making copies, Representative."

Skinner: "You mean there is a backup mechanism?"

Speaker Granberg: "There is a Roll Call. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Bill. On a previous Bill I noticed the leaders of this House voted to cut off abortion funding, which will jeopardize Medicaid funding for the State of Illinois. As we're approaching budget time, I do not understand this vote. It certainly puts our budget in jeopardy. As far as the women in this House, we pretty much stuck with the poor women of Illinois, I think that we need to take a good hard look at what we're doing here, to poor women in particular, in denying them lifesaving procedures. Such a narrow scope of what we fund, and there's so few anyway, I do not understand this procedure of voting against both funding that we need from the Federal Government, which will put our budget in jeopardy. And I hope that the people that voted for the last Bill and are planning on voting against this one are planning on giving up funding that they need for their projects, not funding that those of us that support it need for ours. And I think that's a very

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important point to make, because when we don't fund what is required by the Federal Government we then put that amount of money that we're getting from the Federal Government in jeopardy. I urge an 'aye' vote. I urge support of poor women here in Illinois. I think this is very important. I think we're letting the people and the women of Illinois down."

Speaker Granberg: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, Ladies and Gentlemen of the House, on House Bill 383 there were 64 'yes' votes. I want to point out to those 64 Legislators that this Bill negates what 383 intends to do. If you were in favor of 383, you ought to be opposed to this and vice versa. And so, let me repeat, once again if I may, the same statement that I made during the debate on House Bill 383, when once again someone raised the issue of whether we would be denied federal funding. Even if the contents of House Bill 383 were to become law in Illinois as those contents once were, and were to be challenged in federal court the situation would be exactly the same as it was in 1994 when a federal court challenged a ruling by the Joint Committee on Administrative Rules, an Illinois agency. JCAR had decided not to pay for abortions resulting from rape and incest. The federal court said that that was not what we could do, but through the whole thing there was no withholding of federal funds, that precedent has already been set. There is no risk of losing any federal funds. This Bill is the exact opposite of House Bill 383. So let me repeat, if you voted for House Bill 383 in all logic you ought to be opposed to House Bill 391. Thank you, Mr. Speaker."

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

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Davis, Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in support of 391. I think all that can be said has just about been said. Representative Erwin, Representative Feigenholtz, Representative McKeon have laid it on the table in this legislation that poor women deserve the same rights as women with income, large incomes in order to get certain medical procedures taken care of if that's what they need to do. It always amazes me when people want to deny certain people the rights that they have always enjoyed. They want to pick and choose who has the right and the opportunities that they and their children have always had. I think this is an excellent piece of legislation and of all the Bills coming down the pike today, 391 is certainly one of the most important for all of us and I do thank them for bringing this before this Body."

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

Feigenholtz: "Thank you, Mr. Speaker. I rise in strong support of this Bill. I think everybody who voted in the affirmative on Representative Cowlshaw's Bill should revisit what we have been doing here since we came back in January. We are all working very tirelessly on welfare reform in the State of Illinois. We are working to empower women, young mothers, trying to figure out ways to get their children into a healthy learning environment, getting them ready to learn. What we are doing here is sending a mixed message if we vote 'no' on this Bill. What we are saying is, basically what we're doing is talking out of two sides of our mouth. Let us give access, an equal access, to health care to all women of the State of Illinois, not based on economic differences. Please support this Bill."

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Speaker Granberg: "Thank you. Anything further? Nothing further. The Lady from Cook, Representative Erwin to close."

Erwin: "Thank you, Speaker. Let me just reiterate that House Bill 391 supports the State of Illinois' current position and indeed the position of the Department of Public Aid, and one must assume in that case, also the Governor of this state. As I mentioned, when this Bill was heard and passed out of Committee the spokesman for the Department of Public Aid indicated that House Bill 391 was not necessary, that in fact, they are already currently doing this and it is current practice. It would be unconstitutional to do otherwise. Representative Cowlshaw's other Bill, with all due respect, seriously jeopardizes Medicaid funding for this state, which I am confident none of us want to do. I would urge you to not discriminate against poor women from seeking appropriate and medically necessary procedures. Thank you."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 391. All in favor shall vote 'aye'; all opposed shall vote 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 52 'aye' votes; 62 'no' votes; 0 voting 'present'. House Bill 391, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 629, Representative Ronen. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 629, a Bill for an Act to amend the Illinois Abortion Law of 1975. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. This Bill is

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really about consumer rights and protecting consumers and allowing them to make informed choices when they decide to select a physician or a health care group. Right now what this Bill would do is provide that a physician, a hospital, an ambulatory surgical center, or employee of any of these persons or entities who chooses to invoke his or her right of conscience by refusing to provide or perform certain health care services, just must provide written disclosure to those patients prior to providing any medical care. And, written disclosure must list all the services which are denied under the right of conscience. We think this is a simple thing. It's only fair when a person chooses who their medical provider is going to be. In the very beginning they ought to be aware of, and very clear about the kinds of services that won't be provided, or can't be performed later on. Otherwise, they're caught in a situation where they think they can take care of all their health care needs and in the middle sometimes of a unplanned illness they find that the health care provider, or program, or doctor that they're involved with won't provide that kind of service. So we think this is just good consumer practice. It's reasonable. It's not saying to anybody that you have to change what your procedures are, or do anything against your conscience. But just let the consumer know the facts. It's very simple, that's all it's about. I would urge my fellow colleagues to support this. And I would be happy to answer any questions."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 629. On that question, is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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Speaker Granberg: "Indicates she will. Please proceed."

Black: "Representative, your legislation is intended to amend the Abortion Law of 1975. Is that correct?"

Ronen: "That's correct. And the Illinois Rights of Conscience Act."

Black: "Okay. There are some interesting points in your Bill and I'd like to go over a few of them with your patience. One of the things that I find very disconcerting about the Bill is that the language in your Bill requires 'a physician, a hospital, an ambulatory treatment center, or an employee of any of those, to provide a written disclosure to each patient and prospective patient before providing any medical service to the patient or prospective patient'. That's on page 2, lines 5 and 6. Representative, how do you define 'any medical service' in your Bill? I can't find a definition."

Ronen: "Well, I think we'd use the same definitions that would fall under the Illinois Right of Conscience Act. Any procedure that they find that they can't perform based on their conscience, we're really giving them the choice to define them. I mean, typically these things have been abortion services, tubal ligations, different kinds of vasectomies. Procedures like that. So, it's up to any of those that would fall under the Illinois Right of Conscience Act."

Black: "All right. So the definition, I guess we would agree then, the definition of any medical services is somewhat vague in your Bill, except that it might make reference back to an earlier Bill. Correct?"

Ronen: "Yes. Unless that's a trick question, Mr. Black, in which case I'm going to say maybe not."

Black: "No. At this hour of the day I'm out of trick questions,

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believe me. I'm intrigued by 'an employee of any of these health care delivery facilities'. Let's say that I am a custodian in the hospital and I have a right of conscience about cleaning up vomit. I just won't do that. I refuse to do it. It makes me sick to my stomach. Am I to surmise then that I'm going to have to fill out a form, or the hospital or the doctor is going to make me fill out a form? So you have to give that to a patient that comes in, so that they know Bill Black refuses to clean up vomit?"

Ronen: "No, not at all."

Black: "Oh. But it doesn't say that in the Bill, does it?"

Ronen: "No, it doesn't."

Black: "What if there's a medical service provider on staff who says, you know, I just have a right of conscience objection to doing a lung transplant. Then I have to fill that out. Correct? Is that right?"

Ronen: "I think if you look at the Illinois Rights of Conscience Act that that probably wouldn't apply. And I think maybe your questions, Mr. Black, might relate more to that underlying Bill. I mean, we're saying, we only want to follow what is already law in Illinois, and say those things that already fall within the Illinois Right of Conscience Act."

Black: "I understand that. But the Bill before us is House Bill 629."

Ronen: "That's right."

Black: "And I think, perhaps, in the desire to draft this, there may be some real problems of implementation the way this Bill is drafted. If I work in this hospital and I have a right of conscience on some kind of experimental procedure that might be being done in that hospital, and I object to that procedure. Wouldn't my objection then also have to be

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disclosed to a patient or a prospective patient?"

Ronen: "I don't believe so. I don't think that's what we're talking about."

Black: "Well, it sure looks that way to me. What if I work in pathology? That's my only job in the hospital, I work in pathology, I do autopsies. I never, I never visit an operating room in the hospital, but I object to certain surgical procedures based on a right of conscience. Would not I, under your Bill, before providing any medical service to the patient or perspective patient, page 2, lines 5 and 6, if I'm a pathologist and I disagree with a surgical procedure being done in that facility, it appears to me that objection must be written down and given to any prospective patient, or patients. Where does it say that that doesn't have to happen?"

Ronen: "That's not the intent of the Bill. And that's not part of the Illinois Right of Conscience Act."

Black: "Well, again, it's not the intent, but the language of the Bill certainly doesn't preclude that interpretation. Now, let's talk to the specific issue of abortion, which is what this Bill really goes to. If I work in a hospital that employs 5 hundred doctors and more than 2 thousand nurses, and some of these employees have a conscience objection to the abortion procedure, it would appear to me that any of those employees that have that conscionable objection to that procedure would have to, those objections would have to be informed to every patient, even though most of them would never see the patient, or serve the patient. Isn't that the objective of the Bill?"

Ronen: "No, it's not. I don't think you would have argument with the Illinois Right of Conscience Act. We both, although we differ on a woman's right to choose, we both acknowledge



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that people have differences in conscience. We're talking about when that Act is invoked that prospective patients just are aware of that. It's just really passing on information. Information that the practice, the physician, the HMO group would already be aware of. I mean, it's really just as simple as that."

Black: "But look at the language of your Bill."

Ronen: "I have, Representative."

Black: "It says, 'would require a physician, hospital, ambulatory treatment center, or an employee of any of those.' Specifically written into your Bill. Now, I can only interpret that to mean that any employee who has a conscionable objection to a procedure, must have that objection written up and given to a patient. But even beyond that, how does your Bill describe a prospective patient?"

Ronen: "Somebody who is seeking service. That's prospective. When you go to your first appointment with a physician or the health group, the information about what that physician, or what that health group, the kinds of services they will not provide should be given to them. It's just good consumer practice. And I think in any other area, we'd agree with that."

Black: "Well, Representative, let me just give you a hypothetical that isn't that hypothetical. My blood pressure is fluctuating widely today."

Ronen: "I feel it's going up right now."

Black: "No, not really. And I've talked to my doctor and they've called over a new prescription this afternoon. But if I check with the nurse later on and the diastolic pressure isn't going to come down, I may decide to go to one of the medical facilities in Springfield tonight. If this Bill

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were law, as I check in, and I'm not the least bit concerned about anybody's objection to anything, I'm just a little worried about my blood pressure. You mean to tell me that I have to be served with a piece of paper with all of the objections that anybody who works there have about certain procedures? Do I have to really go through that?"

Ronen: "No, we don't. And the Bill does not require that."

Black: "Well it says, 'any 'prospective patient' has to be notified.'"

Ronen: "I really don't interpret the Bill that way, Representative. And while your blood pressure might not be fluctuating, quite frankly you're starting to cause mine to go up a little."

Black: "Well, I don't want to do that. And that's not my intent."

Ronen: "Thank you."

Black: "But, thank you, Representative. I appreciate your response."

Ronen: "I appreciate yours."

Black: "Mr. Speaker, to the Bill."

Speaker Granberg: "Proceed, Sir."

Black: "The Sponsor is well intended, I'm sure. But if you just take a look at this Bill and divorce yourself if you can from the underlying issue, this Bill is really very poorly drafted. There is no definition of prospective patient. It clearly says, 'an employee of any health care delivery system that is outlined in the Bill, must provide a written disclosure to every patient and prospective patient before providing, before providing any medical service.' Now, if I end up in a hospital tonight, and some idiot is trying to stuff 15 pages of objections down my throat if you think my blood pressure's been high in the past, I pity

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that employee of that hospital, because I'm not going to be in any mood for a whole bunch of paperwork when I've got other things on my mind. This Bill is extremely, poorly drafted. I don't even know what it attempts to do. It doesn't define anything. And if, for God's sake if this Bill becomes law, I can see tons of paperwork in hospitals. And that's just what we need. That's what we need in the health care delivery system, Mr. Speaker, more paperwork, more people on staff shoving things at you saying, you have to read this, you have to sign this, you must agree to this. And by the way, who's your insurance company? This Bill, whatever it's intention is, is drafted in such a way as to be asinine in purpose. And a 'no' vote is the only vote that you can possibly give to a Bill that will interfere, interfere in the medical process to the point where it is absolutely endangering my health. Vote 'no'."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Erwin."

Ronen: "Mr. Speaker, in concern for Mr. Black's blood pressure, which did seem to be going up, I respectfully, I'm going to take this out of the record and see if we can address some of the concerns that he has raised. We are really concerned with health care on this side of the aisle. And I hope that will help him calm down a little."

Speaker Granberg: "Take it out of the record, Mr. Clerk. House Bill 851, Representative Schoenberg. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 851, a Bill for an Act concerning interference with access to health care. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Coles, Representative Weaver, for what reason to do arise, Sir?"

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Weaver: "Thank you, Mr. Speaker. A little while ago my switch was inadvertently voted 'yes' on House Bill 391, and I'd like the record to reflect I wish to have voted 'no'."

Speaker Granberg: "The record shall so reflect. The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I also inadvertently pushed the wrong button a little while ago and voted 'yes' on 391, I'd like the record to reflect that I meant to vote 'no'."

Speaker Granberg: "It will so reflect. The Gentleman from Cook, Representative Schoenberg, on House Bill 851."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My remarks earlier this evening, I alluded to this measure. A measure which I believe represents a reasonable, good faith effort to reach across what's obviously a very emotional and personal divide on the abortion question, to address a mounting problem in our society, and that is the escalating violence, not just to women seeking to exercise their constitutional rights under Roe v. Wade, but to any individual who works in a health care facility and particularly physicians. There's a disturbing trend in our country, I hate to report, that those who seek to have their particular viewpoint prevail have opted, unfortunately at times, to exercise violent means in thwarting individuals from seeking and obtaining their constitutional rights. House Bill 851 provides a civil course of action against any individual who intentionally violates the Criminal Code, interference with access to health care facilities. Health care facilities are defined as 'hospitals, outpatient clinics, abortion clinics, any health care facility where health care services are offered.' The action may be brought by individuals aggrieved by that contact, not just women

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seeking to exercise their rights under Roe v. Wade, but the physicians, employees, owners of that facility, individuals who serve as escorts to those or who accompany those who seek to exercise their constitutional rights, as well as any person whose lawful efforts to enter or leave the facility are obstructed, impeded, or hindered. There's a cause of action that can be brought for the greater of actual damages, liquidated damages, injunctive relief, and or attorney's fees and costs. Injunctive relief requested may impose the imposition of a 50 foot buffer zone around the health care facility, in which individuals would be prohibited from impeding and intimidating and obstructing those individuals seeking to enter that hospital or clinic. It also imposes a noise restriction. The prohibition makes it unlawful for a person to intentionally prevent or attempt to prevent anyone from entering or exiting a hospital or clinic by physically detaining, obstructing, hindering or impeding that person's passage. The penalty for the violations is a Class A Misdemeanor. This is an issue, Ladies and Gentlemen, which has been before us for several years. I think the very fact that we have to consider a measure like this is a sad commentary on the state of our society, that we have to provide greater physical protection in the form of a safe choice zone, as you will, and the imposition of penalties and the ability to obtain damages as a result of having your rights impeded, and being physically impeded, obstructed, and intimidated. As we've discussed this measure in the past years, I want to inform the Body that many Members on both sides of this very personal and emotional issue, the abortion question, have voted for this issue in the past. Precisely, because I think all of us understand that no one

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individual's constitutional rights are greater than anyone else's. And I know that there are some very valid First Amendment freedom of speech issues which emerge on this Bill. These are indeed issues which have been under serious consideration and clarification by the United States Supreme Court as recently as a decision on February 20, 1997, and the Shank decision, which struck down a moving buffer zone at abortion clinics in Buffalo and Rochester, New York, the court struck down the ability to impose a moving zone where individuals would have some protection from the obstruction and intimidation which often occurs at these facilities. However, the court did reaffirm an earlier Supreme Court decision in a Melbourne, Florida case, where a set, fixed, physical, safe choice zone could be imposed so that individuals could go unimpeded in seeking the appropriate health care treatment that they've chosen under their constitutional rights in Roe v. Wade. Now you might ask, what about individuals who wish to lawfully and peaceably express their extreme unhappiness and distress about those who are knowingly seeking abortion services? This Bill does nothing to curtail their First Amendment rights. If anything, it has clarified their First Amendment rights so that there can be no misunderstanding in this issue. You might ask, do we wish to criminalize, do we wish to criminalize people of conscience, who function as sidewalk counselors at abortion clinics or other health care facilities, who wish to urge people in a nonthreatening manner as to what their options are, rather, as alternatives to seeking an abortion procedure? This New York decision, of earlier this year, provides clarity on the subject, and in the 6-3 decision, with the majority opinion written by Chief Justice

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Rehnquist, who, the last time I checked, wasn't exactly a Kennedy of any stripe. Chief Justice Rehnquist upheld the federal judge's order, which affirmed that sidewalk, so-called sidewalk counselors, who approach patients within fixed safe choice zones, that they had to retreat when individuals indicated their desire not to be counseled. Indeed a reasonable approach. When the individual does not seek to have this guidance, the person is respectfully required to step back and not further belabor the issue in a means which could often lead to threatening and intimidating that individual. For those of us on either side of the abortion issue, we need to take a step back, I believe, and transcend our feelings on that issue and support House Bill 851. As I've indicated in the past, many of our colleagues current and previous, who consider themselves strongly pro-choice and pro-life, have voted for this measure, because we all feel that the spiraling violence at health care facilities is simply out of control. At this point I'd like to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 851. Is there any discussion? The Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker, will the Gentleman yield?"

Speaker Granberg: "He indicates he will, proceed."

Turner, J.: "Representative, do you have an exemption section in your proposed statute?"

Schoenberg: "Yes, Sir. On Section 21.4-4."

Turner, J.: "I'm sorry, Mr. Speaker, did he respond to that?"

Speaker Granberg: "Representative Schoenberg, if you could repeat your response please."

Schoenberg: "Yes, Sir. On page 2 of the Bill, Section 21.4-4."

Turner, J.: "Yes, and, if I'm reading the Bill correctly,

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exemption #4 states, and I'm trying to read this verbatim, 'lawful conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute.' Is that one of the exemptions?"

Schoenberg: "Yes, Sir, that is correct."

Turner, J.: "Let me follow up by asking why is that conduct exempt under your proposed legislation?"

Schoenberg: "That conduct, Sir, is exempt in order to, the conduct is exempt in order to provide uniformity with existing Illinois Statute. Mr. Turner, in our discussions, both private and public, I've indicated to you that the design of this legislation is to address a particular narrow context. That context of intimidation, which unfortunately at times leads to violence at medical facilities. This provision is written in the Bill in order to make it uniform with existing statute. I wish to add, Mr. Turner, however, that in previous years as this measure has successfully left this House and gone to the Senate, this issue has indeed been a point of modification."

Turner, J.: "I appreciate that. I'm just concerned about the way your Bill is drafted. As I look at exemption #4, and I've read it to you and you've agreed it the way I read it was a verbatim reading of your proposed language, it suggests to me that if there is someone along the sidewalk and their message is one of management objectives or perhaps labor objectives or a dispute between management and labor, that type of conduct, that type of contact, the message that that particular person is trying to convey would be exempt under your Bill, is that correct?"

Schoenberg: "Labor/management issues are exempted under the Bill. As I indicated before, the reason why labor/management issues are exempted is to be in conformity with current



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Illinois Statute. However, as Senator Hawkinson has observed in previous years in his Judiciary Committee, we have sought to make modifications to this provision so that we do not obfuscate the issue of whether or not this Bill specifically addresses a particular set of circumstances, namely those confrontations or potential confrontations at medical facilities."

Turner, J.: "Again, I don't dispute that, but exemption #4 deals with a particular area, it deals with a particular subject matter, it deals with a particular message with regard to labor disputes, I don't think there's any question about that. I'm going to read you something, I'm going ask you if you agree with this statement. 'The government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.' Do you agree with that?"

Schoenberg: "Yes, I do."

Turner, J.: "Did you state that you did agree with that statement?"

Schoenberg: "Yes, Sir. What are its origins?"

Turner, J.: "Let me follow up and ask you, if you agree with that, do you not feel as though by putting an exemption as to a particular subject matter in your statute is in violation of that statement I just read to you and you've indicated you do agree with?"

Schoenberg: "Mr. Turner, this is a very issue that has been addressed previously by the United States Supreme Court. Repeatedly, within state courts across the country and within federal courts across the country, the courts have sought to grapple with this issue and provide clarity on the key fundamental First Amendment right that individuals have for freedom of expression. In this most recent

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decision, Chief Justice Rehnquist established some framework by which First Amendment right, the integrity of First Amendment rights could be protected."

Turner, J.: "Representative, I agree with you that I think you can have a zone of protection, but I don't think that zone of protection can relate to particular subject matter, and I think the way you've drafted your Bill, it does that. You've mentioned the Supreme Court of the United States several times, and I guess I need to ask you, are you referring to Police Department v. Mosley as one of the cases?"

Schoenberg: "I'm referring to the February 20, 1997 decision, the 6-3 decision written by Justice Rehn..., pertaining to an appeal to a federal judge's order relating to abortion clinics in Buffalo and Rochester, New York. I'm also referring to an earlier United States Supreme Court ruling of, and you'll bear with me for a moment, June 29, 1994, also a Supreme Court decision pertaining to the establishment of a buffer zone, as well as enabling injunctions that are permissible in controlling protests as long as they 'burden no more speech than necessary to serve a significant government interest.' That latter point being raised, because the court did rule that any noise which was considered to be excessive and intimidating was also prohibited. So the courts, the Supreme Court on these two occasions, these are the two rulings which I'm referring to, and this latter ruling I think is very significant to the issues that you raised. Because, in my view, Mr. Turner, the Supreme Court's decision on the Melbourne, Florida case, with respect to the noise that takes place at a medical facility, to me that is as great a concern as the issues which you've raised. I can tell you

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that in previous years when this measure has gone from the House to another Chamber, that the exemption which you have referred to has at times either been modified or dropped altogether."

Turner, J.: "You cited two Supreme Court cases to me. I assume that in both of those cases they have, the Supreme Court has upheld a law where a buffer zone has been set. Did, in either of those cases, did the court ever suggest that a buffer zone can be set up, but that certain subject matter will be exempt? And that's what your Bill does. Does the Supreme Court say that you can do that and indeed is there not a Supreme Court decision that says absolutely, 100%, unequivocally to the contrary?"

Schoenberg: "The Supreme Court ruling, the Supreme Court ruling in the June 1994 decision set parameters on, set parameters, not on, not on the language of that particular noise, but on forms of noise so that they would be construed as intimidating and obstructing physicians' abilities to carry out those medical procedures."

Turner, J.: "I think I understand that, but I don't believe that the Supreme Court has said that you can exempt certain subject matter. I think that the law is very clear constitutionally that you can't pick and choose what subject matter is going to be restricted, and I think you're doing that here with your exemption. Clearly, you have taken one area, one subject matter, one message, that being as to labor, and made the law inapplicable to that. I think, Jeff, you've got a real problem here. I think that that particular section makes your statute unenforceable, unenforceable in as much as you cannot single out a certain area of speech, that clearly is a violation of the First Amendment and I'm not going to be

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able to support your Bill because of that. Thank you for answering my inquiries, however."

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

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

Speaker Granberg: "He indicates he will, proceed."

Mulligan: "Representative Schoenberg, how does your Bill differ from the current Federal Law?"

Schoenberg: "I'm sorry, could you repeat the question? I can't hear."

Mulligan: "How does your Bill differ from the current Federal Law?"

Schoenberg: "The current Federal Law and this Bill are quite similar. So, one would ask, 'why do we need to have a State Law if there's already a Federal Law in force?' The reason why we need a State Law, is because we all know in our respective communities that local law enforcement officials are extremely reluctant to prosecute crimes on a federal level. Moreover, this Bill would enable local law enforcement officials to have these charges addressed in state and local courts, rather than federal courts. Moreover, that there are those who say that the only cases in which this is applicable are those cases where federal marshals would be present at health care facilities. Now, as we all know, there are innumerable health care facilities in Illinois, not all of them provide abortion services. There are, indeed, some hospitals which provide abortion services. In fact, Representative Mulligan, I believe that in your district..."

Mulligan: "Mr. Speaker, I'm having a very difficult time hearing the Representative. Could we have a little order?"

Speaker Granberg: "Proceed Representative. I think the Members are a little tired."

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Schoenberg: "Representative Mulligan, to, at the encouragement of my wise counsel seated right behind me, I'll give you the abbreviated answer, and that is, we don't put federal marshals at every hospital and medical facility."

Mulligan: "Representative, I supported this Bill before, when you introduced it and it passed out of the House. And one of the main reasons I supported it was that a local hospital in my district, which is routinely picketed, but does not provide abortion services, the picketers broke past a certain area and went into the hospital and blocked an elevator bringing a preemie baby down that needed surgery and interfering with a potential lifesaving surgery that that child needed. Without going into the semantics of it, a Federal Law allows federal marshals, a local law allows local law enforcement officers to respond to a situation such as that in a timely fashion, and I certainly would support that, because this goes on in my district in a rather routine fashion. Also, quite frankly, the issue of increased violence and the manipulation of the people who feel compelled to be on 'picket lines' to uphold or try and convince people not to avail of themselves of the services, are increasingly manipulated in a fashion that is cult-like. So that, what happens is you have people out there who are overwrought and have been, such as a woman from the Schaumburg area that was written up in the Daily Herald a few years ago, taken out to a facility the night before at a church, whipped up over the night and then put out on a picket line by a local group that had come in to disrupt services. Although many of these Bills this day have been going down, I think that rational people here do not want to encourage violence at these facilities. And that's what we are doing by not passing this law and

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allowing people, local law enforcement officials to protect the people in this area that put themselves either in walking distance, avail themselves of the services, come through that are working at a facility, such as a hospital that does not even provide abortion services. I think we have to take a look at what we're doing here. This law would allow us to enforce these types of situations in a efficient, quick manner by local law enforcement officials. It has nothing to do with procedures. It has nothing to do where you fall on either side of the choice issue. It definitely has to do with protecting people, protecting their rights, and discouraging violence. I don't think anyone in this Body, no matter where they fall on either side of this issue, wants to encourage violence, and that is what is happening out there. Now, just because these Bills have been moving along this way and a few people feel complacent, some of the same people that spoke against a Bill before or for a Bill that would be unconstitutional, got up and challenged this Bill as to being constitutional, will not support it. I state that those people are willing to encourage violence. I think this ought to be an 'aye' vote. I think we need to uphold Federal Law by allowing local law enforcement officials to enforce it. I think this is a very important Bill for us to understand, and I think we ought to move forward with an 'aye' vote on this Bill."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 851. All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73 voting 'aye'; 41 voting 'no'; 0 voting 'present'. House Bill 851, having

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received the Constitutional Majority, is hereby declared passed. House Bill 1366. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1366, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Will, Representative Kosel, for what reason do you arise?" Kosel: "Would you please indicate on the record that my vote should have been 'yes' on the last Bill?"

Speaker Granberg: "The record will so reflect. The Gentleman from Lake, Representative Beaubien."

Beaubien: "Yes, thank you. This Bill amends the Unified Code of Corrections. It provides that a person who is on probation, conditional discharge, or mandatory supervised release, and who then commits a Class II, III, or IV Felony, cannot receive probation or conditional discharge for the second offense. Under the current law only a Class I Felony is ineligible to receive probation or conditional discharge for a second offense."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1366. Is there any discussion? There being no Members seeking recognition, all in favor shall vote 'aye'; all opposed shall vote 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Schoenberg 'aye'. Mr. Clerk, take the record. On this question, 113 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1366 having received the Constitutional Majority, is hereby declared passed. House Bill 614. Read the Bill, Mr. Clerk. Representative McGuire."

Clerk Rossi: "House Bill 614, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House

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Bill."

Speaker Granberg: "The Gentleman from Lake, Representative Beaubien, for what reason do you arise?"

Beaubien: "Yes, in my excitement and elation I forgot to vote. Will you put me down as 'yes' on the last Bill?"

Speaker Granberg: "The record will reflect that the Representative had intended to vote 'yes' on his Bill. (Sic - House Bill) 1614, Mr. Clerk. Sorry."

Clerk Rossi: "House Bill 1614, a Bill for an Act to amend the Illinois Act on Aging. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Will, Representative McGuire."

McGuire: "Thank you, Mr. Speaker. Ladies and Gentlemen, I have House Bill 1614 that amends the Illinois Act on Aging, concerning preventative services. And I'll be very brief. The services we're talking about are senior companion services, money management assistance, home repair or modification for accessibility by the physically disabled, and home electronic emergency response services are the list of preventative services that we are asking to be under the auspices of the Department on Aging. It also provides that the statewide availability of these programs and services, and their outcomes are intended to prevent unnecessary institutionalization. That's a long word. But I'll try to answer any questions you have. And I'd appreciate your 'aye' vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1614. On that question is there any discussion? There being no one seeking recognition, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On



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this question, 114 voting 'aye'; 0 voting 'nay'; 0 voting 'present'. House Bill 614 having received the Constitutional Majority, is hereby declared passed (Sic-House bill 1614). House Bill 1504. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1504, a Bill for an Act to amend the Sale of Tobacco to Minors Act. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Lake, Representative Wood."

Wood: "Thank you very much. I'd like to ask your support for House Bill 1504. House Bill 1504 makes it an offense for a minor to possess or use tobacco products. It provides small monetary fines, but more importantly it provides for intervention, teen court, peer court review, or community service. The purpose of this Bill is not punitive, but instead to promote prevention, and to promote intervention. In view of the Liggett Decision, in which the tobacco companies acknowledge that they have targeted teens in their market. I respectfully ask for your support for our youth. Thank you."

Speaker Granberg: "The Lady from Lake moves for the passage of House Bill 1504. Is there any discussion? No one seeking recognition... The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates she will. Proceed."

Black: "Representative, if a 10 year-old child goes down to the corner store, which we still have some of those in rural areas, believe it or not. His mom or his dad sent him down there to pick up a pack of cigarettes for them, which is not, again, not unusual in small towns, there where

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everybody knows everybody. I assume the 10-year old then is a criminal."

Wood: "No. I do not think that under this Bill the 10-year old be a criminal."

Black: "It says, 'No juvenile under the age of 18 shall possess or use.' The 10-year old is going home with a pack of cigarettes for mom or dad, from the corner store. In a town of 4 hundred people, believe me, this is not unusual. And the town constable, or the police, because the little guy is probably going to carry the pack of cigarettes out in his hand, he's in possession of a pack of cigarettes. He's going to get charged with a criminal offense?"

Wood: "Sir, the charges of petty offence. Furthermore, it's up to the discretion of a judge. There's also options of peer or teen or review court. I would suggest to you that what we're really aiming for in this Bill is an opportunity to provide for intervention and prevention for our youth, over 3 thousand teen smokers everyday. Three thousand teenagers start smoking everyday, and yet we do not recognize this and we are sending a mixed message to our youth."

Black: "So, the example I gave you, I realize the discretion that the judge has, and I read the papers and that scares me to death. Sometimes the discretion they have is enough to terrify you. So, the 10 year-old gets fined \$25, and does 1 hundred hours of community service. Would that be a reasonable scenario?"

Wood: "I don't think that would be a reasonable scenario. Again, I think it would be up to a judge's discretion. And the judge would have the opportunity to assess a fine of \$25. The reason why just a fine of \$25, in my opinion, is not appropriate, is because we don't want just parents paying for something that their children are involved in. We want

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the children to really be able to be educated about tobacco and tobacco products."

Black: "Under your Bill, indulge me a minute. Under your Bill what happens to the merchant who sells the tobacco products?"

Wood: "This Bill does not deal with merchants. And the Illinois Retail Merchants Association is not opposed to this Bill."

Black: "Am I to assume, under your Bill, that the parent may face some kind of charge for telling the child to go to the corner store and buy cigarettes for them?"

Wood: "It is not addressed in this Bill. But I will state publicly that I do not believe that parents should be sending their children to a store to purchase cigarettes, even on their behalf, because that, my understanding, is against the law."

Black: "What's against the law?"

Wood: "Not this Bill. Minors purchasing tobacco products is already against the law. So I cannot support a parent that deliberately encourages his or her child to break the law."

Black: "Okay. Well, I can appreciate what you're trying to do. I just get this vision of driving home whenever they let me get the... I almost said a bad word, whenever they let me get out of here, driving home and as I go down scenic Route 150, coming into Danville, I see a bunch of 10 year-old kids on the side of the road under Paul Newman's guard on the back of a horse holding a shotgun, as they pick up tin cans and litter. I tell you, the thought brings a tear to my eye. I mean, you don't have a Bill coming up that says while they do their community service they'll be in chains, do you?"

Wood: "No, I do not, Representative."

Black: "Okay. Could we amend your Bill on space to do what my

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grandfather did to me many years ago? He was a cigar smoker, and I thought that was pretty neat, and I liked my grandfather a great deal. So, one day I got in the basement and I got into grandpa's cigars, and I was having, what I thought was a pretty good time smoking the cigar, until grandpa came down. And then grandpa made sure that I smoked the entire cigar. And as I recall, I became very ill, and I whooped on grandpa's workbench, as I recall. That will teach you not to bring me anything. In fact, I even recall what it looked like, pizza or something from Saputo's. Representative, I don't know, maybe that does work. Because even thinking back now, I'm getting sick to my stomach. So, I'll sit down."

Speaker Granberg: "The Gentleman from Logan, Representative Turner. The Gentleman from Washington, Representative Deering."

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

Speaker Granberg: "Indicates she will."

Deering: "Representative, I just have a short question here. I notice in the analysis, our analysis says, 'House Amendment #1 to House Bill 1504 adds a section prohibiting persons under 18 years of age from possessing or smoking any tobacco product.' And, I've been getting calls from some of my local grocery stores and restaurants. The Federal Law just passed, the wording that's been printed in the newspapers says, specifically, under the age of 18. The placards that we've put out by the, I guess, Department of Alcohol and Substance Abuse, the red and white placards say, 18 and under. So technically and legally, who can possess and use alcohol? A person who is 18 years of age and older, or a person who is 17 years of age and older?"

Wood: "According to this Bill, juvenile possession and

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consumption of tobacco is applicable to persons under 18 years of age."

Deering: "So, can a 18 year old have tobacco and use it, possess it, and buy it? And the reason I ask this is not because of your Bill, because it brings up the issue, or the problem that we're having with the state-issued placard. The state-issued placard said, 18 years of age and under. The Federal Law says, under the age of 18. So, who technically can have the tobacco products? A person who is 18 years of age and older, or a person who is 17 years of age? I'm sorry, a person who is 18 years of age and older, or does a person have to be 19 years of age and older?"

Wood: "I'm sorry, Representative, I cannot hear your question."

Deering: "The Federal Law says, in its wording in the recent legislation it enacted, 'persons under the age of 18 cannot legally purchase alcohol, or I'm sorry, tobacco or tobacco products'. The placard that the State of Illinois puts out that the restaurants and the grocery stores have on their back wall behind the counter, specifically says, tobacco products cannot be purchased by a person 18 years of age and under. So, what is the legal definition of a person who can legally purchase and use tobacco products? Eighteen years of age and older, or do they have to be 19 years of age and older?"

Wood: "Representative, this Bill does not address the purchase of tobacco by juveniles. That's addressed by existing State Law. This Bill only addresses the possession and consumption of tobacco, and deals with those persons 18 years of age, I'm sorry, those persons under 18 years of age."

Deering: "So under your legislation with the Amendment, an 18 year-old individual can purchase and use tobacco. Is that

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correct?"

Wood: "An 18 year-old could possess tobacco. But I'm only dealing with possession of tobacco in this Bill, not the purchase."

Deering: "Thank you."

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

Mulligan: "Thank you, Mr. Speaker. I don't have the file with me, but I'm remembering from Human Service Appropriations. Number one, it is illegal for youth, in our state to purchase cigarettes. But, we're also under a mandate from the Federal Government, up to \$25 million, I think right now, of federal funding to significantly reduce underage smoking over a certain number of years. In that area we have to pass laws or do something. And I'm pretty sure it's the Department of Public Health, and I'm sorry I don't have the folder with me, that is obligated to make an effort to reduce underage smoking in order for us to not lose that federal funding. Now, I don't know if this is the only Bill, or the Bill that people want to vote for, but we are obligated to do that. Whether it's good or not. Whether we like Federal Mandates, that's the case."

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

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

Speaker Granberg: "Indicates she will."

Lang: "Representative, I think we want to keep tobacco out of the hands of minors. But I do have one area I want to discuss with you. This Bill would prohibit a minor from possessing, for any purpose, tobacco. Is that correct?"

Wood: "It says, 'the possession and consumption of tobacco.'"

Lang: "And so, and I don't think this is a far-fetched example. You're upstairs in the bedroom and you say to your child,

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bring this pack of cigarettes, or cigar, or this pipe, down to your father downstairs. Has that person violated this law?"

Wood: "You know, I doubt that any judge, with their discretion, would consider that a violation of..."

Lang: "That's not what I asked you. I asked you if that violates this law. We can't legislate for what we think someone will do. If that violates this law, I don't think you intend to do that. Perhaps you need an Amendment to cover that."

Wood: "I think what we really need to address in this Bill is the underage smoking by our youth. By the fact that the tobacco companies have targeted teenager as smokers. By the fact that there are 3 thousand new smokers each day. And we are sending a mixed message without having an opportunity for a Bill like this."

Lang: "Representative, I support all that. Like I've said a million times, it seems on the Floor of this House this week, I just want you to have a good Bill."

Wood: "Thank you."

Lang: "All right. So, don't you think that this needs some cleanup?"

Wood: "It did pass out of committee unanimously."

Lang: "Maybe the committee didn't read the Bill as closely as I did. You don't think this is an area you should address. It's your Bill, if you don't think you want to address it I'll sit down, that'll be fine. But I think you ought to take a look at it in the Senate. Okay?"

Wood: "No thank you."

Lang: "Well, your welcome."

Speaker Granberg: "The Gentleman from Lake, Representative Churchill. The Lady from Lake moves for the passage of

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House Bill 1504. On that question all in favor shall vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 'aye' votes; 9 'no' votes; 11 voting 'present'. House Bill 1504, having received the Constitutional Majority, is hereby declared passed. House Bill 1576. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1576, a Bill for an Act concerning dementia related health care. Third Reading of this House Bill."

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

Santiago: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1576 will direct the Department of Public Health in cooperation with the Department of Aging, and other appropriate agencies to develop specialized training, programs and criteria for persons who provide care to victims of Alzheimer's disease, and other dementia related diseases. It also will direct the Department of Health to conduct a study on the effectiveness of certifying a person providing such care according to the criteria that is developed by the department. I am ready to take any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. Any questions? Any discussion? There being no one seeking recognition the Gentleman moves for the passage of House Bill 1576. All in favor vote 'yes'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1576



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having received the Constitutional Majority, is hereby declared passed. House Bill 1578. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1578, a Bill for an Act to amend the Early Intervention Services System Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Quincy, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's a very simple Bill. House Bill 1578 amends the Early Intervention Services System Act, and provides the Department of Human Services a designated as the lead agency for purposes of administering the Act. I would ask for a favorable consideration of this legislation."

Speaker Granberg: "Representative Santiago. The Gentleman from Cook, Representative Pugh."

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

Speaker Granberg: "Indicates he will."

Tenhouse: "Be glad to."

Pugh: "Representative, could you reiterate what this Bill does, again?"

Tenhouse: "Certainly. What it really does, Early Intervention Services, for more than the past 20 years, have been administered by the Department of Mental Health. With the restructuring of the Department of Human Services, that part of the Department of Mental Health was moved over to the Department of Human Services. This would, basically, just allow for the same staff who handled the early intervention services before, to continue to do it. It would also mean that you would probably see more local involvement, especially from the local mental health

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agencies."

Pugh: "What kind of programs does this entail? And what kind of clients are affected by these changes?"

Tenhouse: "There really wouldn't be a change, Representative Pugh. It would be, for the last 20 years the early intervention systems have been for, really, it's the zero to three program, had been administered by the Department of Mental Health. So, there really wouldn't be a change. It had moved over to the State Board of Education. This would simply move it back to the Department of Human Services."

Pugh: "Would I be correct in assuming that the budget for the program would follow, and how much are we talking about?"

Tenhouse: "There's about \$20 million that's budgeted under the Governor's proposed Fiscal Year '98 budget. And that certainly would intend to see that those dollars move to Human Services as well."

Pugh: "Did Human Services agree... Why was this placed into Human Services? Did anybody else, because nobody else wanted it, or why was it placed..?"

Tenhouse: "Well, you see, it had been under the Department of Mental Health, Representative Pugh, for about 20 years. And then what happened is part of this restructuring, it was actually the lead agency was changed into the State Board of Education. This would return it to the same people that had been administering the program through the Department of Mental Health, who are now in the new Department of Human Services."

Pugh: "When you talk about early intervention it seems as though you want, you're talking about problems that develop mentally, so it seems like the proper place would be where it was, as opposed to bringing it over to Human Services."

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Can you explain the rationale? And again, if you could clarify the zero to three individuals that you're talking about?"

Tenhouse: "Certainly. Representative, I think if you look, in terms of the contractors that were providing the service, for the most part, a lot of them were involved with local agencies that were involved in each of your areas. These are the same people who had been administering the program over the last, well really, 20 years. And that's all we would be doing, is simply having the same people that the Department of Human Services would be administering the program, who administered it when it was under the Department of Mental Health. One of the problems we've had, Representative, is that under the State Board of Education scenario you would have been eliminating a lot of local providers, and frankly, the access would have changed considerably. To give you an example, this issue was brought to me by my local group, it's called Transitions in Western Illinois, which is really another name for our local mental health group. Last year we had 252 clients. Under this, the way it would have been proposed and the reason for a lot of the discussion, it would have only been taken away from them, and it would have only been able to access nine clients. So clearly, one of the things we were hoping to do here is to have more access for more people. And it makes sense if people who have administered the program in the past would be able to continue to do so."

Pugh: "Okay. Can you... When you talk about youth, zero to three, can you delineate the problems that they have? Why is this in mental health and not with the Department of Developmental Disabilities?"

Tenhouse: "That is the same agency. Mental Health Developmental

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Disabilities, Representative, that's exactly right. MHDD, I'm sorry I didn't give the homonymic, but Mental Health Developmental Disabilities were the ones that were administering, and would continue to do so, only it would be now under the Department of Human Services."

Pugh: "And they're in favor? DMHDD is in favor of this transfer of the \$22 million?"

Tenhouse: "Exactly. Because, the Department of Mental Health, of course, is now part of the Department of Human Services. That's the reason for the change in the monikers. I understand that there's no opposition from the Governor's Office, or from the State Board of Education, at this point."

Pugh: "Is there any opposition anywhere?"

Tenhouse: "Not to my knowledge."

Pugh: "Do you read your e-mail?"

Tenhouse: "Well, I looked through it just a few minutes ago and I didn't see anything."

Pugh: "Okay. Thank you."

Tenhouse: "Thank you, Representative."

Speaker Granberg: "Any thing further? The Lady from Lake, Representative Clayton."

Clayton: "Thank you very much. On House Bill 1503, I'm looking at the Roll Call, it showed me as being an absent. And I would have voted 'yes'."

Speaker Granberg: "The record shall so reflect, Representative. The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. Representative Tenhouse, I think I support your Bill. I'd just like to ask you a few questions. I'm sorry I wasn't here when you began. I have Bill 1807, which deals with this issue. I don't know if you're familiar with it. But it talks about the issue of

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the criteria that the department is going to be using to determine who is at risk, and therefore, to whom services are provided. Does this Bill deal at all with that?"

Tenhouse: "Well, I think, in relation to your Bill, Representative, I think we all agree, I think, that in terms of case management the Department of Human Services is probably much better equipped to handle this issue than the State Board. Moving this over, I think, makes sense seriously in terms of the fact that the process is in place, the same people are there."

Ronen: "So, you're moving early, I think maybe I might not support this, Representative, you're moving the early intervention services away from the State Board of Education to the Department of Human Services?"

Tenhouse: "As we had mentioned here before, Representative, the dollars that are currently being administered were under the Department of Mental Health Developmental Disabilities. Then in this short interim period that lead agency had been transferred over to the State Board of Education. This would be back to the, really, the successor organization to the DMHDD, Representative. So, that's what we're talking about."

Ronen: "So, we're not talking about any of the programs that the State Board operates, in relation to early childhood development, or Parents Too Soon, or none of those parental training programs?"

Tenhouse: "Only the one program."

Ronen: "The state board's, their position on this. Do they support this move?"

Tenhouse: "They have no position."

Ronen: "They have no position. And we have asked them?"

Tenhouse: "Yes. We've been involved with some discussion level,

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I guess."

Ronen: "Okay. All right. But we're not talking about any of the early childhood programs, or any of the Parents Too Soon programs, or any of those things?"

Tenhouse: "No. This is a program that I feel very strongly about, as I know you do as well, Representative. Because, and our youngest was involved in the Zero-Three Program. I think the fact that people are able to diagnose the problems early, the case workers are able to get involved. I think it's a natural continuation. If the program wasn't working, I certainly would concur with taking it somewhere else. But I think under the circumstances, it's a good place to have it."

Ronen: "Okay. Well, thank you very much for your answers."

Tenhouse: "Thank you, Representative."

Speaker Granberg: "Any thing further? The Gentleman from Adams moves for the passage of House Bill 1578. All in favor shall vote 'aye'; all opposed vote 'nay'. The Roll Call 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, 113 voting 'yes'; 0 voting 'no'; 1 voting 'present'. House Bill 1578 having received the Constitutional Majority, is hereby declared passed. House Bill 1806, Representative Ronen. Mr. Clerk. Excuse me, Representative. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1806, a Bill for an Act to amend the Civil Administrative Code. Third Reading of this House Bill."

Speaker Granberg: "Representative Ronen."

Ronen: "Thank you. Thank you, Mr. Speaker. House Bill 1806 derived from hearings that we had in the Committee on Children and Youth, talking about the issue of violence

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against youth. Dr. Tanz from Children's Memorial Hospital, gave very compelling testimony to the effect of gunshot wounds on young children. And it might surprise you to know that, actually gunshot wounds are the number one killer of children 15 to 19 years of age, and are the leading cause of brain injury in children. What this Bill does is require the Department of Health to track these injuries and to do a better job at documenting what is happening so that we can be better able to perform public policy that addresses this very critical problem. I would be happy to answer any questions. And I urge all my colleagues to join me in this very important Bill."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 1806. Is there any discussion? No Members seeking recognition? All in favor shall vote 'aye'; opposed vote 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Bost, yes. Lawfer, yes. Have all voted who wish? Mr. Clerk, take the record. On this question, 115 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1806 having received the Constitutional Majority, is hereby declared passed. House Bill 1618. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1618, a Bill for an Act to amend the Illinois Vehicle Code. Third reading of this House Bill."

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

Durkin: "Mr. Speaker, this Bill will, after January 1, 1998, provide that a owner of an all-terrain vehicle to make application for a certificate of title with the Secretary of State's Office."

Speaker Granberg: "The Gentleman moves for the passage of House

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Bill 1618. Is there any discussion? No Members seeking recognition? All in favor shall vote... I'm sorry. The Gentleman from Vermillion, Representative Black."

Black: "Excuse me, Mr. Speaker. Will the Sponsor yield?"

Speaker Granberg: "Indicates he will."

Black: "You know, I've been to a couple of state fairs, God knows how many county fairs, and I didn't just fall off the back of a pumpkin truck. Could the Sponsor tell me exactly what a all-terrain vehicle is?"

Speaker Granberg: "Representative Durkin."

Durkin: "Certainly. It is one of those three-wheelers that people will recreational, they're a little bit bigger than motorcycles. Those three-wheelers that people would drive along the beach, along the dirt roads. The recreational vehicles. A technical definition is that any motorized highway vehicle 50 inches or less in width, having a manufacturers dry weight of 6 hundred pounds or less traveling on three or more low-pressure tires, designed with a seat or saddle for operator use only, and handlebars or steering wheel for steering control."

Black: "In all seriousness, I thought the three-wheeler was either regulated out of existence, or something happened with the Federal Government a few years ago."

Durkin: "That was four years ago. It was regulated, the title was regulated...it was taken out of... It was deregulated four years ago. That is correct."

Black: "It was deregulated or regulated?"

Durkin: "Well, they got rid of the three-wheelers, it's only four-wheelers now."

Black: "But this doesn't have anything to do with like a three-wheeled motorcycle that some cities use for their police?"



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Durkin: "No."

Black: "All these Bills begin to run together. Isn't there a Bill out there somewhere that says an all-terrain vehicle can be used as a police vehicle, or something? Didn't I remember that Bill somewhere?"

Durkin: "I don't recall that Bill ever coming across this Chamber."

Black: "Mr. Speaker, to the Bill. You're doing an excellent job of getting us all confused, tired, worn out, hungry. Here we are at 7:30 on a Friday night debating what an all-terrain vehicle is. I think it's time to go home as soon as we vote on this. All right?"

Speaker Granberg: "I know we have a number of requests from your side of the aisle to call their Bills tonight, Representative Black. The Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Indicates he will."

Turner, J.: "Jim, I'm just curious how much it's going to cost. What is the genesis of this? Why do we want to start titling ATV's?"

Durkin: "This language is suggested by the Motorcycle Dealers Association. It's been... also it's ABATE has slipped this in there, a proponent of it, they are trying to maintain the integrity of the chain of commerce of the ATV's. There is, in there eyes, a black market of ATV's, which are not, which a number of dealers are not able to sell with any normal kind of commerce. And what they feel is, that by titling these vehicles that it will protect them when someone comes in and tries to sell them as a dealer of ATV's. It will protect them from being charged with a felony offense of possessing and receiving stolen goods."

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So, the titling will ensure the integrity of that vehicle."

Turner, J.: "Well, I have a lot of farmers in my district, a lot of farmers that have ATV's. Now, they're going to have to, as I understand now in 1998, get a title for these vehicles. Is that correct?"

Durkin: "Those that are purchased after 1998."

Turner, J.: "Even if they just drive it out in their field? Let's say they store it in their shed or in their barn. They do this a lot. They drive it back to check on their crops. They don't go out onto a public highway. Do they have to have a title for that vehicle?"

Durkin: "Oh, no. It's just the ones that are purchased after January 1, 1998, not the ones that are currently within their possession."

Turner, J.: "Okay, so they purchase one after 1998, they store it in their barn, the only thing they ever do with it is go check the cattle, or drive out and check the crops. Do they have to title that vehicle?"

Durkin: "Yes, they do."

Turner, J.: "Why?"

Durkin: "Because that is what... They have to title it if it's titled at the time of the sale of the ATV to that individual to, as I stated before, to protect that chain of title of that vehicle during the chain of commerce. So, when it is eventually, it is passed on at the dealer or the individual who is properly receiving that good, knows that it is not an illegally gained ATV. And it protects them from being charged with the offense of receiving stolen property."

Turner, J.: "I'm with you on that. I don't think the farmers will like this Bill, just to be honest with you. But I don't think the Farm Bureau has..."

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Durkin: "No."

Turner, J.: "... they indicated whether they're opponents to it?"

Durkin: "No, there's no opponents. ABATE and the Motorcycle Dealers are the proponents."

Turner, J.: "Jim."

Durkin: "John."

Turner, J.: "I don't know if I've ever voted against one of your Bills. But I don't think the farmers in my district are going to like this. So I don't think I can help you with it."

Durkin: "Well, I talked to the farmers in the 44th District, they love it."

Speaker Granberg: "The Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (Sic-Speaker). Will the Sponsor yield for a question?"

Speaker Granberg: "Indicates he will."

Lawfer: "If a ATV has to be titled, and it's purchased out of state, will somebody have to pay the sales tax on that before the title is issued?"

Durkin: "Well, under the law they are to pay the sales and use tax in Illinois, even if they buy it out of state. That is the current existing law."

Lawfer: "Well, of course, there's been no way to enforce that because it's never been titled. Now that they're titled will the Secretary of State be enforcing that?"

Durkin: "Well, the Secretary of State will be administering it. The fact is, enforcement is kind of a tricky word, but, when it's the dealers who are actually involved in the stream of commerce are the ones who are going to be enforcing the titling. And they are going to be sending it off to the Secretary of State's Office. And as I said

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before, if there is a question regarding the integrity of that title, the Secretary of State's Office would assist them within determining whether or not the chain of title is good, and that it has not been procured from an illegal source."

Lawfer: "I would strongly hope that there would be, because I'm faced with a area that joins Iowa and Wisconsin, where they can buy ATV's without paying sales tax. And, of course, that amounts to about \$5 or 6 hundred dollars advantage for some individual crossing over the line and, of course, that results in a disadvantage for any Illinois dealers. And, so, if this, by titling these and that there would be enforcement of sales tax prior to the issuance of the title, similar to other automobiles, why, I would support this."

Speaker Granberg: "The Gentleman from Jackson, Representative Bost."

Bost: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will."

Bost: "Just one quick question. What happens to the existing ATV's out there that will not have a title?"

Durkin: "Well, right now there's nothing that's going to be done at this point. It's just for the ones that are purchased after January 1, 1998. The present ones will not be a requirement. Ones that are presently in commerce, there's no requirement that they be titled after this Bill, if it is successful and it passes."

Bost: "Will there be any problem in resale? Like people that have ATV's now, they're going to sell them, they don't have a clear title to sell those. Will there be any problem with that?"

Durkin: "I don't believe so."

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Bost: "Okay. Thank you."

Speaker Granberg: "Ladies and Gentlemen, this Bill is on Short Debate. Do you wish to take it off Short Debate? The Gentleman moves for the passage of the Bill. All in favor shall vote 'aye'; all opposed vote 'no'. The Roll Call 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, 93 voting 'yes'; 21 voting 'no'; 1 voting 'present'. House Bill 1618, having received the Constitutional Majority, is hereby declared passed. House Bill 1512. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1512, a Bill for an Act to amend the State Finance Act. Third Reading of this House Bill."

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

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 1512 is a pretty straight forward Bill. What it does is it makes our laws similar to what it is for pension, when you have an individual as a state employee who commits a felony during the course of his employment. And this would prohibit him from later receiving back pay for vacation pays or sick days. That's the Bill. I would appreciate anybody's support. And I would answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1512. Is there any discussion? There being no one seeking recognition, all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 114 voting 'aye'; 0 voting 'no'; 0 voting 'present'. House Bill 1512 having received the Constitutional Majority, is hereby declared passed. House Bill 1500, Representative Saviano. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 1500, a Bill for an Act to amend the Clerks of Courts Act. Third reading of this House Bill."

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

Saviano: "Thank you, Mr. Speaker and Members of the House. House Bill 1500, is a Bill that was an initiative the Clerks of the Circuit Court throughout the State of Illinois. It calls for an increase in their stipend staggered over three years beginning January 1 1997 to January 1 1999. It's a \$1 thousand increase on each of those three years. The stipend is paid to them for administering the Violent Crimes Victims Assistance Act. I think there's a lot of Members in the last week that have gotten calls from their Clerks of the Circuit Court. And I would ask for a favorable vote. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1500. Is there any discussion? The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker. I rise to support House Bill 1500. These Ladies and Gentlemen throughout the state do a wonderful job on our behalf. And I think the minor increase that they're requesting is very appropriate. And I would encourage all of our colleagues to support this legislation. Thank you."

Speaker Granberg: "Any further. There being nothing further. The Gentleman moves for the passage of House Bill 1500. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all the targets voted 'no'? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On this question, there are 78 voting 'aye'; 33 voting 'no'; and 0 voting 'present'. House Bill 1500

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having received the Constitutional Majority, is hereby declared passed. House Bill 1784, Representative Schakowsky. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1784, a Bill for an Act concerning community care. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Schakowsky. The Lady from Cook, Representative Coulson, for what reason do you rise?"

Coulson: "I rise to have a 'no' vote on the last one. I missed my button."

Speaker Granberg: "You're not a target. The Lady indicated that she would, had she had the opportunity, she would have voted 'no' on House Bill 1500. Representative Schakowsky."

Schakowsky: "House Bill 1784 provides that the Department of Human Services and the authorized service provider shall not displace workers currently providing preventive services with persons who have exhausted federal or state assistant's benefits. The legislation is supported by SCIU, Local 880, those are home care workers. The Illinois Association of Adult Day Care Providers, and the Illinois Association of CCP Home Care Providers. The idea here is that in our effort to move people from welfare to work, we want to be sure that we aren't displacing low-income wage earners unnecessarily. And this Bill would provide that kind of protection."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 1784. On that question is there any discussion? The Gentleman from Jo Daviess, Representative Lawfer."

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

Speaker Granberg: "Indicates she will. Proceed."

Lawfer: "How will you determine who would be displaced, and how that would be enforced?"

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Schakowsky: "Well, you know that we have a situation where people are going to be recorded as welfare recipients. We will know who those individuals are, unless they are displaced because of due cause. If somebody is fired for due cause, that's one thing. But if they are being fired in order to hire somebody off of welfare, perhaps at a subsidized rate, or to get a benefit for a tax credit or something, then we will be able to know if that individual is displacing a current worker."

Lawfer: "Then every new hiree would be, their background would be checked. Is that correct? Anybody that the department would hire as a health care worker then would have their background checked?"

Schakowsky: "No. It would mean that you couldn't fire somebody. It's not a matter of new hire. If you have a vacancy and you want to hire somebody, that's fine. The issue here is, will they be able to fire somebody in order to hire that welfare recipient. And we don't want... This would not prevent somebody, as I said, from firing somebody for due cause. But it would prevent them from firing somebody just to hire a former welfare recipient at, perhaps a lower wage, or because they'll get a state or federal subsidy."

Lawfer: "Well, for example, if a employee was let go for legitimate reasons, then the department would be free to hire a new individual under those circumstances?"

Schakowsky: "I want to say clearly on the record for legislative intent, that this Bill does not prevent employers from dismissing workers for good cause. This does not in any way do that. What it says is it cannot dismiss a worker in order to hire someone that's been on welfare for reasons of economic benefit."

Lawfer: "Is there an Amendment to this Bill?"



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Schakowsky: "An Amendment has not been filed to this legislation."

Lawfer: "I believe during the committee hearing, you mentioned that you would work with the Illinois Association on Community Care Program Home Care Providers. Have you had contact with them?"

Schakowsky: "Representative, I will take this Bill out of the record and Amendment it in the way that you... I'll talk to you about that and we'll see if we can't work it out today."

Lawfer: "I'll be glad to."

Speaker Granberg: "Out of the record. House Bill 1691. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1691, a Bill for an Act to create the Commission on the Status of Women. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Kane, Representative Deuchler."

Deuchler: "House Bill 1691 creates the Commission on the Status of Women. Many Members remember when we did have a Status of Women Commission. This would reinstate a commission of 18 members. They would be appointed for two years. They are not compensated. The legislation does identify barriers to women's equality. And would provide recommendations to the Executive and Legislative Branch of State Government regarding women's policy issues. There are 35 Cosponsors to this legislation. One of my hyphenated Cosponsors, Representative Schakowsky, has agreed to answer additional questions."

Speaker Granberg: "The Lady moves for the passage of House Bill 1691. Is there any discussion? No one? Does anyone rise in opposition to the Bill? In opposition to the Bill? No one seeking recognition, the Lady moves for its passage."

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All in favor shall vote 'aye'; opposed shall vote 'no'.  
Open the Roll Call. Have all voted who wish? Have all  
voted who wish? Have all voted who wish? Mr. Clerk, take  
the record. On House Bill 1691, 115 voting 'yes', 0 voting  
'no', 0 voting 'present'. Having received the  
Constitutional Majority, it's hereby declared passed.  
House Bill 1142. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1142, a Bill for an Act concerning  
health coverage for treatment of diabetes. Third Reading  
of this House Bill."

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

Lopez: "Thank you, Mr. Speaker. House Bill 1142 requires  
insurance companies who write coverage for diabetes  
self-management training and education. The purpose of the  
Bill is to decrease frequent hospitalizations and  
complications associated with diabetes. By requiring  
insurance companies to provide coverage, there is a  
stronger likelihood diabetics will become educated about  
their illness and learn how to avoid unnecessary problems  
that often arise. We all have families or friends, or we  
know someone who has diabetes. And this Bill will help  
educate those with diabetes. In the long run it will  
benefit, not only the person, but also keep the cost down  
of people who have diabetes. And I move for a favorable  
consideration."

Speaker Granberg: "The Gentleman moves for the passage of House  
Bill 1142. On that question, the Gentleman from Cook,  
Representative Saviano."

Saviano: "Thank you, Mr. Speaker. House Bill 1142 was a Bill  
that, myself and Representative Lopez brought to the House.  
It was brought to me by a group of constituents in my

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district who are all diabetics, and active members of the Illinois Diabetes Association. This is a Bill that I think, probably would touch a great number of our constituents, if not maybe some of our relatives. And, I would really appreciate a favorable vote on this. I think in the long run this legislation will save us money in our health care cost, because of the preventative nature of the Bill. And, I strongly urge you to support it. Thank you."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Mr. Speaker, on House Bill 1618 I inadvertently hit the wrong switch. I'm recorded as voting 'yes', and it should be 'no'."

Speaker Granberg: "The record shall so reflect. The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I also rise in support of this very important piece of legislation. Due to the fact that there are more than 600 thousand residents here in Illinois that are estimated to have diabetes. As you know, diabetes is a very, very critical disease. And what we're trying to do here is, we're trying to increase the access to affordable patient education services, which is an integral part, component, of diabetes care and management. This Bill will ensure that diabetes self-management shall be provided by certified registered or licensed health care professional with expertise in the management, in diabetes management. Diabetes is, yes, a disease, it's a silent disease. I happen to be involved with the Diabetes Association. My mother suffers from this disease. Diabetes, the complications from diabetes are, heart disease, stroke, kidney failure, blindness, are common complications of

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diabetes. In Illinois the following facts are shown: In, about 1994, about 2,410 people lost their extremities were amputated. At the same time, about 1,150 new cases of kidney failure were found. And each year we get, or we discover that about 7 to 8 hundred people develop cases of blindness. Each year there are about 130 thousand people that are, that become hospitalized because of the complications of diabetes. So, what we're trying to do is, we're trying to address a problem that, we as responsible legislators by working together, we're trying to save dollars, basically from government, so that by creating this type of legislation those individuals that suffer from these diseases have an opportunity to take care of themselves, to become self-efficient. And that will give them the opportunity to stay home instead of being in a hospital. So, I ask for your support of this important piece of legislation. Thank you."

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

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

Speaker Granberg: "Indicates he will."

Parke: "Representative, I have a question. As amended, does House Bill 1142 still contain the prohibition that other coverage under a policy or plan may not be reduced or eliminated because of the requirement of this section, is that still in the Bill?"

Lopez: "Yes, Sir."

Parke: "To the Bill."

Speaker Granberg: "Proceed."

Parke: "Ladies and Gentlemen, everything that the people who spoke in support of this Bill, is true. But quite frankly, the insurance companies provide the materials that are

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necessary for those people who are unfortunate enough to have diabetes. They provide training and education for those that have it, so that they can learn to use the equipment properly. The problem with the legislation is that there is no end to how many times that individual can go to the doctor for training. It is unlimited. That is the problem with this Bill. It's not that the underlying request and need for this isn't there. The furthermore, because that section is still in the Bill, it could be interpreted, and probably would be interpreted in courts, that an employer could not drop their insurance. And that's a flaw in the Bill. So, Ladies and Gentlemen, the business community and the insurance community, unfortunately, have indicated that they oppose the Bill because of that section. It eliminates the flexibility that employers have of whether or not to carry insurance, if they feel that it's going to start to be too costly, or not. It says you can't drop it. So that's the flaw. I would, respectfully, ask the Members, until that is cleared up to vote 'no' on this Bill."

Speaker Granberg: "Thank you. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Granberg: "Proceed."

Black: "My colleague from Cook raises some very good points. And in a perfect world this Bill could be better drafted. In a perfect world, maybe no one would have to suffer from diabetes. I have a intensely personal relationship with this disease. I watched my maternal grandfather suffer from this most all of his life. From the day that I first was old enough to remember my grandfather, he had diabetes."

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And the man, I can tell you, while never on Medicaid, the man died by inches. I have constituents who come in my office who suffer from this disease, who are on Medicaid. And because we don't get treatment for them early on, what we end up doing is to pay very expensive tax dollars for amputation of their foot, amputation of their leg, they go blind. This is a hideous, horrible illness. And I generally agree with my colleague from Cook that, like the old Framm commercial says, 'You can pay me now, or you can pay me later.' That's generally true. But I think in this case, having grown up with it, if we spend a little money trying to manage this disease, rather than spending a lot of money on the surgical and intensely intensive personal medical care that this disease can require if left unchecked in the earlier years, maybe this mandate can, in fact, will save dollars. I know it's a mandate. I tend to believe that Representative Parke is probably correct. But my personal experience with this particular disease, I really think that if we front-load some costs, we can save money in the long run. And that's why I intend to vote 'aye'."

Speaker Granberg: "Thank you, Representative. The Gentleman from McLean, Representative Brady. The Gentleman moves for the passage of House Bill 1142. On that question, all in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 94 voting 'yes'; 20 voting 'no'; 0 voting 'present'. House Bill 1142, having received the Constitutional Majority, is hereby declared passed. House Bill 923, Mr. Clerk. Representative Winkel. Read the Bill, Mr. Clerk."

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Clerk Bolin: "House Bill 923, a Bill for an Act to amend the University of Illinois Trustees Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. For the past 25 years there has been a student member of the various boards of trustees for the colleges and universities throughout this state. What this Bill does, House Bill 923, is allows that student member to have a vote. For the past several years the student members have shown themselves to be good representatives on the boards. They are there for a quorum. They are there to make Motions. They participate in closed meetings already. They are already there, they've shown they're good representatives. This Bill would make them eligible to also vote. It also creates eligibility requirements for them to become a student trustee they have to maintain a residency, they have to have a certain grade point, and they also have to have a certain number of hours in order to be a student trustee. And I'd be glad to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question the Gentleman from Cook, Representative Lang."

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

Winkel: "Yes."

Lang: "He says yes. Thank you, Mr. Speaker."

Speaker Granberg: "Representative Lang."

Lang: "Thank you very much. Mr. Winkel, I see this has a lot to do with the University of Illinois. I see they're opposed. Does this have any thing to do with Chief Illiniwek?"

Winkel: "No."

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Lang: "You could answer honestly because this is not being beamed back to Champaign like the last time he went through that issue."

Winkel: "We tried to get a satellite arrangement, but that fell through."

Lang: "Okay. So, this Bill would provide that the Governor is going to designate one of the three student members. How are the other two members chosen?"

Winkel: "All of them are chosen in the same manner. They're either appointed throughout the system, it's not just for the University of Illinois, it's also for all the universities, and whatever they're selective process by appointment or election it's done through the student body. In the case of the University of Illinois, of the three members that would be selected by the students, one of them would be appointed by the Governor to be the voting member. And for SIU the same would be true, but they have two campuses, so one of the two would be appointed."

Lang: "Well, if the students are proficiently able enough to elect their three student members, why can't they determine who the voting member should be?"

Winkel: "That's something for some future Representative to take on, or perhaps Senator. But, I think under the circumstances where you have a board that is constituted with nine members, this would make ten, and the Governor 11, and particularly with the University of Illinois, those are the numbers, likewise with the others. I think you get up to eight, or nine, ten, I think that's probably sufficient numbers for the board. We just recently went through a reorganization where we lowered the numbers of members. So, I don't think it's a good idea to have three new student members."



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Lang: "You misunderstood the question, Chief. Let me try again."

Winkel: "I'd appreciate it, Lou, actually, if you'd call me Rick, or Representative."

Lang: "Alright, I'm sorry. I'm sorry. But you did misunderstand the question. The question is, if the three student members can be chosen by the students, why can't the students determine who the voting member will be?"

Winkel: "Lou, now I understand your question. I beg your pardon. All of the members of all of the university boards are appointed by the Governor. It makes perfect logical sense to extend that then to the voting student member that he or she would also be appointed by the Governor."

Lang: "So the Governor would have to choose from the three. Is that correct?"

Winkel: "That's it exactly."

Lang: "And how does the Governor make that determination? Does he check the resumes of the three students?"

Winkel: "Well, certainly part of the eligibility requirements are set forth in Amendment #2 that's been adopted, would require certain minimum grade points, residency, and at least half-time. Those are obviously the basics. And then it's within the sole discretion of the Governor. Whatever mechanism the Governor intends to chose is up to the Governor. I'm sure there will be an interview process, and whatever else the Governor would want to do. I mean, he makes hundreds of appointments, I'm sure it's no different in this case."

Lang: "The other members of the Board of Trustees, other than the student member, do they have to be approved by the Senate after the Governor appoints them?"

Winkel: "That's correct."

Lang: "Would this student member that's appointed by the

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Governor, chosen out of the three, have to be approved by the Governor as well, I mean, by the Senate as well?"

Winkel: "No."

Lang: "Why do we not do that?"

Winkel: "Well, that seems to be kind of a wasted exercise, Representative. I mean, given all the universities, except for SIU and U of I, all of them are going to be elected by the student body and become eligible. There's no reason to really make it any different for the other ones."

Lang: "Well, wait, I'm misunderstanding. You've said to me that the other members who vote on the Board of Trustees are approved by the Senate. I support having a student voting member, I think that's a great idea. But why wouldn't that person also be approved by the Senate? Why do we have all the board members approved by the Senate but one?"

Winkel: "It's an unnecessary extra step, Representative."

Lang: "Why is it not an unnecessary step for the rest?"

Winkel: "Representative, this is entirely different. These are students who are elected or appointed by the students to represent them on this board. All we're attempting to do here is give them a vote. And the Governor, in the cases where you have multiple campuses, would designate which one. To go through the entire exercise, I think, would be a wasted exercise and a wasted step. It's a judgement call. If you want to follow up with the legislation, to change that, a trailer Bill, that's up to you."

Lang: "Well, it just seems to me, once again, I support there being a student voting member, but every voting member has an equal vote. If we subject all the other Board of Trustees to Senate approval, why would we not subject all the members who have a vote to Senate approval? I understand why you would want to leave the two nonvoting

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student members out of the Senate, but I still don't understand. But, that's okay, you've explained yourself. Thank you for answering my questions."

Winkel: "You're welcome."

Speaker Granberg: "The Bill is on Short Debate. Does anyone rise in opposition to the Bill? Any one rise in opposition to the Bill? Seeing no opposition, the Gentleman moves for the passage of House Bill 923. It's on Short Debate, Representative Skinner. The Gentleman moves for the passage of House Bill 923. All in favor shall vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 106 voting 'aye'; 7 voting 'no'; 1 voting 'present'. House Bill 923, having received the Constitutional Majority, is hereby declared passed. House Bill 927, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 927, a Bill for an Act to amend the Jury Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Knox, Representative Moffitt. Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. I'd like for the record to show that I wanted to be voted as 'green' on that last Bill."

Speaker Granberg: "The record will so reflect. The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 927 is a very simple Bill. It amends the Jury Act, and provides that names of petty jurors shall be made available to the public upon request, unless the court determines a compelling argument and interest requiring that the information be kept confidential. This is a good Bill. It

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protects jurors and their families from danger and physical harm. And I encourage an 'aye' vote."

Speaker Granberg: "The Lady moves for the passage of the Bill. Is there any discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Indicates she will. Proceed."

Durkin: "Representative, your Bill will allow names of jurors to be disclosed upon what conditions? Could you tell me? You're allowing the disclosure of names of jurors. Correct?"

Feigenholtz: "No. Actually, right now names of jurors are disclosable. This is actually a Bill that seals juror cards in a criminal case after the verdict has come down. And, basically, what we're doing here is allowing people to compel the court, if they want to see the jury cards, to open that envelope."

Durkin: "Well, who would those people be?"

Feigenholtz: "Could you be a little more specific about your question? People who want to open that envelope?"

Durkin: "Well, so, is this limited to civil cases, or is it..."

Feigenholtz: "Criminal."

Durkin: "Criminal cases as well. Both cases you could make application to the court to disclose the names of the jurors. Correct?"

Feigenholtz: "Just criminal cases."

Durkin: "All right. Well, just strictly criminal cases, then the names of the jurors can be disclosed. Correct? You're just talking about criminal cases. Correct?"

Feigenholtz: "After... Let me go back a little bit. After a verdict comes down in a criminal case the juror cards are sealed in an envelope. The only way they are able to be

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opened is if, on a Motion."

Durkin: "Are we saying you're allowing, perhaps, someone as the media, to petition the court for the... to have the jurors cards, the seal on the jurors names, to have them unsealed where the names would be exposed to someone from the media. Correct?"

Feigenholtz: "Actually, there has to be a compelling interest. And I think the media would be hard-pressed to show a compelling reason."

Durkin: "Representative, I, we're good friends and I think that we've had a lot of good Bills that we've discussed over the years. But coming from my former livelihood I was an assistant state's attorney in Cook County where the jurors, that was one question which they never, never ever would want under any circumstances, is that after they had returned a verdict, particularly on some very heinous and some very disturbing cases, murder cases against gang members, is that under no condition do they want their names ever to be released to anybody. What it does is it allows individuals, because I don't see how it's defined who would be able to make applications, but it would allow, maybe at some point in the future, a defendant, or an agent of a defendant to come up with a reason in which the court record will be opened up and they would be able to find out the names of the jurors that convicted them. I think this opens up a pandora's box of problems for the public safety of jurors, who go into a court room, specifically to render a verdict of guilt or innocence. But they want to keep their anonymity."

Speaker Brunsvold: "Representative Brunsvold in the Chair."

Feigenholtz: "I appreciate your remarks, Representative Durkin. And it is actually for all of the reasons that you have

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just mentioned that this is a good Bill. Because, basically what it's doing is, in some cases when defendants are representing themselves pro se, they have access to these jury cards. This Bill, in those cases, asks them to go to make a Motion in front of the court, in front of a judge to open them. So, they are sealed, and there's more security involved in this Bill."

Durkin: "But this Bill does allow..."

Feigenholtz: "And it offers jurors greater protection, not less, like you were implying."

Durkin: "Well, I don't see how it provides greater protection. And I do have a concern about, at any point, of anybody getting access to the names, and whatever personal information that there is with jurors. To the Bill. I respect the intentions that the Sponsor has. But, however, as I've experienced, people do not want their names disclosed under any condition, whatsoever. There should never, ever be a time in which the names of jurors, who have just convicted an individual, should ever be made public to anybody. That is something that is very sacred. They've taken a very, very... They've been a participant in a very dramatic, and a very huge thing for the state. And I think that when we start moving this direction of changing the way in which we're disclosing names, I think it's not a good idea. And I respectfully will vote 'no'."

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

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

Speaker Brunsvold: "She indicates she will."

Cross: "Representative, I'm looking through our analysis and trying also to recall a committee hearing. There's a reference in our analysis that the Illinois State Bar

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Association had some opposition to this Bill. Is that your recollection?"

Feigenholtz: "I don't, actually don't believe they did. They had not indicated it to me at that time."

Cross: "Our analysis said they had some opposition, and that you would be working with the Bar Association to correct their problems. You're not aware of any opposition that they had?"

Feigenholtz: "I'm really not, Representative Cross. Although I could, you know... Representative, do you understand that I'm trying to offer greater protection to jurors in this Bill?"

Cross: "Well, Representative, I don't think anyone's questioning your intent. I guess, I'm concerned about the mechanics. How am I going to know, as a juror, that someone wants access to my name? If I'm reading this correctly, there's going to be a notice sent to the juror."

Feigenholtz: "I'm sorry. Could you repeat the question?"

Cross: "Mechanically what goes on? I'm a... I don't know who I could be, I don't know who even wants access to these names. But assume someone wants them. How do I know, as a juror, that someone wants to know who I am? What happens?"

Feigenholtz: "There's a notice of a petition of somebody who wants to open that envelope. And, there has to be a hearing set 20 days prior to the date of the hearing for all parties in the criminal action. The court provides notice to those jurors, Representative Cross. And in a capital case the petitioner must also notify the Attorney General. So actually, all of these provisions are in this Bill."

Cross: "Sara, I'm trying to envision the 12 jurors on the... I don't know how many cases there are in Cook County on a

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Monday morning, but let's say there are a hundred jury trials that week, if people decide they want to find out those jurors' name, we're going to send out notice to all those jurors, and in capital cases we're then going to send notices to the Attorney General's Office. Do we really think the Attorney General's Office is going to take time to look at those notices? And what am I going to do as a juror once I get this notice? Do I hire a lawyer? Do I go... and I'm not trying to be sarcastic, but I'm a juror, I've just been through a jury trial, it's over, I get home and I get this notice. What do I do?"

Feigenholtz: "Former jurors can appear and can protest in writing, Representative Cross, or by telephone, or by counsel, for the granting of a petition. I think that there's a problem in the first, in section 24, in the... actually, perhaps there may be some confusion in the language of the Bill."

Cross: "I think maybe there's more than confusion with the language. So, I get the notice, the first question is, who do I call? Do I call the Clerk's Office? Do I call the Jury Commission? Do I call the State's Attorney? Do I call the Attorney General? Or do I call Juror Busters?"

Speaker Brunsvold: "Speaker Madigan in the Chair."

Feigenholtz: "Representative Cross, I would agree to hold this Bill and correct some of the language in it. I think that the intent is appropriate, but perhaps we can work on some language together for this."

Cross: "Representative, I appreciate that. I want to just point out a couple things I'm trying to envision. And, once again, I'm not trying to give you a hard time. But if the Latin Kings decide they want to know who all the jurors are..."



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Feigenholtz: "They're not going to be able to access these cards. They're going to have to compel the court to keep the envelope sealed."

Cross: "But if I get that notice and don't do anything, I'm the juror... and maybe we can talk afterwards if you're going to hold it."

Feigenholtz: "No, go ahead. Finish your question."

Cross: "No, I just... I get a notice and I don't do anything as a juror, I just throw it to the side, or I don't know where to call, I don't know who to call, I don't respond properly. Does the name automatically get released if I don't..."

Feigenholtz: "No, absolutely not."

Cross: "Where does it say that in the Bill?"

Feigenholtz: "The burden is on the person who is seeking to open the envelope and they need compelling evidence. I don't think that a member of the Latin Kings would be able to provide that."

Cross: "Well, I'll be glad to talk to you when we get through here, if you're going to hold it. Is that what you're going to do?"

Feigenholtz: "Sure, I'll hold it."

Cross: "Okay, thanks."

Speaker Madigan: "Representative Feigenholtz, do you wish to take this out of the record? Take the Bill out of the record. The next Bill will be House Bill 1036. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1036, a Bill for an Act to amend the Corporate Fiduciary Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and

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Gentlemen of the House. House Bill 1036 clarifies the investment advisors that fiduciaries can hire to work in behalf of clients in a trust. And, more importantly, it gives them the power to electronically image, or otherwise reproduce documents in its possession, other than the original will or codicil. I don't know of any opposition. I'd ask for its favorable approval. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1688. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1688, a Bill for an Act to amend the Jury Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1688 codifies in the Jury Act what is the practice most places, but unfortunately not in all. It simply states that it's declared to be the positive state, that it's a hardship for jury, with respective jury service for a person who is the sole care provider of a child who is four years of age who's not employed outside the home. So we're talking about people who are parents at home who have small children that aren't otherwise employed, so the child's not in day care. It's similar to a statute that's in a couple of other states. And, unfortunately, although most counties I believe do honor this, there are some counties that don't, and particularly the one that I

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reside, and this came from a constituent. I ask a favorable vote."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, is there not currently a statute that allows the jury to be excused from duty for family situations, for health, of course, or for personal affairs?"

Scott: "Yes. This is the same portion of the statutes that we're amending with this. But what's happening is, there are certain instances where you've got, in the case that came about, it's actually a constituent of Representative Winters, who brought this matter to us. It's a woman who has a small child that she was still in the process of nursing, and the court in Winnebago County, despite that fact that this woman was nursing, didn't otherwise have child care provided for her, was forcing her to do jury service. Now most counties around the state, I firmly believe, would look at that situation, use the ability that they have in that statute and say that that is a hardship. Unfortunately, this doesn't. And what we just want to do is clarify that for purposes of the law. I think it's something that's not going to be a hardship on counties, because I think most of them are doing that already."

Turner, J.: "Representative, as I read the language of your measure, says that there is going to be, I guess, a presumption of undue hardship. Is that correct? Am I reading that right? Or is there just a, statutorily now it will be undue hardship if a person has a child under four years of age, for that person to serve as a juror?"

Scott: "If they're the sole care provider and not otherwise

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employed outside the home. So, in other words, John, if you've got somebody who is working and is providing day care on a regular basis, this wouldn't apply to them because they're already making provisions outside the home."

Turner, J.: "The problem with that, Representative, as I see it, suppose you have a juror who wants to serve, I think they have a right to serve as a juror, sit on a panel if they want to do that, this person, perhaps is a sole care provider, has a child that is three, but wants to serve. Because of the way you've got the law written they're not going to be allowed to do so because it's going to be a undue hardship on that particular juror who would like to serve, but for this legislation."

Scott: "That's an interesting question. But I don't think that's necessarily accurate. Because, like any other hardship it's going to be up to the person to assert it. So if they really want to serve they just wouldn't assert the hardship and they'd serve on the jury."

Turner, J.: "To whom would they assert it?"

Scott: "To the Jury Commission, just the way they do right now. The same way that people initiate hardships right now, either to the Jury Commission, or to the judge."

Turner, J.: "Well, does the jury commissioner still contact this individual who has a child under four years of age? Or are they just removed from the list completely, as being a prospective juror?"

Scott: "No. They have to be contacted because the Jury Commission wouldn't have any way of knowing who the people are that have children under the age of four."

Turner, J.: "Okay. Thank you, Representative."

Scott: "Thank you."

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Speaker Madigan: "The question is, 'Shall this Bill pass?'. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 113 'ayes'; 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1707. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1707, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Winters. Winters."

Winters: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1707 amends the Illinois Public Aid Code in the section dealing with the school attendance initiative. The question that has been asked, is the child receiving proper and necessary support. Part of the determination of that is done through considering irregular school attendance by the child through grade six. This Bill changes that to include grades seven and eight. I'd appreciate your support."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. And the Chair recognizes Representative Schakowsky."

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

Speaker Madigan: "The Sponsor yields."

Schakowsky: "Representative, are you saying that... what are the implications of considering school attendance? What could happen to the child in relationship to the parent? What happens if there's irregular attendance?"

Winters: "This is an attempt to encourage school attendance from members of a family that is receiving, what will be called TANF in the future. About 15 hundred schools throughout the

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state are now doing this in conjunction with community based organizations. We are finding a much higher rate of school attendance by the children of these families. So, the intent in the Federal Law, I understand, the new Federal Welfare Reform, requires that it goes through grade eight. Our rules have been written through grade six under this pilot project that we have. It now will expand it to match the federal guidelines."

Schakowsky: "Are there any danger that the parents would lose benefits, or that they would lose custody of their children because of this legislation?"

Winters: "I do not believe custody is a question in here. I can't answer that question. I do know that they can risk their benefits. However, my understanding is, to this point, with 15 hundred schools participating, only one family has lost benefits. They simply refused to encourage their children to attend school. So, one family has been impacted. But throughout 15 hundred different schools we have seen many, many students have a much higher rate of school attendance."

Schakowsky: "Is there any danger... So they could lose benefits but..."

Winters: "Excuse me, I misspoke. The benefits are transferred from the parent to another organization who will continue to benefit the child. But the parent is not responsible then for the dollars."

Schakowsky: "Is there any danger that if someone has a chronically ill child, and their attendance is irregular, then how do we determine intermittent attendance at school?"

Winters: "I am sure there is good cause exemptions, with a medical excuse. Obviously you don't expect an ill child to

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attend school. So, there certainly are exemptions for that case."

Schakowsky: "I certainly think that we should be in the position of encouraging parents to have their children at school. But, what if you're not on TANF, or AFDC, or you're not receiving aid? Are there any sanctions against people who don't watch their kids and make sure they go to school?"

Winters: "No, that's not part of this. It's only dealing with families that are under TANF."

Schakowsky: "I agree with the intent of this legislation. But, I also feel that, you know, we take a special interest in poor families. And we're letting off the hook, completely, other families who make above a certain income. We feel perfectly sanguine about going into their lives. I understand the intent of this Bill, and I intend to support it. But I think that we ought to be as concerned about all families as we seem to be about poor families."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1585, Mr. Scully. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1585, a Bill for an Act to amend the Probate Act of 1975. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "Thank you, Mr. Chairman (Sic-Speaker). Ladies and Gentlemen of the House, House Bill 1585 amends the Illinois Probate Act of 1975. It provides that any person who willfully destroys or alters a will, or secretes the will for 30 days after they learn of the death of that person,

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is guilty of a Class III Felony. At the present time, the Probate Act provides that a person who would commit such a vicious crime is guilty of the crime of stealing property to the equivalent of \$150. This section of the Probate Act is completely archaic and inconsistent with the current Criminal Code. I would ask for your favorable consideration and 'aye' votes on this Bill."

Speaker Madigan: "Mr. Lang."

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

Speaker Madigan: "The Sponsor yields."

Lang: "I think he'd be making a mistake to yield, but I would really like him to. Representative, hello there, nice tie. Is this your first Bill, Sir?"

Scully: "It is my first Bill, Sir."

Lang: "No, tell everyone."

Scully: "It is my first Bill, Sir."

Lang: "No. No. I listened to what you said, and my friend here works the Bill box was listening to your explanation, and he leaned over to me and he said, 'You mean it's illegal to change the will after someone dies?' Is it?"

Scully: "Yes, it is illegal to change the will. But under current law it would only be a penalty comparable to stealing a microwave oven."

Lang: "You've rendered me speechless. Tell me what your Bill does and how it does it. There's no penalties for the decedent, I assume?"

Scully: "There are no penalties for the decedent, whatsoever."

Lang: "All right."

Scully: "The Bill changes approximately six words in the Probate Act."

Lang: "Wait a minute. You spent all this taxpayer money to



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change six words?"

Scully: "Six very important words."

Lang: "Couldn't you just have written it into the statute book by hand?"

Scully: "We could have tried to, but that's not constitutional."

Lang: "All right. Explain your Bill, Sir."

Scully: "At the present time the penalty for wilfully concealing a will, destroying a will, or altering the will without the permission of the testator, is punishable as a crime comparable to stealing property worth \$150 in value. I suggest to you, Mr. Lang, that secreting a will is more like stealing someone's birthright. A much more vicious crime than merely stealing property worth \$150."

Lang: "Now, would this be your full explanation of this Bill, Sir?"

Scully: "It would be my full explanation, Sir. It's a very simple Bill."

Lang: "Well, let me ask you a question."

Speaker Madigan: "Gentlemen, can we move along with the discussion?"

Lang: "Oh, we could do that, Sir. Tell me, has this occurred in your law practice? Is this something we need to be doing?"

Scully: "This has never occurred in my law practice."

Lang: "Has it occurred in anybody's law practice that you know of?"

Scully: "It has not occurred in anyone's practice that I know of. But the probate section of the Chicago Bar Association, pointed out this inconsistency in the law, and pointed out that it would be appropriate to have the law amended."

Lang: "So this is their Bill not your Bill. You didn't really write this Bill did you, Sir?"

Scully: "I wrote it at the suggestion of the Chicago Bar

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Association."

Lang: "I bet you didn't write this Bill, Sir. I have to rethink it."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Yes, the Sponsor yields."

Black: "Representative, I haven't been home since Sunday. If my wife gets mad at me and tears up my will, is she a Class III Felon?"

Scully: "She may be guilty of a Class III Felony if she does it without the testator's permission. You are not a testator until you're dead."

Black: "I beg your pardon, Sir. Where I come from, I would like to ask you to explain what a testator is."

Scully: "It's a dead person who wrote a will."

Black: "A dead person who wrote a will?"

Scully: "Prior to them dying."

Black: "I thought that only happened in Chicago. Now wait a minute, now you've confused me. What is a testator?"

Scully: "A testator is a person who has died, but prior to their death wrote a will. A person who died with a will."

Black: "All right. So, your Bill doesn't have anything to do with a testator voting, does it?"

Scully: "Nothing whatsoever."

Black: "That's right. I get confused with Chicago law all the time. I can't keep it straight. So what do I care if after I'm dead, somebody tears up my will?"

Scully: "You may not care, Sir. But the people that you intended to leave your property to would care. And certainly..."

Black: "You obviously haven't seen my property. Like Representative Lang said, who brought you this Bill? I

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mean, who brought the idea of this Bill to you? The Chicago Bar Association?"

Scully: "The probate section of the Chicago Bar Association."

Black: "We used to have a probate court. But I thought in the '70 Constitution that was all done away with."

Scully: "No. We still very much have a probate court."

Black: "Why is it you guys in Chicago have things nobody else has?... was a friend of mine who was the probate judge, and we did away with it. So, if somebody tears up my will they're a Class III Felon. What's the penalty for that?"

Scully: "Penalty is two to five years."

Black: "Two to five. What if they don't tear it up but they willfully secrete my will?"

Scully: "If they are found guilty of having willfully secreted your will, they are also guilty of a Class III Felony punishable by two to five years."

Black: "You know, this almost sounds like a contradiction of terms. What is willfully secreting a will?"

Scully: "Willfully secreting a will is intentionally concealing the will."

Black: "Do you represent part of Will County?"

Scully: "Yes I do, Sir."

Black: "So if you willfully secrete a will in Will County is it a Class X Felony?"

Scully: "That would be a Class III Felony."

Black: "I've been to Will County, Sir. It probably should be a Class X Felony. No offense to Will County. I love Will County. I was there last night in my dreams. This has a immediate effective date? Inquiry of the Chair. If the Parliamentarian could check. On, or about April 11th of the Legislative Session, to pass a Bill, a first Bill on a Friday night at 8:36 p.m., certainly requires 70 votes,

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doesn't it?"

Speaker Madigan: "Seventy-five."

Black: "I thank the Speaker for that interpretation. Representative, anyone who comes to this Chamber, and I realize you're a freshman, Sir, who presents a first Bill having to do with testators and secretions, on a Friday night at 8:37 p.m., you, Sir, either have more chutzpa than anybody in this Chamber, chutzpa, well. Wait a minute. Wait a minute. I traveled to Israel with Representative Lang. I forgot how to pronounce it. I forgot how to pronounce it. Would you tell me what I did wrong, Representative Lang? Here I've traveled to the Middle East with you, and I obviously mispronounced the word. What is it, Representative Lang?"

Speaker Madigan: "Mr. Black."

Black: "What? I'm getting in deeper, aren't I?"

Speaker Madigan: "Mr. Winters is seeking recognition."

Black: "I was afraid of that. Is this on Short Debate, I hope?"

Speaker Madigan: "For you, yes."

Black: "Well, thank you. In closing, since obviously, I have to admire you for calling your first Bill on a Friday night at 8:38 p.m. I would suggest, if I hadn't made a couple of mistakes Representative Lang is upset about, we just go ahead and vote this Bill down, and let you present it Saturday morning. That would be even better."

Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "The Sponsor yields."

Winters: "Representative Scully, you said in debate earlier that Will County was part of your legislative district?"

Scully: "Yes."

Winters: "I have just a couple of very simple questions. One,

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did you win that portion of the district in the election?"

Scully: "I recall that I won the entire district."

Winters: "Okay, but specifically the portion in Will County?"

Scully: "I didn't bother to count the votes in Will County. I counted the votes in the entire district."

Winters: "Okay. So, there's some question whether or not you won Will County. Now, when I look upon the board..."

Scully: "Only in your mind, Sir."

Winters: "Okay. When I look upon the board I see a proposition that you expect us to vote on that would call on us to destroy or alter Will County. Is that the intention of this Bill?"

Scully: "That is certainly not the intention of the drafter."

Winters: "Would that be one of the effects of passing this Bill?"

Scully: "Certainly not."

Winters: "And I can rely on your word that that would not in any way destroy or alter any, or all parts of Will County?"

Scully: "You have my assurance."

Winters: "Okay. Thank you very much."

Scully: "Thank you, Mr. Winters."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 109 'ayes'; 5 'noes'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1266, Mr. Brady. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1266, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brady."

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Brady: "Thank you, Mr. Speaker. This Bill amends the Illinois Insurance Code, provides for substantive service upon unauthorized foreign, or alien companies which have issued policies of reinsurance to the State of Illinois. It also applies to arbitration proceedings. It's a technical change to give the Department of Insurance more authority, or foreign or alien companies. I ask for a favorable consideration."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. There being no discussion the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 593, Mr. Hoeft. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 593, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. House Bill 593 deals with a problem in the pension system where the police officers of this state have not had the ability to have portability of their pension systems. After a great deal of work with the Municipal League, the Illinois Police Association, the Chief of Police Association, and the Fraternal Order of Police, this Bill has been pounded out. There is no opposition to this. It will be a good Bill for our police officers and our cities."

Speaker Madigan: "Mr. Deering."

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

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Speaker Madigan: "The Sponsor yields."

Deering: "Representative, as you and I have discussed on the Pension Committee there is a concern about this Bill that you're going to correct in the Senate. Is that not correct?"

Hoelt: "That is absolutely correct. This Bill will not be completed until you are completely satisfied with the compromises we've reached."

Deering: "And with the Amendment that we're... or the corrections that you're planning to do in the Senate, it will be agreed to by the police groups, rank and file police officers and the chiefs, and the Municipal League, I understand?"

Hoelt: "The Amendment that we have given to you, and that we've agreed upon will be placed in the Senate, brought back if there is nonconcurrence you at the time, have the rights to stop the Bill."

Deering: "Thank you. No further questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signifying by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'ayes'; 0 voting 'no'. This Bill, having a Constitutional Majority, is hereby declared passed. House Bill 1844, Mr. McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1844, a Bill for an Act concerning health. Third Reading of this House Bill."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. House Bill 1844 comes out of the Aging Committee. And what 1844 does is it amends the Act on Aging in the Public Aid Code, and it authorizes the Department of Public Aid to establish three pilot programs,

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which may be permitted by available appropriations. Designed to reduce the need of persons age 75 and older for nursing home care on account of falls or other injuries. I'll try to answer any questions you may have. But the Bill is pretty straightforward. And I'd appreciate your vote."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman (Sic-Speaker). Will the Representative yield for questions?"

Speaker Madigan: "I'm sorry, Mr. Lawfer."

Lawfer: "Will the Representative yield for a question?"

Speaker Madigan: "The Sponsor yields."

Lawfer: "Representative McGuire, where will these pilot programs be?"

McGuire: "Could you repeat that, please?"

Lawfer: "Representative McGuire, can you tell me where these pilot projects would be and how they would be selected?"

McGuire: "That's not in the Bill, Representative. I think the selection of the three would be by the department."

Lawfer: "Would they be located throughout the state, then? Is that your intent, then?"

McGuire: "My intent would be they would be throughout the state. But there's no intention in the Bill as to where or who would be selected."

Lawfer: "What do you expect to accomplish on that? And what would the time table be on this project?"

McGuire: "What we hope to accomplish is to keep more people out of nursing homes and in their own home so that they could receive in-home care, home-based care, services of that type to reduce the need of the elderly going to a nursing home, which, of course, is more expensive than in-home care."



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Lawfer: "So you feel that in the long run, even though these pilot projects may cost a little, or insignificant amount of money, in the long run it would save, overall, money?"

McGuire: "If I heard you correct, yes, is the answer."

Lawfer: "Well, I think it's a good idea. And I would support this Bill."

McGuire: "Thank you very much."

Speaker Madigan: "Those in favor of the passage of the Bill. The Chair recognizes Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. According to the information that I have, there is eligibility criteria for the following three locations. Will the Sponsor please answer these questions about the location proposals? The way I'm reading it the only county that may be left out is Lake."

Speaker Madigan: "Mr. McGuire."

McGuire: "I think I heard you correctly, Representative. Would I name the three locations. Is that what you said?"

Moore, A.: "No, the criteria. The department may establish pilot programs in the following three locations: A city with more than a million inhabitants. A county with more than 750, but fewer than 3 million. And a county that has fewer than 500 thousand inhabitants, and not contiguous with a county that has more than 3 million."

McGuire: "I'm sorry, Representative, I don't find that in my analysis. Hold on a minute it's in the Bill."

Moore, A.: "How about the Bill? Page 2 of the Bill."

McGuire: "Okay, yes, we've got it. Well, as I answered to Representative Lawfer, the department would establish the three locations. Is that your question, Representative?"

Moore, A.: "No. According to what I'm reading, there is established criteria that is directing the department how to establish the locations. And it would appear as though

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it will require the department to exclude some of the counties."

McGuire: "To exclude counties? I would certainly hope not. I think what they're trying to do is have three random sample sizes."

Moore, A.: "Could you answer the question, please?"

McGuire: "I thought I did. But maybe I didn't get the question. I said I thought that the department was going to select three random samples in three different areas, depending on population so that they're not all in some one area of the state."

Moore, A.: "Page 2 of the Bill, though, says a city with more than a thousand inhabitants. A county with more than 750, but fewer than 3 million. And then a county that has fewer than 500 thousand, and is not contiguous with a county that has more than 3 million."

McGuire: "It would, yes."

Moore, A.: "Did you intentionally leave out Lake County?"

McGuire: "No, I would never intentionally leave out Lake County."

Moore, A.: "Is it possible we could take this Bill out of the record and make a correction then, please?"

McGuire: "Why would we want to do that?"

Moore, A.: "Well, because Lake County has more than 500 thousand inhabitants. It kind of falls into that in-between population category."

McGuire: "I think what we're faced with is the nature of the pilot program that the criteria has been established. Now, if you'd like to change it I think we could do that over in the Senate. But I think that the numbers are trying to establish three locations fairly across the state."

Moore, A.: "Well, it doesn't sound fair if it's left out the county that I'm from, Representative. I don't want to be

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difficult. I'd like to vote for your Bill, if you could just kind of make an adjustment in the population."

McGuire: "I don't think you're excluded. I don't believe you're excluded."

Moore, A.: "Well, Representative, Lake County has more than 500 thousand people."

McGuire: "Well, we got a county with more than 750. What is your county?"

Moore, A.: "It's in between 500 thousand and 750."

McGuire: "Don't we have a county with more than 750?"

Moore, A.: "I'm sure it wasn't done intentionally, Representative."

McGuire: "No, it wasn't. In fact, to be very honest with you, these numbers are provided to us by the department."

Moore, A.: "Well then there was... People do make mistakes. And I'd like to vote for your Bill. Could we just perhaps... This is just a small area and everyone's understanding is...?"

McGuire: "Let's amend it in the Senate, Representative. It's 8:50, and I think people want to get going here and close up shop tonight. I'd be very happy to amend it in the Senate. We'll see that it's done in the Senate."

Moore, A.: "Yeah. You ought to get it right here or no one's going to pick it up in the Senate, Representative."

McGuire: "Well, as I said, the numbers were presented to us by the agency. And we are not trying to exclude Lake County."

Moore, A.: "I would appreciate it if you would amend it, Representative. Thank you."

McGuire: "Thank you."

Speaker Madigan: "Mr. McGuire to close."

McGuire: "I would appreciate your favorable vote. Thank you very much."

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Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 'ayes'; 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1779, Representative Biggert. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1779, a Bill for an Act to amend the Probate Act of 1975. Third Reading of this House Bill."

Speaker Madigan: "For what purpose does Representative Wood seek recognition?"

Wood: "I would like to be recorded as voting 'yes' on that last Bill."

Speaker Madigan: "Let the record reflect that request. Mr. Clerk, have you read this Bill a third time?"

Clerk Rossi: "The Bill has been read a third time."

Speaker Madigan: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1779 amends the Probate Act and provides that if a guardian of an estate of a ward or minor, and another person as next friend represent the ward or guardian in a legal action, in which an attorney representing the guardian and next friend is paid on a contingency fee basis, the guardian of the estate shall not participate in or have the duty to review the prosecution of the action as settlement, or the award or the attorney's fees. And I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. And there being no discussion, those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take

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the record. On this question, there are 114 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1807, Representative Ronen. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1807, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Madigan: "The Chair recognizes Mr. Moore."

Moore, E.: "Yes, Mr. Speaker, I had intended to vote 'yes' on that last Bill. But my switch did not operate at the time. I appreciate the opportunity to be recorded as 'yes'."

Speaker Madigan: "Let the record reflect that request. We are now on House Bill 1807. Representative Ronen."

Ronen: "Thank you, Mr. Speaker. House Bill 1807 relates to an issue of the early intervention services provided by state agencies. I'm sure many of you have been hearing from families in your districts that the department has changed the rules for providing services to children. This Bill would merely ask that they go back to previous regulations, so that we're serving children who most need services. The changes made, really, didn't allow at risk children to be served. And this was really very shortsighted, because those children, if we intervene at a very early time and provide appropriate services we're eliminating and preventing much more serious problems in the future. We had hearings in the Children Youth Services about this issue. And I know of no opposition. I urge all my colleagues to support this measure. And I'd be happy to answer any questions."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Bill. One of the issues in my district that a number of people have come to me repeatedly over the last several

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months is the change in this early intervention. The change eliminates the children that can actually be helped before they start school, which is foolish on our part, and only addresses the children that will more than likely always need these services. So the object of this is to address children that by the time they start school, if they have a delay hearing, some kind of disability as far as seeing, minor disabilities. We can address them so when they start school they'll go into a regular classroom and be fine. I think this is very shortsighted on our part, because actually what we're doing is we're allowing those children to enter school with a problem that will cost money. And the only ones we are addressing is the ones that will always have problems. So I would urge everyone to vote 'yes' on this. If you haven't heard from your constituents about it I'd be very surprised, because this has been a big issue over the last several months."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "The Sponsor yields."

Slone: "Representative Ronen, does this have anything to do with North Carolina at all?"

Ronen: "No. The original Bill did. So this is a misnomer, we amended it in committee and changed the subject matter totally. Thanks for the question."

Slone: "Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, what's the estimated cost of this?"

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Ronen: "Just a moment, Mr. Black. I have a Fiscal Note here that says the Bill would impose no greater cost than is ordinarily incurred as professional... I think this speaks to the original Bill. I'm sorry. If you'll bear with us we'll be right with you."

Black: "Sure."

Ronen: "Mr. Black, based on our analysis, and based on the testimony of the children in the Youth Committee, we would say that the additional cost would be about \$62 million of current budget. But let me emphasize that we feel very strongly that spending these cost now are really going to prevent greater cost in the future, because we'll be dealing with children with much greater problems. So we really think this is a very cost effective use of money."

Black: "Okay. The Fiscal Note says it's \$192 million. You refute that?"

Ronen: "Yes I have. That really relates to the total universe of children that might be eligible. And we don't anticipate that the department is going to be able to serve that whole universe. So, we think it's more realistic. The lower number is more realistic."

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

Ronen: "I'm sorry, Representative. The other issue is we do expect Medicaid matching funds to try to offset some of these cost."

Black: "Thank you, Representative. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill. Her staff analysis says it cost about \$62 million, mine says it's \$192 million. Take your pick. What's a few million?"

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

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Cowlshaw: "Is this part of the State Board of Education's suggested budget?"

Ronen: "No, it's not."

Cowlshaw: "Did it not seem wise to you to try to fit this into the State Board of Education's suggested budget? Or is this in addition to the State Board of Education's suggested budget?"

Ronen: "Would you repeat your question? I'm not sure I heard it specifically."

Cowlshaw: "Is this expenditure a part of the suggested budget of the State Board of Education?"

Ronen: "No, it's not. No, it's not."

Cowlshaw: "Did it not seem wise to you to ask that this be included in that budget?"

Ronen: "Well, the issue here is the State Board's budget was based on a different criteria. And what we're saying here is that those criteria are too restrictive and don't allow us to reach out to children at risk at a very early stage so that we can prevent further damage done, and prevent further cost to the child, to the family, and to society, really."

Cowlshaw: "Representative Ronen, I have been here for quite awhile, and I have seen innumerable initiatives, all of which, it has always seemed to me, have great merit. Because I am absolutely in accord with the idea that we need to start a whole lot earlier in the lives of most children. And we can determine which children are at risk very early in their lives to help those children. It is more humane, and far more economical to put the money in at the front-end then to put it into drop out programs when the child is 16. However, there are so many of these ideas, and so many of these programs, that if we don't have



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some way to coordinate them, so we're not having duplication, we're not having inefficiency, we're not having programs that serve certain segments and certain regions and not in others. The agency to do that is the State Board of Education. This may be the greatest program in the whole world. But there are already programs at the State Board of Education, to help this very population. Until this has been reviewed by the State Board of Education, fitted into it's budget, and, therefore, having assured us that this is not duplicative, it is not something that is simply not appropriate for all regions of the state, I cannot support it. Thank you."

Ronen: "Thank you. I would say in response that the... there is no... I don't think it's a issue of duplication. And coordination will be existing via the interagency council. I think as you so correctly acknowledged, that if we don't intervene early, the problems are going to really increase. And I think if we don't do it with young children we're not going to be doing it anywhere else."

Speaker Madigan: "Mr. Lawfer."

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

Speaker Madigan: "The Sponsor yields."

Lawfer: "I surely support the whole concept of early intervention. However, it appears that the lead agency will be designated by the Governor. Is that correct?"

Ronen: "Which is the State Board right now."

Lawfer: "But, on the other hand, we just passed House Bill 1578, which provides that the Department of Human Services would be the lead agency. Is that correct?"

Ronen: "Yes. We just did a few moments ago."

Lawfer: "So that means that the Department of Human Services

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would be the lead agency?"

Ronen: "Well, if the Senate passes that Bill, and the Governor signs it. And I think that we could sit down and work that out. But I think Representative Tenhouse will acknowledge, we're a long way from making that happen."

Lawfer: "Thank you very much."

Speaker Madigan: "Representative Ronen to close."

Ronen: "Thank you, Speaker, Members of the House. I ask you to join with me on this very, very important issue. I've visited with many families in my district, and talked to many groups, as I'm sure you've heard from also. This is really a serious problem. If we're not able to help young children and do something for them when we have a chance to make a difference, we will fail at everything else. There's no problem we face right now in this state or this country that wouldn't be solved if we were better able to deal with children at a early age. It's wrong that we've changed the definitions. There's a court case that says that. It just makes good sense to reach out to children early to identify those who are at risk, provide them with a service that's less costly than what it would be if the problem were allowed to get worse. So I would urge all my colleagues to join with me, and to join many families who are in your districts who support this very important change in state policy. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Charles Morrow wishes to be recorded. Have all voted who wish? The Clerk, shall take the record. On this question, there are 72 'ayes'; 41 'noes'. This Bill, having received a

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Constitutional Majority, is hereby declared passed. House Bill 1840, Mr. Stephens. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1840, a Bill for an Act to amend the Illinois Pull Tabs and Jar Games Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. With leave of the Body, I'd like to move the Bill back to Second Reading for purposes of a Democrat Amendment."

Speaker Madigan: "Place the Bill on the Order of Second Reading. Mr. Clerk, is there an Amendment?"

Clerk Rossi: "Floor Amendment #1, offered by Representative Bugielski."

Speaker Madigan: "The Chair recognizes Mr. Stephens to offer the Amendment on behalf of Mr. Bugielski. Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Representative Bugielski asked if I would amend the Bill. The basic Bill has to do with Pull Tab Act. And we were going to expand it for the purpose of fraternal and veterans organizations. Representative Bugielski's Amendment makes the provisions of the Bill applicable to all of the organizations that conduct games under the Pull Tab and Jar Games Act, rather than just the fraternal and veterans organizations, as is currently in the Bill. I would move its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Stephens on the Order of Third Reading."

Stephens: "Thank you, Mr. Speaker. As the Bill is amended it would increase the maximum limits for games conducted under

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the Pull Tab and Jar Games Act for all the organizations that are in the Act. Single prizes would go from 250 to \$500. The right to participate from \$1 to 2. Tickets in a game from 4 to 6 thousand. And the value of all prizes awarded in a single day from 2250 to \$5 thousand. Mr. Speaker and Ladies and Gentlemen of the House, this is a Bill that helps veterans organizations, fraternal organizations, charitable organizations, educational, religious, labor organizations, youth athletic organizations, senior citizens organizations, and I believe I already said charitable. I would be glad to try to respond to any questions. And I urge passage of 1840, as amended."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 96 'ayes'; 18 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2161, Mr. Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2161, a Bill for an Act that amends the Sanitary District Act of 1936. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2161 came from a constituent who was forcibly annexed into a sanitary district, and found out from that that there is no notice provision before they forcibly annex. This Bill would just add a notice provision, doesn't change their ability to annex or any of the other conditions. Just requires that before they pass the ordinance they have to notify the record owners of the

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property within the district to be annexed. And I'd appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair would like to announce the presence of a distinguished guest. Standing in the rear of the Chamber is former State Representative, former Assistant Majority, Leader, former owner of the Calumet City Plumbing Company, Frank Giglio. House Bill 1880, Mr. Noland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1880, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Noland."

Noland: "Thank you, Mr. Speaker. House Bill 1880 increases the bond authorization for the Illinois Farm Development Authority from 35 million to 50 million. Increases the loan limit from 300 thousand to 500 thousand per loan. And the reserve for loan losses from 10 million to 15 million."

Speaker Madigan: "The Gentleman moves for the passage of this very insignificant Bill. Is there any discussion? There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 115 'ayes'; 0

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voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1093, Mr. Fritchey. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1093, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Mr. Speaker. House Bill 1093 is an Amendment to the Illinois Municipal Code. It's a permissive piece of legislation which would allow municipalities to exempt seniors from a portion of, or all of their local utility tax. Currently municipalities have the ability to give this reduction or rebate to school districts or local units of government. This would be permissive and allow them to exempt out seniors. And I ask for a favorable passage."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass? All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 114 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1883, Mr. Black. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1883, a Bill for an Act concerning adult entertainment facilities. Third Reading of this House Bill."

Speaker Madigan: "For what purpose does Representative Gash seek recognition? Gash."

Gash: "Representative Black, you mangled the word hutzpa. And

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because you mangled that word I'd like to present you a copy of Every Goy's Guide to Common Jewish Expressions, signed by every member of the Jewish Delegation."

Speaker Madigan: "Mr. Black.

Black: "Thank you. I'll keep that near and dear to my heart. House Bill 1883 is a Bill that originated a dispute in my home county. Many downstate counties have no zoning ordinance in unincorporated areas, therefore, there is no way for the residents in those areas to prohibit certain kinds of activities that they might like to do. This particular case was brought to my attention by about a thousand residents in an unincorporated area, south of the city in which I live, in which a gentleman had purchased a vacant lot and was going to put a x-rated video and bookstore on said lot. The lot's about 2 hundred feet from a church. It's in a residential area, not that far from a school. And this is in response to that particular situation. It amends the Counties Code to prohibit the operation of such an adult entertainment facility, and the location of such within a thousand feet of any school, day-care center, public park, public housing, or place of religious worship. It does preempt Home Rule. And it does require the adult entertainment facility to close on Sunday. Now, that is not without some controversy in the committee. And I will submit to you that should this Bill go to the Senate, I will ask that that be amended out."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you. Will the Sponsor yield"

Speaker Madigan: "The Sponsor yields."

Lang: "Thank you. Representative, is this a leftover Bill from Representative Spangler?"

Black: "I don't think so."

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Lang: "All right. I'm concerned about why you have cemeteries in this Bill. Who would care there?"

Black: "A testator who's will was secreted."

Lang: "Did you say you were going to take out this Home Rule stuff in the Senate?"

Black: "I'm perfectly willing. I think that's why the Municipal League has signed in opposition to the Bill. Although I don't recall any of my Bills that they've ever signed in favor of, come to think of it. But anyway, I'm perfectly willing to have this Bill worked on in the Senate. Maybe the preemption of Home Rule should not be in there. I know the City of Chicago had expressed some concern about that. And the Sunday closing, although we mandate that automobile dealers close on Sunday, I don't know why we couldn't do this. But anyway, there's some objection to that, and I will... should it go to the Senate I'll ask the Senate Sponsor to try and accommodate any and all objections."

Lang: "So, this is not in final form. You're going to change it. You won't let it pass the Senate in this version."

Black: "I don't think I can pass it in the Senate with the preemption in there. And I don't believe it can pass the Senate with the Sunday closing in it."

Lang: "Just one comment. And that is, you want to make sure that this passes constitutional muster. Do you have to separate... There's a difference between making sure these aren't a nuisance to the world, and limiting free speech at the same time. So, your Bill does not address that issue. I'm prepared to vote for it, maybe some others aren't. But that needs to be addressed in the Senate."

Black: "I think Representative Scott pointed that out in committee. And as we were talking earlier, this needs some work. There isn't any question about that. I asked it to



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be drafted hurriedly because of the situation that was very emotional back in my district. And, yeah, it's got some problems."

Lang: "Thank you."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "The Sponsor yields."

Slone: "Mr. Black, doesn't your county, even as a non Home Rule county, have the power to zone out this type of facility?"

Black: "Well, if they had a zoning ordinance they could. And this and a mega hog farm is pushing the Vermilion County Board to look at a zoning ordinance. Right now they don't have any zoning ordinance of any kind. So, they're more or less, according to their legal advisor and the State's Attorney's Office, they're powerless to do anything about this."

Slone: "Thank you."

Speaker Madigan: "Mr. Fritchey. Fritchey. Withdraws. Mr. Black to close."

Black: "Thank you very much. We'll work on this in the Senate. And I would appreciate a 'aye' vote. And I need to ask how to pronounce a couple of more words, so I'll be over there shortly."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 'ayes'; 8 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1323, Mr. Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1323, a Bill for an Act amending the

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Higher Education Student Assistance Act. Third Reading of  
this House Bill."

Speaker Madigan: "Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. I bring you House Bill 1323. This Bill would  
double the pool of top high school students who qualify for  
the merit recognition scholarships. It's not an  
Appropriation Bill. It simply takes the percentage of high  
school students that score from 95% to 90% and widens the  
pool of students that will be eligible for the Student  
Assistance Commission Scholarships in the State of  
Illinois. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman has moved for the passage of the  
Bill. There being no discussion, the question is, 'Shall  
this Bill pass?' Those in favor signify by voting 'aye';  
those opposed by voting 'no'. Have all voted who wish?  
Have all voted who wish? Please record yourselves. Have  
all voted who wish? Have all voted who wish? The Clerk  
shall take the record. On this question, there are 115  
'ayes'; 0 voting 'no'. This Bill, having received a  
Constitutional Majority, is hereby declared passed. House  
Bill 638, Representative Fantin. Mr. Clerk, read the  
Bill."

Clerk Rossi: "House Bill 638, a Bill for an Act to amend the  
Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Fantin."

Fantin: "Can I please take this out of the record tonight?"

Speaker Madigan: "You don't wish to call your Bill?"

Fantin: "Not now. Thank you."

Speaker Madigan: "Chicken. Take this Bill out of the record."

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House Bill 2223. Mr. Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2223, a Bill for an Act to amend the Military Code of Illinois. Third Reading of this House Bill."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. This Bill amends the Military Code of Illinois. It provides that any monies in the Federal Support Agreement Revolving Fund that are appropriated to pay for weekly allowances for students in the Lincoln Challenge Program, may be deposited by the Department of Military Affairs into a savings and loan association, or a state or national bank in this state. And it also provides that that money can be placed for use of the students in that program. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Howard. Howard."

Howard: "Thank you, Mr. Speaker. I rise in strong support of this piece of legislation. Very recently some of the Members of this Body and I, visited Lincoln Challenge. And we were very, very impressed with the program. We believe that, in fact, it should continue. It has done wonders for some of our children. I've had personal experiences with people in my own family. I urge all of my colleagues in the General Assembly to please give this a 'yes' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House

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Bill 754, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 754 a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This is a Bill that's been worked out between the Catholic Conference and the State Board of Education, that provides that private schools will have access to technology at no cost to taxpayers. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes'; 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair plans to call several Bills on the Order of Second Reading. The first Bill will be House Bill 860. Mr. Clerk, has this Bill been read a second time?"

Clerk Rossi: "House Bill 860 has not been read a second time previously."

Speaker Madigan: "Read the Bill."

Clerk Rossi: "House Bill 860 a Bill for an Act extending the board of speech-language pathology and audiology, concerning the practice of speech language. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Madigan: "Mr. Burke. Turn on Mr. Burke. Mr. Burke."

Burke: "Thank you, Speaker. I would move for the adoption of Amendment #1, Floor Amendment #1. It's a very technical

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Amendment dealing with terminology. It makes no substantive changes to the Bill. And I would ask for the Body's favorable consideration."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. This 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Burke."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Speaker. I move to Table Amendment #2. I beg your pardon, I move to withdraw."

Speaker Madigan: "Withdraw the Amendment. The Amendment shall be withdrawn. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Burke."

Speaker Madigan: "Mr. Burke."

Burke: "Speaker, I would move for the adoption of Floor Amendment #3. This Amendment makes minor technical changes. It provides the department to further define what constitutes the practice of speech-language pathology within the rules. Second, with regard to the restoration of a license, the Amendment removes that the department may set continuing education requirement by rule. Very technical. I'd ask for the Body's favorable consideration."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Is there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1309, Mr. Murphy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1309, a Bill for an Act amending the Public Utilities Act. Second Reading of this House Bill."

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Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 124, Mr. Black. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 124, a Bill for an Act amending the Election Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 263, Mr. Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 263, a Bill for an Act to amend the Public Utilities Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Black."

Black: "I'm sorry, Mr. Speaker, I was away from my desk. On the previous Bill we moved to Third Reading, House Bill 124, there's a Floor Amendment that was filed on that Bill and I don't think it's been adopted."

Speaker Madigan: "The Clerk advises me that it is not been approved by the Rules Committee."

Black: "Oh, there must be some mistake. And when might the Rules Committee meet again?"

Speaker Madigan: "I don't know the answer to your question, Mr. Black. Could you advise me whether you want to leave this on Third or take it back to Second?"

Black: "If you would, please, take it back to Second. I promised people I wouldn't move that unless the Amendment was added."

Speaker Madigan: "Let me dispose of House Bill 263 first."

Black: "Fine. Thank you."

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Speaker Madigan: "So we're on the Order of House Bill 263. And Mr. Clerk, I think you said that there were no Committee Amendments, no Floor Amendments. So House Bill 263 should be placed on the Order of Third Reading. And then the next Bill will be House Bill 124, which is on the Order of Third Reading. And this Bill shall be placed on the Order of Second Reading. The next Bill shall be House Bill 362, Mr. Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 362, a Bill for an Act amending the Public Utilities Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 381, Mr. Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 381, a Bill for an Act in relation to taxes. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 479, Mr. Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 479, a Bill for an Act amending the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 771, Mr. John Jones. Mr. Clerk, the Chair will now consider Bills to be moved... Have we read this Bill a second time?"

Clerk Rossi: "The Bill has not been read a second time."

Speaker Madigan: "Read the Bill."

Clerk Rossi: "House Bill 771, a Bill for an Act to amend the Illinois Oil and Gas Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No

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Motions filed."

Speaker Madigan: "Third Reading. The Chair will now consider Bills which will be moved from the Order of Third Reading to the Order of Second Reading. So, Mr. Clerk, House Bill 1784. What is the status of this Bill?"

Clerk Rossi: "House Bill 1784 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 819. What is the status of that Bill?"

Clerk Rossi: "House Bill 819 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 759. Mr. Clerk, what is the status of this Bill?"

Clerk Rossi: "House Bill 759 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 1141. What is the status of this Bill?"

Clerk Rossi: "House Bill 1141 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 1212. What is the status of this Bill?"

Clerk Rossi: "House Bill 1212 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 1407. What is the status of this Bill?"

Clerk Rossi: "House Bill 1407 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 1215. What is the status of this Bill?"

Clerk Rossi: "House Bill 1215 is on the Order of House Bills-Third Reading."



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Speaker Madigan: "Put this Bill on the Order of Second Reading.

House Bill 1556. What is the status of this Bill?"

Clerk Rossi: "House Bill 1556 is on the Order of House Bills

Second Reading."

Speaker Madigan: "Leave the Bill on Second Reading. House Bill

1776. What is the status of this Bill?"

Clerk Rossi: "House Bill 1776 is on the Order of House

Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading.

House Bill 1418. What is the status of this Bill?"

Clerk Rossi: "House Bill 1418 is on the Order of House

Bills-Third Reading."

Speaker Madigan: "Put this Bill on the Order of Second Reading.

House Bill 2067. What is the status of this Bill?"

Clerk Rossi: "House Bill 2067."

Speaker Madigan: "(Sic-House Bill) 2067. What is the status of

the Bill?"

Clerk Rossi: "(Sic-House Bill) 2067 is on the Order of House

Bills Second Reading."

Speaker Madigan: "Leave this Bill on the Order of Second Reading.

Mr. Turner, we complied with your request, the Bill is on

Second Reading. Mr. Clerk, we shall now call Bills which

are on the Order of Second Reading for the purpose of

moving them to Third Reading. First of all, there's House

Bill 843, Mr. Rutherford. Read the Bill."

Clerk Rossi: "House Bill 843, a Bill for an Act to create the

Patient Access to Treatment Act. Second Reading of this

House Bill. No Committee Amendments. Floor Amendment #1,

offered by Representative Rutherford, has been approved for

adoption."

Speaker Madigan: "Mr. Rutherford. Mr. Rutherford. We're on

House Bill 843 and you filed..."

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Rutherford: "Yes, I know that, I was in the..."

Speaker Madigan: "Proceed."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment would remove about four lines within the Bill. Basically what it would do is remove the provisions that would require those for pharmaceutical, dental and vision. I'd appreciate a favorable adoption of the Amendment."

Speaker Madigan: "The Gentleman has moved for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 925, Representative Ronen. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 925, a Bill for an Act amending the Community Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Mr. Clerk, House Bill 989, read the Bill."

Clerk Rossi: "House Bill 989, a Bill for an Act amending the Radiation Protection Act of 1990. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative McGuire, has been approved for consideration."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. This Amendment provides an agreement between the Commonwealth Edison Company and the Department of, I forget their name, radioactive materials, for the lack of a better name. No, I can never think of the name of the department, anyhow. But, anyhow, it's

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about a situation in my district where there's radioactive material brought into a small village in my district. And just what we're trying to do is have some kind of a, we're not looking for a licensing procedure, but just some kind of a notification so that the town fathers, or the county fathers, or whatever the situation may be, know that such an entity has moved into their area. And that's all that we're trying to do. So, we've got an agreement with the department and with Common Wealth Edison. And that's what the Amendment is all about. So I would appreciate your favorable vote."

Speaker Madigan: "The Gentleman has moved for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1030, Mr. Phelps. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1030, a Bill for an Act amending the Illinois Rural Downstate Health Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Phelps, has been recommended for adoption."

Speaker Madigan: "Mr. Phelps. Mr. Phelps, we're on the Order of House Bill 1030. And you filed Amendment #1, which has been approved for consideration by the Rules Committee. Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. Amendment 1 is actually technical in nature. But it spells out the language that the participation with the federally designated area of a health education center in Illinois, and the states two public medical schools, which includes the University of

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Illinois, and SIU School of Medicine, will work in a regional health educational network. These are for the purposes of enriching the medically underserved areas in having a network to provide basic primary care for facilities and services. Appreciate your support."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1080, Mr. Morrow. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1080, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Morrow, has been approved for consideration."

Speaker Madigan: "Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. What Amendment #1 does is delete some language that there was some concerns raised on page 3, section B. The Amendment basically says in areas of the state where clinically appropriate substance abuse treatment capacity is available, the local office shall refer the caretaker relative to a license treatment provider for assessment. If the assessment indicates that the caretaker relative is a substance abuser the local office requires the caretaker relative to comply with all treatment recommended by the assessment. If the caretaker relative refuses without good cause, as determined by rules of the Illinois Department to submit to the assessment or treatment, the caretaker relative shall be ineligible for assistance, and the local

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office shall take one or more of the following actions. I move to adopt Floor Amendment #1 to House Bill 1080."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted, the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1290, Mr. Morrow. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1290, a Bill for an Act amending the Narcotic Control Division Abolition Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1356, Mr. Bost. Is Mr. Bost here? Mr. Bost. Mr. Clerk, take this Bill out of the record. House Bill 1550, Mr. Morrow. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1550, a Bill for an Act amending the Judicial Vacancies Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Morrow, has been recommended for adoption."

Speaker Madigan: "Mr. Clerk, I'm sorry, are we on the Order of Amendment #1?"

Clerk Rossi: "We're on the Order of Amendment #1."

Speaker Madigan: "All right. Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker. What Amendment #1 is it just basically state that at the time of the appointment the nominee to fill a vacancy in the subcircuit must be a resident of the subcircuit at the time of the appointment. I move for a favorable adoption of Floor Amendment #1."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say

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'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1613, Representative Ronen. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1613, a Bill for an Act amending the Illinois Domestic Violence Act of 1986. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1753, Representative Younge. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1753, a Bill for an Act amending the Illinois Human Rights Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1758, Representative Ronen. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1758, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 offered by Representative Ronen."

Speaker Madigan: "Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. This is kind of a technical Amendment. The underlying Bill really is to provide us better information on the impact of welfare reform by asking the Department of Public Aid, or the new Department of Human Services to provide a whole host of information so that we can tell what the impacts are going to be, most specifically, and probably most critically, on children. This Bill just, really, modifies earlier agreements and is an Amendment that was drafted based on discussions with the department. And I think they are in

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agreement with us now. I would urge 'do adopt'."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you said this was a technical Amendment, but our staff indicates that this Amendment becomes the Bill."

Ronen: "Yes. Yes, it does. It's a rewrite of earlier language, Representative Black."

Black: "That is a very technical Amendment. It becomes the Bill."

Ronen: "It was the... It was language that we worked out with the department. But the substance of it remains the same. There were some minor changes based on some working agreements with the department."

Black: "Okay. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. And on that question the Chair recognizes Mr. Skinner."

Skinner: "Is Representative Bernie Pedersen a joint Sponsor of this Bill?"

Speaker Madigan: "Mr. Clerk."

Ronen: "Yes, absolutely, he is with us always in spirit on this."

Skinner: "It looks, except for the subject matter, except it's not training, it looks strangely, I mean really suspiciously like the American Legislative Exchange Council's model legislation."

Ronen: "Really? Maybe I should take this out of the record."

Skinner: "Well, I really think you ought to reflect upon it tonight."

Speaker Madigan: "Those in favor of the Amendment say 'aye';

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those opposed say 'no'. The 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments. But a Fiscal Note has been requested on the Bill as amended, and has not been filed."

Speaker Madigan: "Representative Ronen, the Clerk has advised us that there has been a request for a Fiscal Note as amended. And that note has not yet been filed. So the Bill must remain on the Order of Second Reading. Representative Ronen, relative to your inquiry concerning House Bill 1613, the Amendment to that Bill has not yet been approved for consideration by the Rules Committee. House Bill 1900, Mr. Skinner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1900, a Bill for an Act concerning the impoundment of appropriated items. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions Filed."

Speaker Madigan: "Third Reading. House Bill 2257, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2257, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 2269, Mr. McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2269, a Bill for an Act amending the Illinois Wage Payment and Collection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 125. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 125, a Bill for an Act in relation to taxes. Second Reading of this House Bill. Amendment #1



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was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1282, Mr. Santiago. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1282, a Bill for an Act amending the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 291, Mr. Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 291, a Bill for an Act amending the Illinois Purchasing Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Madigan: "Mr. Lang."

Lang: "Mr. Speaker, please take this out of the record."

Speaker Madigan: "Take this Bill out of the record. House Bill 1562, Mr. Lang, do you wish to move this? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1562, a Bill for an Act concerning utilization review of health care service. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 735, Representative Schakowsky. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 735, a Bill for an Act regarding the delivery of human services. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Schakowsky, has been approved for adoption."

Speaker Madigan: "Representative Schakowsky."

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Schakowsky: "Thank you, Mr. Speaker. Floor Amendment #1 addresses a number of the problems that were pointed out to us during committee. And says that in order for the Department of Human Services to take action against any labor lawbreakers, that there would be much more narrow guidelines. And that would consist of three or more serious violations of Federal Labor Law, during a two year period. And the department is given authority to decide whether these violations are of a technical nature. And finally, the Department of Human Services is authorized to set up remediation sessions between the employer and the labor organization to resolve a situation before there are any further violations. I move adoption of Floor Amendment #1."

Speaker Madigan: "The Lady has moved for the adoption of the Amendment. Those in favor of the Amendment say 'aye'; those opposed say 'no'. This 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 572, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 572, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 573, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 573, a Bill for an Act amending the Department of Veteran's Affairs Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Madigan: "Mr. Clerk, did you say there are no Floor Amendments? The Chair recognizes Mr. Hannig."

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Hannig: "Mr. Speaker, the Amendment was filed today, but I'm not sure if the Rules Committee has..."

Speaker Madigan: "The Clerk advises me that they have not approved you Amendment for consideration, Mr. Hannig. Should we take this out of the record?"

Hannig: "Yeah."

Speaker Madigan: "Take this Bill out of the record. House Bill 664, Mr. Scott. Mr. Clerk, read the Bill. (Sic-House Bill) 664."

Clerk Rossi: "House Bill 664, a Bill for an Act amending the Solid Waste Planning and Recycling Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Scott, has been recommended for adoption."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker. Floor Amendment #2 simply adds two members of the members of the National Solid Waste Management Association to the board, which is to determine what the recyclable materials are. And I ask for a favorable vote."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 998, Mr. John Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 998, a Bill for an Act to create the Energy Education and Marketing Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1076, Representative Ronen. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 1076, a Bill for an Act amending the Regulatory Agency Sunset Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1297. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1297, a Bill for an Act amending the Energy Policy and Planning Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1678, Mr. Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1678, a Bill for an Act to create the Grape and Wine Resources Council Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

Speaker Madigan: "Mr. Woolard, on the Amendment. We're on House Bill 1678, there was an Amendment filed in the name of Mr. Woolard. Mr. Woolard."

Woolard: "Thank you, Ladies and Gentlemen of the House. This is one of those times that have come. I think that everyone recognizes that the wine industry is a fast growing industry in the state. We're talking about making sure that we have the facilities and the people necessary to accommodate and ensure that we are able to adequately..."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes'... Mr. Black. Mr. Black."

Black: "Yes, thank you, Mr. Speaker. Will the Sponsor yield for one quick question?"

Speaker Madigan: "The Sponsor yields."

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Black: "Representative, in the Amendment, is the fee taken out by your Amendment, or is it still in the Bill?"

Woolard: "There's a fee in the Bill, yes. No, there's not a fee in the Bill. What we're doing is, the fee that is collected now, we're just sharing it with this council."

Black: "Okay. Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "Again, the Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. House Bill 1802, Representative Wojcik. Mr. Clerk, read the Bill. All right, the Clerk advises me that House Bill 1678 was not placed on the Order of Third Reading. So let the record show that House Bill 1678 shall be placed on the Order of Third Reading. We'll now move to the consideration of House Bill 1802, Representative Wojcik. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1802, a Bill for an Act amending the Illinois Lottery Law. Second Reading of this House Bill. No Committee Amendments, Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 1923, Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1923, a Bill for an Act amending the Adverse Claims to Deposit Accounts Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 2076, Representative Younge. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2076, a Bill for an Act relating to the rehabilitation and improvement of school facilities."

Speaker Madigan: "Take this Bill out of the record, Mr. Clerk."

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The next Bill will be 2153, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2153, a Bill for an act in relation to domestic violence. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. House Bill 572, Representative Currie. (Sic-House Bill) 572. The Clerk advises me that this Bill is on the Order of Third Reading, which is where it shall remain. House Bill 800, Representative Currie. (Sic-House Bill) 800. Read the Bill."

Clerk Rossi: "House Bill 800, a Bill for an Act in relation to public records. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Currie, has been recommended for adoption."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The Bill was intended to make sure that there were no exclusive contracts with respect to the transmission and electronic data from local governmental units. But in our enthusiasm we included, as well, a lack of exclusivity with respect to storage contracts. And we have taken that item out of the Bill by this Amendment. I'd appreciate your support."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Currie."

Speaker Madigan: "Representative Currie."

Currie: "Sorry, I thought that was... Would it be possible to return to Amendment 2 and withdraw it or table it? Because

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this was the Amendment I intended to adopt."

Speaker Madigan: "Representative Currie, the Amendment has been adopted. And I would think that the appropriate Motion would be for you, as one who voted on the prevailing side, to move to reconsider the vote. Representative Currie."

Currie: "As it was a voice vote, I suspect we all did. How about if I move to table the Amendment?"

Speaker Madigan: "Parliamentarian advises me that that is in order. But Mr. Black may have a different view of it. Mr. Black."

Black: "I am very proud to say for once I agree with your Parliamentarian, Mr. Speaker."

Speaker Madigan: "Back on the question. The Lady moves to table Amendment #2. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the Amendment is tabled. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Currie."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Amendment 3 is what I told you Amendment 2 was. And I hope you'll give it the same enthusiastic vote of approval."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Is there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 347, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 347, a Bill for an Act to amend the State Employees Group Insurance Act. Second Reading of

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this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Amendment was heard this morning and passed out unanimously. At the request of the committee the Amendment narrows the scope of the Bill and it reduces the cost. I move for its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 776, Representative Currie. House Bill 776. Read the Bill."

Clerk Rossi: "House Bill 776, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. A Fiscal Note as amended, and a State Mandates Note as amended, have been requested on the Bill and have not been filed."

Speaker Madigan: "The Lady has heard the report of the Clerk. The Bill shall remain on the Order of Second Reading. House Bill 21. Mr. Clerk, read the Bill. (Sic-House Bill) 21."

Clerk Rossi: "House Bill 21, a Bill for an Act amending the Taxpayer Bill of Rights Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1303, Representative



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Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1303, a Bill for an Act amending the Civil Administrative Code of Illinois. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Madigan: "Third Reading. Is Mr. Bost in the Chamber? On the Order of Second Reading there appears House Bill 1356, Mr. Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1356, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Madigan: "Do you wish to place the Bill on the Order of Third Reading? Third Reading. The Chair would like to recognize the Chairs of certain committees for the purpose of announcements. So, number one, the Chair recognizes Mr. Burke. Mr. Burke. So had Mr. Burke been here, he would have announced that the Executive Committee will meet at 8:30 in the morning in Room 114. Representative Gash. Representative Gash wishes to announce that the Judiciary II Criminal Law Committee will meet at 8:35 in Room D-1. Representative Schakowsky wishes to announce that the Labor and Commerce Committee will meet at 8:30 in Room 118. Mr. Moore. Mr. Gene Moore."

Moore, E.: "Yes, thanks, Mr. Speaker. Revenue Committee will meet tomorrow at 8:30 in 122B."

Speaker Madigan: "Representative Giles. The Chair recognize Mr. Giles. The Chair recognizes Representative Julie Curry."

Curry: "Thank you, Mr. Speaker. For the purpose of announcement for a committee change tomorrow morning. State Government and Administration will meet at 8:30 in Room C-1, instead of 8:00."

Speaker Madigan: "All right. You've all heard the announcements."

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So, the following committees will meet in the morning: Executive, Judiciary II, Labor and Commerce, Revenue, State Government Administration. Mr. Clerk, House Bill 1356. What is the status of that Bill?"

Clerk Rossi: "House Bill 1356 in on the Order of Third Reading."

Speaker Madigan: "Place this Bill on the Order of Second Reading. Mr. Clerk, read the Adjournment Resolution. Mr. Black."

Black: "Yes, Mr. Speaker, are you preparing to adjourn? If so, I have an Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes. Mr. Speaker, we appreciate this schedule. But one of the problems we ran into this morning, the schedule doesn't tell us what's posted. So those people who have Amendments don't know that they're supposed to be there. And I know some missed the meeting. Is there any way before we vacate this evening, those Sponsors who have Amendments before these committees tomorrow morning will know, so that they'll be sure to be there, and we can move in a timely fashion?"

Speaker Madigan: "Mr. Black. I've been advised that we have notified the Amendment Sponsors through, what has been characterized to me as the normal channels."

Black: "As opposed to abnormal channels? What is the normal channel?"

Speaker Madigan: "Well, again, I'm advised that certain of our employees run around with notices to people's offices. So, the Clerk advises me that he can read these Amendments right now. And I think that your point is well taken, because I was advised by certain Democrats today that they didn't know that their Amendment was going to be considered before the committee."

Black: "Well that's why I was rising. I was defending Members on

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your side of the aisle."

Speaker Madigan: "And they appreciate it, Mr. Black. Especially those Jewish Members, they appreciate it very much. Mr. Clerk."

Clerk Rossi: "The following Amendments will be heard in the House Executive Committee tomorrow: Floor Amendments 2 and 3 to House Bill 473."

Speaker Madigan: "Mr. Clerk, now do you know who the Sponsors of those Amendments are? Why don't you go ahead and read what you've got. Let's give him our attention, please."

Clerk Rossi: "Floor Amendments 2 and 3 to House Bill 473, in the House Executive Committee. Floor Amendment #2 to House Bill 723, Floor Amendment #2 to House Bill 1356, and Floor Amendment #1 to House Bill 2138, in the House Judiciary II Committee. Floor Amendment #1 in House Bill 1063, Floor Amendment #2 to House Bill 1195, Floor Amendment #1 to House Bill 1337, and Floor Amendment #1 to House Bill 1627, in House Labor and Commerce. Floor Amendment #2 to House Bill 524, Floor Amendment #3 to House Bill 525, Floor Amendments 1 and 2 to House Bill 601, in the House Revenue Committee. Floor Amendment #1 to House Bill 621, and Floor Amendment #1 to House Bill 1251, in the House State Government Administration and Election Reform Committee."

Speaker Madigan: "Mr. Clerk, the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #26, offered by Representative Currie. Be it resolved by the Senate of the 90th General Assembly of the State of Illinois, the House of Representatives concurring herein that when the Senate adjourns on Thursday, April 10, 1997, it stands adjourned until Wednesday, April 23, 1997, at 12:00 noon. And when the House of Representatives adjourns on Saturday, April 12, 1997, it stands adjourned until Monday, April 14, 1997."

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And when it adjourns on that day it stands adjourned until Tuesday, April 15, 1997. And when it adjourns on that day it stands adjourned until Wednesday, April 16, 1997. And when it adjourns on that day it stands adjourned until Thursday, April 17, 1997. And when it adjourns on that day it stands adjourned until Friday, April 18, 1997. And when it adjourns on that day it stands adjourned until Saturday, April 19, 1997. And when it adjourns on that day it stands adjourned until Tuesday, April 22, 1997. And when it adjourns on that day it stands adjourned until Wednesday, April 23, 1997."

Speaker Madigan: "You've all heard and followed the provisions of the Adjournment Resolution. Representative Currie moves for its adoption. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Representative, is there any thing further to come before the Body? Providing perfunctory time for the Clerk, Representative Currie moves that the House does stand adjourned until 9:00 a.m.. tomorrow morning. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 9:00 a.m.. tomorrow morning. Thank you."

Clerk Bolin: "Introduction - First Reading of Senate Bills. Senate Bill 287, offered by Representative Deering, a Bill for an Act concerning coal recovery. Senate Bill 465, offered by Representative Meyer, a Bill for an Act in relation to property. Senate Bill 1038, offered by Representative Meyer, a Bill for an Act to amend the Cooperative Act. Senate Bill 1044, offered by Representative Bugielski, a Bill for an Act concerning financial transactions. First Reading of these Senate Bills. Introduction - First Reading of House Bills. House

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Bill 2290, offered by Representative Eugene Moore, a Bill for an Act to amend the School Code. Introduction of House Resolutions. House Resolution 104, offered by Representative Giles; House Resolution 105, offered by Representative Madigan."

Clerk Rossi: "The House Perfunctory Session will stand adjourned. The House will reconvene in regular Session tomorrow at 9:00 a.m."