

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

44th Legislative Day

April 16, 1997

Speaker Hannig: "The hour of nine o'clock having arrived, the House will come to order. The Members will be in their seats. We will be led in prayer today by Reverend Scott Porter with the Abiding Word Christian Center in Sterling. Reverend Scott Porter is the guest of Representative Jerry Mitchell. The guests in the gallery may wish to rise for the invocation. Reverend Porter."

Reverend Porter: "Let us pray. Father in Your mighty name, I give thanks for the United States and our government. I hold up in prayer before You the men and women who are in positions of authority. I pray and intercede for our President, Representatives, Senators and all that are in authority. I pray that the spirit of the Lord rests upon them. I pray that skillful and Godly wisdom will enter into the heart of the Members of the Illinois State Legislature, the House of Representatives and the Senate. That knowledge will be pleasant to all who sit here. That discretion will watch over their hearts and minds. Understanding will keep them and deliver them from the way of evil and from evil people. Father, I ask that You encompass about Governor Edgar and the Leaders in this State House of the people with men and women who make their hearts and ears attentive to Godly counsel, to do that which is right in Your sight. I pray that You will cause those gathered here to be men and women of integrity who are obedient concerning us that we may lead a quiet and peaceful life in all Godliness and honesty. I pray that the upright shall dwell in government. That men and women who are blameless and complete in Your sight Father, shall remain in these positions of authority, but that the wicked shall be cut off from government and the treacherous shall be rooted out. Father, Your word declares in Psalms that,

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'Blessed is the nation who's God is the Lord'. Today I ask Your blessing, You who is our refuge and stronghold in times of trouble and desperation. I pray that the people of the State of Illinois will dwell safely in this land and that we prosper abundantly. We give thanks unto You that the good news of the gospel is published, preached, and proclaimed in our Nation. That the word of the Lord prevails and grows mightily in the hearts and lives of the people. We give thanks for the Untied States of America, for the State of Illinois, and for the Leaders that You have given us. God Bless America and all that we put our hand to do and all that we conceive in our hearts and minds to accomplish to Your glory. Oh, and one last thing, could you please help the Chicago Cubs win today. We're 0 and 11 and this is getting kind of old. Thank you. In Jesus' name I pray. Amen."

Speaker Hannig: "We'll be led in the Pledge of Allegiance today by Representative Bergman."

Bergman, 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 Hannig: "Roll Call for Attendance. Representative Cross is recognized on the Republican side for excused absences."

Cross: "Well, Mr. Speaker, we're making sure that we're all here today. Let me check. We're all here today, Mr. Speaker. Thank you for asking."

Speaker Hannig: "Thank you, Representative. And Representative Currie, Barbara Currie, is recognized on the Democratic side."

Currie, B: "Thank you, Speaker. Please let the record show that Representative Schoenberg is excused for official

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business."

Speaker Hannig: "The record will so reflect. Mr. Clerk, take the record. There being a 117 Members answering the roll call, a quorum is present. Committee Reports."

Clerk Bolin: "Representative Giles, Chairman from the Committee on State Government Administrations, to which the following Bills and Resolutions were referred, action taken on April 16, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 587. Representative Saviano, Chairman from the Committee on Registration and Regulations, to which the following Bills and Resolutions were referred, action taken on April 16, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 1168. Representative Pugh, Chairman from the Committee on Human Services, to which the following Bills and Resolutions were referred, action taken on April 15, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 47. Representative Flowers, Chairman from the Committee on Health Care Availability and Access, to which the following Bills and Resolutions were referred, action taken on April 15, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 333."

Speaker Hannig: "The Chair is prepared to begin with Third Readings. The first Bill on the list is House Bill 172. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 172, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Turner."

Turner: "Thank you, Mr. Speaker. House Bill 172 changes the

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penalty for knowingly and falsely transmitting to a peace officer that a crime has been committed when there is no reasonable belief that the person who has made such a report has reason to believe that a crime indeed has been committed. Changes the penalty from a Class A misdemeanor to a Class 4 felony. Be glad to answer any questions."

Speaker Hannig: "Is there any discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 296."

Clerk Bolin: "House Bill 296, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of this House Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 296 would create a Citizens Crime Commission. It's about time we got the views of victims of violent crime about what goes on in this area, and this commission would be appointed by the Governor so that they could report to the Governor and to the General Assembly about the impact of crime on ordinary citizens, and I would move passage."

Speaker Hannig: "On that question the...Representative Parke is recognized. The Gentleman from Cook."

Parke: "Thank you, Mr. Speaker. I'm not sure that we understand exactly what this Bill does. Maybe you could spend a little bit more time explaining what this Bill does on

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behalf of the citizens of Illinois."

Lang: "Sure, I'd be happy to. For some time, all of us hear from people in our districts about the impact of crime on their lives. And as the General Assembly and as the Governor think about the kinds of legislation we need to address criminal law issues in our state, it occurred to me that perhaps hearing from citizens who have been victims of violent crime would be valuable in terms of preparing that legislation in terms of thinking about public policy."

Parke: "Representative, are you saying you're going to form a new Citizens Crime Commission and that you'll have members of a board and people will come before this board to present their problems? Is that what you're saying?"

Lang: "Well, I guess they'd make their own rules Representative. The membership of the commission would be set by the Governor. The Governor would appoint the folks to this commission. Perhaps they would just share their own stories, perhaps they would reach out to others, but this would be an opportunity for citizens who have been impacted by violent crime to give us some statement over a period of time as to the impact of crime on their lives and perhaps help us shape our public policy."

Parke: "What formal standing will this commission have? I mean where...I mean why can't we just have a group of citizens and people go to them and then they come go to you and say, 'Representative Lang, we formed this commission in your legislative district and we think these are a problem and would you introduce legislation to solve the problem?' Why do we have to do this on a statewide basis?"

Lang: "Well, we certainly don't have to do this Representative, but I think it would be valuable for us to hear from people who have been impacted by crime and I've heard no negative

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comments by the Governor's Office, so perhaps they think it is a good idea as well."

Parke: "Well Representative, how many members will be on this commission?"

Lang: "Ten."

Parke: "And will they be paid for their expenses?"

Lang: "No. Well, wait a minute. Yes, they may be reimbursed for all necessary expenses."

Parke: "And was there a fiscal note filed on this?"

Lang: "I'm not certain if there was or not, Sir. Yes, wait, wait, wait."

Parke: "Do you have an estimate of what it will cost the taxpayers of the state to do this?"

Lang: "I do have a fiscal note. In the fiscal note, the department indicates, this would be under the Department of Human Rights, they indicate they cannot give an accurate fiscal impact."

Parke: "Well, ten members...how many meetings a year will there be?"

Lang: "It's not in the legislation, Sir. So it said..."

Parke: "So it will set by the commission itself?"

Lang: "That's correct. There would be two co-chairs appointed by the Governor."

Parke: "And this commission will be funded by General Revenue Funds?"

Lang: "Presumably."

Parke: "Let's say that they decide to meet twice a month and once in Springfield and once in Chicago because we would want a fair opportunity for people downstate to be able to testify, so you're going to pay expenses that means will you pay for overnight lodging for those members there from the Chicago area down here?"

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Lang: "Well, I suppose that someone...someone that deals with fiscal matters that is not in this General Assembly would make that decision. The legislation doesn't say that. We have hundreds of commissions where members are paid their expenses. This doesn't seem to be a problem in any of the other commissions."

Parke: "Well Representative, you know, again, I guess it's the philosophy. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Parke: "There comes a philosophy of how much money are we going to spend on government and how come we keep expanding government. We keep talking about why is government costing us so much money, and it's because these well intended Bills that keep popping up, hundreds, thousands of Bills that are brought before the General Assembly each one of them having a good idea to them. I mean, there rarely is a bad idea. But what we have to decide is really, is this a good idea for the taxpayers? Why can't individual Legislators work with the various crime commissions, the Chicago Crime Commission, the Illinois Crime Commission, and set up these hearings. We don't need to set up another quasi bureaucracy in this state. We don't need to spend taxpayers money on another commission when we already have the opportunity. Where we as Legislators have the opportunity to call a commission like this together of our peers, of our neighbors, of our centers of influence in our own legislative districts, to hear the problems that people are faced with and truly are faced with, crime all over this state. But we do not need to expand government in this state. We do not need to keep spending taxpayers money. One good idea after another, we're starting to talk tens of millions of dollars. Ladies and Gentlemen, I

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regretfully ask that you vote 'no', and I would like a a verification of the roll call if this gets the required number of votes."

Speaker Hannig: "Your request for a verification is acknowledged Representative Parke. And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Inquiry of the Chair. How much time left until we adjourn tonight?"

Speaker Hannig: "Well, if the Cubs don't win, it's going to be a late night for a lot of people."

Cross: "Alright, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cross: "Mr...Representative Lang, we have if I've written down...jotted down on my notes already a couple of agencies or commissions that seem to do the exact same thing you're asking this commission to do. What would be the difference between your commission and the Governor's commission on gangs for instance?"

Lang: "Well, I'm no familiar with the membership of the Governor's commission on gangs, so perhaps you could enlighten me."

Cross: "Well, what do you envision your commission doing, and then maybe we could talk about the differences?"

Lang: "Well, I've said this two or three times. This is really a very simple Bill. This would invite members of the public who have been impacted or by violent crime or who were victims of violent crime to be appointed to a commission by the Governor to advise the General Assembly on crime legislation. Their point of view, people who have been impacted by violent crime, would be very valuable to us. I'm not familiar with any other board that is made up of these types of individuals or any other type of commission.

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I do want to add that this is a two year program. It sunsets in two years. This is not going to go on forever. But I think these ten people that the Governor would appoint would be able to come up with a report that would be very valuable to us because we sit here every day and we pass legislation to revise the Criminal Code and to put criminals away and to figure out what to do to make society safer. Perhaps we ought to hear from people who have been victims of crime so that we have a better handle on what we need to be doing to protect our constituents."

Cross: "You do Representative, just a couple of other quick questions, envision having a staff person, at least one staff person on this committee along with a secretary, computers, et cetera, to do the work of the recommendations?"

Lang: "I don't envision any such thing. I just envision having a commission of ten members of the public who are victims of violent crime to tell the General Assembly what they think we ought to be doing to make the streets of Illinois safer."

Cross: "Well, to the Bill. I don't know that Representative Parke and I agree on everything, but we certainly agree on this Bill. We have a Illinois State Crime Commission that an individual by the name of Jerry Elsner heads up that we fund as a General Assembly, comes out of the General Revenue Fund. We have a Chicago Crime Commission, we have the State's Attorneys Association, we have a association made up of the judges in this state, we have a legislative Committee on Juvenile Justice, we have a Truth in Sentencing Commission, we have a Juvenile Justice Commission, and we have the Illinois Criminal Justice Information Authority. If we don't have enough commissions

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in this state to address the issue of crime, then we're never going to have enough. I join Representative Parke in asking Members to vote 'no' on this big government growth idea Bill."

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

Johnson, Tom: "To the Bill. I also rise in opposition of this Bill for all the reasons that Representative Cross just raised and Terry Parke before him. But more than that, you know, here in the General Assembly, we handle in excess of 200 criminal law Bills before the Judiciary Committee every year. And I have to tell you that the compelling reason that most of those Bills are brought, is because we as Representatives are hearing from those victims everyday. And everyday that we are down here and in committee, we have victims testifying before us. Now, what ten people on a board are going to be able to achieve in my opinion would probably more limit the scope and our understanding of what the victims of crime are feeling and all about out there than enhancing this. And I believe that this is probably a well intentioned and feel good Bill, but in reality I think it can be very counter-productive and I think it's totally unnecessary and would urge a 'no' vote on this."

Speaker Hannig: "The Gentleman from Cook, Representative Lang to close."

Lang: "Well, thank you, Mr. Speaker. I understand the comments of the other side, however, this is a new perspective it seems to me. A perspective where we can bring victims of violent crime to the table, let them discuss together what they have been through, and I think the information we would get from victims of crime would be valuable in our determination of what's good in crime legislation for the

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State of Illinois. This is not going to be costly, but it is going to be new valuable information that we don't necessarily have today. This is a program that sunsets in two years. It's not going to go on forever. So for a small expenditure of money, I don't know what it would be, I don't think anyone knows, but a very small expenditure of money. We can get a new perspective on some criminal legislation that we don't have today and I would recommend your 'aye' votes."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; 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. And on that question there are 58 voting 'yes' and 57 voting 'no'. Does the Gentleman wish Postpone Consideration?"

Lang: "Of course I do."

Speaker Hannig: "Okay. Postpone Consideration. House Bill 310. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 310, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Parke. Out of the record. Mr. Clerk, read House Bill 368."

Clerk Bolin: "House Bill 368, a Bill for an Act in relation to public services. Third Reading of this House Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 368 was brought to me by United Cerebral Palsy to bring some parity and wages for community based in-home care workers of the developmentally disabled. We introduced the Bill, we've worked with AFSCME on this, we amended it so that now AFSCME and the providers are all in

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agreement. This is a very much-needed piece of legislation. The annual turnover within in-home care workers in this state because of the rate of pay is tremendous, and this Bill will ensure that we have good quality in-home care workers with some longevity, and I would ask for your approval."

Speaker Hannig: "Representative Ronen is recognized."

Ronen: "I just rise in support of the Representative's Bill. This is a good first step in ensuring that wages, living wages are paid to people who do very, very important work. I have a similar Bill, House Bill 935 which, 925 I should say, which deals with a similar issue. I urge all my colleagues to vote 'yes'."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, has there been a fiscal note filed on this Bill?"

Saviano: "Excuse me, could you repeat your question please?"

Parke: "Has there been a fiscal note filed on this Bill?"

Saviano: "Yes, I believe there has. Hold on a second."

Parke: "Could you share with the Members of the General Assembly, the cost, the estimated cost of this piece of legislation if it passes?"

Saviano: "It could range anywhere, I guess the bottom line is about \$10 million, \$10.9 million."

Parke: "Okay. And why is the Department of Mental Health, the Illinois Department of Mental Health against this Bill?"

Saviano: "Well, obviously for fiscal reasons. They never want to put more money into the process."

Parke: "And also DASA is opposed to this?"

Saviano: "I have not heard from DASA."

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Parke: "According to the notes here, it shows that DASA is opposed also. I presume for the same reason, because of the fiscal impact? Would you presume? Is there...do they have a problem with anything else? I mean...it's just...this is just a wage increase Bill and so they don't really have a....there's nothing else in here other than just going to raise...is this sort of like a COLA? Is this going to be automatic every year?"

Saviano: "Yes it is."

Parke: "Do they have that now?"

Saviano: "No."

Parke: "So what we're going to do with this Bill is that we're going to increase a 3% cost of living that will be automatic for every year from now on, and so that's your understanding also Representative?"

Saviano: "It's not necessarily 3%, it's whatever the index is."

Parke: "Okay, so it's going to be based on an index. Thank you, Representative. Members of the General Assembly, to the Bill. Again, a well intended Bill. There is a price tag that you need to understand. This is going to cost the taxpayers additional money. You have to decide if people that are with the...the United Cerebral Palsy, the Health Association Disability groups support this because they feel their workers need to be paid an increase each year and you now have to decide whether or not you think this a good idea or do you think the taxpayers have to be considered in this vote. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative McKeon."

McKeon: "Mr. Speaker, to the Bill. As Representative Parke indicated, there is a cost associated with this Bill, but I rise in support because in my district this impacts greatly the quality and continuity of care for people in need and I

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urge your support."

Speaker Hannig: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Members of the General Assembly. You will remember last year that we added money for a cost of living increase to the budget. This year I hope that the appropriation types will also agree to add a cost of living to the budget. It seems to me that if we stick this language in statutory language basically what we are doing is creating an entitlement and we certainly should have learned something from the national debate on welfare reform. Entitlements make you go bankrupt."

Speaker Hannig: "Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker. You know, Bills like this have been on the floor since I have been here in '92...'93, and I can tell you that we really have to show some leadership in this area because what we're doing is, these people provide essential services to the developmentally disabled. These people are paid close to minimum wage and the only way we could ensure that we get good quality people to provide the services to keep these people in an independent living environment, is to make sure that the quality of the people and the number of people are there to serve them. I understand the price tag, but I think it's time that we bring this issue to the table and consider it. These are essential services. If these people had to be institutionalized I could tell you that the cost would be much, much, much greater. And I don't see this as an entitlement. I see this as a necessity to keep these people independent. Everybody in their community has people who live with developmental disabilities. We have people who are senior citizens in our communities that we

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want to keep in their independent living arrangements. Those...the longer those people stay independent from institutional care, the more money this state saves. So based on that, that is the reason I brought this Bill to the floor, and I would ask for your favorable vote. Thank you."

Speaker Hannig: "The Gentleman has moved for the passage of this Bill. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; 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 114 voting 'yes', 3 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 144."

Clerk Rossi: "House Bill 144, a Bill for an Act concerning motor vehicles. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Madison, Representative Steve Davis."

Davis, Steve: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 144 provides that motor vehicles and snowmobiles may not be driven upon any part of a levee in the state except for levee roadways designated specifically for vehicular traffic. The Bill defines levee as 'any man made or natural embankment designed or intended to prevent flooding'. A violation of this Section of the Vehicle Code or the Snowmobile Registration Act is a Class C misdemeanor and carries a minimum fine of \$250. I'd be more than happy to answer any questions on the Bill. This Bill has been amended twice to take care of the problems with the Department of Natural Resources and problems that the Farm Bureau had, so I don't believe that there is any opposition

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left on this Bill and it did pass out of committee with a vote of 11 to 0.

Speaker Hannig: "And on that question, the Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, I think I understand what your Bill does, I'm not exactly sure why you brought this legislation. Has this been a problem with snowmobiles driving on these levees, and if so, what does that create as far as a hazard or what are you getting at here?"

Davis, Steve: "A little history on this Representative. A local state trooper in my area pointed out the fact to me that regardless if it's a snowmobile or any other vehicle, whenever they have to arrest these people who are trespassing upon the levee district's property, they have to have one of the levee district commissioner's swear out a warrant for their arrest, and many times these happen late at night, four o'clock in the morning, five o'clock in the morning, they have to call a levee district commissioner, get him out of bed to swear out a warrant, a trespass warrant against these people who are on their property. So this is where the original intent of the Bill came. Now as far as keeping the snowmobiles off, I think we have to be very careful with our levee system in the State of Illinois, especially after the 1993 floods. And the reason that we want to keep the snowmobiles off the sides of the levees is in order to stop them from creating erosion on the levee systems. Because we were very, very...we were very, very close, very, very close in '93 to losing our levee system in the greater metro-east area because of the massive flooding. And if we would have had any additional damage to the levees due to erosion which

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could certainly be caused by snowmobiles, then we would have been in very big trouble. So it is our intent to keep any unauthorized vehicles, including snowmobiles off the levee system."

Turner, J.: "I guess the question comes to mind if...of course a snowmobile operates on snow and if there is snow and ice on a levee, does a snowmobile actually damage the levee if it simply crosses over it when there is snow on the ground and I would think give some protection to the levee structure itself?"

Davis, Steve: "Well Representative, you know, if you have 5 or 6 inches of snow naturally, it's not going to damage the ground underneath it. However, if there is a inch of snow or less, I believe that there is damage done to the physical ground."

Turner, J.: "From your experience then, there has been situations where the snowmobile has crossed the levee and actually...some way deteriorates it or that is occurring then just from the snowmobile itself?"

Davis, Steve: "Yes, I believe that can occur and we certainly see that occurring when it comes to crops whenever farmers are putting their crops out in the field. There are a lot of complaints about snowmobiles damaging their property. So yes, there is damage and there can be damage to the levees."

Turner, J.: "A question has been raised on this side of the aisle. If someone is snowmobiling and looking for a place to cross to get to the other side for a lack of a better why to say it, and there is no place, there is no opening, is there a provision in the Bill to make an exception for that?"

Davis, Steve: "Representative, the levees that I am talking about

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I believe and that the Bill addresses, would provide and does have access for going across the levee."

Turner, J.: "You had mentioned a moment ago that the Farm Bureau originally had opposition to this Bill but they're no longer in opposition to it. What was their opposition?"

Davis, Steve: "Well, there were two Amendments filed, one was requested by the Department of Natural Resources and one by the Farm Bureau and I'm not sure which one applied to which."

Turner, J.: "I can't find it in my analysis. I'm just curious to what the objection the Farm Bureau had to this and then how you addressed that objection."

Davis, Steve: "Representative, I don't know. I think that it was just some technical language in the Bill."

Turner, J.: "So as far as you know, their opposition was just to the technical language and wasn't a...for example, private property right that they were concerned about?"

Davis, Steve: "No, because under current law, private property there...it is a Class C misdemeanor to trespass on private property now. So there are penalties for trespassing on private property currently, and I believe that that is currently in the law so I don't think that that was the problem."

Turner, J.: "Thank you for answering my questions Representative."

Speaker Hannig: "The Gentleman from Winnebago, Representative Winters."

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

Speaker Hannig: "He will."

Winters: "Representative Davis, I have a question about this. If I'm a private landowner and own a levee, I have given permission to a friend to ride his snowmobile on that

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levee, is it illegal for him to ride on anything other than the portion that's designed for vehicular traffic?"

Davis, Steve: "If it's on your private property Representative, you can have them drive over it, under it, through it, or whatever you want. This is for levee districts. This is not to control snowmobile traffic on private property."

Winters: "I read the Bill. I don't see anything that specifically restricts it to a levee district. It looks like to me that any levee in the state, including those on private property, would be controlled under this legislation. Specifically..."

Davis, Steve: "Well Representative, Representative, there is reference to...on the Amendment that says 'without written permission from the levee district manager'."

Winters: "Which Amendment is that?"

Davis, Steve: "It's either Amendment 1 or I think it's Amendment 2."

Winters: "Pardon, I couldn't hear."

Davis, Steve: "I think it's Amendment 2."

Winters: "Just a minute, let me bring that up. It states 'a levee means any man-made or natural embankment designed or intended to prevent flooding'. I don't see any language in here that would restrict it to a levee district. My basic position is, I don't have any problem with it if you restrict it to levee districts, but I don't see the language that restricts it to levee districts. I think you're going onto any private farm that has a levee and telling them that they cannot ride a motor vehicle on any portion of it unless it was designed for vehicular traffic, and that's my concern."

Davis, Steve: "Representative, there is already law that covers private property alright, and the Snowmobile Registration

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Act already covers permission to ride snowmobiles on private property. So, if you own a levee on private property then you own the levee, that's your levee, that's your property. You can allow people to run on your property according to current law. It's your property. This is not restricting you as a private property owner from allowing anyone to ride a snowmobile on private property."

Winters: "Okay, if that's your legislation intent to restrict it to only levee districts, you know, I just wanted that on the record."

Davis, Steve: "Very good."

Winters: "Thank you very much."

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

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

Speaker Hannig: "He will."

Davis, Steve: "No, no, no."

Deering: "What's the fine? What's the fine for if someone gets cited for this? What is the fine?"

Davis, Steve: "A fine for this? Two hundred and fifty dollars maximum. A Class C misdemeanor."

Deering: "Two hundred and fifty dollars? Is it a moving violation? Does it go against your driving record?"

Davis, Steve: "No, Representative, it's not."

Deering: "And it just deals..."

Davis, Steve: "It's a civil fine."

Deering: "Pardon?"

Davis, Steve: "It's a civil fine."

Deering: "Okay. And it's just snowmobiles on levees. It has nothing to do with crossing flat ground or anything?"

Davis, Steve: "No, Representative."

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Deering: "Okay, Representative. I have one more question. What is a vehicle?"

Davis, Steve: "What is a vehicle?"

Deering: "Well, in your...in one of your answers earlier, you mentioned snowmobiles and other vehicles. Now, in my area of the state we call them...what I think you're talking about is a vehicle. But you said vehicle."

Davis, Steve: "A vehicle. A vehicle."

Deering: "But you said vehicle. You know, is it something a farmer uses or something?"

Davis, Steve: "I think it's related to a icicle."

Deering: "Related to a what?"

Davis, Steve: "Ice cycle. Vehicles and icicles."

Deering: "Oh, okay. Well, thank you Representative."

Speaker Hannig: "Representative Stephens."

Stephens: "Mr. Speaker, I know that we've been on the floor for a long time the last couple of weeks, but I take exception, Representative Deering. Don't question the way we talk in Madison County. It's not a Republican or Democrat issue, Steve Davis. You know what a vehicle is and that's the way we say it in Madison County. Far be it from you Representative Deering, I've heard you talk before. Not every word that comes out of your mouth is just exactly right. So come on Representative, it's too early for this. Defend yourself, Sir. And, have you been practicing for the game?"

Speaker Hannig: "Representative Deering."

Deering: "Yeah, Mr. Speaker. My name was used in debate. Yes Sir, I have been practicing for the game. I just hope it's not the same day as the Buffalo Troll you know, cause it's hard to jockey those two positions at the same time."

Speaker Hannig: "The Gentleman from Sangamon, Representative Poe."

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Representative Poe."

Poe: "Yes, will the Speaker (sic-Sponsor) yield?"

Speaker Hannig: "He will."

Poe: "Can you tell me, and it said vehicles in there, what about all-terrain vehicles, four wheelers, those kinds of things? Is that what you're talking about?"

Davis, Steve: "I would agree with that if it is an unauthorized vehicle, Representative. This is to keep unauthorized vehicles, including snowmobiles, off of levee district levees without authorization."

Poe: "Isn't four wheelers more of a problem in the summertime than snowmobiles are in the winter, actually?"

Davis, Steve: "Well, I think they are and I also think that motorcycles are a problem in the summer."

Poe: "I just wonder if we shouldn't have spelled it out a little bit better of what kind...ATV takes in a lot of things that if you shouldn't spell that out a little bit clearer in the Bill."

Davis, Steve: "Well Representative, I think vehicles is pretty broad, and I think that's what we want to keep. We want to keep all unauthorized vehicles off of the levees regardless of what it is."

Poe: "What about equestrian, whatever, they seem to tear up a levee pretty bad? What about an animal on a levee walking up and down the sides? They cut trails, cut washes."

Davis, Steve: "That is not covered in the Bill."

Poe: "Do you think it should be?"

Davis, Steve: "I'll have to check with the Horsemen's Association on that one, Representative."

Poe: "Okay. But that is a problem that we find on public ground that people are wanting to do a lot of joy riding, I mean just pleasure riding with horses and they do, by having an

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experience with a levee and they will tear up the side of a levee and causes some washes which could cause some problem in the future."

Davis, Steve: "Well, we can work on that in the next Session. I'd be glad to work with you on that."

Poe: "Okay. I hope you can clarify four wheelers, all-terrain vehicles and some of those things and make it clear."

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

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Hannig: "He will."

Johnson, Tom: "Representative, I understand what you are trying to do here and I have a problem with this in the sense that your language, you mentioned levees going through private property and so on that obviously people can give permission, but your Bill basically says that no person shall drive a motor vehicle on any part of a levee in this state. It is that broad. Nobody shall do it on a levee in this state. Now your Amendment except when you have written permission of a levee, whatever it is, the commissioner of levees or whatever, and I think what you're intending to do is correct, but I don't think that this language gives enough in the way of exemptions there and exclusions on that. But it definitely says 'no person shall drive a motor vehicle on any part of a levee in this state except for a levee roadway designed', and it doesn't say levees controlled by the state or state levees. It just says any levee in this state, and I think it just needs to be cleaned up with some language. I'm willing to support it to move it to the Senate but I do think that you really do need to work on that."

Davis, Steve: "Representative, I think I agree with you as far as

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becoming more specific on the Bill, and I would agree. Let's move this Bill out of the House and we'll amend it over in the Senate. Would that be fine with you?"

Johnson, Tom: "That's fine."

Davis, Steve: "Alright."

Speaker Hannig: "There being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; 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 114 voting 'yes', 2 voting, and 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 1651?"

Clerk Rossi: "House Bill 1651, a Bill for an Act to amend the Downstate Forest Preserve District Act. This Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been referred to the Rules Committee and has not been approved for consideration."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 791."

Clerk Rossi: "House Bill 791, a Bill for an Act amending the Illinois Plumbing License Law. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 791 would amend the Plumbers Licensure Act related to a few different items. This Bill is an Agreed Bill between the plumbers' union and the plumbing contractors. It addresses a litany of different aspects of the continuing ed. It allows the Department of Public Health to

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investigate unlicensed activities of persons who practice, offer to practice, or attempt to practice as a plumber without a license. It's really a cleanup Bill and I would ask for your approval."

Speaker Hannig: "And on that question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Representative, I haven't had a chance to get all the way through the Bill so I just have a couple of questions on here. As far as the performance of putting in line and connecting up lines, is there any change in who is allowed to do that?"

Saviano: "I mean, what kind of lines are you talking about?"

Mautino: "Water lines...I guess the question is, when we put in a lot of the water lines, the laborers in a lot of our downstate areas will actually do all the work of putting the lines in until it comes to connecting up to the house or to whatever the facility is going to be. The actual connections are then done by a licensed plumber. Is there anything which would change the way that that works in the state right now? I had some calls from some laborers who were concerned that their labor local would no longer be able to do the pipeline the water main work with the exception of the actual connections under code."

Saviano: "Representative, I don't see anything in the analysis or the Bill that would change what the current practice was as far as how the laborers and the plumbers would collaborate on a job site at all. It doesn't really distinguish duties. It's..."

Mautino: "So, it's not the intent here in these negotiations, that the actual, the line work itself be only done by licensed plumbers? A union laborer could still go in and do the work all up to the point of a tie-in?"

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Saviano: "That is correct, Representative."

Mautino: "Thank you very much for clearing that up."

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

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

Speaker Hannig: "He will."

Black: "Representative, in the analysis it clearly says what this Bill does is to establish a new Section that requires water main installations to be done only by a plumber or an apprentice licensed. That's a considerable change in existing law. Is there a reason for that?"

Saviano: "Representative, currently, from what I understand as a former superintendent of water for my township, we had to have a licensed plumber, a state licensed plumber on our staff to repair all water main breaks, replacement of water mains. I don't think that necessarily changes drastically what was in the past. I think it somewhat clarifies what the past practice was. Now, this Bill, I could tell you, has evolved through the process. We've had no opponents throughout the process that filed or showed up or whatever in committee. So, I think that maybe the language indicates, would imply a bigger change than it really is. It's more of a clarification Bill than anything else."

Black: "Well, thank you, Representative. Mr. Speaker, to the Bill and Ladies and Gentlemen of the House. It's my interpretation that this is a major change in state law. We have always been able to hire a general contractor to run a eight inch main or a twelve inch main, or even bigger, to an industrial site, to a future residential subdivision and that means that building trades people like laborers would be installing the water main installation."

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Current law says once that water main is installed to the end user, then a plumber must take that from the connection to the end user. You know, 35 years ago, I used to be able to change out a water heater and I was pretty good at it. I could do a couple hundred water heater installations in a year. I can't do that anymore. I'm not a licensed plumber so I can't touch a water heater. I think, eventually, as we continue to change law, we inhibit the ability of the business enterprise to do some work and if that's the Sponsor's intent, and it may not be, and he's probably well-intentioned, but I rise in opposition. I don't think that this is received, maybe there was no opposition because general contractors, laborers, and people currently in this business are not aware of this, but I rise in opposition."

Saviano: "Excuse me. Representative, if you read the Bill, this is for cities of 500,000 or more, okay? This would have no bearing on your community. This is a request by the Chicago Plumbers' Council, the Illinois Plumbing Council, and the plumbers' unions. I think you read the Bill, but you didn't read all the way through where it said it's for a city of 500,000 or more. There's no opposition in that language. I just spoke to Representative Mautino who I made assurance that that wouldn't affect him in his area and we have located it in the Bill. I would ask for your approval."

Speaker Hannig: "Representative Black, do you have any further questions or comments?"

Black: "Well, you know, I hope my city is 500,000 or more in a few years. Today Chicago, tomorrow Danville, tomorrow 'Podunk'. I'm still in opposition."

Speaker Hannig: "The Gentleman from Cook, Representative Giglio."

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Giglio: "Yes, Mr. Speaker. I'll be voting 'present' on this Bill as I have a conflict of interest, however, Representative Black, I'd be happy to look at your water heater if you have any problems with it."

Speaker Hannig: "The Lady from DuPage, Representative Pankau."

Pankau: "Will the Sponsor yield for a question?"

Speaker Hannig: "He will."

Pankau: "Representative Saviano, originally, the Municipal League was opposed to this Bill. You've amended it twice. Could you brief us on what their concerns were and how you handled them in the Amendments?"

Saviano: "We have never heard from the Municipal League throughout the process. I think just legislation of this nature, they're generally might be opposed to it but they did not voice any vocal opposition in committee or to myself or to the staff. So I would have to say that just as a generality they probably would be opposed, but we have heard nothing from them."

Pankau: "So, you're not really familiar as to what their concerns might be?"

Saviano: "They never told me."

Pankau: "And in the two Amendments, what general areas did you address?"

Saviano: "The Amendments...what the Amendments did is combine, we had filed a litany of different plumbing licensure Bills. The Amendments combined all of those into one Bill so we didn't have to run five Bills, we're just running one Bill."

Pankau: "Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Joseph Lyons."

Lyons, J.: "Thank you, Mr. Speaker. I rise in support of this

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Bill. I know personally, Representative Saviano has worked hard and long to put a lot of things together to make this read favorably and I want to go on record to support this as a cosponsor and encourage both sides of the aisle for an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. 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 93 voting 'yes', 19 voting 'no', and 2 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 282."

Clerk Rossi: "House Bill 282, a Bill for an Act amending the Grain Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 282, 283, 284 and 285 will all be Shell Bills that have been agreed to by the Republican Leadership and the Democrat Leadership as well. We're sending to the Senate with the intent of being available if we have any questions on any of the areas that we have been dealing with in the last 'inaudible'. We have talked with your Leadership. Mr. Stokke is on board. I think that...any questions would be glad to try and answer."

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

Johnson, Tim: "Will the record please reflect that it was my intention to vote 'yes' on the last Bill, which was House Bill 791."

Speaker Hannig: "Thank you, Representative, The Journal will reflect your intentions. The Gentleman from Vermilion,

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Representative Black."

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

Speaker Hannig: "He will."

Black: "Representative, in the...I can't find my spokesperson on Ag. Has this been cleared through Representative Noland and on up the food chain?"

Woolard: "Very definitely. Our intent is to send this to the Senate. It will be given to the Republican Chair of the Ag Committee, Todd Sieben, with a joint Sponsor of Bill O'Daniel, and these are strictly for the purpose of doing necessary things as far as agriculture is concerned in the last minute of the Session."

Black: "And it's your intent that it won't be used for anything but agriculture related..."

Woolard: "It will be positively and it will be agreed to by both the Democrat's and Republican's, House and Senate."

Black: "Okay. Thank you, Representative."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Gash, Chairman from the Committee on Judiciary II, to which the following Amendments were referred, action taken on April 16, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment 1 to House Bill 1670, and Floor Amendment #1 to House Bill 1090. Representative Mautino, Chairman from the

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Committee on Insurance, to which the following Bill was referred, action taken on April 16, 1997, reported the same with the following recommendation: 'do pass Short Debate' Senate Bill 802. Representative Deering, Chairman from the Committee on Transportation Motor Vehicles to which the following Amendment was referred, action taken on April 16, 1997, reported the same back with the following recommendation: 'be adopted' Floor Amendment #3 to House Bill 1557."

Speaker Hannig: "Mr. Clerk, read House Bill 1123."

Clerk Rossi: "House Bill 1123, a Bill for an Act in relation to compensation for state's attorneys. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Mr. Speaker. An inquiry of the Chair. I thought Representative Dart was also on as a cosponsor. I don't...if someone...if the Clerk could check. I thought he had been added."

Speaker Hannig: "Yes, the Clerk has made that adjustment on the board Representative."

Cross: "Thought it had happened some time ago, but okay. Eleven twenty-three is a relatively simple Bill. It's a Bill that I have been working on along with, actually Representative Dart, on behalf of the State's Attorneys Association. It amends the Compensation Review Act as well as the Counties Code to provide that the Compensation Review Board which right now sets salaries for the Legislative and Judicial and Executive Branches, would also set salaries for the state's attorneys. Currently, the General Assembly sets the salaries of state's attorneys. And since they are part of the Judiciary Branch, according to the Constitution in some cases that have been litigated in our court system,

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it's the feeling that they should be part of the Compensation Review Board. I'd be glad to answer any questions and I would appreciate a 'yes' vote."

Speaker Hannig: "And on that question, the Gentleman from McHenry, Representative Skinner."

Skinner: "Well Representative, using your theory that the State's Attorneys Office is part of the Judicial Branch, isn't the Circuit Clerk's office part of the Judicial Branch?"

Cross: "Not according to the Constitution, Cal."

Skinner: "No? They tell me they are. So if we like the Compensation Review Board, we should vote in favor of this because this takes more power away from us and gives it to people who have no responsibility to anybody. But if we don't like the Compensation Review Board increasing our salaries every year or every other year, we should vote against it."

Cross: "Well, Cal, actually there are probably people who would like to vote for this Bill because they wouldn't have to vote for state's attorney pay raises one way or another and it would be a political expedient thing to do for those that don't want to vote 'yes' or 'no' on pay raises. That may be one way to look at it."

Skinner: "That frames it pretty well. If you want a politically expedient vote this is...you ought to vote 'yes' on this Bill."

Cross: "No, that's not what I said, Representative, but I was trying to respond to your question."

Speaker Hannig: "The Gentleman from Knox, Representative Moffitt."

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

Speaker Hannig: "He will."

Moffitt: "Representative, just want to get a clear understanding

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on this. Is the portion that we're talking about that would be set then by the Compensation Review Board, is that the portion that would come entirely from local funds?"

Cross: "No, it would come from the state."

Moffitt: "So it's just state money? We're not in anyway impacting local government?"

Cross: "Correct. All raises since 1988 have been...that state's attorneys have absorbed and will continue, if there are any raises in the future, will be paid by the state, not the county."

Moffitt: "Okay, and no portion of this changes the base or anything? The base salary according to population that would be a unfunded mandate on local government then?"

Cross: "That's correct."

Moffitt: "Okay, thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. 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 76 voting 'yes', 32 voting 'no', and 7 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 283."

Clerk Bolin: "House Bill 283, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of this Bill."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you again, Ladies and Gentlemen of the House. Same plan as the Bill that we just did a couple of minutes ago."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote

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'aye'; 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 114 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 284."

Clerk Bolin: "House Bill 284, a Bill for an Act to amend the Agriculture Fair Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Woolard."

Woolard: "Ditto."

Speaker Hannig: "Representative Turner, John Turner, is recognized on that question."

Turner, John: "Representative, could you repeat that explanation?"

Woolard: "Ditto."

Turner, John: "Alright, and I didn't hear the original explanation, so, could we go back even a step further and tell me what the ditto refers to?"

Woolard: "John, all were doing is sending a vehicle to the Chairman of the Ag Committee in the Senate, and if there is anything that we need to do in relation to all of these Acts, we will have a vehicle available and posture it in position to do it at the last minute."

Speaker Hannig: "The Gentleman..."

Turner, J.: "Thank you."

Woolard: "Thank you."

Speaker Hannig: "The Gentleman from Madison, Representative Stephens."

Stephens: "Would the Sponsor yield?"

Speaker Hannig: "He will."

Stephens: "Representative Woolard, what county are you from?"

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Woolard: "Williamson."

Stephens: "And what kind of Bill is this?"

Woolard: "I...actually it's Bloody Williamson if..."

Stephens: "Excuse me?"

Woolard: "Actually, it's Bloody Williamson."

Stephens: "Well, you're always trying to get that labor stuff in here aren't you? Historic or not. I appreciate that and I hope that you'll tell the Gentleman to your left and slightly to the front how we pronounce the bloody vehicle."

Woolard: "You know, I really agreed with you awhile ago. I think that it was totally out of context and unnecessary for him to be harassing a good Legislator like Representative Davis."

Stephens: "You're statewide material buddy."

Speaker Hannig: "And on this question, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 114 voting 'yes', 1 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1373."

Clerk Bolin: "House Bill 1373, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring to you House Bill 1373. This is a Bill that amends the Criminal Code of 1961 and the Uniform Code of Corrections. It includes criminal trespassing of buildings or residences. We had an incident in Walnut, Illinois with some older youngsters on top of the building."

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Jumped off onto an air conditioner, tore up the air conditioning lines and caused considerable damage to the owner. After making the repairs, he went to his local police to see what the charges would be to see if he could recoup some of those funds and found out that because the way the law is written in Illinois, unless you have given prior notice or there is burglary included, there was no charges. He was concerned with that that there was absolutely nothing done. The youths were set free with no penalty whatsoever, so I talked to the state's attorney of Bureau County. We discussed legislation and we came up with this particular change. I've run it by all of my state's attorneys in my district. They suggested some changes. We amended the Bill. There was a concern at one time that it did include farm buildings and barns. We've amended that out of the Bill, and basically what the Bill says is that, if you are in a building, unauthorized, you can be charged with a Class B misdemeanor. Be happy to answer any question on this Bill."

Speaker Hannig: "Is there any discussion? The Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Johnson, Tom: "Jerry, I asked you one question in committee that concerned me. And that was, if my son took your daughter into your barn for a little rendezvous, is my son at that point now going to become a certified criminal? And have you taken care of that in your Bill?"

Mitchell: "Representative, now, if your son gets my permission to take my daughter to the back barn, then it's okay."

Johnson, Tom: "But other than that, he's still in trouble?"

Mitchell: "Well, the law as it reads today, if I have it posted

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or give prior notice, we have left the law as it is. But, I can guarantee you Sir, he probably would be in trouble unless he sat down and talked to me for a good long time."

Johnson, Tom: "Is your daughter your agent? Can your daughter act in your behalf to invite my son into your barn?"

Mitchell: "Not at her age Sir, she's only ten."

Johnson, Tom: "Okay. Well, my son is a little older than that. Thank you."

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

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

Speaker Hannig: "He will."

Dart: "Representative, what is the difference...what is the penalty for this now?"

Mitchell: "Representative, that was another change that we agreed to make after going through committee. We had that as a Class A misdemeanor. We've reduced that to a Class B misdemeanor and after talking to my state's attorneys, they were concerned with it being the same penalty as that of going unauthorized into a residence. The question was put to me, if you had to choose, of course it's not a good choice, but if you had to choose and you had an uninvited guest, and I use that term loosely, that entered one of two places, where would you rather have them in your commercial building or in your bedroom? And I certainly agree that there ought to be a difference in that particular penalty."

Dart: "Okay, so you have two different penalties now? There's one penalty for criminal trespass to residence and one penalty for criminal trespass to real property?"

Mitchell: "That's correct, Sir."

Dart: "Okay, thank you."

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

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

Speaker Hannig: "He will."

Deering: "Representative, is this just dealing with criminal trespass to buildings or will land...is land also under the umbrella?"

Mitchell: "No Sir, we did not change land. We were concerned and in fact, we...when we drafted the Bill the second time, we put this in a second paragraph to make sure that there was no question. We don't want to do that. We still want land posted and I think that would cause a lot of problems. We're only dealing with the commercial building aspect at this point."

Deering: "And is there anything in here dealing with public buildings? Say you have a park that has playground equipment, maybe a couple of pavilions, but you have one building that is kind of set off where maybe stuff is stored, and someone wanders in that public building. Can the local authorities bring charges up against an individual or is it...since it is noted as a public building they can go into that building..."

Mitchell: "Representative, if it is open to the public, no, they can't. If it's not open to the public, if it's a building."

Deering: "Thank you, thank you."

Speaker Hannig: "There being no further discussion on this issue, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted wish? Have all voted wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 285."

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Clerk Bolin: "House Bill 285, a Bill for an Act to amend the Livestock Management Facilities Act. Third Reading of the House Bill."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr Chairman. This is the last in a series of four Bills that we will be sending to the Senate to give to the Republican Leadership. We hope that we will get the same results we have on the previous three."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; 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 117 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1561."

Clerk Bolin: "House Bill 1561, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1561 amends the Marriage and Dissolution of Marriage Act by requiring that the court shall interview any child age 12 or older, and may interview any child under age 12 who is the subject of a petition for leave to remove the child from Illinois, to ascertain the child's wishes as to removal. There has been an Amendment placed on it at Representative Dart's request that the court may not do that if it finds that the interview would result in irreparable harm to the child. There was no known opposition to the Bill."

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Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 0 voting 'no', and 0 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 487."

Clerk Bolin: "House Bill 487, a Bill for an Act relating to bonds for school construction projects. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Ladies and Gentlemen, this issue before you now will give all of you not only the opportunity to reaffirm your strong commitment to getting tough on crime and by providing a place to put criminals when we do increase the penalties as we have the last few years. But this also gives you an opportunity to show there is a balance of consideration. And that is for the children of this state. Ladies and Gentlemen, I have been here as many of you have, long enough to know that there is a need and a continual need to build prisons, because as we increase the penalties, we are providing more means to the local law enforcement officials to be more effective to put those criminals behind bars where they belong. We must provide a space, but let me tell you what's bothered me the last few years and why I bring this legislation to your attention, for your support, is that the balance of things is way out of balance against our children as far as facilities to provide for them to have decent atmosphere for learning in

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schools. Whereas, at the same we have been getting tough on crime and providing the facilities for liability reasons and all the other reasons we have done it, we have sophisticated facilities for our prisoners and very deprived facilities for our youth. Let me give you the case in point. And I know this is hard for many of you to believe. If you'll just give me your attention, this is very important. In southern Illinois, there is a particular school in the last few years that had taken their track program to the Shawnee Prison to use their track because they did not have one at their school. There's a facility, a school that closed down for consolidation purposes that did not have air condition in that facility and when I drove by that old school, the windows were open, the kids were outside in a playground that did not even have a softball or baseball diamond, they just had feed sacks as base #1, 2 and 3. But then I noticed a couple of years later that I drove by that facility and the windows were closed and there was a nice ball diamond and a track, and Lord knows what else was provided inside the facility, but that was converted to a work camp in Hardin County. And Lord knows we need those jobs in southern Illinois and that's why we would substitute or provide very much support for keeping strides with providing facilities for criminals as well as from the economic standpoint that we need in southern Illinois. So my support for those facilities are real, and I'm not here to demagogue an issue to the point where it's not really fair. But we have turned our back on our children as far as facilities that they are housed for educational purposes. This Bill, House Bill 487, gives you the opportunity not to spend more or less, but an equal amount

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for school bonding construction as we have for prisons. And this Bill does provide the accurate floor that Representative Black brought up yesterday that we need to cover in bonding construction to bring it up to the present level of the recent Bill that we passed, I think it is Senate Bill 87, that provides the 659 million for prisons, it now brings it up to the right level and this is asking \$360 million bonds to spend whatever dollar we spent for prison the last 2 years and then this year that's reflected in the bond authorization shall be spent for school construction. By no means is this enough to meet the needs because I know we've all shared the report from the State Board of Education that we're talking about 5, 6, 7 billion worth to meet the needs for school bonding construction throughout the state. But we've got to start somewhere and a realistic figure tells me that if we can spend 360 million for prisoners, the elaborate facilities that they have and all the recreation facilities and resources they have, let's at least balance and provide a decent facility that has basic resources to take advantage of the technology. Down home, if we had the computers and plugged them into the outlet, it would blow every fuse in the school building that's pre-World War I construction. That exists in my district and I'm sure it does in yours. In this Bill, we are trying to go about it fair too. We said since there's just 360 million, let's pay as we go, maybe the next year we can get more in the next year more in, but the first \$360 million should be spent on the very worst schools out there. How do we determine what's the very worst? By the standards, the criteria that I've outlined in this Bill. One, there are those schools that can no longer go any further in debtedness for adding on, for

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overcrowding. They can't go any further without going to a referendum to the people. They ought to be considered first. Secondly, the lives, safety, health needs and threats are existent, and many, many regional superintendents, if you've had the conversations that I've had, probably legally by the standards that exist, could condemn many of these buildings. Then, where would we put the children? Oh, but on the other hand, the federal courts have said, prisoners, if they're not treated with a little more space, a little more...better facilities, they could sue the state. So what do we do, we build these elaborate facilities. Come on, let's give the kids just an equal, not more or less, just an equal opportunity to be able to have facilities upgraded to the standpoint that we address the overcrowding, the life safety and health threats to our children and, of course, the way in which we fund priorities around here, should reflect our need for kids. I'll be happy to answer any questions. I appreciate your support."

Speaker Hannig: "Representative Lang is recognized."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Of course we need school construction bonds, and I most likely am going to support Mr. Phelps on Third Reading on this Bill. However, let me add that this is only \$360 million in bonds. The State Board of Education estimates we need approximately \$10 billion in building across the State of Illinois for new schools or for repairing of existing schools. Let me also remind you that these are GO Bonds, full faith and credit and all that sort of business. And let me remind you that House Bill 169, Amendment 3, which will be here one of these days for us to vote on, has a \$10 billion school construction bond program to be paid

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for out of bonds that are not GO Bonds with no full faith in credit to be paid for in a different way. So while I support this measure, there are other measures coming that will provide just about full funding for all of our school construction bond needs with no risk to the State of Illinois at all. So while we consider supporting this, let's keep in mind that there are other measures coming that will satisfy these needs."

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

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

Speaker Hannig: "He will."

Black: "Representative, I'm confused. Have you introduced the Bill or have you already closed?"

Phelps: "That was just my opening remarks."

Black: "Oh, alright."

Phelps: "You didn't want a song and dance, so I gave you a speech."

Black: "Alright, as well you should've. Let me ask you just a few questions Representative. When this Bill was first introduced, it excluded Cook and the collar counties, is that not correct?"

Phelps: "It did only to get the issue out there talking and it seemed like there would be more support to make it all inclusive statewide and the fact that I had identified you know, naturally enough needs downstate which includes your area..."

Black: "Absolutely."

Phelps: "...and the quad-cities down to well spend over this money and we know that Chicago had as many if not greater needs, so I thought that might come at a later date, but

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now we're enveloping the whole state."

Black: "So as amended, this Bill covers all counties in the State of Illinois?"

Phelps: "That's right."

Black: "Okay. I know you said in your opening remarks you are not changing the current formula, so it is still on the formula that most of us have grown up with, weighted average daily attendance and an inverse proportion to EAV, correct?"

Phelps: "The standards of which I outlined in this Bill, will coincide as best can be taken in by the State Board of Education and Capital Development Board of what is in existing law also. But I think we would have an advantage with these new standards to address the very worst schools first."

Black: "Okay."

Phelps: "That's my point."

Black: "In your Bill, you do not identify a funding source for the bonds, so I assume it's going to be General Revenue Funds that we would have to appropriate as we do on any bond issue, correct?"

Phelps: "Right. And Representative Black, I know that this can be viewed as one of those that is weak as far as how you are going to pay for it and I've been around long enough to know those games, but let me tell you why I did this. One of my first Bills, my very first Bill was responding to school construction needs when I came here in 1985..."

Black: "Can you remember that far back?"

Phelps: "Oh yeah, I'm losing a a little bit of it, but that was sharp in my memory. At the same time, I spent 6 to 8 years after that, trying to respond to the Leaders to Governor Thompson to Governor Edgar's appeal, where's the revenue

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source, how are you going to retire these bonds? And you know what I finally resigned to? The same place we're paying for prisons. The very same place. Try to go to these prison's sweepstakes to southern Illinois where we have prisons everywhere and say, 'If you want this prison facility that brings 300/500 jobs, you have to pass a property tax referendum to retire the bonds or at least a portion of it.' See how many prisons come to your area if the citizens are faced with that kind of question. So I say, let's do not more or less, but equally pay for schools for our kids that can have basketball goals and ball diamonds as well as our prisoners. And the revenue source be retired in the same way. Maybe that will wake us up to reality."

Black: "Thank you very much, Representative, I stand in support of your Bill. An inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "Does this require an extraordinary majority since we're increasing the bond limit?"

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

Black: "So, it takes 71 votes..."

Speaker Hannig: "Seventy-one votes."

Black: "All right."

Speaker Hannig: "Seventy-one votes."

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

Speaker Hannig: "Representative Biggins."

Biggins: "Good morning. Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He will."

Biggins: "Representative, I think that you've amended the Bill now so the collar counties and Cook County can participate in this allocation."

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Phelps: "Yes, the whole state."

Biggins: "However, current school-aid formula does not allow much money to, particularly, the collar counties, and I represent western suburban Cook County as well as eastern DuPage County. Can you tell me how this would benefit the school districts I represent?"

Phelps: "This...the formula and the standards of which I outlined should not be biased against any particular area or location in the state whatsoever. We very carefully crafted these criterion to make sure that there is not a prejudice against any particular location in the state. If they are an overcrowded situation; life, safety, health concerns that your regional superintendents have probably got in their files, they don't want to show very many people, all those situations. I've got a Bill on the Order coming up that asks for a little bitty area in New Burnside, near Simpson Hill, be...increase their bonded indebtedness to add on because they're overcrowded and they're older buildings. There is just no way. They actually have...have to take desks...everything out of a particular area to eat lunch in an area. They utilize three or four different activities for the same hall. They put up the portable tables for lunch, then they take it out to have recess and they have classrooms in there, and plug a few computers in that won't blow a breaker point. All kinds of situations are shifting, but they can't without going to the people for a front door referendum. So I say that they should be, since we're limiting dollars to 360 million in this first phase, they should have, be recognized by the State Board of Education, the Capital Development Board and what my Bill incorporates in the standards, they should have first glance and first chance

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at this money and priority."

Biggins: "Thank you. You know, I think you are equating this to the amount of monies being spent on prisons, that's your analogy, I guess. But, are we sure the money is going to go to the schools? One thing about spending money on prisons, every time we build one, we fill them up. In fact, the average daily attendance is higher in prisons than it is in our schools. What would...what would this do to promote...Also, should we compare it to another spending fund, perhaps the Road Fund or something? Shouldn't the monies for schools be higher than for prisons?"

Phelps: "In a real world and a world that if we were doing, I think, what our job is, responsibility is lined out, Representative Biggins, I agree with you, it ought to be triple this. And I believe we're going to have a chance to vote on several bonding funding situations here before we end up the process, and maybe it's going to take all of them or a consolidation of effort here. But what I'm saying is, to just to sharpen the idea in your mind, let's at least bond what we have for prisons the last two years and incorporate what we have in the new proposal that the Governor outlined in the State of the Budget. Let's at least do the same. And I can, hopefully, I won't have anything on my conscience when a wall falls in on some kids. That very easily could happen as we speak. It really could. Or a fire trap is, you know, causes a big concern for us and we say, 'Oh my, look at this stainless steel kitchen and fireproof area in the Big Muddy Prison that we spent almost 60 million on for 1,200 inmates.' And down at Gallatin County, who does have a new K through 12 building, it just cost 13 million for 1,200 students. Now, where's 40 million difference? The elaborate facilities.

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And nothing else, we can maybe tighten down on what that Capital Development Board is saying, 'Oh, we must meet these specifications for prisons.' Folks, this is your chance. Let's show at least a fair balance to our kids. At least."

Biggins: "Thank you."

Speaker Hannig: "The Gentleman from Madison, Representative Bradford."

Bradford: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Hannig: "He will."

Bradford: "Ladies and Gentleman, on the Bill. Sitting on the Education Appropriation Committee this year, the Assistant Director for the Board of Education indicated to that committee that there are schools so unsafe in this state that he would not send his own children to. Let me repeat that to you. Schools so unsafe he would not send his own child to those schools. I think that is a deplorable condition. This is an issue for the children and their safety in getting their education and I urge you to support the Bill. Thank you."

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

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

Speaker Hannig: "He will."

Davis, M.: "Representative Phelps, I certainly recognize a need for school construction across the State of Illinois. I recognize that in many of our areas, some schools are 100 years old or older. Is Cook County included in House Bill 487?"

Phelps: "Representative, because of your able leadership the past several years in education and being Vice-Chair of my committee, you made that point very clear and Chicago is

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included. All of Cook County. In fact, the whole state is in this particular Bonding Bill and we thank you for that."

Davis, M.: "Well, thank you very much. I think this is an excellent piece of legislation. I think the time has come when those of us who send children to school or who represent parents who have children in our schools, that we must do something about the buildings in which they enter. Children get a self-concept based upon the schools they're in all day. How do others think of me? And when you look at the buildings that some of them are in, you would have to ask yourself, do people think well of these particular children? Are these children important to the State of Illinois? As we move into the 21st Century and we're going into a computer world of information and technology, our children must be able to compete worldwide. They're the people who will pay into the social security systems that you and I will perhaps be benefits...take benefits from. I urge everyone in this room to place a green vote and vote 'aye' on this very significant legislation for all the boys and girls and all the taxpayers in the State of Illinois. Thank you."

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

Younge: "Thank you, Mr. Speaker. Representative Bradford reminded me of a witness that testified before the House Appropriations Education Committee, and he not only said that there were some schools in Illinois that were so unsafe that he wouldn't have his children in there, he said that he would be afraid to go into those schools, too. I think we have a moral obligation to vote 'yes' on this Bill and support what Representative Phelps is doing. How can we have children in school with high self-esteem and making high grades and wanting to be good citizens when we have

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them in dungeons. This is a crucial problem. I think that Representative Phelps's Bill is very conservative in terms of the overall problem. We have an \$11 billion problem in reference to the bad construction and bad condition of our schools. Let's take the first step and do at least as much as we're doing on prisons and vote 'yes' for Representative Phelps's Bill."

Speaker Hannig: "Thank you. And there being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', 0 voting 'no', and 0 voting 'present'; and this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1433."

Clerk Bolin: "House Bill 1433, a Bill for an Act concerning law enforcement records and reports. Third Reading of this House Bill."

Speaker Hannig: "Representative Beaubien."

Beaubien: "Yes, I bring this Bill for your vote here today. It is the Illinois Police Bill. We took it back to a second Amendment to clean up some of the problems that the committee Members had. It passed unanimously through committee."

Speaker Hannig: "Excuse me, Representative Beaubien. There are two Amendments that have been approved for consideration by the Rules Committee. Is it your intention to have those adopted?"

Beaubien: "Yes. I'm sorry, yes. Please adopt the two Amendments."

Speaker Hannig: "So, Mr. Clerk, return..."

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Beaubien: "No, I'm sorry, the first Amendment was already adopted when we first came before the floor. I believe if that's not the case on the record, I would like to have both of them adopted."

Speaker Hannig: "Well, let's ask. Mr. Clerk, what is the status of the Amendments on this Bill?"

Clerk Bolin: "Committee Amendment #1 was adopted to the Bill as well as Floor Amendment #2. Floor Amendments #3 and 4 have been approved for consideration."

Speaker Hannig: "So, Representative, is it your intention to..."

Beaubien: "It is not my intention to proceed with #3 and #4. It is my intention to proceed with the Bill."

Speaker Hannig: "Okay. Proceed, Mr..."

Beaubien: "Thank you very much. As I've said before, this is the Illinois State Police Bill and we amended it for a second Amendment to clean up some of the concerns that the committee had. The Bill deals with criminal history records, drug chemistry reports on juveniles, release of sexual assault information by minors and a scientific sampling method. If there are any questions, I'd be glad to answer them."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

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

Speaker Hannig: "He will."

Beaubien: "Yes."

Pugh: "Representative, can you...I missed the original debate on this Bill. Could you explain to me the purpose of this particular piece of legislation?"

Beaubien: "Yes, I can. It deals with four parts. The first is release of criminal history records which will allow the records department of the Illinois State Police to disseminate information not only as to convictions, but

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pending arrests, as is defined in the Bill as being within two years. Also, along with that, by the way, as the Amendment is provided, no longer can individuals receive this information which are about ten percent of the applications. But ninety percent of the applications on licensees and employers will now receive this information which, by the way the improper dissemination of, is a Class IV felony, I think, with one year in...up to one year in jail. The second Amendment or part of the Bill deals with drug history reports on juveniles. We're trying to have the same procedure that was approved a couple years ago in the General Assembly for adults, which will allow the lab reports in evidence unless either the defendant or the trial judge requests that these items be approved of specifically. There's a great deal of time spent by lab technicians in the courts, only spending five percent of their time testifying and rarely is the issue of the lab tests an issue. And, again, I would point out that the defendant does have the right to request that the chemist does come in and testify. The release of information on sexual assault evidence by minors deals with the issue of individuals under the age of 17 that are victims of sexual assault. Under the current law only a parent or guardian can release that information, which in most cases that is what happens. However, we're dealing with a case of minors where the perpetrator of the crime is frequently a member of the nuclear family and it's very difficult to get the consent. The evidence is taken over to the State Police or to the arresting agency, they have to hold that information, go to court to get a court order to release it and the law enforcement authorities tell us that delays their very much needed investigation time up to two weeks.

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This Bill provides that those 13 years and older can consent. Those under the age of 13 will...the attending physician can give that consent. The last item is a rather technical one dealing with scientific sampling. There has been a couple of cases where the method of sampling has come forward and this codifies that the use of certain scientific sampling methods that have been improved, such as the random sampling under normal theory and the hyper-geometric sampling, by the way, I can't find those, will be accepted standards. We will move that as an issue in the case. Essentially, those are the four elements. If you'd like to address either one or all of those, I'd be happy to discuss them with you."

Pugh: "Well, Sir, I'm particularly interested in the Amendment relative to the pending arrest. You're saying that if an individual is charged before he is convicted, information can be given to a potential employer, information can be given to a potential licensee before an individual is actually convicted of a crime. Is that correct?"

Beaubien: "That's correct."

Pugh: "So what happens once the individual...So, in essence, we're assuming guilt. We're abdicating this individual's rights to a fair trial if we are taking pending...we're taking pending information and giving it to a prospective employer. When this individual...when this individual steps in front of a judge and the judge finds out that he is not working or that he is unemployed because of the information that you have given to a potential employer, then the judge is more likely to find this individual guilty of a charge. Now what will happen? My particular question, Sir is, what happens if this individual goes to court and he is found not guilty? Will your Bill call for

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the individual some kind of mechanism to allow for restitution to this individual? Is there a mechanism that would allow for the employer to be notified that he was found not guilty?"

Beaubien: "I'd like to respond to that, perhaps giving you some of the background for the reason for this. In many cases the employers are nursing homes, child care centers, hospitals and so forth, and it's thought that it's relevant to have arrest information before then. I would like to point out to you, by the way, that under the Illinois Human Rights Act you cannot fail to hire someone based upon a pending arrest record. And there are also numerous other protections built in the Bill. The misuse of information, as I said, is a Class A misdemeanor with up to one year in jail. The individual asking for the consent is asked to file a form. On that form, which he has to sign and he checks off that it is for employment or licensing purposes, he does receive a copy of that form. Two copies are sent back and he can respond to that. So, they do have an opportunity to review and challenge their criminal history."

Pugh: "Now, Sir..."

Beaubien: "And most of...and many of the issues that I think people are concerned about when they have these arrests of people with no intent to charge, there are two provisions in the Bill that...actually, there's one reality that addresses itself. Most of those are local ordinances and are Class C offenses and they are not covered by this Act."

Pugh: "Representative..."

Beaubien: "And all..."

Pugh: "...Beaubien, with all due respect, Sir, my question was, what happens when an individual is not hired because he has

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a pending arrest?"

Beaubien: "This doesn't hire..."

Pugh: "Wait a minute, Sir, let me finish my question. What happens when an individual goes to court and is found innocent of the charge from which he is...has been charged? Is there a mechanism whereby there is going to be somebody that goes back to the potential employer and let them know that the charges were false and that this individual was not found guilty. Does your Bill address that, Sir?"

Beaubien: "They have to wait before the final disposition before they make a decision on hiring. It does not change the hiring standards. You cannot hire someone or deny somebody employment based upon a pending arrest and that is the current law."

Pugh: "So, that's law. That's the Department of Human Rights. That's law. How many employers, if you have a potential employee and you are notified by an outside agency that this individual has a pending arrest, how many employers in the real world is going to hire this individual? How many employers are even concerned with the human rights law? With the number of downsizings that are taking place throughout the country, throughout the State of Illinois, within your community, how many employers are not going to cast a jaundiced eye at an individual that has a pending release...a pending arrest record or a pending case, as opposed to hiring somebody who does not? This is discriminatory, Sir, and I assure you that an individual who has a pending arrest will not be able to secure employment. Now once the individual...once the individual is found innocent of the charge, is there a mechanism whereby we're going to go back and say that this individual was found innocent? We are destroying this individual's

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life based on a presumption of guilt. Based on a presumption of guilt, we are delineating an individual's ability to receive employment, based on an assumption of guilt. Now once this assumption is found false, in the event that this assumption that he is not guilty of the charge, is there a mechanism whereby we're going to go back and help this individual or at least negate what we have done?"

Beaubien: "The employer must wait until the final disposition before he can make a decision on the hire. If you're asking if there are civil remedies, I don't believe there are in this Act."

Pugh: "Now...But the reality, Sir, let's deal with the hard core reality. The reality is that they're not going to wait for an individual to finish going through a court challenge before they hire somebody else to do a job that they need to have done. To the Bill."

Speaker Hannig: "To the Bill."

Pugh: "This piece of legislation is discriminatory in the sense that you are presuming, we're presuming the guilt of an individual based on the fact that he or she has been arrested. There's no mechanism in place that would allow for restitution once an individual is found innocent of the charge. Although the legislation may be well-intended and honorable, I think that there's a number of flaws that need to be readdressed and I humbly request a 'no' vote."

Speaker Hannig: "Representative Beaubien to close."

Beaubien: "Yes, thank you. I do share some of the concerns that our distinguished Representative across the aisle does raise. I think there are provisions in the Human Rights Act that do address that. There are some practical problems, I realize, and I would be happy to work with him

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on those issues. This is the Illinois State Police Bill. I think it should go on to the Senate for their review and I would urge it's passage."

Speaker Hannig: "The question is, 'Shall this Bill pass?' 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 104 voting 'yes', 7 voting 'no' and 5 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 606."

Clerk Bolin: "House Bill 606, a Bill for an Act to amend the Riverboat Gambling Act. Third Reading of this House Bill."

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

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is no longer a Riverboat Gambling Bill. It was amended in committee to have a provision introduced that would deal with our racetrack in East Moline. Right now, that track is owned by an individual that also owns Arlington track. And there is a fund, a charity fund that is paid into by all the tracks, with a cap of \$750,000. And since we don't have live racing at the East Moline track anymore, the request was to eliminate their paying into this charity fund. It's simply divided up amongst the live racing tracks and the owner of the Arlington will, of course, pay a little more at the Arlington track and not pay the 30,000 he would pay at the East Moline Downs track. I would ask for your support in the passage House Bill 606."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He will."

Parke: "I didn't quite hear what you said about Arlington. Can you share with me, is Arlington Park in favor of your legislation?"

Brunsvold: "The owner of the Arlington Park track is also the owner of the East Moline Downs track."

Parke: "So, therefore, they're in favor..."

Brunsvold: "They're both the same owner and there's no live racing at East Moline Downs anymore. So the request was that we shouldn't have to pay the charity tax anymore for the backstretch for live racing. And he will in turn, that will be divided amongst the rest of the tracks and he will, in fact, incur a little increase at Arlington because of this."

Parke: "So then it's okay? The track...the racing industry is in favor of this?"

Brunsvold: "I have not heard a word from the racing industry."

Parke: "But Arlington is in favor of this? I need a clarification. I didn't hear that you said, yes, Arlington is in favor of this Bill."

Brunsvold: "Arlington is in favor of this. Yes, this is their request and it will simply divide up the 750,000, that does not change at all. It will just be being paid by the tracks that are having live racing now and so there's no hit on the charity fund at all."

Parke: "So the people that benefited from it still benefits? That's not going to go down? I think it's probably a good idea, then. Thank you."

Brunsvold: "Thank you."

Speaker Hannig: "And the Gentleman from Kendall, Representative Cross."

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Cross: "Thank you, Mr. Speaker. Inquiry of the Chair or the Clerk, I guess, more specifically. What's the status of Floor Amendment #1 that...filed by Representative Lawfer? It creates the Gambling Right to Vote Act. It also amends the Election Code."

Speaker Hannig: "Mr. Clerk, would you give us the status of..."

Cross: "For those people that are curious about Amendment...statewide advisory referendum on gambling."

Speaker Hannig: "Mr. Clerk, would you give us the status of these Amendments."

Cross: "We would like to make sure that everyone has an opportunity to vote on that. Also, if the Clerk could advise us when that was filed."

Brunsvold: "I might help, Mr. Speaker. The Amendment was filed in committee and it was rejected by the Executive Committee."

Cross: "Well, we show it as a Floor Amendment. I'm just trying to see what the Clerk's showing it."

Speaker Hannig: "Mr. Clerk, would you tell the Members the status of the Amendments that are adopted or pending."

Clerk Bolin: "Amendment #1 was adopted in committee. Floor Amendment #2 was defeated in committee."

Cross: "When was it defeated in committee?"

Clerk Bolin: "April 10th."

Cross: "Pardon me?"

Clerk Bolin: "The Amendment was defeated on April 10th."

Cross: "Okay, thank you very much."

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

Lang: "Thank you. I rise in support of the Gentleman's Motion. This is a good opportunity to discuss the issues that relate to gambling and I think there's some concern on both sides of the aisle about what to do. I would suggest

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sending this Bill to the Senate."

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

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

Speaker Hannig: "He will."

Wojcik: "Representative, I believe a year or two years ago I legislated something like this. Is it similar to the backstretch?"

Brunsvold: "I don't remember your Bill, Representative Wojcik. This Bill is not a Riverboat Bill, of course. Everyone should understand it's not, it's a Horseman's Bill. And I don't know, did you affect the charity...Backstretch Charity Fund?"

Wojcik: "What the Bill stated was that if you did not race, you would use the money for charity on the Backstretch Fund."

Brunsvold: "Right. This..."

Wojcik: "Same thing."

Brunsvold: "This Bill does not change that. East Moline Downs no longer has live racing, so it would only seem fair that they shouldn't have to pay any money for the Backstretch Charity Fund because they really don't have any backstretch anymore."

Wojcik: "Right. Correct. Now, tell me one more thing. You say there was an Amendment in committee that was not accepted and it was in reference to a referendum in the entire state against gambling. Is that correct?"

Brunsvold: "There was a statewide...there was an Amendment that, I think, Representative Lawfer offered dealing with a statewide referendum, and that was defeated in committee."

Wojcik: "When the Amendment #2 that was passed, what does that..."

Brunsvold: "The Amendment that's on this Bill was my Amendment

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that changed...This Bill was actually a Shell Bill when I introduced it and the Amendment I put on there was the language dealing with the racetracks."

Wojcik: "Thank you."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Johnson, Tom: "Representative, I just need some clarification. Is your intention that this Bill is going to go to the Senate and we are not going to be dealing with this Bill anymore other than what you have stated this Bill to be, or is this Bill going to be used as a vehicle for increasing slot machines, and so on, at racetracks?"

Brunsvold: "It's my intention this Bill is, you know, go over to the Senate as it is and that's what it is. It's a Bill to..."

Johnson, Tom: "Okay, but will..."

Brunsvold: "It's a Bill to help the East Moline Downs track with their backstretch charity contribution and that's all I perceive the Bill to be."

Johnson, Tom: "Okay. I understand that that's your intent in sending it to the Senate. Now, if they add on additional language that would in anyway increase gambling at the racetracks such as slot machines, et cetera, will you oppose that coming back in here, or is this really just a vehicle to deal with more issues as it relates to this over there?"

Brunsvold: "Well, Representative, there are a lot of vehicles out there. I mean, we have Senate Bills over here that are vehicles from Senator Weaver. I mean, there could be, you know, a lot of Bills that if somebody wanted to put

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gambling stuff on, could be put on other Bills. This Bill isn't necessarily anything else but what it just presently is perceived to be."

Johnson, Tom: "But I guess you're not answering my question. You're not going to oppose any further Amendments to this Bill in the Senate?"

Brunsvold: "I don't know what they're coming with. I'm sure if they had some acceptable Bill that we could all agree on, I think we could do that. I mean, they could put it on this Bill, they could put it on another Bill that's going over to the Senate. I don't know. We'd have to see what they do and I don't know if they're going to do anything."

Johnson, Tom: "Okay. Well, the reason I raise it is, in our own comments we're saying that the legislation may be used at a future date as a vehicle for reforms in the horse racing industry, such as increased purses and slot machines at the racetrack. And I guess my concern is the expansion of gambling here and if you're saying that you're going to work with that over there..."

Brunsvold: "Oh, yes."

Johnson, Tom: "...you know, I can't..."

Brunsvold: "You know, I don't perceive this to be anything else than what it exactly is. This was requested to solve a very small problem for the East Moline Downs track and that's what I'm doing. Now, I don't know what the Senator's going to do."

Johnson, Tom: "Okay, thank you."

Brunsvold: "I can't guarantee anything."

Speaker Hannig: "The Gentleman from Madison, Representative Stephens. Representative Stephens, did you seek recognition on this?"

Stephens: "Will the Gentleman yield?"

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Speaker Hannig: "He will."

Stephens: "Representative Brunsvold, this...the monies that this refers to go to charities?"

Brunsvold: "Charities, yes, Representative."

Stephens: "And to benefit the backside...not the backside."

Brunsvold: "Backstretch charity..."

Stephens: "The backstretch. Excuse me."

Brunsvold: "Yeah, they would go to charities. There's a cap of \$750,000, so..."

Stephens: "Is it fair to say that a track, like in southwestern Illinois, Fairmont, that contributes now and they get a...at the backstretch there, the folks out there do benefit. But we're going to..."

Brunsvold: "I didn't hear you, Representative, it's hard to hear."

Stephens: "We're getting...we're putting less money into this, but the quad cities was not benefiting. Is that right?"

Brunsvold: "The quad cities really doesn't have live racing anymore. They're paying a \$30,000 amount into the fund. What happens now is that simply the other tracks, if there were seven tracks, the six tracks would divide up the \$750,000."

Stephens: "Representative, is it...this should not be characterized as taking money away from a track...the backstretch folks at..."

Brunsvold: "Oh, no. Not at all."

Stephens: "For instance, Fairmont. Should it...that wouldn't be fair, would it? To say that? It wouldn't be fair to characterize it that way?"

Brunsvold: "No, they're going to have to pay a certain amount. Now, if you divide 750,000 up between seven tracks, that's one amount. If you divide it up against six tracks, that's

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another amount."

Stephens: "But it was only those six tracks that were benefiting to begin with."

Brunsvold: "Yeah. They have live racing, they should be paying this."

Stephens: "And that was 750,000? And the purpose of the original legislation?"

Brunsvold: "Was to...was to address a problem that the backstretch...the horsemen had, that they needed a charity fund for provisions on the backstretch and I'm all for that and you know, it's really not going to decrease anything there."

Stephens: "Right, and to the Bill, Mr. Speaker. The original legislation was meant that live racing venues would support the backstretch at those venues and this is simply...I do this as a clarification of that original language and rise in support."

Speaker Hannig: "There being no further discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. 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 81 voting 'yes', 25 voting 'no' and 9 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1664."

Clerk Bolin: "House Bill 1664, a Bill for an Act to amend the Clinical Psychologist Licensing Act. Third Reading of this House Bill."

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

Bost: "I would like to be recorded as 'no' on the previous Bill, please."

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Speaker Hannig: "The record will reflect...the Journal will reflect your intentions. Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I bring you House Bill 1664. This Bill is the culmination of about five years of work. When the Clinical Psychologist Licensing Act was passed previous and before it sunsetted and was rewritten, the wording in that Bill caused all persons practicing hypnosis to be criminalized. We began working with the clinical psychologists, with the medical board, with all the commissions involved and the licensing board to try to work out an Amendment. I'm very happy to bring you that Amendment this morning with agreement from all parties concerned. There is no opposition to this Bill. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. 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', 1 voting 'no' and 0 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 908."

Clerk Rossi: "House Bill 908, a Bill for an Act amending the Illinois State Collection Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 908 will amend the Illinois State Collection Act by requiring agencies to place all debts which exceed a \$1,000 and that are 90 days delinquent into the Comptroller's Offset

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System. The current law requires debts of a \$1,000 and over a year delinquent to be placed into the offset system. Ladies and Gentlemen, this is an initiative of the Comptroller's Office that was discussed last year and the year before. There is some incredible data that we have found as far as collection goes, or not collecting, and this initiative will really get the ball rolling on getting more money into the state coffers. This Bill passed 13 to nothing out of committee and I encourage all of you to support this. Thank you."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 117 voting 'yes', none voting 'no', and 0 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 992."

Clerk Rossi: "House Bill 992, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Roskam. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Out of the record. Mr. Clerk, read House Bill 268. Read House Bill 268 and Representative Roskam, we'll come back to your Bill next."

Clerk Rossi: "House Bill 268, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Jones. Shirley Jones. Is Representative Shirley Jones in the chamber? Out of the record. Well, let's return to Representative Roskam. 992, Mr. Clerk."

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Clerk Rossi: "House Bill 992, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 992 remedies the situation for a 501(c)(3) charitable organization in my district called the Peoples Resource Center. They have come up with a way to create...to get some of the tax benefits of a charitable organization by coming up with a limited liability partnership. They have partnered with another 501(c)(3) organization and the Catch 22 that they're in is, in order to do that they had to become the overarching limited liability partnership...is actually a for-profit organization, although all of the members are nonprofit and tax exempt. What this Bill does is allows them to get a property tax exemption which, I think, is clearly the intention of the law. We worked hard with the Department of Revenue. The Department of Revenue is neutral on the Bill. I know of no opposition and I'd urge an 'aye' vote."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed voted 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 268."

Clerk Rossi: "House Bill 268, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

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

McGuire: "I was away from my chair and I want to be an 'aye' vote

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on the previous Bill. I think it was 1116 or something."

Speaker Hannig: "The Journal will reflect your intentions.
Representative Shirley Jones."

Jones, Shirley: "Yes, House Bill 268 is a Shell Bill for
telecommunications. I ask for your favorable vote. Thank
you."

Speaker Hannig: "Is there any discussion? Hearing none, the
question is, 'Shall this Bill pass?' All in favor vote
'aye'; opposed vote 'nay'. Voting is open. Have all voted
who wish? Have all voted who wish? Have all voted who
wish? Mr. Clerk, take the record. And on this question
there are 57 'yes' and 60 voting 'no'. Representative
Jones, do you request Postponed Consideration?"

Jones, Shirley: "Yes, Postponed Consideration."

Speaker Hannig: "The Lady requests Postponed Consideration. So
ordered. House Bill 424. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 424, a Bill for an Act to amend the
Rivers, Lakes and Streams Act. Third Reading of this House
Bill."

Speaker Hannig: "The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. A couple of years ago the Lieutenant Governor and
the Governor and a number of other people were involved in
a...creating an Illinois River strategy team to look into
ways of slowing and reversing the damage that we are doing
to the Illinois River. That group produced a report that
was published in January and it contained 33
recommendations from a wide variety of interest groups, all
of whom agreed on these recommendations. The committee
then disbanded. This Bill is an effort to reinstate the
committee under the Lieutenant Governor's Office and have
them look out for the...have them look out for the

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implementation of its recommendations and I would urge a favorable vote. Thank you."

Speaker Hannig: "And on that question, the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the General Assembly. This Bill does show all of the importance of the Illinois River basin and it is a initiative and advisory committee for the Lieutenant Governor. However, I would urge that the Sponsor continue to work with the...an organization that has a lot of control over the basin and that is the County Soil and Water Conservation Districts, who already are doing a lot of this work and serve as an advisory and technical basis for that important river basin of the Illinois River. I would urge that the Sponsor continue to work with the soil and water district and that the advisory committee implement them as they move forward in their efforts. Thank you."

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

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

Speaker Hannig: "She will."

Lang: "Representative, is this your first Bill?"

Slone: "No, Sir."

Lang: "It's not your first Bill?"

Slone: "No, Sir."

Lang: "I got bad information. What was your first Bill?"

Slone: "Five thirty-five, Sir."

Lang: "Did we pass that one?"

Slone: "Yes, indeed."

Lang: "Well, we should probably pass this one too, then."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote

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'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 4 voting 'no', and 0 voting 'present'; and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1207."

Clerk Bolin: "House Bill 1207, a Bill for an Act to amend the Vehicle Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1207 amends the Illinois Vehicle Code. It provides that the Secretary of State shall not issue, renew or allow the retention of a driver's license nor issue a permit to a person under the age of 21 years who has been convicted of a gang related felony offense until the person is 21 years of age. It provides that the Secretary of State shall revoke the license or permit of a driver upon receiving a report of the driver's conviction of a gang related felony offense, and be happy to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Pugh."

Pugh: "Representative Meyer...Thank you, Mr. Speaker, will the Sponsor yield for a question?"

Speaker Hannig: "He will."

Pugh: "Representative, are we attempting to revoke the driver's license of individuals under the age of 21? What constitutes a gang related felony?"

Meyer: "A gang related felony is detailed...the definition's detailed in the Illinois Streetgang Terrorism Prevention Act. That's a definition that's already in the Act. I

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don't happen to have it right in front of me, but we're not expanding that in any way and this just allows that anyone that's been adjudicated guilty of a felony under that Act would have their driver's license revoked until they're 21."

Pugh: "Okay and that's revocation for...indefinitely?"

Meyer: "No, Sir, that's only until they are age of 21. Again, if you look at gang related crime and what I did, I looked at how gang activity is being...it is from one part of the state to the next, to the next. And as you look at individuals, they are going around the state, basically, and being involved in that type of gang activity and I believe that this would slow that activity down."

Pugh: "And what constitutes a gang? I know in Chicago they say that three black men standing on a corner constitutes a gang. In your Bill what constitutes a gang?"

Meyer: "Well, it would be...certainly three or more people is part of that definition, Representative. I'm not sure the rest of your definition is part of it, but three or more people who have a hierarchy and involved in criminal activities and have two felony convictions, it's a pretty well defined term. And, again, we're not doing anything to broaden the definition of anything here, that we're just indicating that those people that are guilty of it should not have the access to being transported around the state in their own vehicle by them driving."

Pugh: "Thank you, I have no further questions."

Speaker Hannig: "Is there any further discussion? The Lady from Cook, Representative Monique Davis."

Davis, M: "Representative, do you believe that gang members who are involved in criminal activity will drive without a license?"

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Meyer: "Well, Representative, I believe that this is just one more deterrent to try and reach out and indicate to people that they shouldn't be involved in those activities and, furthermore, I believe that if we can do anything that will curtail their ability to get around the state and perpetrate those types of things, that it's a benefit to all of us."

Davis, M: "Representative, I believe a person with criminal intent, be they gang member or non-gang member, it's a help to the police if this person has a driver's license because then the police can more readily find them, identify them and locate them. Now, I believe, Representative, if this Bill passes and so called gang members who have committed crimes are not permitted driver's licenses, you're going to find people that you don't know who they are. The police are going to try to arrest somebody, but they'll have no identification and they will have no record of any numbers or way of finding where they live or where they use to live. The current method of giving people a driver's license because one has passed the test to drive, allows you to many times find out where they are. If a person is truly bent on criminal activity, it is very doubtful whether he would be concerned with whether he had a license or not if it were denied him. I believe this Bill will slow down the process of this link computer system that's going to be in place across this state to help policemen identify and recognize individuals who have committed crimes. Now if we're going to remove the major ability for locating them, where do we begin? Where do we begin? You didn't allow him to have a driver's license, but he'll have one. It just won't be the right one. He'll have one, but it won't be the correct one and you will not be able to

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identify or follow the behavior of that individual. Now if that's what you're trying to create, then pass this Bill, otherwise, allow us the opportunity to know who these people are behind the wheel of a car. Don't do that to us in the State of Illinois. Thank you."

Speaker Hannig: "There being no further discussion the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. 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 103 voting 'yes', 7 voting 'no' and 6 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 444."

Clerk Rossi: "House Bill 444, a Bill for an Act amending the Hospital Licensing Act. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 444 amends the Hospital Licensing Act to require all hospitals that provide emergency room facilities to have a licensed physician certified in pediatric care in attendance 24 hours a day. The genesis behind this Bill is that a parent took her child to the hos...the emergency room of the hospital one night, and the baby eventually ended up dead because the doctor that was on duty used an instrument that was for an adult on a child and it caused the child to stop breathing because the instrument was too big. And I'll be more than happy to answer any questions that you may have in regards to House Bill 444."

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

Cross: "Will the Sponsor yield?"

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Speaker Hannig: "She will."

Cross: "Representative, I want to make sure I understand the gist of your Bill, that it would require all hospitals to have in an emergency room, on a 24 hour basis, a licensed physician certified in pediatric care. Is that correct?"

Flowers: "In attendance, yes."

Cross: "What do you mean by in attendance?"

Flowers: "To be on call, not on the premise, and the Hospital Association is in support of this Bill. This is their Amendment."

Cross: "What's the difference between attendance on site and on call?"

Flowers: "Maybe there's a difference in the fee. I have no idea."

Cross: "Well, I'm not trying to..."

Flowers: "I'm just saying that if a child were to be rushed to the hospital, then a pediatric would be on call to come to the hospital."

Cross: "Don't we do that...isn't that available right now?"

Flowers: "No, it's not. One would assume that it is, but it's not and that's the purpose of the legislation. Every time...Because you would take your child to the emergency room hospital, you assume that a pediatric or pediatrician is looking after your child. That's not true."

Cross: "What do we mean by on call? It's just...if at 3 o'clock in the morning I'm on call and I'm a pediatrician, a certified pediatrician, does that mean I can be at my house or I need to be in my office waiting? What is it...and I'm not trying to be sarcastic, what do we mean by on call?"

Flowers: "Whatever on call means. If a doctor's on call, what does it mean when a doctor's on call? It would be the same principle for a pediatrician to be on call."

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Cross: "Well, we're talking about a piece of legislation, so I think we need to know what on call is. I'm not saying we don't want a pediatrician nearby, but my concern is why don't we do the same for cardiologists, neurologists, oral surgeons, orthopedic surgeons. The list goes on and on and I..."

Flowers: "Representative. Representative, I'll be more than happy to cosponsor the legislation if that's what you so choose to do. Right now, my concern is that if I ever had to rush my daughter to the hospital, I would like to know that in the case of an emergency, someone will be there that's qualified to take care of her problem."

Cross: "So, is there a way for us, before we vote on this, to determine or for you to tell us what we mean by on call?"

Flowers: "Yeah, we can do that."

Cross: "I'm sorry."

Flowers: "I said, yeah, we can do that. It means, specifically, that there will be a licensed pediatrician on call in case of an emergency for 24 hours. Now, does...is whatever is in the hospital guidelines for emergency room doctors, do they have to be 15 minutes away? Is that what's in the guidelines? I don't know. Is it 30 miles away or 30 minutes away? Is that in the guidelines? I don't know. But the fact of the matter is there will be, if this Bill becomes law, a certified pediatrician on call 24 hours a day for a hosp...an emergency room of a hospital."

Cross: "Well, I guess I'm still...have not got an answer as to what on call is and I think, Representative, for an area from where you come and maybe where I come, we're going to have greater access to pediatricians. But if you're from other parts of the state, downstate for instance, that 30 minutes, in reality, may be an hour away, maybe 45 minutes,

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maybe two hours away."

Flowers: "And that's exactly my point to you, Sir, that that's the reason why I could not specifically answer your question because it depends on what and how on call or in attendance in that particular geographical part of the state. Whereas that it may take me or a doctor 10 minutes to get to my hospital, it may take another doctor a half an hour or I have no idea. So, therefore, I did not try to legislate, regulate or mandate that."

Cross: "Maybe you could tell us, if you know, why is the State Medical Society opposed to this Bill?"

Flowers: "I was not aware of the fact that they were."

Cross: "Our opposition is showing that they are opposed. I guess, Representative, one of the big concerns I have is what you mean and how we're going to define what on call is. No one in this chamber is going to argue with you that we would love to have a pediatrician right there when we show up at the emergency room, as would we like a cardiologist, as would we like a neurologist, an oral surgeon, an orthopedic surgeon, the list goes on and on. But I think that's the reason for having emergency room physicians. They are there designed to treat any situation they can in an emergency and then bring in experts as quickly as we can. I have some real concerns with your Bill. I don't know how we can...until we get a better explanation on...of what you mean by on call, I think we need to give some serious thought to whether or not we're going to vote for this Bill. Thank you."

Speaker Hannig: "Representative Brady."

Brady: "Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "Yes, she will."

Flowers: "Mr. Speaker, I would just like to clarify that the...I

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just got the word that the Med. Society is not opposed to this Bill. That's okay, they're not opposed to the Bill."

Brady: "Will the Sponsor yield?"

Flowers: "Yes."

Brady: "Representative, is...will this really provide any change? Is there any emergency room that doesn't have a physician on call at the present time or available?"

Flowers: "Representative Brady, if there was I would not be introducing this Bill and I surely would not like for you to have to find out the hard way, if ever you had to rush your child to the hospital."

Brady: "Representative, I'm not sure I understood your answer. Is there a hospital right now that doesn't operate in accordance with this piece of legislation?"

Flowers: "And I'm going to answer you the same way. It is...No. If not, I would not be introducing this legislation."

Brady: "Do you know of a hospital that's not operating under this guideline?"

Flowers: "Well, let me reverse that. Do you know of one that is? That there's a pediatrician on call?"

Brady: "Well, as far as I know every hospital in the state does, Representative."

Flowers: "I'm not aware of that. What proof do you have of that?"

Brady: "Representative, in all seriousness, it's my understanding that every hospital in the State of Illinois has someone on call that meets this requirement."

Flowers: "Well, if that's the case, you should have no problem in supporting this Bill."

Brady: "Well, the only problem I have is that hospitals are complying with this as best they can. We might be adding regulation. I guess what I ask, Representative, would you

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be willing to take this Bill out of the record to find out if there is a need? I mean, if you can cite me, I would...if I'm wrong, I'd like to know. But if you can cite me an example of a hospital who's in violation of what your intention is under present circumstances, I'd like to know that before I vote on this Bill."

Flowers: "Okay. Let's do it a different way, Representative Brady. How about if you help me pass this Bill and then if I'm in error about it, I won't have it called...I will not have it called in the Senate."

Brady: "I'll think about it, Representative, thank you."

Flowers: "Thank you."

Speaker Hannig: "Representative Bost. Representative Skinner."

Skinner: "You're not asking that there be a board certified emergency room pediatric physician in every hospital in the state, are you?"

Flowers: "No."

Skinner: "The language that I read is not that specific."

Flowers: "It says, under the terms of the Bill the requirements would...the Bill would require that all facilities offering emergency care or emergency rooms have a physician qualified in pediatric medicine on call 24 hours a day."

Skinner: "Well, Representative, are you aware that emergency room physicians that are board certified in that specialty are qualified in pediatric medicine? Pediatric trauma medicine."

Flowers: "Pardon me."

Skinner: "Are you aware that board certified physicians...emergency room physicians who are board certified are qualified in pediatric medicine?"

Flowers: "I would assume, but I shouldn't assume."

Skinner: "My brother-in-law just told me that and he is head of

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the emergency room at Good Shepard Hospital in Barrington. I think that you have words here that are fighting each other. He says that if you have a physician on call, that it would either be half an hour or an hour to get to the hospital, and if you're counting on this physician on call to save somebody that comes in, I just think you're...I mean, you're not aiming your rifle at the right target. Perhaps what you want to make sure...perhaps what you would...perhaps to accomplish your goal, you should say that every hospital shall have a board certified emergency room physician. I mean, there is a sub-specialty that's out there, but there is no indication in anything you've said that you want this sub-specialty to be in the emergency room."

Flowers: "Representative, it may not be the emergency room physician that we're talking about that has to deal with the emergency. It could be someone to do the follow-up in regards to the emergency that's a specialist...in pediatrician."

Skinner: "Well, I'm trying to relate back to the situation that prompted this Bill. Could you describe it again?"

Flowers: "A child was taken to the hospital."

Skinner: "And which hospital was that?"

Flowers: "I'm not going to call the hospital's name. A child was taken to the hospital and because a bee...the child had swallowed a bee. And I don't know the type of instrument that was used, but what the instrument that that particular doctor on staff used was the same type of instrument that should have been or could have been used on an adult and as a result, that instrument was too big to go down the child's throat and it eventually...The instrument is what suffocated the child as opposed to the bee."

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Skinner: "Do you..."

Flowers: "Had a pediatrician been on staff, a pediatrician would have known not to use that particular instrument."

Skinner: "Well, one would be tempted to suggest, had a competent physician been on staff, they would have known that."

Flowers: "Well, we can talk about that later, but..."

Skinner: "Well, was the physician a board certified emergency room physician?"

Flowers: "Well, you just said that all that's in the emergency room are. So, I can't answer that, I don't know."

Skinner: "Well, you see, I want you to..."

Flowers: "I'm just trying to address the problem."

Skinner: "I understand what the problem is. I'm just trying to get you to shoot at the right target. If what you want is somebody competent to handle something like that, you probably want to say that every hospital in the state should have a board certified emergency room physician."

Flowers: "Well, I'm sure that's probably what they think they have. But my point again is that there should be a pediatrician..."

Skinner: "On call."

Flowers: "...on call."

Skinner: "Well, I don't want to practice medicine without a license."

Flowers: "Thank you."

Skinner: "But, if you walked into your ordinary pediatrician's office with this problem, I'm not sure you'd get a solution. If you walked into the ordinary emergency room you have a right to expect a solution to something. You know, the kid's choking, right? I really think you should explore what qualifications that the doctor that did not practice medicine adequately had and I'm not confident that

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you've done that. Are you?"

Flowers: "Representative, because I didn't hire the doctor and therefore I don't know of the qualifications that that doctor may have at that particular hospital, but what I would like to do is ensure that if ever the occasion arise, that there would be a pediatrician."

Skinner: "Well, Representative, I don't think this Bill does that. The child will be dead in a half an hour by the time the doctor on call gets there."

Flowers: "Well, not necessarily, because the doctor that's there could try to stabilize the child until such time the pediatrician would arrive."

Skinner: "Representative, I really think that you don't know what the problem is. It is conceivable that the child in question went to Cook County Hospital and someone who was not board certified, somebody who was just in training, really made a bad mistake. And if that's the case, this is not going to solve that. I mean, I think you...I just think that when you're hunting for things, you ought to find the target and I don't think you've found it."

Flowers: "Representative Skinner, emergency room doctors are kind of generalists, they rotate."

Skinner: "Excuse me. I didn't catch the word."

Flowers: "Emergency room doctors are generalists."

Skinner: "That's correct."

Flowers: "They rotate from mental health, cardiologists, pediatrics."

Skinner: "They have..."

Flowers: "But the fact of the matter is, that doctor is able to stabilize the patient until such time that the specialists get there."

Skinner: "If a child is choking, the child will die within a half

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an hour."

Flowers: "Well, hopefully, the doctor on staff, again, would be able to stabilize the child."

Skinner: "Well, that's the point I'm trying to make, Representative. If you have a board certified emergency room physician in the emergency room, that doctor will be competent to handle that problem. And I think that in the situation you're talking about, you did not have a board certified emergency room physician."

Flowers: "The doctor probably would be able to handle the choking, but what's the aftermath."

Skinner: "Well, Representative, we're obviously at the point where we're talking in circles."

Flowers: "Right."

Skinner: "I just think that if you're hunting elephants, you ought to shoot at the elephant instead of the giraffe."

Flowers: "Just pediatricians."

Speaker Hannig: "Representative Flowers to close."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I would ask for a favorable vote on House Bill 444."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 54 voting 'yes' and 54 voting 'no'. Does the Lady request Postponed Consideration?"

Flowers: "No, thank you."

Speaker Hannig: "Okay, and this Bill having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, read House Bill 475."

Clerk Bolin: "House Bill 475, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

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Speaker Hannig: "Representative...Representative Deering. The Gentleman from Washington, Representative Deering, is recognized on House Bill 475."

Deering: "Bear with me, please, just a minute, Mr. Speaker. House Bill 475...House Bill 475 authorizes a licensed optometrist to certify when a person requires tinted windows for medical reasons when driving. I believe those of you who were here during the last Session, I believe we passed a Bill authorizing optometrists to give and prescribe certain types of medication. This would just expand that authority. Currently, if you have, I believe, one of the most common diseases that we talk about is lupus, in this situation where you are required to have tinted windows, if your optometrist decides or suggests or prescribes that you have to have a tinted window, windshield, or side windows in your car, you then have to go to a registered medical...or a licensed medical doctor just so he can concur with the optometrist, write the prescription and have the windows installed in your car. This would just remove that responsibility or that portion of the law would say the optometrist could do the same thing. It should be good for consumers. They're licensed in the...and studied in the profession. They know what they're talking about. Would just be one step in the bureaucracy of health care that the consumers may not have to go through. I'd be happy to try and answer any questions."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black. Representative Black is recognized on this question."

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

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Speaker Hannig: "He indicates he will."

Black: "Representative Deering, I don't have any problem, I voted for this Bill in committee, but I think this may be a moot point. Didn't we just pass a Bill out of here the other day with a substantial margin, that said you aren't going to have a tinted windshield, regardless?"

Deering: "Well, that's a Bill pushed by the opposition. I know that the opposition has been against this Bill. We'd just like to do, and I believe the Representative who sponsored that Bill on that side just more or less beat me to the punch. I would like to pass this Bill to the Senate and let the Senate debate both Bills and then see which one they feel is the best one."

Black: "Okay, because the Bill we passed unanimously said that if you had an eye problem you should wear a prescription sunglass. And of course the police, as you know, don't like tinted windows and I can understand that. But it's your intent to pass this Bill over in case the House Bill gets lost in the Senate; and since the Senate hasn't been here in six weeks, I'm not sure that the Senate isn't lost. But just in case that Bill doesn't pass, then you might want yours in case it would pass, right?"

Deering: "Well, I'd like to have the Bill there to keep the process going, and you're right, that Bill passed unanimous and I voted, probably voted for that Bill. However, today, it's my understanding that there can be prescriptions out there for tinted windshields even though I know that we have a law on the books saying you can't do after market tinting. But it can be done today in the medical profession, so we can do it, and until we remove that statute, I think we should make every option available to the consumers to go to their doctor and have the service

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done."

Black: "Okay. Okay. Well, since you and I represent a part of the state where we may not have an ophthalmologist, in fact, in many counties of the state, the downstate, we don't have any ophthalmologists. We have to rely on an optometrist. Therefore, I think your Bill makes eminent good sense for probably more than 50% of the counties in the State of Illinois. I intend to vote 'aye'."

Speaker Hannig: "The Lady from Peoria, Representative Slone."

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

Speaker Hannig: "He will."

Slone: "Representative Deering, the Bill analysis mentions that this would be...this originally was for diseases like lupus, which I understand to be an auto-immune disease, and albinism. Are these diseases that relate in anyway to the eyes?"

Deering: "Yes, they're related to the eyes."

Slone: "Okay, thank you very much."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 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 89 voting 'yes', 26 voting 'no', 0 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2015."

Clerk Rossi: "House Bill 2015, a Bill for an Act amending the Illinois Controlled Substances Act. Third Reading of this House Bill."

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

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Wood: "Thank you, Mr. Speaker and Ladies and Gentlemen. House Bill 2051 (sic-2015) amends the Controlled Substances Act and it expands existing drug free zone laws to include senior citizen housing and senior citizen activity centers. And it basically increases the drug offenses by one felony level. This Bill is an important message to send that drugs and the violence that follow the drugs will not be tolerated around our senior citizens and senior citizen centers and I'd appreciate your support."

Speaker Hannig: "And on that question is there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Hannig: "She will."

Dart: "Representative, this Bill is going to increase the penalties or is it going to increase the classification of the offense?"

Wood: "That is correct. For example; for a particular drug offense that was previously a Class II felony, it would then become one...a one higher up felony."

Dart: "Okay. So, they'll just raise them all up one...they all go up one classification if these are done in the safe senior zone?"

Wood: "Within the safe senior zone. This is very similar to what was done for the drug free zones around schools. I would say the one exception is the Class X felony, the Class...drug offenses that have the penalty of Class X. Class X does not change, obviously."

Dart: "Approximately how many of these safe senior zones will there be?"

Wood: "I don't have that number available. I know that within my district that there were several senior centers within my district that actually sent letters in support of it."

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Dart: "What...do you have like a round figure as far as statewide, how many this would be? Would it be in the area of a 100, a 1000, 10,000?"

Wood: "I don't have the numbers here, so I wouldn't want to misrepresent what we have here."

Dart: "How many different safe zones do we have in the state now? Do you know?"

Wood: "My understanding, that we provide safe drug free zones around our schools, public housing property, public parks, churches and synagogues. I think that's the general."

Dart: "And do you know how much of the physical State of Illinois is covered by these safe zones?"

Wood: "No, I do not."

Dart: "I just...My question is, because I'm just wondering if there physically are any areas that aren't safe anymore."

Wood: "I would say that I have letters from the Housing Authority, from the City of North Chicago, and also from the Waukegan Township, both in my district, in support of this legislation because they feel that this will help make the 1000 feet around their senior citizens safer. So it does appear there's still a need for this."

Dart: "Have there been arrests out in front of these senior citizens centers in your area that have caused them to want these increases?"

Wood: "I cannot comment as to whether or not there's been arrests. I can...I'd be glad to read the letter for you with...encouraging us to pass this legislation."

Dart: "Okay. Well, I'm just wondering. Because, frankly, in my experience as a state's attorney and there's other ex-state's attorneys around here, I can't remember ever having an incident where I had a drug deal in front of a senior citizen home. I'm sure there may have been one or

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two, but I can't remember that ever happening. So that's why I'm concerned as far as whether or not there...Obviously we would want the whole State of Illinois to be safe, frankly."

Wood: "Absolutely."

Dart: "Whether it's a senior citizen, it's in front of our own homes, whatever it is, we want them all to be safe. My question is, has there been a problem or are we out there legislating a potential problem that may occur or have there been an inordinate amount of arrests out in front of senior citizen homes that we need to crack down on? Because I know, like safe school zones, there had been a particular problem there with drug dealing in front of schools, in parks. There's a lot of gangs that hang in parks. Now I'm trying...That's why I'm wondering, have there been...do you have any information at all showing that there's a heightened number of arrests out in front of senior homes or any information at all on that?"

Wood: "I can read this statement to you. 'We agree that stiffer penalties must be imposed upon those that violate the quality of life of our senior communities, not to mention the criminal element which is brought in by these offenders. As a public housing authority, we're dealing with the same issues in protecting our senior citizens from criminal activity in and around our public housing units. And I can also tell you that from personal knowledge and a particular for certain senior centers, I have personally witnessed the needles sitting in the streets.'"

Dart: "Okay, I understand there's needles in the streets, but as I said, that's a far cry from having arrests, individuals, and I'm not contesting whether or not this might not be meritorious, but as I said, why is it not that residential

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homes should be safe zones, that there should be heightened penalties in front of residential homes so that all our constituents are safe. Senior citizens who are not in nursing homes, but live in their own homes, shouldn't they be in a safe zone, too? I guess my point is, it's easier to come in front of the Body and present that when you can give us information saying, here's a problem here. We are having all these arrests occur in this one area, so there is a problem. Gangs, or drug dealers are targeting this area, but it's a little bit more difficult when we don't have any of that information. And as I said, I mean, who can argue with you as far as the fact that we want these homes to be safe and we want people to feel safe there. But with all these different changes we made, frankly, as I said, I'm wondering if there are particular areas of the state that are the only non-safe zones left because we have safe zones overlapping everywhere now. It's a question of where it might not be the safe zone and we might get to the point, frankly, we might want to put signs up that say, you have left the safe zone, now you're in the unsafe zone because it might save us money because we'll have less of those than we'll have safe zones. Do we have any information, though, that shows us in the parks and in the schools that having those safe zones have deterred crime?"

Wood: "I don't have that information with me, but, again, I would suggest to you that when you're looking at a population, whether we were considering it with school children earlier or in the public parks where you did have gang activity. I don't have the number of arrests, but I think most of us can take notice that there was certain gang activity. I know that in my district around certain senior citizens and homes talking with the managers of those senior centers,

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that there is a concern for gangs and the drugs that come in those areas. And so I would suggest to you that this is not all encompassing, this is sending the right message. This is helping protect a population."

Dart: "Yeah. And as I said, no one can argue with that. But as I say my concern was, and you've already answered that, you've already said that you don't have an answer as far as whether or not there is a particular problem here, but my second part of it was, is the solution that we're coming up with here, has it been proven through these other safe school zones and safe park zones, has it been proven that they work?"

Wood: "My understanding, I don't have the statistical information, but my understanding is there's a number of anecdotal evidence from prosecutors and other agencies indicating it has been helpful. That's what I've been told."

Dart: "And that may be the case. My anecdotal evidence, when I was in court, was that most of the judges would jump through hoops to find out, to make it so that crime did not occur within a 1000 feet because they did not want to send someone for the extra penalty and it got to be sort of crazy. And that was not appropriate on the judges, but, anecdotally, even the judges were playing games with this stuff as well. So, I say, Representative, I agree with your statements as far as wanting to keep people safe from the like. I wish we had more information on this as far as whether or not, (a) we have a problem, and (b) whether or not this is the solution. But I do agree with you about wanting to keep these individuals safe. Thank you."

Wood: "Thank you."

Speaker Hannig: "The Lady from Cook, Representative Monique

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Davis."

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

Speaker Hannig: "She will."

Wood: "Sure."

Davis, M.: "Representative, what will this Bill increase the penalties to, if a person is selling drugs in front of a senior citizens building? What will happen to them as opposed to them selling it in front of the grocery store?"

Wood: "It basically increases the penalty level, under felons, up one felony level. So, for example, if the type of drug activity was a Class IV felony, if you do it within the zone of a senior citizen center, it moves up to a Class III level. And it depends on what your selling, the amount of selling and its reference to the Controlled Substance Act."

Davis, M.: "Do you believe, Representative, or have you given any consideration to the crowding or overcrowding of prison facilities based upon the increased penalties? In other words, do you have to stay in prison longer? More people are getting prison sentenced, have you given any thought to that?"

Wood: "Yes, I have given thought to that."

Davis, M.: "So then that means you're going to support a tax increase so that the State of Illinois can build these new prisons and also new schools. Is that correct?"

Wood: "That is not correct."

Davis, M.: "Representative Wood, you're saying that you want to increase penalties?"

Wood: "Yes, Ma'am."

Davis, M.: "You know that these increased penalties will mean people staying in prison longer. You know that your Bill will also increase, perhaps, the number of people who go to prison. The prisons have to be built and they have to be

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funded."

Wood: "Yes."

Davis, M.: "How would you suggest we do that if the prison...and they have to be maintained..."

Wood: "Yes."

Davis, M." "...so, if you're passing this kind of legislation and you're sincere about it, then I would have to conclude that you support a tax increase in order to provide the dollars to house these prisoners, to maintain them and to build these needed new prisons based upon safe senior citizens homes."

Wood: "Representative, that's not the intention of this legislation. My intention of this legislation is not to support a tax increase. The intention of this legislation is to make sure that those individuals that are dealing drugs and the crime that comes with it, the violence that comes with it around our senior citizen centers, will not...will be properly punished. And then, undoubtedly, will require them to stay in prison."

Davis, M.: "Okay. I understand. I understand. Is a nursery...in front of a nursery school, is that a safe zone?"

Wood: "I know that it has schools are in safe zones."

Davis, M.: "Nursery schools."

Wood: "If they are a part of an organized school system, they are."

Davis, M.: "You mean a school district."

Wood: "A school district."

Davis, M.: "Well, no, I mean like the Henny-Penny Nursery School or you know, Teeter-Totter Nursery School. You know, a young mother gets out, drops her little five year old, her helpless five year old off into that building. Now, is

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that a safe zone? Can that mother be assured that drugs will not be sold in front of that building?"

Wood: "My understanding is that it has not been determined by the statutes, and this Bill also only deals with senior citizen centers and it does not deal with the other safe free drug zones."

Davis, M.: "Well, to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Davis, M.: "I think we make a terrible mistake in the State of Illinois when we lead people to believe there are certain citizens whose lives and safety or more important than others. We do have a safe school zone. We have a safe park zone. We don't have a safe grocery store zone and there are more people going to the grocery store than live in senior citizens buildings or go to any school. I believe and I for one support the protection of citizens no matter where they are, no matter where they live. And I realize that every time I vote to increase penalties or I vote to increase those who will be going through the prison system, that somebody's got to pay for it. Right now, it comes from general revenue. Right now, the money has to be appropriated to pay to take care of these prisoners. I don't want any more of my tax money being spent that way. I will, however, support a small tax increase to house some of the people you want in prison and also to build some schools for my babies who are not in safe school zones. This is another 'no' vote."

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

Black: "Thank you very much, Mr. Speaker. My colleagues on the other side of the aisle asked all the questions I was going to ask and three or four I hadn't even thought of. So

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maybe we can get on and vote."

Speaker Hannig: "The Gentleman from Madison, Representative Bradford."

Bradford: "Will the Sponsor yield, Mr. Speaker?"

Speaker Hannig: "She will."

Bradford: "Representative, I'm a little bit concerned. What...what is the penalty for mere possession in a senior citizen under this Bill?"

Wood: "The safe free drug zone law only applies to the Controlled...under the Controlled Substances Act depending on how much drugs that are involved and the amount of the drugs and I would refer you to, I believe it's Section 401. It's quite extensive."

Bradford: "So, an old fellow that just happen to have a couple of joints is not going to go to prison if he's in a senior citizen center, is he?"

Wood: "The intention of this statute is merely to increase by one felony level, those specific drug offenses that are committed around a senior center."

Bradford: "As I said, a small amount would not come within that Act because it doesn't come within the Controlled Substance Act?"

Wood: "My under...if it's not a felony, it would not. It only applies to felonies."

Bradford: "Thank you."

Wood: "Thank you."

Speaker Hannig: "Is there any further discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Take the record. On this question, there are 108 voting 'yes', 0 voting 'no'

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and 7 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 447."

Clerk Rossi: "House Bill 447, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 447 amends the Public Aid Code to add community services to the existing program run by the Department of Public Aid and presently, the program component include education training and placement. The genesis of this Bill is that we are about to embark upon a new form of public aid and we're going to be forcing people who have been forced off work, to work and it states here that if these people who are going to be forced to work, have children over the age of 13, because of the lack of job training and skills that they may have, that we would like for them to perform community services in the schools and gain some work experience and incur work habits from working within the community. Oftentimes, we don't have enough parent participation in the schools to monitor the halls, to help or walk some of the children home, to help them with the homework in the library. And I think this would be a great attempt to fulfill the needs of the schools and the additional staff support that is needed within the schools and the Bill has also been amended to deal with the earned income that has been provided, and I'll be more than happy to answer any questions that you may have in regards to this Bill."

Speaker Hannig: "The Gentleman from Livingston recog...Representative Rutherford is recognized."

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Rutherford: "Thank you, Mr. Speaker. Representative Flowers, the very last part, you said the Bill was amended. I didn't catch what you...I couldn't hear what you said on that."

Flowers: "The Bill, the Amendment is technical in nature. It clarifies that this Article of the Public Aid Code definition of earned income, to provide that one's eligibility for aid is not to be affected by the receipt of any refunds or payment of the Federal Earned Income Tax Credit."

Rutherford: "Okay. Could you just...and I think this may be well a good Bill, I just want to understand the mechanics. Could you mechanically walk me through how a person would be a participant and how this would all be affected?"

Flowers: "If you get a federal income return that would not affect your income as a public aid recipient. It's just a one time, you know..."

Rutherford: "That part I understand. Going back to the recipients themselves. I'm talking about the individual that participates in such a program. How do they... Where do they go to be able to participate? Are there forms to fill out? How does all that happen? I mean, just give me a live example of someone walking through a system like this."

Flowers: "Well, I haven't walked through the system myself but let me just give you my hypothetical..."

Rutherford: "Yes."

Flowers: "...what it should be in regards to going... You're already a public aid recipient and you're going to be forced to go to work because of the age of your child. You have not had any experience in working because prior to this...prior to us saying it's okay for public aid recipients to work, you know we just recently passed that

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law that public aid recipients can go to work. We just recently passed the law that public aid recipients can get educated, so we're going to go back to the welfare as we once know it...once knew it. So, a lot of these recipients have not had the opportunity for work experience or the opportunity to be educated but yet, we're going to force them into the job market in which they're not qualified or accustomed to. We do know that we need help in the school system in regards to staffing, monitoring the hallways, and just helping with the children, cleaning the lunch room and different things like that. So, we're asking the Department of Public Aid to find these people jobs or the income that public aid is paying these recipients, they will work for it in the community. Preferably, in the schools."

Rutherford: "So, as a part of their...let's just say that they're going to be receiving their public assistance funds. As a part of that then, they would participate in community service programs?"

Flowers: "It would be an...it's an option for them, yes."

Rutherford: "So, okay, that was my next point."

Flowers: "Yes, it's an option."

Rutherford: "It's not going to be a requirement to receive the public assistance..."

Flowers: "No."

Rutherford: "...it's going to be an option. How do they... Now, going ahead with our hypothetical example, how does that work?"

Flowers: "To the extent that they are now required to work, it would be an option...that would be an option for them to go to that particular job. If there is something else that they would like to do, that would be fine, but this is one

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of the options."

Rutherford: "So, this would fulfill part of the option for their credit towards work or whatever?"

Flowers: "Yes."

Rutherford: "Okay so, mechanically how would it work? Let's just say a community service project may be assisting in the parks or some example that you gave on the hypothetical. How would that work as far as...how would I as a public aid recipient know this opportunity is available to me? Would this be monitored or cataloged or collected opportunities in the local public aid office? Do they go to their local community government, their park district or...that's what I'm talking about. Give me a hypothetical."

Flowers: "Well, right now the department should be out looking to find these people jobs."

Rutherford: "And I don't want to interrupt you. Okay, you say they should be..."

Flowers: "Well, yeah, because we're mandating, we are mandating that these people go to work. So therefore, it is up to us to create jobs or either find them jobs. So now, let's say the park district or the schools, the caseworkers could go to them and say, 'Well, do you need any help and if so, what kind and what are the criterias and what are the qualifications?' And just like the Governor's asking businesses to come forward and take on the responsibility. You know, it's the same principle."

Rutherford: "So again then, as the Department of Public Aid is cataloging or receiving information on job opportunities, they would expand their sphere of profiles to have as community service opportunities."

Flowers: "You're, right, yes."

Rutherford: "Okay. So, is there any fiscal impact to the local

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public aid office or the department?"

Flowers: "Not according to the department. None whatsoever."

Rutherford: "That's my question. Okay, thank you very much, Representative."

Flowers: "My pleasure."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed voted 'nay'. 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 84 voting 'yes', 31 voting 'no' and 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair would like to inform the Members that earlier in the day the second Agreed Bill list had been passed out and we will probably call one or two more Bills and then we will go to that order of business. So, if you have any concerns about how you want to vote on the Agreed Bill list, you need to be reviewing that now cause we will be going to that order shortly. Mr. Clerk, read House Bill 523."

Clerk Rossi: "House Bill 523, a Bill for an Act amending the Consumer Fraud Deceptive Business Practices Act. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Thank you, Members of the House. House Bill 523 amends the Consumer Fraud and Deceptive Practices Act by deleting the changes made in Public Act 89-144 and restores the prior law. What Public Act 89-144 did was, radically change the requirements for damages under the Act. What my Bill does is, restore the basic provisions of burden of proof under the Consumer Fraud Act with respect to actual damages and persons

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suffering damages. House Bill 523 deletes the exception made solely for vehicle dealers, both new and used cars with regards to punitive, actual and punitive damages. Under the current law, vehicle dealers may be liable for punitive damages only, I repeat only, if their conduct is found to have been willful or intentional and done with evil motive or reckless indifference. Let me repeat that. Only if their actions were willful or intentional and done with evil motive or reckless indifference. This burden of proof, I can find no where else in the Consumer Fraud Act. What we have actually done is created a special status for automobile dealers and we've created a burden of proof that is so high it is virtually impossible to take any legal action to recover compensation or damages. This derogation of the common law creates a very special status, a special protective status for automobile dealers, and let me tell you what the consequences of this has been. Consumer fraud, particularly with respect to used automobiles are perpetrated against people who have the least resources to take legal action or to recover from this type of fraud. The elderly, people of low income. Years ago, bad dealerships were a bit more democratic in their targets, but what we're seeing now over the last four or five years is a dramatic increase in fraud against the elderly, in fraud against the economically disadvantages. These groups among all can least afford the torturous complications of the existing law in this ridiculous burden of proof. I urge your support of this Bill and returning the burden of proof to one which is reasonable and obtainable in these actions. Thank you, Mr. Speaker."

Speaker Hannig: "And on that question, the Gentleman from Kendall, Representative Cross."

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Cross: "Will the Sponsor yield?"

Speaker Hannig: "He will."

Cross: "Mr. Speaker, if this gets the requisite numbers, we would request a verification."

Speaker Hannig: "Your request is acknowledged, Representative Cross."

Cross: "Representative, what opposition are you aware of on this Bill?"

McKeon: "To date there has been limited opposition from the Illinois Automobile Dealers Association. The Bill has been supported by the Legal Assistance Foundation, Illinois Trial Lawyers, the Illinois Bar and Illinois Common Cause."

Cross: "And maybe I'm wrong and you can correct me, our analysis is showing that the Secretary of State is opposed to this. Do you know why they have opposition to this Bill?"

McKeon: "I have not been contacted by anyone from the Secretary of State."

Cross: "We apparently, not apparently, we changed the law on this, I think two years ago and I know... Can you tell us, subsequent to the changing of the law through today what harm has occurred to individuals or what studies have been done to suggest that the Bill we passed was not working?"

McKeon: "Contacts that I've had, particularly with the Legal Assistance Foundation, states that this special burden of proof that was created solely for automobile dealers, that burden of proof which states that punitive damages can only be awarded if their conduct is found to have been willful or intentional and that means also, done with evil motive and reckless indifference creates a situation that virtually no claimant, no claimant could ever obtain punitive damages for the willful and wanton misconduct of a very few unscrupulous car dealers."

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Cross: "I...I'm sorry, Representative. Mr. Speaker, it's impossible to hear in here and I, with all due respect to the Sponsor of the Bill, it's impossible to hear any of his answers."

Speaker Hannig: "Could we give the Gentleman a little order? Please, Ladies and Gentlemen, this is a very important Bill. There's been a request for a verification. Please, allow the Gentlemen to debate the Bill. Proceed, Representative Cross."

Cross: "Representative, there's a distinction in your Bill from the Bill we passed that allows the court to allow actual damages as opposed to actual economic damages. Could you tell us the difference and why we would be doing that?"

McKeon: "This Bill, under the appropriate circumstances, particularly situations that are very egregious allows the imposition of punitive damages. The standard civil burden of proof requiring the preponderance of evidence and then for punitive damages, this is the standard, involves willful and wanton reckless indifference to the rights of others. This is the standard which anyone else involved in an action of consumer fraud against the general public would have to meet, but what we did in this General Assembly for car dealers and for car dealers only, created a standard of proof, the conjunction of done willful or intentional and done with evil motive or reckless indifference. This is a burden of proof that goes far beyond the common law. This is a burden of proof that has set up automobile dealers and a special protected status that goes far beyond the common standard of proof in a consumer fraud action."

Cross: "Well, I want to get back to this damages issue...one second. What damages Representative, are you envisioning

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or suggesting should be awarded instead of economic loss?
In my understandings, we're talking just about a situation
between a consumer and a car dealer, is that correct?
That's all this Bill deals with?"

McKeon: "That's all it deals with but it's directed at a very,
very small percentage of car dealers. A small percentage
that very systematically, willfully and wantonly are
selling cars that have been damaged without disclosing
that. That have been severely wrecked and rebuilt and
selling those cars as being in good condition with not
being wrecked and I've got case after case that I could
share with you of those circumstances."

Cross: "In those situations that you're talking about, my
understanding of the law is there is nothing that prohibits
me currently as we stand here today without your law to
file a civil...a piece of civil litigation against the car
dealer. Even if your Bill didn't pass, I still have a
cause of action against the car dealer for selling me a car
that's been damaged..."

McKeon: "Only..."

Cross: "...and I'm entitled economic damages for my loss, is that
correct?"

McKeon: "Yes, Representative, but only for actual damages."

Cross: "Only for what?"

McKeon: "Actual damages."

Cross: "Well, the law also... So, why would we... What other
damages would we want to give? If I've been harmed for a
car dealer...by a car dealer and if I have, I should be
compensated. No quarrel about it. Why should... Is there
a pain and suffering we want to start awarding to people?"

McKeon: "The actual economic damages are too limited in scope in
the egregious situations that this legislation tries to

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direct itself to."

Cross: "Well, what other damages other than actual economic damages would we be awarding under your Bill?"

McKeon: "Under the right circumstances they could be damages involving personal injury. Let me give you an example. A car that has been severely wrecked, rebuilt, frame is bent, is unstable, sold as a used car, represented as a car that has never been wrecked to an unsuspecting customer, then is involved in an accident and we find that the reason for that accident is because of the severe condition that the car was in and the misrepresentation of the dealer. Particularly, in cases that I have where the question was asked at the point of sale, 'Has this car been wrecked?' And these are the kinds of damages to the vehicle that any reputable dealer, any reputable dealer which represents the majority of automobile dealers in the state would have clearly recognized. This does not place an additional burden on automobile dealers, particularly used car dealers. Anyone experienced in working with these cars can put them on a rack, can expect them, can find the bondo, can identify that a frame is bent, that there's severe damage to this vehicle. These are cases where often they involve injuries resulting from an accident or suffering, pain and suffering to the victim because of the extenuating circumstances."

Cross: "What would under the scenario you're suggesting Representative, prohibit someone that's been harmed from filing a negligence case, negligence case against the dealer or a warranty case against the dealer? I'm not aware of anything that would prohibit that. We have ample causes of action that we can utilize against car dealers, and I'm not... See, I'm not aware of anything that would

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prohibit us from doing that."

McKeon: "That's why we, Representative, that's why we have a Consumer Fraud Act. And, if we're talking about any other area of consumer fraud other than automobile dealers, they can do exactly what you're doing or what you're suggesting that they do. What we have set up is a special case, a special case just for automobile dealers. A special case that provides this extraordinary burden of proof just for automobile dealers. Let's have a level playing field. Let's everyone that has to deal with the provisions of the Consumer Fraud Act be on the same playing field. Let's not just give special rights to one special interest group."

Cross: "Representative, I guess that's not my understanding of the Consumer Fraud Act. What are some of the, some of the groups, the Legal Assistance Foundation of Chicago acts as the plaintiff for people quite a bit on these cases?"

McKeon: "No, they do not."

Cross: "Why would they be supporting this Bill, then?"

McKeon: "They're supporting this Bill because they have many clients. Most of them elderly and the poor that come to them and they refer them to the private bar, but it's a phenomenon that they have seen over the last few years since this law has changed and very concerned with. They are not handling these cases directly but referring them to the private bar. I think the point I'm trying to make here Representative, is that under current law, under current law the burden of proof under the current law cannot be met, and I asked my colleagues, particularly my colleagues in the legal profession to assist me and join me in responding to these remarks."

Cross: "One other...a couple other questions, Representative. My understanding of the Consumer Fraud Act is that for most

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actions under there, there's requirement that we show a public injury or a pattern on behalf of the person that's causing the harm, you want to take that away under your Bill. Why do we want to do that? And apparently, we're only...you're only applying that to auto dealers. I don't know why."

McKeon: "That's the question that I raised, Representative. Why only car dealers? Why do we have this special burden of proof that goes so far beyond the common law that this burden of proof can not be met in a court of law?"

Cross: "Well, to the Bill, Mr. Speaker and Members of the General Assembly. You know, we passed this Bill about two years ago because there were numerous examples throughout this state, numerous examples of frivolous lawsuits being filed against car dealers, both good and at times some bad on an ongoing basis. It was an attempt to put car dealers out of business. We have a variety of ways to go after car dealers that aren't acting in a proper manner. If car dealers are acting out of line or acting improperly, they should be subject to litigation, but we have negligent cases, we have warranty cases, we have all types of common law remedies that we can go after car dealers with that act improperly. This is a Bill that once again, and I'm a lawyer, but all it does is give people as opportunity to go after car dealers in an unfair way and without a doubt it clogs up the courts. Once again, we're attempting to hurt the business men and women of this state and I would encourage a 'no' vote."

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

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

Speaker Hannig: "He will. He indicates he'll yield."

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Turner, J.: "Thank you. Representative, Representative Cross just asked you several questions about damages. I'm not sure I understood all your responses, but Representative Cross in case he's not sure he understood his own questions so, maybe we can start all over again. With regard to damages, what does your language do differently than what is currently in the statute?"

McKeon: "Representative, I can't hear you with the back ground noises."

Turner, J.: "What changes does your proposal make with regard to damages?"

McKeon: "The primary change has to do with punitive damages and the burden of proof required for those punitive damages. My position and the supporters of this Bill, position that has been taken is that the standard of burden of proof is unwarranted and precludes the possibility under the current Act of achieving appropriate damages for the most egregious situation of consumer fraud."

Turner, J.: "Are you saying then that punitive damages are not currently allowed under the law?"

McKeon: "No, I'm saying that the burden of proof, the burden of proof..."

Turner, J.: "How do you change the burden of proof, then? What is the burden of proof under the existing statute and what is the proposed burden of proof in the your Bill?"

McKeon: "The burden of proof under the existing statute provides that there is only liability for punitive damages if the conduct is found to have been willful or intentional and, and done with evil motive or reckless indifference. This derogates the common law standard in consumer fraud cases and the burden of proof. One moment, Representative. Under the standard civil burden of proof which is the

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preponderance of evidence and punitive damages would be warranted if there was willful and wanton reckless indifference to the rights of others. That's all I want to do is to go back from the conjunctive burden of proof that I just stated to what was in the original law, which is the standard civil burden of proof and consumer fraud cases requiring the preponderance of evidence for actual damages and for punitive damages, willful and wanton, reckless indifference to the rights of others."

Turner, J.: "Well, in either event, it's going to require a finding of willfulness, a willful, wanton conduct. Isn't that correct"

McKeon: "That's the standard of proof commonly held in consumer fraud cases but not with respect to automobile dealers where we've given a special status by creating a burden of proof which is almost impossible to achieve."

Turner, J.: "My analysis indicates that you would, under your Bill, allow damages beyond economic damages. Now, you've just indicated that one of those areas I guess you're looking at is punitive damages or changing the burden of proof. Is there any other area of damages that you're looking at other than economic damages and/or punitive damages?"

McKeon: "No."

Turner, J.: "In the example that you gave Representative Cross, you were talking about somebody having an accident and if an accident did occur, you had indicated I think, that there would be damages assessed. The damages then that you're talking about under the example you previously set forth would be included within punitive damages or economic damages and nothing else?"

McKeon: "That's my intent."

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Turner, J.: "I didn't hear because it was noisy in here, your response to his inquiry about other parts of either the statute or common law with regard to suing and negligence. Isn't that remedy already available?"

McKeon: "Of course that remedy is always available but the intent of the Consumer Fraud Act is to subsume those claims within the Act. That's what we do in every other case involving consumer fraud with the exception of automobile dealers. We've created a special requirement solely for automobile dealers that departs from the standard for any other form of consumer fraud."

Turner, J.: "Alright, other than the damages that I think we've discussed probably enough now, is there anything else that your Bill does, either adds or subtracts from the statute?"

McKeon: "Nothing."

Turner, J.: "Nothing in regard to attorney fees in the statute then?"

McKeon: "I stand corrected. I believe my revisions does allow the awarding of attorney fee."

Turner, J.: "Is that new language?"

McKeon: "The old...it reverts to the old language."

Turner, J.: "Couldn't hear that, excuse me."

McKeon: "I said it reverts to the old language, with respect to attorney fees."

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

Speaker Brunsvold: "Representative Brunsvold in the Chair. The Gentleman from Cook, Representative Fritchey."

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

Speaker Brunsvold: "He indicates he will."

Fritchey: "Representative McKeon, my understanding of this Bill is you're trying to do away with what was somewhat of a

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contrived burden of proof which seemed to be carved out, especially for automobile dealers, is that correct?"

McKeon: "That is correct, Representative."

Fritchey: "And all you're doing in this Bill is taking that standard out and reverting this back to common law, is that correct?"

McKeon: "That is correct."

Fritchey: "Under the common law standard then, it would be a preponderance as any other civil action, is that correct?"

McKeon: "That is correct."

Fritchey: "And is there any justification for having a higher standard and giving special protection to the automobile dealers?"

McKeon: "None that I'm aware of."

Fritchey: "And so, this is really just going to be a pro-consumer Bill that will give consumers the same rights against automobile dealers that they have against anybody else?"

McKeon: "That is correct."

Fritchey: "I'm wondering then, if you could explain to me, I know there were some questions on the other side of the aisle that there's no longer a pattern required, but it would seem to me that if you've bought a car from an unscrupulous automobile dealer, that should be enough for you. You shouldn't need there to be a pattern. You should just need that you were injured as a result of fraud from a car dealer, isn't that correct?"

McKeon: "That is my intention."

Fritchey: "And so, all we're doing then, is allowing everybody, if they've been taken advantage of... We're not going after the good car dealers here. This will do nothing to affect the good car dealers. This is only to go after those people that knowingly take advantage of consumers by

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selling them defective products, defective automobiles?"

McKeon: "If I understood the last part of your inquiry, that is correct."

Fritchey: "Representative, I can't really imagine there being resistance to this Bill other than somebody that has an interest in a car dealership. I think it's a tremendous Bill. I applaud you for doing this and standing up for the consumers on this issue and again on that, I would request and move the previous question. I think this has been debated sufficiently and I believe that the Representative has made his point. Thank you."

Speaker Brunsvold: "Mr. Fritchey, did you move the previous question? Okay, we have a... The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of House Bill 523. Representative McKeon's on to a good Bill here. If there's any Bill that we have this year that's pro-consumer, this is it. The law we passed some time ago that this is trying to correct was sort of 'panned' shall we say, by most of the editorial writers around the State of Illinois as being unfair to consumers. This Bill will correct that and I applaud Mr. McKeon for pursuing this. There is no reason why some in the business community should have a different standard than others and in addition, under the current law there are some impossible standards to prove. Reckless indifference, evil motive, very difficult to prove. They should not of been in the law in the first place. So, I support Representative McKeon in his efforts and recommend that you vote for this good Bill."

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

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Durkin: "Will the Sponsor yield?"

McKeon: "Yes."

Speaker Brunsvold: "Indicates he will."

Durkin: "Representative, if an individual or consumer alleges a violation under this code, are they limited exclusively to filing a cause of action for consumer fraud within the circuit clerk?"

McKeon: "Representative, with the talk in the Chamber, I can't hear you."

Durkin: "What I'm say, if a consumer alleges a violation of this Section, are they limited to filing a cause of action strictly under this code?"

McKeon: "I'm not technically qualified to answer that question. I'd defer to any of my colleagues."

Durkin: "I guess maybe to clarify it a little bit, if someone alleges a violation of this Act, are they limited to strictly to filing under this Section or do they still have a cause of action under contract, negligence, warranty, et cetera?"

McKeon: "Yes."

Durkin: "Yes, they are limited?"

McKeon: "No, they are not limited."

Durkin: "Okay, so..."

McKeon: "Depending on the facts of the case as you know, Counselor."

Durkin: "Okay, when an individual file a suit and let's say that there is a number of actions which they'll bring one violation of the Consumer Fraud Act and there may be a cause of negligence, one in a breach of contract, are we changing the standard of care under those causes of action?"

McKeon: "Actually, it's the same standard of care because,

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Representative, if you were to buy a defective toaster that some manufacture decided to sell without heating elements in it, you might be able to file the same causes of action just as you would in any other consumer fraud case."

Durkin: "Alright, under the Consumer Fraud Act, I think that you have to allege that there's an injury to the public, correct? Under the Consumer Fraud Act for automobilers, you have to establish that there is an injury to the public at large, correct?"

McKeon: "Yes."

Durkin: "Now, with that language, it seems to me that it's rather vague. What parties would be able to have standing to sue an automobile...automobile dealer with that language?"

McKeon: "With current language, nobody's able to establish..."

Durkin: "Pardon me?"

McKeon: "With the current language, I understand no one is able to demonstrate the burden of proof."

Durkin: "Well, my question is, if we're stating that there has to be an injury to the public at large, can someone outside of... an individual who has consummated a deal with an automobile dealer and they feel...felt that someone outside may be a public interest group, would they be able to have standing to object and to file a lawsuit against an automobile dealer under this Section of the Illinois Code?"

McKeon: "Are you asking if they can do a class action suit, Representative?"

Durkin: "That's...that's, yeah, absolutely."

McKeon: "The answer is yes, just as in every other area of the Consumer Fraud Act. However, we modified this legislation which severely curtailed that remedy of 'solely' for one particular interest group."

Durkin: "Okay, so, it's...the hypothetical is that there is an

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advertisement or there's an ad or something on the television station which someone says that, 'You know, I think that is deceiving and misleading', would that person be able to sue that automobile dealer in court even though they've never purchased an automobile from that dealer?"

McKeon: "No."

Durkin: "I have no further questions."

McKeon: "You need an injured party, Representative."

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

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

Speaker Brunsvold: "That isn't necessary, Representative. That was the last Speaker. The Gentleman from Cook, Representative McKeon to close."

McKeon: "Thank you, Mr. Speaker. I request your support in establishing some equity in our Consumer Fraud Act and urge an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 523 pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Clerk, take the record, and on that question, there are 43 voting 'aye', 66 voting 'no', 7 voting 'present', and this Bill having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 579. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 579, a Bill for an Act concerning insurance coverage for certain dental expenses. Third Reading of this House Bill."

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

Capparelli: "Thank you, Mr. Speaker. House Bill 579 is the

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Illinois Dental Association Bill. Requires insurers provide insurance for disabled people with medical and hospital coverage for certain dental services. The Bill defines a person with a disability by the Disability Act. The American Disability Act defines a person with a disability as one suffering from a physical or mental activity that limits his activities. The Bill would offer medical and hospital expenses in conjunction with dental care. In some cases people with conditions with cystic fibrosis, multiple sclerosis, or those that have mental impairments do not have the ability to receive dental services other than a hospital and this Bill would do that. I would ask for a favorable Roll Call."

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

Rutherford: "Thank you, Mr. Speaker. Mr. Capparelli, thank you for letting me interject here. Mr. Capparelli and every one in the House, I want you to look up in the Speaker's Gallery. We're honored to have Dwight High School sophomore government class here with Mr. Bob Flynn and, Representative Capparelli, they hope your Bill's going to pass. Welcome to Springfield."

Speaker Brunsvold: "Thank you, Representative. The Gentleman from Cook, Representative Parke is recognized."

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

Speaker Brunsvold: "He indicates he will."

Parke: "Thank you. Representative, your explanation may...has left me a little confused. Correct me or help me understand that if someone has a medical problem with their teeth that requires more intensive surgery than they can get in the doctor's office...in the dentist office, they have to go to the hospital?"

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Capparelli: "That's right."

Parke: "Who pays for that?"

Capparelli: "That's the whole issue. The dental part of the bill, I mean the dental part is paid by his dental insurance. The other part would be picked up by his medical health bill."

Parke: "Whose medical health?"

Capparelli: "Whoever he's insured with."

Parke: "Is this...so, this in other words is another mandate on the health insurance policies of businesses."

Capparelli: "Well, it's not really a mandate, it's just sorting out who covers that...that part of the medical problem."

Parke: "Well currently, it's not being covered. Is that correct?"

Capparelli: "Well, this is for services that should be covered that are not."

Parke: "They are not. It should be covered cause you think it should be. That's what your Bill's suppose to do, right?"

Capparelli: "I think so."

Parke: "Yeah. But in fact, this is another mandate. We are now telling the individual health insurance policies or the...or the group policies of working...of small businesses and businesses as a whole, that they're going to have to pick up this additional cost. I guess that's why...why the association...HMOs and Illinois Life Insurance Councils opposed to this. Because here it is, it's another expense that we're going to put on the individual health insurance that's got to be paid. Therefore, you're going to have an increasing cost for your health insurance. To the Bill. Ladies and Gentlemen, again, the Sponsor's well-intended, sees a problem, but now what we're doing is we're just cost shifting. We continue

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to cost shift to the health insurance policies that are owned by the businesses of Illinois. Another mandate and another expense added on top of all the other ones that have already been passed out of here and you are starting to talk really big dollars. Ladies and Gentlemen, as I said yesterday, I don't know where this is all going to end. The Sponsor's well intended. He sees a problem, he thinks he wants to solve it. The way he's trying to solve it, it just means that it's just going to cost business more money to operate in this state. You know, we've gone through a period of time in this state where we're having a real good economic run of months and months and months of growth for this state. Ladies and Gentlemen, if these Bills one after another become law, you're going see that stop and start going down hill. When that happens, we're going to start to lose jobs in this state. Our uninsurance benefits are going to go up and we're going to wonder how this ever happened to the state. It's because it's one more Bill we're eroding and chipping away. Can you say the Sponsor's not well-intended? No, you can not. He sees a problem, he wishes to address it. Says here that the Dental Society likes this Bill. I understand that, but the same time when do we stop with all of these mandates on the health insurance of our businesses? I respectfully ask that we vote 'no' on this idea."

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

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

Speaker Brunsvold: "He indicates he will."

Mulligan: "Representative Capparelli, I just want to clarify a couple of things in your Bill. These services are for individuals who could not either safely, medically, or because of other physical or disability conditions have

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dentistry performed on them in the dentist office, is that correct?"

Capparelli: "That's correct, that's correct."

Mulligan: "So, in some instances, if it can't be performed in the dentist office and it's not covered, unless it's life threatening or major infection, they probably would go without those services until they lost their teeth?"

Capparelli: "That's right."

Mulligan: "Do some policies cover this and some don't? Is it just very unclear as to who will actually provide this coverage?"

Capparelli: "I'm really not sure if some of them do or they don't. I'm not really sure on that."

Mulligan: "Alright so, if you have a really bad heart condition and you need some kind of anesthetic type procedure, the dentist might have to move you from the dental chair to the emergency room, correct?"

Capparelli: "That's correct."

Mulligan: "Alright, or if you have a child with Down's syndrome or something where the...a disability of some kind where the child could not stay in that chair for that length of time, or an adult disabled person for that matter..."

Capparelli: "That's right."

Mulligan: "...the dentist would not be able to perform those services?"

Capparelli: "That's right. That's right. That is correct."

Mulligan: "That's really a hardship for those people, isn't it? It's a choice of no services or trying to figure out how to do this in an out-patient basis at a hospital, perhaps for the day."

Capparelli: "Right, could be an out-patient patient, yes."

Mulligan: "Thank you. I'm glad you clarified that for me."

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Speaker Brunsvold: "No further discussion, the Gentleman from Cook to close, Representative Capparelli."

Capparelli: "Ladies and Gentlemen, this is only for the physical disabled. This is not one that's going to be open for everyone, and the physical and mental condition prohibits them from complying with the basic instructions of needed hospital care and I would ask for a favorable Roll Call."

Speaker Brunsvold: "The question is, 'Shall House Bill 579 pass?' All in favor vote 'aye': all oppose vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please, record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 74 voting 'yes', 42 voting 'no', 1 voting 'present'. This Bill have received a Constitutional Majority, is hereby declared passed. Representative Zickus, for what purpose do you rise?"

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege. We are honored to have..."

Speaker Brunsvold: "Proceed."

Zickus: "We are honored to have with us today, Kate Smith who is the recipient of the Technology Educator of the Year award, was just presented to her by the Governor. A big warm welcome."

Speaker Brunsvold: "Congratulations. Mr. Clerk, what's the status of House Bill 1670?"

Clerk Rossi: "House Bill 1670 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Zickus, has been approved for consideration."

Speaker Brunsvold: "Representative Zickus on Floor Amendment #1."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 1670 closes a loophole in the impersonating veteran,

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member of police, fraternal veteran organization and charitable organization Act, and it provides that it is illegal for a person to claim that they're acting on behalf of any police department, fire department or sheriff's department. What we...Amendment #1 tried to tighten, tighten it up that any legitimate organization would be included. Now, we are going to be introducing a Technical Amendment. There were some concerns that were raised in committee, so maybe we could return this to...keep it on Second Reading."

Speaker Brunsvold: "And on the Amendment, is there any discussion? Mr. Black, the Gentleman from Vermilion."

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

Speaker Brunsvold: "State your inquiry."

Black: "This Amendment been printed and distributed?"

Speaker Brunsvold: "Mr. Clerk, what's the status of this Amendment? The Clerk indicates that the Amendment's in proper order and has been distributed. It's on your electronic wonder."

Black: "It isn't on my electronic wonder."

Speaker Brunsvold: "Have you updated lately, Representative?"

Zickus: "Mr. Speaker, I request the Bill be held on Second Reading. We do need a Technical Amendment that's being worked on right now."

Speaker Brunsvold: "Out of the record. Mr. Clerk, out of the record. Ladies and Gentlemen of the House, the Chair intends... Mr. Boland, the Gentleman from Rock Island, for what reason do you rise?"

Boland: "Thank you, Mr. Speaker. On House Bill 523, I was...missed the button, there. It should of been 'no' instead of 'yes'."

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Speaker Brunsvold: "Okay, the record will so reflect."

Boland: "Thank you."

Speaker Brunsvold: "The Chair intends, and I want everyone's attention, please, to go to the Noncontroversial List #2, and the procedure we're going to use, and it's been okayed by both sides of the aisle, we will allow the Sponsor approximately 30 seconds to describe the Bill. There will be no debate. You should vote 'yes' or 'no', depending on how you feel on that issue...or 'present'. Is that clear for everyone in the chamber? Get your list out everyone. It's NC #2, Noncontroversial List #2. If you... I state again, there will be no debate. The Sponsor has approximately 30 seconds to explain the Bill and then each Member should vote appropriately. Representative Bugielski. Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Rise on a point of personal privilege. I'd like to introduce to Springfield, a group from Chicago, from Forman High School, the Polish Club of Forman High School from the northwest side of the city and they are up in the gallery viewing our activities here in Springfield."

Speaker Brunsvold: "Welcome to Springfield. House Bill 44, Representative Dart. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 44, a Bill for an Act to amend the Criminal Code. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Dart."

Dart: "Thank you, Mr. Speaker. This would allow a child victim to have an advocate with them in proceedings in front of grand juries. I'd move for its adoption."

Speaker Brunsvold: "The question is, 'Shall House Bill 44 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there's 115 'ayes', 0 voting 'no', 0 voting 'present', and that Bill, have received a Constitutional Majority, is hereby declared passed. The Gentleman... Mr. Clerk, House Bill 381. Please, read the Bill."

Clerk Rossi: "House Bill 381, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

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

Boland: "Thank you, Mr. Speaker. The Bill would allow a county supervisor of assessments to extend the deadline for filing for the senior citizen assessment freeze homestead exemption by three months if the reason the homeowner failed to file was a medical condition, mental, or physical condition. Requires the applicant to submit a statement from a physician."

Speaker Brunsvold: "The question is, 'Shall...the question is, 'Shall House Bill 381 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk should take the record. And on that question, there are 115 voting 'yes', 2 voting 'no', 2 voting...0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Monique Davis, for what purpose do you rise?"

Davis, M.: "Mr. Speaker, I'd like the record to reflect I would have voted 'yes' had my switch been capable of accepting my green vote on the previous Bill."

Speaker Brunsvold: "It will be so recorded, Representative."

Davis, M.: "Thank you."

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Speaker Brunsvold: "House Bill 513. Please, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 513, a Bill for an Act in relation to diet...in relation to dyes and molds. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. House Bill 513 creates the Dyes and Molds Ownership Act. Would allow for the manufacturers of dyes, molds, jigs, forms, patterns or tooling to destroy those products if the customer does not take possession within three years. I know of no opposition of the Bill. It supported by the Cast Metal Association."

Speaker Brunsvold: "The question is, 'Shall House Bill 513 pass?' All in favor vote 'aye'; all opposed 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. And on that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Fritchey, for what purpose do you rise?"

Fritchey: "Hey, Mr. Speaker, I'd just like the record to reflect on House Bill 44, I had attempted to vote 'yes' and it didn't record. So, I'd appreciate being recorded as a 'yes' vote on that Bill."

Speaker Brunsvold: "We'll so record it. Mr. Clerk, read House Bill 573."

Clerk Rossi: "House Bill 573, a Bill for an Act amending the Department of Veterans Affairs Act. Third Reading of this House Bill."

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

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Hannig: "Thank you, Mr. Speaker and Members of the House. This Bill provides that veterans who have a 30% or more disability can get half price of camping fees. It's been worked out with the Department of Natural Resources and Veterans Affairs and I move for its passage."

Speaker Brunsvold: "The question is, 'Shall House Bill 573 pass?' All those in favor vote 'aye'; all those opposed 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. And on that question, there were 115 'ayes', 1 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 661."

Clerk Rossi: "House Bill 661. A Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

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

Scott: "Thank you, Mr. Speaker. House Bill 661 passed the House twice during the last Session, almost unanimously. It allows municipalities to remove graffiti from property, but without putting any lien on the property."

Speaker Brunsvold: "The question is, 'Shall House Bill 661 pass?' All those in favor vote 'aye', all those oppose vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 759."

Clerk Rossi: "House Bill 759. A Bill for an Act to amend the Criminal Code. Third Reading of this House Bill."

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

Acevedo: "Thank you, Mr. Speaker. This is an initiative of the Cook County State's Attorney's Office to increase penalties for falsely impersonating an attorney from a Class B misdemeanor to a Class IV felony and I ask for your support."

Speaker Brunsvold: "The question is, 'Shall House Bill 759 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 1 voting 'no', and 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 794."

Clerk Rossi: "House Bill 794. A Bill for an Act amending the Public Building Commission Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman. House Bill 794 just lets building commission...public building commissions to continue to exist if they have leases and I urge your support."

Speaker Brunsvold: "The question is, 'Shall House Bill 794 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 795."

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Clerk Rossi: "House Bill 795. A Bill for an Act amending the Open Meetings Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman. House Bill 795 just brings our tourism boards under the Open Meetings' Act. I know of no opposition and urge support."

Speaker Brunsvold: "The question is, 'Shall House Bill 795 pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 115 voting 'yes', 1 voting 'no', 0 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. The Clerk please read House Bill 904."

Clerk Rossi: "House Bill 904. A Bill for an Act amending the State Finance Act. Third Reading of this House Bill."

Speaker Brunsvold: "Leave of the House, Mr. Turner will handle this Bill for Representative Moore. Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. This Bill permits the State Comptroller to make rules authorizing the use by state agencies of purchasing cars for purchases otherwise made with petty cash funds. I urge an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 904 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 117 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 905."

Clerk Rossi: "House Bill 905. A Bill for an Act amending the

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State Comptroller Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 905 requires that the annual tax expenditure reports filed by state agencies with the Comptroller's Office include data demonstrating the impact of the tax expenditures. I request a favorable vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 905 pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 114 voting 'yes', 0 voting 'present', 2 voting... excuse me, 0 voting 'no', 2 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1117."

Clerk Rossi: "House Bill 1117. A Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

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

Erwin: "Thank you, Mr. Speaker. House Bill 1117 will amend the Insurance Code dealing with self-insured agencies, and I move for your consideration."

Speaker Brunsvold: "The question is, 'Shall House Bill 1117 pass?' All in favor vote 'aye'; all opposed 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. And on that question, there were 106 voting 'yes', 10 voting 'no', 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1336."

Clerk Rossi: "House Bill 1336. A Bill for an Act amending the Children and Family Services Act. Third Reading of this

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House Bill."

Speaker Brunsvold: "The Representative from Cook, Representative Hassert."

Hassert: "Thank you, Mr. Speaker, 1336 amends the Children and Family Services Act. Establishes certain priorities for services to children in state subsidized day care. I ask for its passage."

Speaker Brunsvold: "The question is, 'Shall House Bill 1336 pass?' All in favor vote 'aye'; all opposed voted 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 115 voting 'yes', 0 voting 'no', 2 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1404."

Clerk Rossi: "House Bill 1404. A Bill for an Act concerning license plates. Third Reading of this House Bill."

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

Zickus: "Thank you, Mr. Speaker. House Bill...House Bill 1404 provides for license plates to be distributed subject to appropriation by the General Assembly to the State Board of Education. This is the license plate for elementary and secondary education."

Speaker Brunsvold: "The question is, 'Shall House Bill 1404 pass?' All in favor vote 'aye'; all opposed voted 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 107 voting 'yes', 9 voting 'no', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please call House Bill 1595. Please, read House Bill 1535, excuse me."

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Clerk Rossi: "House Bill 1535. A Bill for an Act amending the Juvenile Court Act. Third Reading of this House Bill."

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

Wood: "Thank you, Mr. Speaker and Ladies and Gentlemen. Fifteen thirty-five provides that if the court at the detention center determines the parent or other person liable for the minor's support is able to contribute, that the parent shall be required to pay a fee of not more than \$10 per day, subject to a judge's discretion."

Speaker Brunsvold: "The question is, 'Shall House Bill 1535 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 93 voting 'yes', 20 voting 'no', 4 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1619."

Clerk Rossi: "House Bill 1619. A Bill for an Act concerning probate. Third Reading of this House Bill."

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

Jones, L.: "My 30 seconds gone? Thank you, Mr. Speaker, is my 30 seconds gone?"

Speaker Brunsvold: "The question is, 'Shall House Bill 1619 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Representative, yes, your time is up. Mr. Clerk, please read 1631."

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Clerk Rossi: "House Bill 1631. A Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this House Bill."

Speaker Brunsvold: "The question is, 'Shall House Bill 1619 pass?' All in favor...whoops, whoops...1631 pass? All in favor voted 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 116 voting 'aye', 0 voting 'no', 0 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. With Leave of the House, House Bill 1826 will be handled by Representative Mautino. Mr. Clerk, please read House Bill 1826."

Clerk Rossi: "House Bill 1826. A Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

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

Mautino: "Thank you, Mr. Speaker. This allows taxpayers under specified circumstances to redeem delinquent taxes at any time prior to the expiration and without the need to file a redemption under protest. Appreciate an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 1826 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2067."

Clerk Rossi: "House Bill 2067. A Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

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

Turner, J.: "Thank you, Mr. Speaker. This Bill makes changes in the Criminal Code with regard to aggravated battery. I urge an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 2067 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2122."

Clerk Rossi: "House Bill 2122. A Bill for an Act in relation to orders of protections. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Parke."

Parke: "Thank you. This Bill takes a \$20 fine from any man or woman that breaks an order of protection and puts it in the Domestic Violent Abuser Treatment Fund. I would ask for the passage of this Bill."

Speaker Brunsvold: "The question is, 'Shall House Bill 2122 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. And on that question, there were 116 voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2157."

Clerk Rossi: "House Bill 2157. A Bill for an Act amending the Pawnbroker Regulation Act. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Dart."

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Dart: "Thank you, Mr. Speaker. I'd like to thank everybody that made this Bill possible. It's a pawnbroker Bill that would allow the City of Chic...the Cook County to keep the records on a local level."

Speaker Brunsvold: "The question is, 'Shall House Bill 2157 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that issue...on that question, there is 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2232."

Clerk Rossi: "House Bill 2232. A Bill for an Act amending the Sex Offender Registration Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 2232 amends the Sex Offender Registration Act to place Illinois in closer compliance with the federal law."

Speaker Brunsvold: "The question is, 'Shall House Bill 2232 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having receiving a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2287."

Clerk Rossi: "House Bill 2287. A Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Fantin."

Fantin: "Makes it unlawful for a peace officer or correctional officer to knowingly commit an act and furtherance of

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gang-related activities except when acting in the furtherance of undercover law enforcement investigation. Penalty is Class III felony."

Speaker Brunsvold: "The question is, 'Shall House Bill 2287 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there were 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Black, for what reason do you rise?"

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

Speaker Brunsvold: "Please, state your inquiry."

Black: "I've been keeping track today, and so far since we've been in Session and there's only nine hours and 45 minutes more to go, there have been 19 calls to the Chair about the switch doesn't work, and so they'd like the record to reflect since we obviously have an electronic problem, I would suggest we take a lunch recess and have the electrician check out everybody's switch so that everybody can be recorded and we can be back here at 2:15."

Speaker Brunsvold: "Maybe, Mr. Black, we ought to call an exterminator cause they indicate there might be a lot of bugs in this system during this process. Let the Chair thank the Members for proceeding through that Noncontroversial List. I think everybody did a fine job and we'll proceed now on another list, Call of Order. House Bill 474, Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 474. A Bill for an Act to amend the Adoption Act. Third Reading of this House Bill."

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

Feigenholtz: "Thank you, Speaker, Ladies and Gentlemen. House Bill 474 is a Bill I have been working on that many of you have been reading about in the newspaper or you've been contacted by some of your constituents, and it has to do with the opening of adoption records. We have drafted a Amendment that is still a working Amendment and I would ask the Body to allow me to move this Bill over to the Senate where we will continue to work on it and if anybody has any questions on this, I'd be glad to help them out, but it's a Shell Bill. The Bill has been gutted and we're still working on it. We just need to buy some time here."

Speaker Brunsvold: "And, on that question, the Gentleman from Madison, Representative Stephens."

Stephens: "Mr. Speaker, I just want to know when we're going to go to the Order of Written Motions?"

Speaker Brunsvold: "We'll check on that, Representative."

Stephens: "Bless you."

Speaker Brunsvold: "The Gentleman from Dupage, Representative Roskam."

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

Speaker Brunsvold: "She indicates she will."

Roskam: "Representative Feigenholtz, just so that I'm clear, this is a Shell Bill, is that right?"

Feigenholtz: "Yes, it is."

Roskam: "And, it's your intention, in all likelihood to move Senator Cullerton's Bill as the primary Bill as you deal with this issue?"

Feigenholtz: "That is correct. I'm hoping to do that here, but I also want to advance my Bill to the Senate."

Roskam: "Okay. Thank you."

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Speaker Brunsvold: "Mr. Stephens, we're going to stay on the order of Third Reading. We're not going to that order. Representative Feigenholtz, did you answer that question?"

Feigenholtz: "Yes, I did."

Speaker Brunsvold: "Okay. The... Representative Stephens, what reason do you rise?"

Stephens: "Well, I appreciate the parliamentary response and your quick response, Mr. Speaker, but you said it with such definity that it sounded like 'ever'. Was that 'ever' or just like in the next few minutes?"

Speaker Brunsvold: "Just at this time we're going to stay on Third Readings."

Stephens: "Okay so, ever, so..."

Speaker Brunsvold: "We have a lot of Bills to pass on Third Reading. We'd like everyone to get an opportunity to present their Bills."

Stephens: "So, we're still in the ball park?"

Speaker Brunsvold: "Absolutely. The Lady from Cook, Representative Silva."

Silva: "I wanted to be recorded as a 'yes' vote on the last Bill that was called. I was absent from my chair."

Speaker Brunsvold: "The record will so reflect, Representative. Thank you. Is there any discussion on this Bill? Any further discussion? Any further discussion? Seeing none, the Lady from Cook to close."

Feigenholtz: "I would appreciate your support in a favorable vote to move this Bill to the upper chamber. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 747...excuse me, shall House Bill 474 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on

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that issue, there are 58 voting 'yes', 52 voting 'no', 5 voting 'present'. Representative Feigenholtz requests Postponed Consideration. The Lady is in the right to request Postponed Consideration. Mr. Clerk, please read House Bill 1823."

Clerk Bolin: "House Bill 1823. A Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1823 makes some technical changes to the funding mechanism for the Safe Schools Act as well as bringing in some work base and also community service work for approval as a part of curricula for the Safe Schools Program. I would be glad to answer any questions."

Speaker Brunsvold: "Any discussion? Is there any discussion? Seeing none, the question is, 'Shall House Bill 1823 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 114 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 481."

Clerk Bolin: "House Bill 481. A Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

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

Fritchey: "Thank you, Mr. Speaker. House Bill 481 would amend the Criminal Code to provide that a doctor that performs artificial insemination by implanting embryo or sperm into a woman, receives written consent of both the donor and the

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recipient. This Bill came out of a California case where a doctor was implanting embryos from women into other women without their knowledge and they had no laws on the books to charge him with at the time and they instituted a law after the fact. This is a way for us to be pro-active and deal with this situation should it arise."

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

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, did you use to live in California?"

Fritchey: "No, Sir."

Black: "Okay well, just a cautionary tale. I'm much older than you are. Don't be too fascinated by what goes on in California, alright? I could care less what happens in California but I care very much about what happens in Illinois. If you'll take a look at your Bill, you use a term 'assisted reproductive technology'. Where is that defined?"

Fritchey: "I think you take a literal definition of that. It does not need to be a defined term. This is somebody that is assisting in reproduction and makes it unlawful to knowingly implant sperm or an embryo into a recipient who's not the donor without the consent of both the donor and the recipient."

Black: "Well, Representative, I went through this process, my wife and I about 35 years ago. So, I have a little bit more personal knowledge than you do and all due respect to you. If there is no definition of assisted reproductive technology in your Bill and I or my spouse happen to be on all kinds of medication and medical procedures trying to

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become pregnant, under your Bill, theoretically I could be committing a crime because you do not define 'assisted reproductive technology'. I know what you're attempting to do, but I would submit to you, you ought to take this out of the record and make darn sure that you have a definition of 'assisted reproductive technology' on what you're trying to do and for God's sake, don't make a criminal out of somebody that's taking medication, of medical technology and all that's available today that wasn't even available to me 35, 40 years ago. Don't make a criminal out of those of us who are doing something that we dearly like to do. Your Bill is not clear. I would submit to you, you should take it out of the record, define your terminology and I'll be glad to vote for it."

Fritchey: "With all due respect, again the Bill as written, makes it unlawful to knowingly implant sperm or embryo into a recipient who's not the donor without that. It would not cover you taking medication, et cetera. That having been said, I was intending on having this amended in the Senate to limit its application solely to licensed medical providers and I believe that would cover the speaker's questions."

Speaker Brunsvold: "Representative Black, have you concluded your questioning? Representative Black."

Black: "He has not addressed my question of definition. I don't trust the Senate to change the Bill. It is his responsibility to change it. I've been down this road. I speak from personal experience and I may say, and I'm not very happy about it, I'll be damned if he or anybody of his ilk, 35 years ago is going to make a criminal out of me or my wife for what we were having medical technology do. Now, either define it and do what you want to do or take

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the Bill out of the record or I hope, Representative, this Bill goes down to defeat."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook to close. Representative Fritchey."

Fritchey: "To the last speaker. Representative, I'm very, very sensitive to your experiences and your impassioned plea. I would imagine that you would not have been happy if the crimes that had taken place in California and elsewhere, would have been involving your wife. If it is your wife that had an embryo from another woman implanted into her without her knowledge, I cannot imagine a more terrible thing or something that's more invasive of your privacy and your dignity. This is a Bill that is intended to do nothing more than protect the individual's rights, donors and recipients, that if you were going to take advantage of medical technology, you're going to have an embryo or ova or sperm implanted into you, that you are getting the sperm or ova or embryo that you think that you're getting. It would be a terrible, terrible thing to find out afterwards that the child that you bore is not the one that you intended to bear, and that you thought you were getting sperm from your husband and it's coming from a complete stranger. Representative, I am more than happy to work with you to amend this in the Senate. This is a good Bill. It's a needed Bill and I respectfully ask for its passage."

Speaker Brunsvold: "The question is, 'Shall House Bill 481 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there is 63 voting 'yes', 36 voting 'no', 11 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared

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passed. Mr. Clerk, please read House Bill 550."

Clerk Bolin: "House Bill 550. A Bill for an Act to amend the Public Community College Act. Third Reading of this House Bill."

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

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 550 came to me from the community colleges in the State of Illinois. Right now, the statutes have placed a \$1.5 million cap on the amount of money a local community can borrow for altering or repair or necessary main...for their health and safety bonds. This piece of legislation removes that cap for those community colleges. I would be more than happy to answer any questions that anyone might have."

Speaker Brunsvold: "And on that question, are there...is there any discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, would the Gentleman yield for a question or two?"

Speaker Brunsvold: "He indicates he will."

Skinner: "What impact does this have on counties that are under the tax cap?"

Hartke: "Very good question. I don't think it has any. They have that ability. This is to save the community colleges money because of the bonding whenever they go in. I really can't answer that question. I don't know how it would affect the collar counties, but I don't think it would have an affect on them."

Skinner: "Well, needless to say, if we don't have a definitive answer, that'll make every target on the floor real nervous, not to mention those of us who value being able to

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vote for an increase in taxes. The analysis says that this was a Bill that originated in 1984, which says that you can levy up to 5%."

Hartke: "This does not raise that."

Skinner: "Is that with or without an election?"

Hartke: "With."

Skinner: "With an election. So the rate stays the same..."

Hartke: "The rate stays the same, just there's this cap of no more than 1.5 million..."

Skinner: "And there's... There's a front door referendum?"

Hartke: "If your community college needed to borrow 'x' number of dollars, there was this artificial cap of 1.5 million that could not be borrowed over, so this removes that cap."

Skinner: "Alright, but you're sure there's a front door referendum? Because if there's a front door referendum, I don't have any objection."

Hartke: "I think this is for life safety bonds."

Skinner: "Well, life safety traditionally does not have a front door referendum."

Hartke: "That is action by the board."

Skinner: "I'm sorry?"

Hartke: "That is action by the board. Correct."

Skinner: "Okay, well, I remain nervous. Thank you."

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

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

Speaker Brunsvold: "He indicates he will."

Rutherford: "Representative Hartke, does this have any type of geographic definition? I mean is this...Will this be statewide or is this..."

Hartke: "Statewide. Statewide."

Rutherford: "I'm sorry, it'll be statewide and include..."

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Hartke: "Right. The Illinois Community College Trustees Association have brought me this language, and I do believe it applies statewide."

Rutherford: "So, it would apply for every community college or opportunity for every community college?."

Hartke: "Yes, Sir."

Rutherford: "Alright, thank you."

Speaker Brunsvold: "Is there any further discussion? The Gentleman from Kane, Representative Hoeft."

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

Speaker Brunsvold: "He indicates he will."

Hoeft: "These...the provisions of the tax cap still apply to this, does it not?"

Hartke: "Yes, it's my understanding it would."

Hoeft: "So, even though we have an extended life safety capacity that would have to be kept under the limitations, a tax cap. That significantly changes that for all the districts that are under tax caps."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Effingham, Representative Hartke, to close."

Hartke: "Just appreciate an affirmative vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 550 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 70 voting 'yes', 39 voting 'no', 1 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2121."

Clerk Bolin: "House Bill 2121, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Sangamon, Representative

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Klingler."

Klingler: "Thank you, Mr. Speaker. House Bill 2121 is the result of the collaboration of several law enforcement and criminal justice agencies, including the Illinois State Association of Chiefs of Police, the Sheriffs Association, the Appellate Prosecutor's Office, the Police Training Institute and others. This Bill would increase the penalties for fleeing or eluding or attempting to elude police from a Class B misdemeanor to a Class A misdemeanor for the first or second offense. Second, it would provide that the third offense would become a Class IV felony. Third, it would require the Secretary of State to suspend the driver's license for up to six months for a first conviction and up to 12 months for a second conviction. This Bill would also make the following changes to aggravated fleeing or attempting to elude an officer, that a violation of any of the elements now listed in the statute will constitute aggravated fleeing or eluding. I would like to mention that this Bill is identical to Senate Bill 233, which passed the Senate. Thank you."

Speaker Brunsvold: "On that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 2121 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 109 voting 'yes', 0 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 620."

Clerk Bolin: "House Bill 620, a Bill for an Act concerning benefits for certain health treatments. Third Reading of this House Bill."

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

Erwin: "Thank you, Speaker. House Bill 620 is identical to House Bill 3168 that Representative Ann Zickus sponsored and passed from this chamber 111 to 0 last December. House Bill 620 would ensure that cancer patients who choose to be in a clinical trial for cancer treatment would be covered by their health care insurance. Clinical trials for cancer are used, obviously, to determine whether new treatments and therapies are more effective than the standard therapy. We're not talking about a patient who would have no coverage versus some coverage. We're talking about patients who...whose insurance does cover the standard therapy for cancer treatment. There is a very small percentage, a little over 1,000 people in the State of Illinois who choose to go into clinical trials for cancer research, research that's been approved by the National Cancer Institute and the National Institute of Health to ensure that all of us who may have cancer touch our lives will be the beneficiaries. Obviously, the new therapies are what helps us find cures and better treatments for cancer, and I would urge your support once again. Again, this passed 111 to 0 in December."

Speaker Brunsvold: "No other questions, is there any discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Ladies and Gentlemen. I must rise again to point out that this is experimental treatment that, in fact, it has not been covered under health care in the State of Illinois in the past, that this experimental treatment many times does not work. It is an expense that is added to the cost of doing business in the state. I would ask that the Body understand that you keep passing these mandates on to the small businesses and the large

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businesses of Illinois, you're going to make this place an undesirable place to do business. I must rise in opposition."

Speaker Brunsvold: "The Gentleman from McLean, Representative Brady."

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

Erwin: "Yes."

Brady: "Representative, this Bill is to allow for an investigational treatment as I understand it for all cancer patients, is that correct?"

Erwin: "Representative, it would permit health care coverage for patients that...cancer patients that are in clinical trials, only clinical trials that are NIH approved or approved by the National Cancer Institute. It's a very limited number, and I'd just like to add that the State of Rhode Island has had this law on the books for three years. They did a study after the three years. There was no, not only no increase in insurance rates, but there is a fair amount of evidence that would show, Representative, that actually the cost to the employer goes down. In a clinical trial, there is usually someone else that is paying for the agent that is being examined. And so, the costs frequently go down."

Brady: "Representative, is there... Tell me more about these certified programs. These are experimental programs certified by who?"

Erwin: "For the, I think, fourth time Representative, they are clinical trials for cancer treatment that have been approved by the National Cancer Institute, the National Institute of Health. We are talking about..."

Brady: "By both institutions or either one?"

Erwin: "Either one."

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Brady: "Either one?"

Erwin: "Well, Representative..."

Brady: "Are these... Are these treatments restricted in any way to the State of Illinois, the United States, or would they have to pay for them to fly to Russia to have this treatment?"

Erwin: "Representative, no, no one's flying to Russia to go anywhere. If you have..."

Brady: "I'm sorry, I didn't hear your answer."

Erwin: "If you have cancer, Representative Brady, you will be seeing an oncologist most likely in your hometown. If your cancer looks as though it is so severe or a strand and a type that is not treatable with a standard therapy, the standard protocol that your insurance company will already pay for, and your oncologist recommends to you that there is a, that there may be a clinical trial that is available, and you would qualify for. Mind you, most patients don't even qualify for these clinical trials. We're talking about maybe, Representative Brady, maybe a 1,000 people in the State of Illinois out of maybe 100,000 that may, that will get cancer in a year. Very small percentage, and the most of the cost of a clinical trial is paid for by a pharmaceutical company, a university. So the cost, according to the State of Rhode Island, may be less."

Brady: "Representative, I certainly understand what you're intending to do, but I also know when we mandate that in this case Medicaid and small insurance, excuse me, insurance policies, not the CHIP program, not the self-insured programs. When we mandate that they have to cover this, those pharmaceutical companies may be inclined to be less likely to support that. But, back to my question, if this procedure were to take place in Russia or

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London, would they be required to pay for them to take that procedure anywhere in the world?"

Erwin: "Representative Brady, I think that your question is just not even germane. You know, if you are... If you have cancer, and you live in the State of Illinois, the likelihood that... If your oncologist recommends that you go to Mars to treat cancer, I mean let's be serious about what we're talking about. We're talking about..."

Brady: "Representative, I know how serious this is. I just want an answer..."

Erwin: "We're talking about two different treatments. A standard treatment with a treatment that they are testing on different types of cancer. We're not talking about going to Russia or to Mars. And I doubt that the NIH or the National Cancer Institute is approving clinical trials that take place in the former Soviet Union."

Brady: "Thank you, Representative Erwin. To another issue in the Bill. On page two, paragraph (a), line five, it seems that you provide for when this procedure is medically appropriate. I don't find in the Bill any definition of medically appropriate. And who would, if that's true, who would determine when it was medically appropriate to take...to use traditional care or what you're suggesting in this legislation?"

Erwin: "Representative Brady, I do think you're aware that medically appropriate is a term of art that is used in, widely used in our statutes, to clearly mean that a...the physician who...the physician and the patient together determine what is medically appropriate treatment. Even if you decide you want to be in a clinical trial, you may not qualify. Not every cancer patient, obviously, qualifies for a clinical trial. And so, medically appropriate would

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be between, you know, you and the oncologist that is taking care of your cancer treatment."

Brady: "Would the insurer have any say in that?"

Erwin: "Obviously, the employer or the insurance company has a great deal to say about what is covered. And truthfully, the good news, Representative Brady, is that many insurance carriers in the State of Illinois are doing this. But there are also many cancer patients who do not have it, and so that has led us to why you voted 'aye' on December 5th of last year on the identical Bill."

Brady: "But, to clarify, you do feel that the insurance companies would have some say in whether or not that procedure was medically appropriate?"

Erwin: "Well, Representative, the insurance companies that write the policies obviously have a lot to say about what gets covered at all, which is why we're sponsoring House Bill 620."

Brady: "Thank you. To the Bill, I certainly understand the Sponsor's intentions, and I find them admirable. I still have some concern about the cost effect and I, as indicated before, the industry is appearing to do this on its own when it's...for the benefit of the patient and I have some concerns about that. Thank you."

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

Zickus: "Thank you, Mr. Speaker and Members of the House. There is some important information I ask you to keep in mind as you're listening to the debate on this Bill. The clinical trial coverage would not apply to a vast majority of the cancer patients, only about 3% of the U.S. adults with cancer participate in clinical trials each year. And as Representative Erwin already pointed out, that the alternative to a clinical trial is standard therapy, so the

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insurance companies are going to be paying for therapy. And we should also keep in mind that lack of coverage for clinical trials results in lawsuits and other expenses to the insurance companies as the families fight to have the coverage covered. So there is a cost benefit. Another cost benefit is that it helps to develop more cost-effective and clinically effective treatments which will ultimately reduce the cost of insurance. Virtually, every current method of cancer treatment, every standard therapy in use today was developed through the clinical trial system. A guest with me today is the husband of our educator of the year recipient, Jerry Smith. And Jerry has told me that he had a bone marrow transplant with not too many years ago, was considered investigational or it was a clinical trial. And four and a half, almost five years later, he is here and he is healthy, thanks to the people who had gone through the clinical trials. Please keep in mind with the...some of the statistics that I had mentioned before from the Cancer Society; one in every two Illinois men and one in every three Illinois women will develop cancer in the course of their lifetime. This year, 64,000 Illinoisans will be diagnosed with cancer and 26,000 will die of it. By the year 2000, cancer will surpass heart disease as the leading cause of death in this state and across the nation. Everyday 1,500 Americans die of cancer. Please, Ladies and Gentlemen, urge your 'yes' vote on this important piece of legislation and thank you, Representative Erwin, for all of the hard work that you have put into this over the years."

Speaker Brunsvold: "Representative Erwin, to close."

Erwin: "Thank you, Speaker. I would just urge the House to think back to whatever it was you were thinking of on December

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5th, 1996, when Representative Ann Zickus was the lead Sponsor and this identical Bill received 111 votes. We were able to virtually cure childhood leukemia because patients were willing to go into clinical trials. Again, the State of Rhode Island has had this law on the books for over three years. It has not only not increased insurance rates, there's evidence it has gone down a little bit. So I certainly urge your 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 620 pass?' All in favor vote 'aye'; all opposed 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 92 voting 'yes', 19 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2178."

Clerk Bolin: "House Bill 2178, a Bill for an Act..."

Speaker Brunsvold: "Excuse me, Mr. Clerk. Representative Hughes, for what reason do you rise?"

Hughes: "Thank you, I was voting my colleague's switch, didn't get mine on. I would like the record to show that had I voted, it would have been a 'yes' vote."

Speaker Brunsvold: "It's so recorded."

Hughes: "Thank you."

Speaker Brunsvold: "Mr. Clerk, please read House Bill 2178."

Clerk Bolin: "House Bill 2178, a Bill for an Act concerning government administration. Third Reading of this House Bill."

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

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2178 is a Bill I'm carrying for the

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State Police, and it has four different components. First, what I want to mention about is the genetic marker indexing fee, which basically permits the court to assess it up to \$500, to cover the costs of the processing of DNA analysis and subsequent categorization of the defendant's blood for convicted sex offenders. And that is only permissive. So, it only is up to the discretion of the court. Another issue is dealing with felon and state business. Basically, what it does is change the State Finance Act, extend the period that the convicted felons can deal with the State of Illinois from one year up to five years after the date of conviction. Another one, another issue, the third of the fourth issues are FOID Act changes. And that relates basically to the FOID card, and says that any person who is prohibited from acquiring or possessing firearms or firearm ammunition by any other state or federal law, just to change the federal, and that has been signed off on by the NRA and State Rifle Association. And then, the first issue, or the fourth issue of the four, I guess I should say, is that dealing with LEADS funding. And, of course, LEADS is the Law Enforcement Agency's Data System. What this would do is really there would be a one dollar surcharge on traffic or criminal offenses, which would be used for rebuilding this system that is 25 years old and we need to keep our police information system going between police departments. I would ask for a favorable Roll Call."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 2178 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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take the record. On that question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 655."

Clerk Bolin: "House Bill 655, a Bill for an Act to amend the Illinois Occupational Therapy Practice Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill brought to me by the special education administrators of the state. This Bill would amend the Occupational Therapy Practice Act to increase the length of time that an applicant for license under the Act may practice if he or she has not yet passed the required national examination, but is otherwise qualified to be licensed as an occupational therapist. The Amendment that we passed earlier removes opposition from the Occupational Therapists Association and from the Department of Professional Regulation. So I know of no opposition to the Bill at this time, and I would move for its passage."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Kendall, Representative Cross."

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

Speaker Brunsvold: "Indicates he will."

Cross: "Representative, it's just a little noisy in here and just so we all know what we're voting on, this Bill has no opposition, does it, from what I see?"

Smith: "That's correct. The opposition has been removed."

Cross: "And your Amendment, Amendment #1, has been adopted, is that correct?"

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Smith: "That is correct."

Cross: "And the Department of Professional Regulation, from what I understand, is a proponent of this Bill?"

Smith: "That's right."

Cross: "The Bill very simply says that if you're an occupational therapist, you can go instead of six months up to a year of practice without your license as long as you've met all the other requirements of the Act. Is that correct?"

Smith: "That's right. This is for recent graduates because of the time that the national test is given to meet the licensing requirements."

Cross: "Sounds like a good idea, thank you very much. Thank you, Mr. Speaker."

Smith: "Thank you."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 655 is a Bill that we've worked on. I commend Representative Smith for his work on it, and it is an Agreed Bill. Thank you."

Speaker Brunsvold: "Being no further discussion, the Gentleman from Fulton to close, Representative Smith."

Smith: "Thank you, Mr. Speaker. I would just ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 655 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 689."

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Clerk Bolin: "House Bill 689, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Six eighty-nine has been amended as to eliminate provisions that have been the most controversial, so we now have the remaining portions of three simple things actually. Number one, when a public hearing is held on a mandate waiver, the local Legislators would receive the hearing notice. That's number one. Two, when the public hearing is held, the notices must be sent to the local bargaining agent at least seven days prior to the hearing. And finally, we allow the elected local school boards to change their minds before the end of the current five year imposed mandate deadline, which gives them flexibility to modify the waiver if they choose. I appreciate your affirmative vote."

Speaker Brunsvold: "And is there any discussion? Seeing none, the question is, 'Shall House Bill 689... Excuse me, Representative, the Gentleman from Kendall, Representative Cross."

Cross: "I'm sorry, Mr. Speaker, there must be a problem with my light. I tried to hit a few times. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Cross: "Actually, before that, inquiry of the Chair...or the Clerk."

Speaker Brunsvold: "State your inquiry."

Cross: "Could someone advise us at to what Amendments have been offered and what Amendments have been accepted or what have passed?"

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Speaker Brunsvold: "Can the Clerk give us a update on the Amendments?"

Clerk Bolin: "Amendment #1 was adopted in committee. Amendment #2 was withdrawn in committee and Floor Amendment #3 was adopted."

Cross: "So 1 and 3 are the only pending...or the only Amendments...2's been... When was 2 withdrawn?"

Speaker Brunsvold: "Mr. Clerk."

Clerk Bolin: "Amendment #2 was withdrawn on March 20th."

Cross: "Thank you. To the Sponsor, Representative Phelps..."

Speaker Brunsvold: "He'll yield."

Cross: "What opposition, if any, is there on your Bill as amended?"

Phelps: "I don't believe I have indicated or know of any at this time. That's not to say there's not some, but I really don't...I'm not aware if there is."

Cross: "And I didn't ask you to try to trick you. I'm just looking through my...our analysis..."

Phelps: "I know you're not."

Cross: "...and I don't know if this is prior to or subsequent to the Amendments the Illinois School Management Alliance at one time had been opposed to this legislation."

Phelps: "If...I believe, I don't believe they would be opposed, maybe neutral if any, but I'm not sure."

Cross: "What...I'm sorry, Representative, I didn't hear that answer."

Phelps: "I believe at the very worse, they would be neutral, but I haven't heard their opposition since we've amended it, the final Amendment."

Cross: "Can you...it was kind of, as it has been most of the day, it's kind of tough in here to hear answers. Can you tell us again, please, what the, I guess, the genesis and the

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effect of this Bill is, Representative? And I'm sorry, as I said, we just can't hear over here."

Phelps: "That's okay, that's okay, I understand. We've...In the amended form, Representative Cross, this covers three simple things. One, we're just asking that on a mandate waiver that the local Legislators in that district where the mandate is being generated, the waiver has been requested, are notified of the hearing. Secondly, when the public hearing is held that the notices be sent to the local bargaining agent at least seven days prior to the hearing. And finally, we're asking that the current five year imposed mandate allow the elected school board members to change their mind before that five year period, if they choose to. That's all it does."

Cross: "Why do...What's the need for this, Representative? Have there been problems?"

Phelps: "Certainly. There's been several problems with, you know a lot of problems with mandate waivers, first of all, but I think the process in which this modifies the process and what I think of, cleans it up, is only to advantage to accomplish what we wanted to in the mandate waivers to begin with. So, I don't think it should be viewed as a threat to the process, but a cleanup of the whole situation."

Cross: "Is this...Is there still language in the Bill that would prohibit the local school districts from requesting waivers?"

Phelps: "No."

Cross: "On issues that would jeopardize accreditation, is that gone?"

Phelps: "No. No, we haven't interfered with that at all."

Cross: "Pardon me?"

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Phelps: "To request waivers, there's nothing changed, as far as requesting waivers. We are...the only three things I outlined just modifies the process, nothing hinders the request."

Cross: "Alright, I don't have any other questions."

Phelps: "Thank you."

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

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, I...Why do you want Legislators to be notified of a mandate waiver request?"

Phelps: "Well, for one, in a personal manner, I guess some of the waivers that I requested that I heard about was after I got here. The State Board or someone sent me, and then when we get here, trying to communicate, if we haven't had a letter or some sort of communication from that local school board or administrator about helping them with this request or whatever it might generate the need for support or whatever. I just think it's good for us to be notified. Don't you?"

Black: "Well, I think you know my viewpoint on this. I don't like it when they come to the floor of the House and we sit here as some kind of super school board and decide whether or not your textbook cover's going to be green or blue."

Phelps: "I agree."

Black: "My only fear is that by getting us involved right at the very beginning, we're going to be expected to attend that school board hearing. We're going to be expected to take a position. We're then going to be expected, I think, to argue either for or against it at the State Board level,

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and then do the same as it comes to the floor of the General Assembly. I...Is that what we really want to do? I'd like to do away with this thing all together and not get even involved more in the process..."

Phelps: "Right. Representative Black, all that could happen, have that affect. I believe that could happen under the circumstances now, but I just feel like this is more of an awareness at an earlier stage than we have been in the past. And it's up to our skills to try to manage our involvement anyway."

Black: "Well, Representative, and you and I generally represent the same kind of an area, and we're usually together on this."

Phelps: "Right."

Black: "I... It just seems to me that we're adding just another, not bureaucracy, that's not the right word, but we're interjecting ourselves into a process that I think is already convoluted at best. And I don't know that I, you know, I probably shouldn't say this where my remarks can be transcribed, but I don't want to be involved in some of these for a six month period. I don't even like it when they come to the floor of the House. I wish there were a way that we could alter this whole process. I don't think any of us here enjoy that resolution on these school mandate waivers where we act as some kind of super anointed school board. And I'm just afraid that your Bill, even though you've amended it considerably, is just going to get us involved more in the process and not less. And if you could allay my fears, I'd be very grateful."

Phelps: "Representative Black, I don't guess we have time to do that, but I take your input very seriously, because we do have more of an agreement than disagreement on these

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policies, and let me just say this. Involvement, you know, I've just kind of surrendered to the fact by the mere position I hold, that we are involved in one degree or another, whether we want to be or not, but how we handle that vocal input or trying to persuade or modify something before the local autonomy has had a chance to, you know, go through the process that we've outlined is one thing, but let me just tell you this. I don't think it's a layer of bureaucracy, I just think it's another layer of accountability, which I'm informed earlier on to prepare how I could best judge how to follow through with what this local school district had requested the General Assembly to do. So...I don't want to be involved in a negative way, that's for sure."

Black: "No, I'm in complete agreement with you, Representative. That's why I said bureaucracy was the wrong word. I don't think it involves a layer of bureaucracy, I just think it probably is going to make a somewhat convoluted process possibly even more so, but I do appreciate your answers to the questions. Mr. Speaker, if I might, to the Bill."

Speaker Brunsvold: "Proceed."

Black: "I... Representative Phelps, I think is addressing some concerns that all of us have expressed, and I can't...I don't disagree with his intent. I guess what kind of makes me back off this Bill a little bit is that I'm now going to be involved from literally the very first discussion, and maybe I should. I don't know, but I don't think that's my job. I...you know, most of us get more mail than we can slog through in a day now. And you add that to our phone calls and requests to go hither and yon, and I'm telling you, I always get a kick out of when people write me and say this is a part-time job. If anybody could walk in our

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shoes, they would know better, and I just think that by interjecting Legislators into the process at a very early point means that we're going to be involved in this process all the way through, and I don't even like to be involved in it when it comes to the floor of the General Assembly. I know we don't have time today; I know he doesn't have time to amend the Bill. But at some point, we need to revisit this entire waiver process. And until we can do that, I'm going to vote 'no' or 'present' on this Bill."

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Hoeft: "Our analysis has a fourth area and that is changes in terms of the reporting to the General Assembly and some of the reporting mechanisms dealing with the State Board. Do you know why those lines were taken out in the Bill?"

Phelps: "Probably, the objections were just trying to be addressed and make it simply to the intent that we had, which was to notify Legislators just a little bit earlier than what we are now and the local bargaining unit at least seven days before."

Hoeft: "No, I'm talking about to the actual State Board. There is a lining out of certain of our lines and placing in other statements. It says Senate and House will be notified and Secretary of State, that was etched out. Do you know what I'm referring to?"

Phelps: "I see on page three, line 30, that the Secretary of State was taken out. Where else do you mention?"

Hoeft: "I was just curious if in fact that's still in there? And why there was a change?"

Phelps: "I...I believe your side of the aisle had brought that to

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our attention that they oppose that, so we accommodated.

We removed that at the request of your side of the aisle."

Hoelt: "Well, then obviously, it was a good idea. Thank you."

Phelps: "The Gentleman from Livingston, Representative Rutherford. The Gentleman does not wish to speak. The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 689. I believe that Representative Phelps has tried to address some of the concerns that were raised in committee. I, as a local Legislator, would like to know if there are some thoughts of some mandate waivers in my particular legislative district. Also, I think it also gives the local school boards more flexibility if they, when they apply for a five year, you know right now for a five year period on a waiver, that if they change their mind and they want to come back, they can go through the same process and not have to wait the five years, so they may increase their, you know, looking at different waiver mandates. So I stand in support of House Bill 689."

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

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

Speaker Brunsvold: "Indicates he will."

Mitchell: "Thank you. Representative Phelps, does this in any way obligate any Members of the General Assembly to go to more meetings?"

Speaker Brunsvold: "Absolutely not. We've got enough on our plate."

Mitchell: "But it does make us aware of waivers in our districts that may be coming down the pipe if we are interested and want to go, we can?"

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Phelps: "Exactly right."

Mitchell: "Also, Representative, does it obligate any district to look at a waiver that they have passed and make changes or decisions unless it's their initiative?"

Phelps: "No, not that I'm aware."

Mitchell: "Okay, thank you, Mr. Speaker. To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Mitchell: "I rise in support of this legislation. Dick Lockhart and the Illinois IHPER have worked very hard, and they've lost some ground because of waivers that we've fought successfully in the House and took out of the waiver mandate Bill in the 88th General Assembly first year. In the second year, it started in the Senate and we really lost ground. With some elementary districts actually doing away with elementary P.E., which was kind of a shame. That was never the intent of the mandate waiver Bill. That's what's happened, and I think some of the districts are going to want to take a look at those waivers that they have passed to find out that elementary P.E. is needed. They're not asking for a lot here. They're not obligating anybody to do anything. They're only simply saying if you want to take a look at it, if you have made a mistake, you've got the opportunity to correct it. You don't have to live with it for five years, but you're not mandated to do that. They're also saying, Mr. Legislator or Mrs. Legislator, here is a chance for you to go to one of those meetings, if you so choose. It's in your district; this is when it's going to be. And if it's in an area that really concerns you, we want you to know about it. You don't have to take part, you don't have to say anything, but you can be there, or you can send a representative to represent you

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to listen and bring you back information. I think this is an honest step by the groups that put this together. They worked very hard to answer all of the concerns of the alliance. Maybe the alliance is not completely satisfied, but I think this is a Bill that's going to help the process, not hurt it. And I urge a 'yes' vote. Thank you."

Speaker Brunsvold: "Representative Phelps, to close."

Phelps: "Thank you, Mr. Speaker. The intent here is to make it easier on the local school boards to communicate their wishes through this process, and at the same time, the local bargaining unit to be informed a little earlier, as well as the local Legislators. But other than influencing the process, it's still intact. I appreciate your support."

Speaker Brunsvold: "The question is, 'Shall House Bill 689 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 73 voting 'yes', 42 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2211."

Clerk Bolin: "House Bill 2211, a Bill for an Act concerning financial transactions. Third Reading of this House Bill."

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

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. House Bill 2211 is the Department of Financial Institution's Bill. It basically makes various changes in the Sales Financial Agency Act, the Consumer Installment

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Loan Act, the Motor Vehicle Retail Installment Act and Retail Installment Act. This just is an agency Bill that makes cleanup language, makes some changes to bring everything in line. I'd ask for your support."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Whiteside, Representative Mitchell. Light is on. Representative Mitchell, your light is on. Do you wish to speak? Again, is there any further discussion? Seeing none, the question is, 'Shall House Bill 2211 pass?' All in favor vote 'aye'; all opposed 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. And on that question, there are 112 voting 'yes', 4 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 742."

Clerk Bolin: "House Bill 742, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

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

Mautino: "Thank you, Ladies and Gentlemen of the House. House Bill 742 provides that school districts may not request waivers from the State Board of Education for the requirements necessary to shift control of a school district from one county superintendent to another. There is already language in the statute that allows this to be done. It doesn't change any prior requests. The idea behind this Bill being it was never inte...it was never the intention of the waiver process to waive actual structure of educational regions. At that, I would answer any questions, and Representative Hoeft has joined me as

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cosponsor. He reserves the closing on the Bill, and I just ask for 'aye' votes."

Speaker Brunsvold: "And on that issue, are there any questions? The Gentleman from Vermilion, Representative Black."

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative Mautino, I thought the underlying Bill said you could not request a waiver from a law, rule or regulation? Is that not in the current law?"

Mautino: "This language... Okay, what...this would not allow you to shift the control from one school district to another. And I believe that that's...that hasn't been covered. As a matter of fact, a waiver was granted. It wouldn't affect that waiver on a different school district, but it would just say that in the future, it wasn't the intent of that process, that we should be able to waive from one school district to another. Operationally, yes, for operational mandates, but not to raise...to waive the district that you are in."

Black: "Well, now I'm confused, and I'm a cosponsor of the Bill. When you say shift the responsibility from one school district to another, that tells me that if my home district of Danville requested a waiver from Columbus Day, that being a holiday, that they could then transfer their waiver..."

Mautino: "No, Representative..."

Black: "...to Georgetown?"

Mautino: "Representative, you can't shift from one ROE to another."

Black: "Ah, now we..."

Mautino: "That is the big difference."

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Black: "...now we...now we...get to the heart of it. Well, do you mean there's actually been waivers granted where they didn't go to their own Regional Office of Education? They went to somebody else's?"

Mautino: "Once. Yes, there have... And it was actually...See in statute, there's a three step procedure, because our school districts are changing and growing in size. If you have more than 60% of your students going to an ROE, I mean there might be compelling reasons, to a different ROE. There's a compelling reason to go ahead and do that. And there's a process set up in statute which allows that. And so, I guess what we're saying in this Bill is we should stay to that process that's in the statute."

Black: "Alright, but the underlying Bill doesn't add or subtract in anyway. You're not saying..."

Mautino: "Absolutely not."

Black: "Alright, you're not saying that a district could not request a waiver from a supervisory ruling of an ROE that they don't agree with. Say..."

Mautino: "You're correct."

Black: "Okay, so if the ROE says the first Monday of every month will be a teachers' institute, and the district says, 'No, we're not going to have nine institutes this year. We don't agree with that and we'll request a waiver.' They could still do so."

Mautino: "That's not the issue on this Bill."

Black: "Okay, it appears then that the...what you're after is that you just simply must deal with the Regional Office of Education, the Regional Superintendent of Education in which you are located and not run off to some other regional office, correct?"

Mautino: "Correct."

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Black: "Alright, thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from
Fulton, Representative Smith."

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

Speaker Brunsvold: "Indicates he will."

Smith: "Representative Mautino, just to clarify. This corrects a
situation which actually occurred last year through a
mandate waiver that occurred in my district actually with
one school district moving from one regional office to
another."

Mautino: "That is correct. This did arise in... That arose where
there was a school district that had a 2% discrepancy from
what the statute was, and that's what we're saying here now
is we should go basically by the statute in the future
requests."

Smith: "So this would prevent that from happening in the future?"

Mautino: "Yes, it would."

Smith: "Okay, I fully support this Bill. I applaud the Sponsor
for bringing it forward and the Regional Superintendents
Association also. It's unfortunate that the one waiver
passed through last year that did affect a school district
in my area, but I'm glad to see this legislation advancing,
and I encourage an 'aye' vote."

Speaker Brunsvold: "The Gentleman to close. Representative
Hoeft, the Gentleman from Kane."

Hoeft: "Thank you, Mr. Speaker. This Bill makes great sense.
You can't have an individual who is responsible for the
supervision of schools, who doesn't have the knowledge that
that school district he is dealing with will be part of his
region from this point on. There are a lot of very
difficult decisions that a Regional Superintendent has to
make. Boundary disputes between school districts, highly

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heated. Consolidation, very, very difficult. Recognition. If we want good, solid decisions from these individuals, we're going to have to allow them the privilege of knowing that if they give a decision against the school district, that school district isn't going to say, 'Fine, I'm walking. We're going to join the next regional area, the one that is next to us.' We want good, solid decisions. We don't want school districts intimidating these individuals who have to supervise them. This is a bipartisan Bill. It makes sense. It is a good public policy Bill. I urge a strong 'yes' vote."

Speaker Brunsvold: "And the question is, 'Shall House Bill 742 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 76 voting 'yes', 35 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 776."

Clerk Bolin: "House Bill 776, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

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

Currie: "Thank you, Speaker and Members of the House. The Bill in its amended form bars managed health care companies from going door to door in their search for clients of the state's Medicaid program and would bar them from substantial financial inducements to clients to join up with a particular service. It would provide that health related items of nominal value could be used by the managed health care entities in order to attract clients. And the Department of Public Aid under this measure would be

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required to establish rules defining what those nominal items might be. I know of no opposition to the measure, and I'd be happy to answer your questions and would appreciate your support."

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

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

Speaker Brunsvold: "She indicates she will."

Black: "Representative, just very quickly, I don't think there's any confusion, but in case people are listening (ha! ha!) on the floor, your Bill does not restrict HMO's or mandate an HMO procedure. All you're doing is saying how they market their services..."

Currie: "To Medicaid clients, yes."

Black: "...and that was in the Amendment, and I think it's a great idea."

Currie: "Yea, that was actually in the original Bill, but there were...the Department had some questions and quibbles and we responded to those quibbles in the Amendment."

Black: "Okay. I think this is a very reasonable Bill. Vote 'aye'."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady from Cook to close, Representative Currie."

Currie: "Re...(inaudible)."

Speaker Brunsvold: "The question is, 'Shall House Bill 776 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr.

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Clerk, please read House Bill 1887."

Clerk Bolin: "House Bill 1887, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1887 amends the Environmental Protection Act. It establishes a pilot program for recycling centers that accept only general construction or demolition debris. It does not require a permit for commercial or on-site general construction or demolition debris recycling center operating under this two year pilot program. It exempts commercial or on-site general construction or demolition debris recycling centers from obtaining local siting on Senate Bill 172, rather that facility must obtain local zoning. This is a two year pilot program. It's limited to counties of more than 700,000 people, but less than one million people, and obviously that would be DuPage County, and I ask for your favorable vote on House Bill 1887."

Speaker Brunsvold: "And on the issue, is there any discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. Will the Gentleman from Glen Ellyn yield?"

Speaker Brunsvold: "He indicates he will."

Novak: "Representative Persico, where are these pilot projects going to be located?"

Persico: "Just in counties of more than 700,000, but less than one million people, and that would be DuPage County."

Novak: "So, it's DuPage. Where in DuPage County?"

Persico: "I believe in the...I think they're looking at Carol Stream."

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Novak: "And what are we going to be doing?"

Persico: "They would like to obtain a two year pilot program to accept construction debris and demolition debris and do this under a local zoning permit."

Novak: "Would this be clean, this construction debris?"

Persico: "Clean construction debris, yes, Representative."

Novak: "Okay. Would that include rebar and all the other stuff involved? Would the rebar be separated from the concrete?"

Persico: "Yes."

Novak: "Okay. And once again, I don't want to belabor the point, but what is the reason behind this pilot project?"

Persico: "Well, this is a problem that every community is beginning to face and every county is beginning to face, and DuPage County came to me about a year and a half ago with this concept and through the last year and a half we've, you know, drafted a Bill and finally we decided, you know, if it's helpful that we have a two year pilot program to see if this program really is going to work, then this is something that we would be willing to accept because it is a problem that we need to solve and see if this is the best way to go about doing it."

Novak: "Is it a recycling facility?"

Persico: "Yes, it is."

Novak: "Okay, and the EPA is agreeable to the two year project?"

Persico: "The EPA is agreeable to the two year project. They sat down with EPA. They sat down with Solid Waste Management Association, who's neutral on this Bill. They have no problem, whatsoever, with the language of this Bill, and they worked out this language which is in House Bill 1887."

Novak: "Thank you, Representative."

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

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

Speaker Brunsvold: "He indicates he will."

Turner, J.: "Vince, is there any cost in this program?"

Persico: "There's not a cost to the State of Illinois. There's going to be a cost to DuPage County."

Turner, J.: "No cost to the State of Illinois, then?"

Persico: "None, whatsoever."

Turner, J.: "Thank you."

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

Giglio: "Thank you, Mr. Speaker and Members of the House. I rise in support of House Bill 1887. It has been the intent of the EPA...the Illinois EPA to encourage recycling projects throughout the state, and this pilot program coming out of DuPage would do just that, and I think it would go a long way for all of the recycling efforts throughout the State of Illinois. Thank you."

Speaker Brunsvold: "Representative Persico to close. Representative Persico to close."

Persico: "Thank you, Mr. Chairman. I just ask for a favorable Roll Call."

Speaker Brunsvold: "The question is, 'Shall House Bill 1887 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that issue, there is 115 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 708."

Clerk Bolin: "House Bill 708, a Bill for an Act in relation to health care benefits for certain retired community college employees and their dependents. Third Reading of this

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House Bill."

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

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Now we would actually pass House Bill 708, a Bill enacting health care for certain junior college employees and their dependents."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Kane, Representative Hoeft."

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

Speaker Brunsvold: "Indicates he will."

Hoeft: "This is the Bill that Mr. Black jumped up and was all upset about because this came out of committee without notification and we had agreed that it would not come out and suddenly it popped out. And just for clarification, please, we were not prepared on the Republican side for this, and it went through. This is an equity Bill dealing with the health benefits of retired community college workers and the public...present public schools. There is, however, no equity in it. And that's why I'm very confused in terms of the...this...why they brought it out in this form. Does the public school retired teacher have glasses included in the health insurance?"

Murphy: "Yes, Representative, they have glasses. But since this came out, remember it was not a Pension Bill...not a Pension Bill. But since then, Representative Black did an Amendment to the Bill and we accepted the Amendment."

Hoeft: "This has been amended since it came through committee?"

Murphy: "Yes."

Hoeft: "Amended on the floor?"

Murphy: "On the floor, yes."

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Hoeft: "And the Amendment Mr. Black has indicates that there is or is not dental and isn't it not glasses included in this package?"

Murphy: "Let me refer to Representative Black since this was his Amendment."

Speaker Brunsvold: "The Gentleman from Vermilion to answer the question regarding the Amendment on this House Bill. Representative Black."

Black: "Well, let me see. If it doesn't have dental and eye glasses in there, I should have put it in there. I don't see it in my cover sheet, Representative. It's going to take me awhile to...It's a rather long Amendment, about 40 pages."

Hoeft: "And while you're...May I talk, Sir, while you're looking? Is that appropriate?"

Black: "I would be overjoyed if you would."

Speaker Brunsvold: "Mr. Hoeft, proceed with your questioning."

Hoeft: "If he starts getting overjoyed, am I going to be protected?"

Speaker Brunsvold: "Absolutely."

Hoeft: "The question comes down to four enhancements here that the community college retirees will have that are not equivalent to the public retirees, the teachers from the TRS system. One is glasses. Two is dental. Three is the participants will be paying at a .35 level, rather than a .50. And lastly, the copayment in order to opt out of the HMO. The public school teachers now can choose private, but they have to pay for half of the premiums. If they go under the HMO, it's covered. These are four areas in which the community college retirees are getting an enhancement. And my question to the whole Body is, if we give this to the retirees from the community college system, will we not

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next year have to come back and also give it to the TRS members? This Bill is going to cost virtually hundreds of millions of dollars over the years in enhancements to these two groups, if this is our intention."

Speaker Brunsvold: "Representative Black, do you have an answer yet for Mr. Hoeft?"

Black: "Yes. There is no reference to dental or eye glasses in the Amendment, and the Amendment becomes the Bill."

Hoeft: "Representative Black, are they going to pay at the .35 level? The active community college teachers."

Black: "I believe they do. I don't think we changed that."

Hoeft: "And do they have to pay for a differential if they opt into going to their own physician for their health insurance?"

Black: "Tell you what, Mr. Speaker, Representative Murphy, let's pull this out of the record for a second, and I think I can answer all of his questions, but I don't want to sit here and take up the time of the House while I'm looking. Is that okay with you?"

Hoeft: "I apologize."

Speaker Brunsvold: "Please take this Bill out of the record, Mr. Clerk, and we will come back to it."

Murphy: "Take it out of the record, please."

Speaker Brunsvold: "Mr. Clerk, please call...please read House Bill 723."

Clerk Rossi: "House Bill 723, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

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

Ronen: "Thank you, Speaker, Members of the House. This is a Bill that helps to deal with juveniles who are...have been paroled from the Department of Corrections. It targets

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those who are most...have committed the most serious offenses and helps to develop additional services for them. We're proposing that this be created in six areas of pilot programs. They would be in Cook, DuPage, Lake, Will and Kane Counties. This is a program that has the backing of the Illinois Department of Corrections. The Bill before us is agreed to language. We think it's very important that if we're to address the serious crime problems that are plaguing most of our communities, that we do a better job with juveniles who are leaving detention facilities and making sure that we are helping them reintegrate into...back into society and back into the community. And this...these pilot programs would do that. I urge my colleagues to support me in this effort, and I'd be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion? The Gentleman from Logan, Representative Turner."

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

Speaker Brunsvold: "She indicates she will."

Turner, J.: "Representative, I understand that this creates a pilot program, and what counties would be affected?"

Ronen: "Cook County, DuPage County, Lake, Will and Kane Counties."

Turner, J.: "Why is your pilot program confined only to those certain counties?"

Ronen: "Well, I think those are the counties we felt that we could financially afford to do. They...We picked them based on the number of crimes committed and juvenile offenders in those counties and in cooperation with the Illinois Department of Corrections."

Turner, J.: "Alright..."

Ronen: "And also, I should add, we looked at...We wanted to do

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counties that were in proximity to one another."

Turner, J.: "You indicate that you think those counties can afford it. Are you suggesting that there are no state monies that will be utilized for these pilot programs?"

Ronen: "Did you say will there be extra monies needed?"

Turner, J.: "Any state monies?"

Ronen: "Yes, yes, Sir. The...There will be the Illinois Department of Corrections believes that the monies that they have in their budget, that budget proposal will allow them to conduct these pilot programs with no...We don't need to allocate any additional monies."

Turner, J.: "But the Department of Corrections will use some of the monies that have been appropriated for their usage."

Ronen: "Yes. Yes."

Turner, J.: "Who will make the determination of how the money is spent?"

Ronen: "The Illinois Department of Corrections."

Turner, J.: "Does this have anything to do with the Juvenile Justice Commission?"

Ronen: "No, it doesn't."

Turner, J.: "It's completely separate from that commission then?"

Ronen: "Yes, it is. We discussed that in committee. That's a good question. This has...This doesn't change any process that now exists. We're not changing the way juveniles are handled. These are juveniles that are paroled...would be paroled. We're just adding some additional services to them to try to make sure that they don't get arrested again and get into trouble."

Turner, J.: "Well, if we already have a Juvenile Justice Commission, I guess I'm a little bit confused as to why we would need this new pilot project, which also would involve juveniles. Can you explain that to me?"

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Ronen: "This has nothing to do with the Juvenile Justice Commission, Representative. This has to do with providing services to juveniles who are paroled."

Turner, J.: "Okay, thank you. What kind of services then would be provided to these paroled juveniles?"

Ronen: "What we're talking about a whole host of case management services, social services, a whole host of support services to help them find employment, make sure it's meaningful, following up, making sure that they're not abusing any substances. So it's the whole range of social services really that will ensure that once the juvenile is off parole, it's very unlikely that they become involved in the corrections problem again."

Turner, J.: "And how many juveniles do you anticipate that you will be serving or providing services for, I guess would be the better way to put it?"

Ronen: "Well, preliminarily we're talking about 100. We're still...These are the details that we're working out with the department, and it will be based on the amount of money the department has available and what we think is reasonable to accomplish. We think it should be somewhere around 100."

Turner, J.: "Assuming your pilot program is successful, do you then anticipate expanding it into different counties in the state, other than the ones mentioned?"

Ronen: "We would like to. If it's successful, that means we're reducing crime and reducing recidivism to the institutions and therefore saving money. So if it is successful, we would like to do that."

Turner, J.: "And as far as the personnel, or those individuals who will be providing the service to these juveniles, who will those individuals be and who will make the decision as

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to who's going to be hired to fulfill those particular roles?"

Ronen: "It will be...It's our anticipation that the Illinois Department of Corrections will be contracting out these services to agencies that are already working with these populations."

Turner, J.: "Just a minute, Representative. Are there particular juveniles that you'll be focusing on? In other words, juveniles who have committed, for example, theft offenses versus juveniles who may have committed violent offenses? What...What different ones are you trying to focus on here as far as the severity of crime?"

Ronen: "What we're...We're trying to focus on the most serious offenses and those who have been paroled for probably the most serious and probably violent. The specific offenses have not yet been determined, but the idea is to try to target those juveniles who are most in need, who have exhibited the most violent behavior and the theory that they really need to be watched the most closely."

Turner, J.: "These violent juvenile offenders, would they also be sex offenders?"

Ronen: "They could be, they could be. Now remember, we're not changing any process here. These are already juveniles who have been paroled and would be paroled. We're not doing anything special with them. We're just saying since they are paroled and they've committed serious offenses, we want to make sure we're watching them more closely than anybody else."

Turner, J.: "And you also mentioned moving them back into the workforce. What do you have in mind? What kind of programs? What kind of service are you going to provide or advice to get...get those people jobs?"

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Ronen: "Well, job counseling and job search. There are several agencies who do these, who work with these juveniles already and help them to provide those...to find those kind of services. We would imagine that a case manager would be assigned to the case and would help to link the juvenile to a whole host of social services, health services, job counseling, job search, job training programs. As you know, we have a woefully inadequate parole system in Illinois. There are very few parole officers, so the more we can do to target these young people, who are really the most likely to start committing more crimes, I think the greater the impact we can have."

Turner, J.: "For those of us who do not live in the Cook County, Will County, Lake County, DuPage County or Kane County, what can you tell us here in the General Assembly today as to why we would be supportive of this, in as much as you are using taxpayer monies, but our particular counties aren't benefiting, at least directly?"

Ronen: "Well, we...we're trying to target areas where we have the most serious problem. I think we all benefit if we're able to reduce the incidents of crime that helps all of us. And I think if we're successful in these areas, we'll be able to then expand to other areas very soon."

Turner, J.: "Alright, thank you for answering my questions. Thank you, Mr. Speaker."

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

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

Speaker Brunsvold: "She indicates she will."

Biggert: "Representative, with...could this be applied to boot camps? We've passed legislation and several are under consideration for several of these counties, and I believe

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that Cook County already has a juvenile boot camp. Because, from research it's shown that these have been very effective, but the missing piece has been the fact that there is no follow up after they are released."

Ronen: "So your question is, could this be somebody released from a boot camp? It could be, yes."

Biggert: "Alright. I think that would be a very good idea. Thank you very much."

Ronen: "Yes...Right. Thank you very much and I think you bring up a good point that studies have shown that when extra services are provided to people leaving these institutions, the success rate is really improved. So thank you for that question."

Biggert: "Thank you."

Speaker Brunsvold: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I've just been informed that we have an honored guest among us today. The newly appointed Champaign County Clerk, Mark Sheldon, is in the back."

Speaker Brunsvold: "Welcome. The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates she will."

Durkin: "Representative, is this a voluntary program for these parole...these juvenile parolees?"

Ronen: "No, they'll be selected by the Department of Corrections in concert with these agencies."

Durkin: "So this is going to be a requirement for each one of these individuals who is selected from the Illinois Department of Corrections to participate in this program, correct?"

Ronen: "That's correct."

Durkin: "Okay, and do you have any type of sanctions within this

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Bill which would penalize one of these individuals who either completely fails to participate or is not participating to the level in which is to be expected?"

Ronen: "Yes, that's a good...that's a good point. What we said in the Bill is that the Department of Corrections will develop sanctions for those who fail to comply with the program, and those sanctions may include recommitment to Corrections. So this is really kind of an enhanced parole setting with the Department of Corrections retaining their authority to sanction."

Durkin: "Well, I look at it as parole is always kind of a gift. And if we are going to, I think maybe it should be made part of the Bill, that it should be a requirement that we are going to violate these individual's parole if they are not able to actively participate in this program, since they are getting a gift of parole or if they completely blow off the program. Maybe it's something we can think of. I'm going to vote on your Bill today, but perhaps when it goes over to the Senate, maybe we could just make it very clear in the Bill. That this is what is available and if you don't participate and you follow these rules, we're going to send you back to St. Charles."

Ronen: "I'd be happy to do that. I think that's our intent, and I'd be happy to work with the Senate Sponsor to make that change. Thank you."

Durkin: "Thank you very much."

Speaker Brunsvold: "The Gentleman from Champaign, Representative Johnson. He indicates he does not wish to speak. The Lady from Cook, Representative Ronen, to close."

Ronen: "Thank you, Speaker, Ladies and Gentlemen of the House. I urge all my colleagues to join me in supporting this program that can have I believe a very important impact on

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reducing the incidents of juvenile crime and the recidivism rate among juvenile offenders. I will remind you that the Illinois Department of Corrections fully supports this effort and tells us they can accomplish its goals within its current budget. I urge all my colleagues to vote 'yes'."

Speaker Brunsvold: "The question is, 'Shall House Bill 723 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, 114 'yesses', 1 'no', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read 1628."

Clerk Bolin: "House Bill 1628, a Bill for an Act concerning the Illinois Wildlife Prairie Park. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1628 in its present form lays out a relationship between the State of Illinois and the Wildlife Prairie Foundation in Peoria, Illinois. As you may know, Wildlife Prairie Park has become a world famous institution and a major attraction, not just in Central Illinois, but throughout our state and throughout the country for its uniqueness and for its contributions in the conservation area. This is a Bill that's very important to Representative Slone and Representative Smith and to many others of us as we work to define a means for the preservation of this park for all time. Under our proposal, there would be created a Illinois Museum

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Commission that would as presently proposed be under the Illinois State Museum, and that group would have five members appointed by the Governor, and that group would also be included in the Wildlife Prairie Park Foundation. The intent is that the Wildlife Prairie Park Foundation would operate the park, would raise the money for the park, and this Bill has been amended. It was just recently amended, and so the references to the \$10 million that were originally in the Bill are not there presently. I might say that this Bill is still a work in progress, cause there are a number of details to be defined, but I would ask that you support this very important Bill so that we can continue to resolve this very important problem. Thank you."

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

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

Speaker Brunsvold: "He indicates he will."

Novak: "Representative Leitch, did I hear you say that the \$10 million appropriation or figure was taken out of the Bill?"

Leitch: "Yes."

Novak: "How successful has the license plate...license plate program been for this Prairie Museum? Do you have any idea?"

Leitch: "I don't know off the top of my head, Sir, but I'd be happy to get the information."

Novak: "Okay. Just curious. Thank you."

Speaker Brunsvold: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. I rise in strong support of House Bill 1628, and I commend Representative Leitch for his leadership on this issue and

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Speaker Madigan also for his sponsorship. Wildlife Prairie Park is an asset to the entire Central Illinois area and to the entire state. The owner, Mr. Rutherford, is making a very generous gift to the citizens of the State of Illinois. I think we've set up a very appropriate system for a foundation to operate the park, and I would encourage all Members of the House to join us in saving this park and ensuring that it continues for many years to come. I'd also like to extend an invitation to all the Members of the House to come to Peoria and to visit Wildlife Prairie Park, especially once it becomes a state, not a state, I hesitate to say a state park, but operated under a...under the Museum Board. And I encourage all of you to vote 'yes' on this Bill."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Peoria to close, Representative Leitch."

Leitch: "I'd ask for an affirmative vote, please."

Speaker Brunsvold: "The question is, 'Shall House Bill 1628 pass?' All those in favor vote 'aye'; all opposed 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 that question, there are 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 959."

Clerk Bolin: "House Bill 959, a Bill for an Act in relation to state loans. Third Reading of this House Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 959 creates the State Loan Act. It covers loans of more than \$50,000 made by the state to any person. As

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we all know, over the last couple of years, we've seen that there's been some effort to reduce loans that have been made payable...that are owed to the State of Illinois under given circumstances. We all know about some hotel loans that went sour, and there was an effort to settle the case, decreasing a \$40 million debt down to \$10 million. This Bill doesn't really deal with that issue, because that issue is over and done with. However, it does set up guidelines for loans in the State of Illinois. It requires that the names and addresses of loan recipients be made public, that the loan be personally guaranteed by recipients, that loans not be made to any persons in default on any state loan, and that loans not be made unless individuals publicly disclose all political contributions that have taken place prior to the loan. It also discusses the uncollected State Claims Act and deals with that issue relative to recording of debt collections and writing off debts. This is an important step to make sure that in the future we do not write off state loans that should not be written off, and it's an important step to make sure that we do not give state loans to people - aware, we do not have personal guarantees, rather than leaving it to corporations to pay. We want to make sure there are personal guarantees on state loans, so that we have some recourse in case they go bad. So this is a one part of the debt collection program that I have. I think it's a good step. It came out of a task force that I chaired two years ago, and I would ask your support."

Speaker Brunsvold: "Is there any discussion? The question is, 'Shall House Bill 959 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Mr. Clerk, please take the record. On that question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 552."

Clerk Bolin: "House Bill 552, a Bill for an Act to amend the Private Sewage Disposal Licensing Act. Third Reading of this House Bill."

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

Durkin: "Thank you, Mr. Speaker. This Bill, yesterday as I amended it, eliminated all the concern which a number of people have had over the past two weeks with their local public health departments, which would have... Some people interpreted the Bill to create a statewide standard for private septic systems in Illinois. I've eliminated all that language. The intention is to move this Bill over to the Senate...with...to try to get some type of agreed language. There is no opposition to the Bill at this point. I'm willing to take any questions."

Speaker Brunsvold: "Is there any discussion? The Gentleman from Peoria, Representative Leitch."

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

Speaker Brunsvold: "Indicates he will."

Leitch: "Representative Durkin, is it your intent that... What is your intent with this Bill, Sir?"

Durkin: "My intent is that if we move this Bill over to the Senate, right now there's negotiations going on between the different public health...only the Department of Public Health, the private sponsor of this Bill and also the metro counties public health departments to see if they can agree on some language regarding this...the language, which we

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deleted dealing with the standards for private septic tanks."

Leitch: "Are you familiar, Sir, with the great controversy that has been in place over the last several years over the Department of Public Health regulations and the private sewage disposal area throughout the state?"

Durkin: "I can't say that I've been privileged to know of...to...not aware of the controversy which has been going on, but I do know that when this Bill was introduced, and was passed out of committee, I received an enormous amount of advice and also letters from different public health departments expressing great concern with the way the Bill was presently drafted. And as I stated, that as I've always made that quite clear that I will not move this Bill. My Senate Sponsor will not move that Bill, and likewise when his Bill comes over here, we will not move the Bill from Second to Third until there is everybody in the State of Illinois in the 102 counties has agreed to the language."

Leitch: "Thank you."

Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I rise in support of House Bill 552. My county is one of many in Illinois who have grave, grave concerns about this Bill as it came to Third Reading, but I want to assure everyone that the Sponsor, the people who are interested in passage of the Bill, and those who are opposed to the Bill, are all in agreement. We will move it forward as it is now amended, continue to work on it until it is agreed. So I would urge you to support it at this time."

Speaker Brunsvold: "Any further discussion? The Gentleman from

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Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Will the Sponsor yield? We'll assume he will. Jim, I've even got some concerns about moving it when it's gutted. I mean I appreciate the fact that...that it is, and that's what you're going to do, but I guess I'm going to follow up on something that Dave asked. What...Where are we trying to go with it? I mean there's...you say there's negotiations going on right now. What points are they trying to negotiate?"

Durkin: "Well, there was concern as...they're seeing if there's any type of standard in which there can be agreement on outside of what's presently in the Code. That is as far as I'm able to determine at this point between the health departments and also the individuals on the private sector who brought the Bill forward. I have...I'm not quite sure what...If they've reached middle ground, as of this morning, they had not. And I can't tell you anything more than that. I really don't know."

Scott: "But is the ultimate goal to come up with some kind of statewide standard, maybe the one that was in the Bill before...wasn't it? But is that still the ultimate goal?"

Durkin: "I believe it is, that is correct. And if it means we increase the statewide standard than it presently is, that's all the better."

Scott: "But right now, counties have a lot of leeway to exceed this. I mean they've got a lot of leeway to try to go above this right now and that... this Bill, the way it was before, wouldn't have allowed that, I mean, I guess that's part of my fear, I mean, I don't want to take anything away from counties having the ability to increase their own standards."

Durkin: "Sure I understand that, and that is why... I know you

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have reservations about moving this Bill onto the next chamber, but as I said, there is a companion Bill coming over here with... we've done the same thing and I can give you nothing more than my word that I will not move this Bill unless I... any further... The Senate Sponsor is not going to move the House Bill to Third Reading without having language which is agreed across the board. And I am making that gesture to you, as well with the Senate Bill, that comes over here.

Scott: "Well, if we've already got a Senate Bill over here and negotiations are going on, why do we need to do this?"

Durkin: "Just to keep the Bill alive."

Scott: "Thanks, Jim."

Speaker Brunsvold: "Further discussion? Seeing none, the question is, 'Shall House Bill 552 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. Mr. Clerk, take the record. On that question, there are 87 voting 'yes', 24 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 347."

Clerk Rossi: "House Bill 347, a Bill for an Act amending the State Employees Group Insurance Act. Third Reading of this House Bill."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Yesterday we were visited by the retired teachers group that, I think, had a opportunity to talk to many of us about a couple of Bills that they have an interest in. And frankly, this is one of the Bills that I think is the top

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priority for that group. Just two, three years ago, they were faced with a situation where they potentially could have lost their health insurance coverage altogether, because of an IRS ruling. Two years ago, the Legislature patched together a proposal that would give them, at least, some health insurance for the time being. What this Bill does, is give them the equity that they ultimately wish to have with the State Employees Retirement System. It phases that process in over a three year period. And after that time, it would provide them with the same benefits, the same obligations, as state employees in our State Retirement System have with their health care, as well. So it is a top priority for the retired teachers. I'd be happy to answer any questions, and urge your 'yes' vote."

Speaker Brunsvold: "Representative Turner in the Chair."

Speaker Turner, A.: "Further discussion? The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair. If the Clerk could tell us what Amendments, if any, have been adopted?"

Speaker Turner, A.: "Mr. Clerk."

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #2 have been adopted to the Bill"

Cross: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Cross: "Representative Hannig, I think... I want to make sure everyone knows what Bill this is. This is the Bill at the request of the Illinois retired teachers. Is that correct?"

Hannig: "That is correct."

Cross: "This is one of their... I think they had one other Bill that this went along with that one. They've been strongly

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lobbying and I think most of us that are very supportive of this Bill. Is that correct?"

Hannig: "They have two Bills. I think one of them Representative Boland had for another annuitant, that we passed in this House. And this is really the other main initiative that they have this year. They've signed up, I believe, 71 cosponsors, including your Leader and mine."

Cross: "All right, that's what I thought. We just wanted to make sure on our side. Thank you very much. Nothing further, Mr. Speaker."

Speaker Turner, A.: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. This is a Bill that is very important to retired teachers, a group that have dedicated their lives to the youth of this state. None of us would be here if it were not for the teachers. I am in full support of this, and I congratulate Representative Hannig for carrying this Bill. Thank you very much."

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

Boland: "Thank you, Mr. Speaker. I, too, rise in strong support of this legislation, along with the previous Bill that we passed out of here with no opposition. This presents a long-term and, you might say, a solid solution to this problem that we were faced with a few years back. And we know the crisis that was faced by the retired teachers. And this is the real solution to the problem, brings them in to a larger group, gives them the strength of that larger group, and really brings about equity so that these people are treated with just as much dignity and the same amount of benefits and proper treatment as all the rest of

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our state employees. I think it's a just thing to do. I think it's the right thing to do. I think it's the financially right thing to do, as well, for the State of Illinois, and so, I urge your strong support. Thank you."

Speaker Turner, A.: "The Gentleman from McLean, Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Brady: "Representative, the plan which this... which was put into effect a couple years ago regarding this piece of legislation, was funded, regarding the present insurance plan, was funded by a contribution by active teachers and a contribution by the state. How does this affect those contributions?"

Hannig: "It does not affect the contributions that the, that the current active teachers pay. So that..."

Brady: "I'm sorry, Representative, I cannot hear you."

Hannig: "The payroll tax that was imposed on active teachers last year, or two years ago, I'm sorry, would still be a part of revenues that the state would collect."

Brady: "Part of the Bill that was passed a couple years ago, as indicated, required a contribution from active teachers, matched by a contribution by the state, supported by a continuing resolution with the state. The state was to match the active teacher contributions to fund this program. How does this... you suggest that the active teachers will continue to make the same contribution they have in the past. How does this affect the continuing resolution, and how does it affect the state contribution?"

Hannig: "Well, what this would do, over a three year period, starting in year three, the retired teachers, for purposes of insurance, would become part of the State Employees

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Health Care System. The state would still receive the money from the active teachers that it collects, somewhere in the neighborhood of about \$25 million each year. And so that part of the equation that was... that part of the law that was enacted two years ago, would not change. But the same... but this group of retired teachers would now have the same benefits, in effect, that you and I have as state employees."

Brady: "I guess my question is, the active teachers are going to continue to make a contribution. That went into a fund matched by the state to finance the present insurance program. You're suggesting the active... and there was a continuing resolution to guarantee the state monies would be appropriated. Does this eliminate the continuing resolution? Does it... Is it possible the state would contribute more, or less? And where would, in fact, that teacher contribution now go into the state budget?"

Hannig: "Well, the state would still collect that teacher portion. I mean, this Bill does not repeal that. I think the active teachers have made a commitment two years ago that they wanted to see this system continue. And so they would continue to pay that payroll tax to the state, who would use it to pay, at least, some of the cost that would be associated with this program for the retired teachers."

Brady: "Does this repeal the previous legislation which was enacted a couple years ago?"

Hannig: "It's my understanding that the Bill, as amended, simply provided that the retired teachers would become part of the new system, that they would become part of the State Employees Health System."

Brady: "So would there... I guess I'm concerned about the technical nature. In fact, what you're saying is, if we

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pass this piece of legislation, retired teachers would have two funds, two programs?"

Hannig: "Representative, that's certainly not my intention. And if that is the case, we would want to make sure that whatever monies the state did collect from the active teachers, would stay in the state treasuries to pay for the cost of the retired teachers, because that was part of that agreement that we're not trying to change."

Brady: "Does this maintain a separate fund for reimbursing CMS for the new program?"

Hannig: "Representative, I think it only addresses the question that, in year three, the people who are retired teachers become part of the State Employees' Retirement System. So, for the next two years, those people who are retired teachers, now would probably... the system would not change at all. It would be year three where we would see the transition."

Brady: "No further questions."

Speaker Turner, A.: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I was wondering if we were going to the order of written Motions after this?"

Speaker Turner, A.: "Representative, we will get to that Order of Written Motions, but right after this. There are still a few other Bills that we have to deal with."

Stephens: "Mr. Speaker, I have noticed during the day, and throughout my career, that we frequently change the actual person who is the Speaker and sits in your chair. Do we ever change Parliamentarians, other than like 1998, for instance? Between now and then will we have the same person helping us make those decisions?"

Speaker Turner, A.: "If you so desire. I think we can work that

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out."

Stephens: "Yeah, I concur, sure."

Speaker Turner, A.: "We'll take care of you."

Stephens: "I'm afraid of that."

Speaker Turner, A.: "Patience, we've got lots of time, Representative. We'll be here until 10:00 tonight. The Gentleman from Jersey, Representative Ryder."

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

Speaker Turner, A.: "He indicates he will."

Ryder: "Representative Hannig, in your new position as the 'Guru on Appropriations' for your side of the aisle, is it fair to say that the money to cover the expense of the Bill that you're discussing, is not part of the current budget?"

Hannig: "Well, Representative, the Bill requires a three year phase-in. So, it really does... and that's really in fairness to the state, so that the Governor can, in the year three, three years from now, anticipate and budget for whatever additional cost might be associated with this program. So, Representative, it does not affect FY98 or '99, for that matter, to any large degree."

Ryder: "Is this what is known in the appropriations game as an out year expense?"

Hannig: "This is an expense that the state has... this is a Bill that phases in the change from the current system to a system where retired teachers will be treated as, for purposes of insurance, state employees."

Ryder: "So, are you suggesting to me that there's no expense in this Fiscal Year, none?"

Hannig: "Representative, I don't believe that this Bill makes any significant expense change. There may be a few million dollars. But it's certainly not a big change."

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Ryder: "How many is a few million, Representative? Because you and I are going to have to deal with this. We're going to have to deal with this cost and determine if we believe that this cost is more worthy than the other good ideas that people bring to us and suggest are worthy ideas to be funded, as well. If you're suggesting there's no cost this year, I think it's fair to suggest, is it not, that there will indeed be a cost in future years?"

Ryder: "Yes, Representative."

Hannig: "And that that cost could be significant?"

Hannig: "Well, what we will see is a... in year three you will see some additional cost to the state as these people make the transition. Eventually, as these teachers, the older teachers who are not under Medicaid, or under Medicare, pass away and are replaced by teachers who are totally under Medicare, eventually the state will become, sort of, the secondary provider. In other words, they will get most of their health care from Medicare, and then the balance will come from the state. But right now there are a significant number of teachers who are retired before they paid into the Medicare fund, and consequently are not eligible for that, and they will rely on, for a number of years, the state to be their primary provider. So this, in year three, will have some significant costs."

Ryder: "Representative, what is your best estimate of the cost when this program is fully phased in? Your personal best estimate."

Hannig: "Well, Representative, let me just say that, the Department of Central Management Services thinks it's somewhere around \$46 million on year three. The..."

Ryder: "Forty-six million?"

Hannig: "For year three."

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Ryder: "When it's fully phased in? That was the question that I asked."

Hannig: "Yes, that's correct, Representative."

Ryder: "And is it fair to say that there's not \$46 million appropriated for this in this year's budget?"

Hannig: "Well, it would not require 46 this year, Representative."

Ryder: "Didn't ask that. I asked if it's in this year's budget?"

Hannig: "Well, I think that's an unfair question, because this will not impact the budget by 46 million."

Ryder: "Let me make it a fair question by suggesting to you, it's not in this year's budget, you say there's not an expense in this year's budget, then we will have to find \$46 million for this program..."

Hannig: "Three years from now."

Ryder: "...and we'll have to find that, either out of existing programs, out of the natural growth, and it will have to compete... if we commit ourselves, it will have to compete with other dollars, other programs, other good ideas. Correct?"

Hannig: "That is correct. But I think the reason that we have a three year phase-in, so that if we pass this Bill and the Governor signs it, that we will be on notice, and we will understand what that obligation is. It's not a significant change for this year or next."

Ryder: "I complimented you when you passed the Amendment in the committee before me. You were doing your very best to make a Bill less difficult, and you accomplished that goal, Representative. You should be congratulated for that. I just don't want anybody here to think that by the fact that it's phased in that it will be not of a cost, because the out year cost will be significant. I think that this is

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one of those many ideas, and I voted for a lot of them, that are going to cost us money, either by reducing revenues, or increasing programs. And, Representative, once again in the spirit of cooperation, because of your good work I'll be happy to support this Bill, again, but we do need to be aware that this is adding to the burden of the State of Illinois. And it may well be, that because of our vote on this, that we'll find it necessary to say 'no' to some other worthwhile programs, including the education. My main concern, and it's one that you and I discussed the first time you appeared before committee, and I was not able to support you, is that I don't want us to make promises that we cannot keep. This is not the arrangement that was made two years ago; it is a significant enhancement. It is not the arrangement that we created then; it is much, much more. And if the general wisdom of the Legislature and the Governor decide that this is the way it's to be accomplished, so be it. I do think, and I think in a previous conversation it's been pointed out to you, that we believe there are some significant technical problems with the way the Bill's drafted. But I think that we'll probably see this again, and it will be brought back to us with some modifications from the Senate. So I'm happy to help you move the Bill along. Thank you for the opportunity, Mr. Speaker."

Speaker Turner, A.: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Representative, everyone in the entire country would like to have free health insurance when they retire. We, as state employees, have that as part of our fringe benefits, it's a legislative... it is legislative. Teachers were not state employees, they were never state

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employees, they never received a check signed by the State Comptroller or the State Treasurer, and yet you are attempting to make their retirement benefits be exactly the same as for state employees. This bothers me a little bit because most of these teachers were unionized, they had the ability to collectively bargain. And part of fringe benefits that could have been collectively bargained are retirement benefits. What bothers me, perhaps, and might bother those individuals that have institutions in their district, is the statement from the AFSCME Union representative at the last hearing of the committee, in which he said, 'that all health insurance premiums for all state employees will go up if this Bill passes'. Would you please comment upon that?"

Hannig: "Well, Representative, it's difficult to say what may be the effect in the long run, except to say that most of the people, who are the higher cost retired teachers, as they pass on, they will be replaced on the rolls by those individuals who are covered by Medicare. And the net effect is that, in time, the state will simply become the secondary provider, that the Federal Government will do most of the providing. And so, I think that while there may be some increases, initially, that in the long run we'll see the cost for these people actually decline. And they will actually be a lower cost part of the system because the Federal Government will be paying most of the cost associated with these retirees."

Skinner: "Well, Representative, that's really an astounding comment for you to make considering that most teachers retire before they're eligible for Medicare. It seems that anyone with a knowledge of risk pools would realize that if you put thousands, indeed tens of thousands of people who

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are over 50, into a pool where the average age is probably under 40, that the average cost to everyone is going to go up. And you know, as well as I know, that we have a cost-sharing mechanism with all state employees, including ourselves, the higher one's salary, the higher the percentage one pays of the health insurance premium. But I believe every employee pays something toward their health insurance premium. And so, what this Bill will do, if implemented, will be to raise the... well, it will be to raise the monthly premium that all state employees will have to pay for health insurance. Do you deny the correctness of the actuary's projection?"

Hannig: "Well, Representative, if you assume that all retired teachers that go into this system will have all their benefits paid by the state, then perhaps your argument is correct. But if you can further agree that a good portion of those people, when they hit probably 62, will have most of their cost picked up by the Federal Government, that the state will be paying only five or 10% of the cost of that age group, then I think that you can make the argument that they actually will be a lower cost part of the total population, that is for the state."

Skinner: "Representative, you can make that argument, but I'm looking at the actuarial projection which says in FY98, this will cost 46 million extra dollars that are not budgeted; in FY99 it will cost \$56 million which are not budgeted; in FY2000, it's 67 million; in FY2001, 81 million; FY2002, 98 million. Now, if what you're suggesting is correct, the jump should not be a \$17 million jump between the year 2001 and 2002. Over the next five years, this is going to cost \$349 million of new money. Now, if I could go back to what Representative Ryder asked

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you about. You're in this little committee, I'm on this little committee that's going to be, and Representative Ryder and the other House Appropriation Chairman and spokesman, are on this little committee that's going to decide how we're going to spend the budget this year, at least make a first cut at that. Is this your highest priority in additional funding? I mean, if we can find an extra \$46 million, is this a higher priority than raising the subsidy of the CTA's disabled and senior citizens Half Fare Program, or additional day care money, or health insurance for children of families with relatively low incomes? Is this your highest priority in spending an extra \$50 million?"

Hannig: "Representative, it's hard for me to anticipate what my priority might be in year three, when this actually takes effect."

Skinner: "Well, how about this...No, in this next year we're going to have to find an extra \$46 million."

Hannig: "No. The fiscal cost for the first year is going to be about \$3.4 million."

Skinner: "Well, Representative, if you're correct, then this Fiscal Note, dated April 11, is wrong. It says the fiscal impact of amended House Bill 347, based upon actuarial review is, as follows: fiscal year 1998, that's next year, that's next year's budget, right?"

Hannig: "That's correct."

Skinner: "...is \$45.8 million. Now there's a big difference between the \$3 million you say this is going to cost next year, and the \$45.8 million that the actuaries say it's going to cost. Could you please reconcile the differences?"

Hannig: "Yeah. The real interesting point is that the retired

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teachers do not make the transition into this system until year three. So, the question is, how can it cost us \$46 million? All you're looking at is a handful of new teachers that retire this year, that will enter into the new system. The bulk of the retired teachers will not enter into the system until year three, Representative. So I'm not sure what the Fiscal Note said, but apparently it's in error."

Skinner: "Well Representative, the... my predecessor is head of the... manager of the Bureau of Benefits, or my successor is the manager of Bureau of Benefits, has just informed me, the way the Bill is drafted, that could happen in year one, two or three. It is impossible to predict because the language is so imprecise. May I ask another question, another line of questions? Is this for poor teachers only?"

Hannig: "I'm sorry, I couldn't hear your question."

Skinner: "Is this benefit for poor teachers only? That is, teachers that, let's say, have retirement benefits of under \$20,000 per year?"

Hannig: "Well Representative, with the Amendment that we adopted, for those individuals who, perhaps, have negotiated fatter benefits, or perhaps are on the benefits of their spouse, we would not address their benefit situation. We would provide that they continue to stay where they're at. This is for the teachers who are currently in the retired teachers' system."

Skinner: "All right. So, if the 400 to 500 highly paid school superintendents who retired in the early Five Plus Five Retirement Plan, perhaps some of the suburbanites getting \$100,000 in retirement benefits, they would end up getting free health insurance. Is that correct?"

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Hannig: "They would receive the same health insurance that the state employees would receive. Whether or not that's free, I think is open to debate."

Skinner: "It's free."

Hannig: "Well, it may not always be free, Representative. I mean that could very well change, as well."

Skinner: "Well, I believe that health benefits are, I may be wrong, but I believe they're guaranteed by the State Constitution since they're part of our retirement fund. Our retirement fund."

Hannig: "The benefits... No, the pensions are. The pensions are guaranteed. There was a time when the state employees paid a portion of their salary to their insurance. And that was way, or that was an agreement that they had made with the Governor about three years ago, the state agreed to pick up that portion."

Skinner: "Representative, is this part of a coordinated plan to force us to raise the State Income Tax?"

Hannig: "I'm sorry, could you repeat that question?"

Skinner: "Is this part of a coordinated plan to force the General Assembly to raise the State Income Tax?"

Hannig: "No."

Skinner: "Well, Representative, I look forward to seeing over 100 votes on the board. I do not know where the money's going to come from. Thank you for allowing me to ask you the questions I did."

Speaker Turner, A.: "I would like to remind the Members that this Bill is on Short Debate. The Lady from Peoria, Representative Slone."

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

Speaker Turner, A.: "He indicates he will."

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Slone: "Under the amended Bill, would the retired teachers who would be covered make any health care premium payments at all?"

Hannig: "The intention of the Bill is to give the retired teachers, who make the transition in year three, the same benefits, and they would agree to pay the same premiums that state employees, who are retired in the state employee plan, would pay. So, if for example, in the negotiations that AFSCME is carrying on with the Governor right now, if by some agreement, the state employees agree that they will pay more of their insurance in exchange for a pension benefit or a wage increase with the Governor, that would apply then to this group, as well."

Slone: "Thank you."

Speaker Turner, A.: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Turner, A.: "Proceed with your inquiry."

Leitch: "I noticed this Bill, to the best of my knowledge, did not go through the Pension Laws Commission, and my question is, since it did not go through the Pension Laws Commission, is it appropriate for consideration on the floor?"

Hannig: "Representative, it's a Health Care Bill. It's not a pension Bill."

Leitch: "Well, it certainly is a Pension Bill."

Hannig: "No, it does not affect anyone's pension."

Leitch: "Well, it is a pension related Bill. There are a number of other Bills like it that have been going through the Pension Laws Commission."

Hannig: "It went through the Health Care Availability Committee,

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and it deals with health care."

Leitch: "Well, I think the point is, Mr. Speaker and Ladies and Gentlemen of the House, we have a number of very, I think, important requests from, especially the State Employees Pension and others. Many of those are very expensive, as is this proposal. And it's been our hope, in fact, in the course of creating the Pension Laws Commission, it was to be able to address all these Bills in some kind of a comprehensive fashion, and be able to come out with a fiscally responsible means of paying for them. I'm disappointed this did not go through the Pension Laws Commission. I think everyone in the Chamber wants, and is committed to figuring out a means by which we can solve this problem, which got thrust upon us by the Federal Government a couple years ago. I think everyone wants to do that, but I think that by virtue of not doing this in a comprehensive fashion, and in a fiscally responsible fashion, this will mean, in all likelihood, that a number of the other pensions will not be able... proposals will not be able to be funded or to have the sufficient resources. So, I would simply make that point, and advise the Members that this is a very expensive Bill. And we may see, on the other side of the equation in the pension area, that this may make it difficult for us. Thank you."

Speaker Turner, A.: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of this legislation. I think probably everyone here has talked to the retired teachers and understand that there's a great discrepancy in the Fiscal Note that's been advanced by the department and that by the teachers. And the difference is simple, the

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larger Fiscal Note is based on the assumption that every single retired teacher is going to be part of this program. All of us know that that just isn't true; that there are many who are on other plans and are not going to, now or ever, become part of this health insurance program. What is the suggestion here, that we should not provide health insurance for our retired teachers? That they are not as worthy of a good health insurance program in their retirement as other state employees? Let's get real here. We have lots of retired teachers out there who are depending on us, right now, to make sure that they have the kind of health insurance program that they need. And that they... and I want to just again emphasize that the Fiscal Note, provided by the department, is an overstatement of what it's really going to cost. I urge an 'aye' vote on this legislation."

Speaker Turner, A.: "Seeing no further discussion, Representative Hannig, to close."

Hannig: "Well, just very briefly, Mr. Speaker. We've tried to take a measured approach by making this a three year phase-in. But the bottom line is that we have a lot of retired teachers out there that have put in their time, that have done their part, and they need to have the same type of adequate insurance coverage that we've extended to other state employees. So if you believe that this is a worthwhile project like I do, I urge your 'yes' vote."

Speaker Turner, A.: "The question is, 'Shall House Bill 347 pass?' All in favor should vote 'aye'; all opposed 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 105 voting 'yes', 2 voting 'no', 5 voting 'present'. And this Bill,

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having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have House Bill 745. Read the Bill, Mr. Clerk. I'm sorry, the lady from Cook, Representative Howard, for what reason do you rise?"

Howard: "Yes, thank you. Had I been able, I would have voted 'yes' on that last Bill."

Speaker Turner, A: The record will so reflect. Mr. Clerk, 745."

Clerk Bolin: House Bill 745, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Turner, A: "Mr. Clerk, return this Bill to Second."

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

Speaker Turner, A.: "Representative Scully on Amendment #1."

Scully: "Thank you, Mr. Speaker. This Amendment to the Illinois Vehicle Code increases the penalties for people leaving the scene of an accident, increases the period during which a person whose license was revoked because they left the scene of an accident can reapply for reinstatement, and I ask for favorable consideration."

Speaker Turner, A: "Any further discussion? The Gentleman from Kendall, Representative Cross."

Cross: Thank you, Mr. Speaker. Inquiry of the Chair? Did the Floor Amendment go through committee?"

Speaker Turner, A.: "Mr. Clerk, history of Amendment #1."

Clerk Bolin: "Floor Amendment #1 was approved for consideration by the House Transportation Committee."

Cross: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Cross: "Representative Scully, what...does the Amendment become the Bill?"

Scully: "Yes."

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Cross: "So there's absolutely nothing at all, whatsoever, in the Bill in regard to exemptions from roadway limitation?"

Scully: "That's correct."

Cross: "What's the genesis for your Bill... for your Amendment which becomes the Bill?"

Scully: "This Bill arises out of an accident that occurred in Crete Township approximately a year ago. Three young women were killed by a drunk driver late at night. The town of Crete and our entire community was torn apart by the distress caused by the entire community trying to find the person who had committed this crime, who had killed these three girls after driving under the influence of alcohol."

Cross: "Is this the same, identical, I guess that's redundant... Is this the identical Bill that Representative, former Representative Ciarlo, and Representative Kosel did?"

Scully: "Representative, I can't tell you that it is identical. I can tell you that it is essentially the same purpose being served."

Cross: "Is there, in this Amendment, mandatory sentencing or is it non-probational?"

Scully: "No, there is not mandatory sentencing."

Cross: "Well, maybe I want to make sure we clarify that because that was a confusing question. Is it non-probational?"

Scully: "This Bill does not address the issue of probation. It increases the time period within which a person can apply...can reapply for a license after a license has been revoked. It also decreases the time period within which a person must report an accident, from three hours to one hour."

Cross: "Representative, so right now the law says that if I'm in an accident, I have three hours to report it to the local police?"

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Scully: "That's correct."

Cross: "And if I don't do it within...and you are decreasing that down to one?"

Scully: "That's correct."

Cross: "I'm trying to...let me go back to the sentencing situation. It looks like...if you could give us one second. Shall be sentenced... go back to the sentencing, page 4 of your Amendment, Line 15. 'Any person failing to comply when the accident results in the death of any person, is guilty of a Class II and shall be sentenced to a term of imprisonment of at least three and not more than 14'. I just wondered, is that your understanding, Representative?"

Scully: "That's correct."

Cross: "So if I fail to re...I just want to make sure because no one has had time to look at this, or I haven't. If I don't report a traffic accident in which there's...it looks like someone's killed and maybe there's more, within one hour, it's a Class II felony. Is that correct? I just want to make sure we are all on the same page. Is that accurate, George?"

Scully: "That's correct. If it is an accident that involves personal injury or death."

Cross: Does it matter if alcohol is involved?"

Scully: "No, it doesn't directly relate to the use of alcohol, but the incident out of which this legislation arose did involve the use of alcohol."

Cross: "I understand, Representative, and I'm not necessarily giving you a hard time. I just want to make sure we're all okay on this. Representative, if ...and I understand your language in here about the hospitalization, but if the failure to report in the one-hour time period is not

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willful, and I'm not sure I can think of a scenario right this minute, but whatever it is, it's not a willful act. It's legitimate...it's an older person, it's a younger person who gets scared, they take off. Is it your intention that they be sentenced to the Department of Corrections for a term of at least three and not more than 14? And there may not even be alcohol involved...it may...I just want to make sure that that's your intention. That even in a non-willful situation, if you will, negligence...that that's what we want to do."

Scully: "If the accident involves a personal injury or a death, I would want to give our county prosecutors the discretion to pursue this kind of a crime. And I have a great deal of confidence in the sound discretion of our county prosecutors."

Cross: "And once again, George, I'm not trying to be cute, but I just want to make sure that we've thought this through. We are in an accident out in the country, and I don't report it within the hour because maybe I'm incompat...well maybe I just can't get to phone, maybe I'm walking, maybe I'm delirious and I can't get there. I just think we need to be careful about...and so I'm an elderly person, going back to that same scenario, or I'm a young person, or I'm our age and I'm in good shape, but I can't find a hospital, I can't find a phone, I can't find a police officer. By making it non-probationable for those situations that merit some serious discussion and consideration of not jail time, we're putting prosecutors and judges in a box where they have to send someone to DOC who perhaps doesn't belong there. I don't know if there's a better way to do this. I know what the situation is, and I think it was in Crete, and I know the problems your state's attorney had, and I

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know a lot of people struggled with that. But I just want us to be careful of creating situations that don't give us any outs where there should be outs. And maybe I'm off on this, but I just...I would encourage you to think about that. And maybe... I don't know, what do you do about the scenario where you are out in the country in southern Illinois or central Illinois, not in the suburban area from where you come, where access to help may be not as quick or accessible? What do you...do we have a problem with this language?"

Scully: "Well, I don't have a problem with it. Representative, here's what I would request. I'd ask a favorable vote on this Amendment. This is the Second Reading. I'd ask the opportunity to work with you before this Bill comes up on Third Reading to clarify that as a specific issue."

Cross: "Alright, I don't have any other...I know there are some other Representatives, I'm going...I'll stop at this point. Thank you."

Speaker Turner, A.: "The Gentleman from Champaign, Representative Johnson. For what reason..."

Johnson, Tim: "Would the record please show that on House Bill 791 and 284, it's my intention to vote 'yes'."

Speaker Turner, A.: "The record will so reflect. The Gentleman from DuPage, Representative Roskam."

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

Scully: "Yes."

Speaker Turner, A.: "He indicates he will."

Roskam: "Representative Scully, how does your Amendment contemplate a situation where someone is injured? Well, let's say that there's a minor traffic collision. Somebody goes to see the doctor the next day. The doctor says, 'Yeah, there's a soft tissue injury here, you're injured as

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a result of the collision.' Is there some mechanism, Representative, so that you're not catching that type of person in this? Do you follow my question?"

Scully: "Representative, that... the scenario that you pose would be equally a problem under the present law which imposes a three-hour requirement. My Amendment decreases that three-hour requirement to one hour. So the issue that you suggest would be equally a problem under the current law. Under this proposal or under the existing law, the act of committing the crime, the failure to report, would occur within three hours of the accident or one hour, as amended. It could not ...is logically, legally impossible for an event to occur after that three-hour period."

Roskam: "Mr. Speaker, I can't hear Representative Scully."

Speaker Turner, A.: "Proceed."

Scully: "The law imposes a requirement that the accident be...presently requires that the accident be reported within three hours after the accident."

Roskam: "Right."

Scully: "Incidents occurring the next day could not possibly change that legal requirement."

Roskam: "But aren't you...are you changing the penalty? I don't have it in front of me. What I'm being informed, Representative, I don't have it in front of me, but by the folks around me is, that it's... it would be a non-probationable offense. I understand where you are coming from on this Bill, clearly for the reasons that you articulated. Those egregious situations we're all like-minded on, but I think that there are some other considerations that perhaps you could work with the Senate in terms of trying to address some of the other concerns that Representative Cross and others have made. Are you

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open to that, or I mean is it all...?"

Scully: "I would be very open to that, Representative."

Roskam: "Okay, thank you."

Speaker Turner, A.: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you Mr. Speaker, I would just like the record to reflect that, had it not been for a mechanical failure of my switch, I certainly would have been a strong 'aye' vote on House Bill 745. Thank you."

Speaker Turner, A.: "The record will so reflect. Representative Scully to close on Amendment #1."

Scully: "Thank you very much, Mr. Speaker. I ask for a favorable consideration of this Amendment. Thank you."

Speaker Turner, A.: "The question is, 'Shall Amendment #1 pass?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 is passed. Further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Turner, A.: "Third Reading. On the Order of Third Reading, House Bill 586. Mr. Clerk, Mr. Clerk. Representative Mitchell from Whiteside, for what reason do you rise?"

Mitchell: "Thank you, Mr. Speaker. I want to correct that Bill number, that was House Bill 347, Representative Hannig's wonderful Bill. I would like to be recorded as an 'aye' vote."

Speaker Turner, A.: "The record will so reflect. Representative Lopez."

Lopez: "Thank you, Mr. Speaker. If I can have everyone's attention. I am pleased to welcome Rita Moreno to Springfield today. She's the only person who has ever won a Tony, Oscar, and Emmy Award for outstanding theatrical

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performances in films like West Side Story and The King and I. Many of you may remember her as the Host of tv's Electric Company. An outstanding Puerto Rican American, Ms. Moreno has been an example of excellence and quality for Hispanic American youth. Thank you, thank you. Many have been fans of Ms. Moreno for her acting career and charitable work around the world for numerous organizations is commendable. Please welcome her to the House of Representatives."

Rita Moreno: "Thank you. Representative Lopez, you have to learn how to get attention. You know what I mean? You gotta wear a red scarf, too. Good afternoon, Ladies and Gentlemen. This is going to be quick even though it's for the record. Since I am speaking in this very august House, it seems only appropriate that I begin and end using a quote of a very illustrious man. Thomas Jefferson once wrote that, 'Speeches are measured in hours; speeches that are measured in hours, die in hours'. I, therefore, will measure my talk in minutes. I'm here today as part of a meeting of the TV Cable Operators of Illinois with their representatives. It is also, in a way, a celebration of film. I'm here, too, because of my love of this very true art form that we sometimes casually call 'the movies'. Film is very much a part of our national heritage, much like dance and sculpture, art, architecture, theater and music, no matter what Jessie Helms says. Film, this evening, I will be giving more of a talk about film dealing with my experiences as an actress who's had the good fortune to work with people like Gary Cooper, Alan Alda, Tyrone Power, Marlon Brando, Jack Nicholson. Some interesting anecdotes will be related and some unusual aspects of moviedom. I do hope that you will take the

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time, if you are able to, I know how tiring and long a day you have, to come to this worthwhile experience this evening. As for my closing quote, and I really think you'll want to be quiet for this one, because I think you are going to appreciate it, since it's, shall we say, timely. Since we are in the Land of Lincoln, I would like to read you a brief excerpt of the letter that Mr. Lincoln wrote to General Joseph Hooker in January, 1863 at a very bleak period during the Civil War. He wrote, 'Beware of rashness but with energy and sleepless vigilance, go forward and give us victories'. Since we are in a house of government, I propose that this Legislature send this self-same letter, unaltered in anyway, with no Amendments, to Jim Riggleman, Manager of the Chicago Cubs. I knew I'd get your attention. Thank you for listening, and I hope I see you this evening. Bye."

Speaker Turner, A.: "Rita Moreno, thank you very much."

Rita Moreno: "Wait a minute. Moreno, did you say Moreno? You said Moreno."

Speaker Turner, A.: "Yes, I did."

Rita Moreno: "Oh, bless your heart."

Speaker Turner, A.: "The Gentleman from Champaign, Representative Johnson, for what reason do you rise?"

Johnson, Tim: "Thank you, Mr. Speaker. Representative Stephens in Representative Johnson's Chair, and as they say in Madison County, 'That's a dozen cousin.' It's 0 and 12, that's official."

Speaker Turner, A.: "Thank you for the bad news. The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Mr. Speaker, I was just wondering if Ms. Moreno's invitation means we are going to adjourn early tonight?"

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Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Obviously Ms. Moreno is a brilliant individual. I would simply like to cosponsor her Motion to send the letter, totally unedited, not only to Manager Riggleman but to the Chicago Tribune Company who own the Chicago Cubs. Let's get it in the mail right away, and then, obviously, I think all of us want to join such a brilliant person, hear what she has to say at the reception tonight. So I would join Representative Weaver and all of my colleagues on the other side of the aisle and, Mr. Speaker, a Motion to Adjourn is always in order. I would make that Motion. Let's go hear what she has to say."

Speaker Turner, A.: "All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'noes' have it, and we will continue business. The Gentleman from Whiteside, Representative Mitchell, for what reason do you rise?"

Mitchell: "Mr. Speaker, I would like to echo my colleague, Representative Black's remarks, and I think if Representative Lopez were in the Chair, I think we might have a little bit more support, so I would recommend that we move to put Representative Edgar Lopez in the Chair."

Speaker Turner, A.: "That will be taken under advisement. The Gentleman from Kane, Representative Hoeft. For what reason do you rise?"

Hoeft: "Thank you, Mr. Speaker, I inadvertently voted negatively on House Bill 347. I would like to be recorded as 'aye' as a 'yes', excuse me."

Speaker Turner, A.: "And the record will so reflect. Mr. Clerk, on the Order of Third Reading, we have House Bill 586."

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Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 586, a Bill for an Act to amend the Illinois Banking Act. Third Reading of this House Bill."

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

McAuliffe: "Thank you, Mr. Chairman (sic - Speaker). House Bill 586 is a Vehicle Bill. It's a Bill that's going to make an agreement between the financial institutions and the insurance industry. And this Vehicle Bill will deal with banks selling insurance. And I ask for a favorable vote."

Speaker Turner, A.: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 586 pass?' All those in favor shall vote 'aye'; all those opposed vote 'nay' and the voting is now open. 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 107 voting 'aye', 2 voting 'no', 3 voting present. And this Bill, having received the Constitutional Majority, shall hereby be declared passed. The Order the Third Reading, we have House Bill 127. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 127, a Bill for an Act to amend the Firearm Owners Identification Card Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 127 amends the Firearms Owners ID Card. It would require that a Firearms Owners Identification Card be revoked if the holder has been convicted of a domestic battery. It also prohibits the issuance of the FOID card to a person who has been convicted of domestic battery. I open for any questions

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that anyone has at this moment."

Speaker Turner, A.: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Turner, A.: "He indicates he will."

Black: "Representative, there has been a great deal of consternation. When President Clinton signed the Omnibus Crime Bill a few months ago, there was a provision in there very similar to this. And any sworn police officer who had been convicted of a domestic abuse incident, no matter how far back, could no longer be a police officer. Now, I think they're trying to fix that. But it was estimated that several thousand sworn police officers will have to leave the force if they don't correct that by the effective date, which I think is July 1. You're only going back five years?"

Santiago: "You're correct. The federal law states that. That's not included in this Bill."

Black: "And you're only going back five years nothing beyond that?"

Santiago: "No. It takes that five year provision out of that."

Black: "All right. So, in other words, you're allowing them to go back to a conviction..."

Santiago: "Whatever, right. You're correct."

Black: "... that may have occurred 20 years ago? All right. I just wanted to make sure."

Santiago: "But it is not retroactive."

Black: "Wait a minute. If you can go back 20 years, what do you mean it isn't retroactive?"

Santiago: "Well, it's for anyone that committed a domestic violence right now, it does not cover them. It begins when

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the Bill is signed."

Black: "Okay. Thank you."

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

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

Speaker Turner, A.: "He indicates he will."

Turner, J.: "Representative, you may recall that I had raised some concerns about this Bill in committee. I don't know if you remember what those were or not. If not, I'll go over them with you. But I noticed since that time, there's been an Amendment. What did your Amendment do to the Bill? That might help solve my problem, if you could just tell me that."

Santiago: "Well, Representative Turner, Amendment 1 says that, upon the conviction for domestic battery, or for violation of an Order of Protection. And it also requires a Circuit Court, in which the judgement was entered, shall send a written notification to the defendant's conviction to the Department of Professional Regulations."

Turner, J.: "All right. Getting back to the Bill, then. I don't think that addresses the concerns that I had raised during committee. What does your Bill do with regard to a FOID card then if someone has been convicted of a domestic battery?"

Santiago: "It revokes it, or the state police would not issue one to that individual."

Turner, J.: "All right. So, if I'm understanding your Bill correctly, if someone is convicted of domestic battery, they will no longer be able to get a FOID card, even for a long gun. Is that correct?"

Santiago: "You're correct."

Turner, J.: "And it's also my understanding that a person who is

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charged and found guilty of conduct, which equates to domestic battery, is not entitled to court supervision, even for a first-time offense. Isn't that also true?"

Santiago: "Representative, I didn't hear your question."

Turner, J.: "Supervision is not a possibility in a domestic battery case, and, therefore, every time someone is charged, if indeed there is a finding that the offense has been committed, it will result in a conviction. Is that correct?"

Santiago: "The Bill states that, currently, anyone convicted of domestic violence."

Turner, J.: "Right. And what I'm getting at is, when someone gets charged with domestic... What I'm getting at is, there's no possibility for supervision. Is that your understanding of the law for domestic battery?"

Santiago: "You're correct."

Turner, J.: "Okay. You may recall that in committee I had raised the concern that domestic battery doesn't necessarily include bodily harm. You recall that I had raised that, and do you agree with that?"

Santiago: "I do not recall that. But what I tried to do, anyone that had any concerns with the Bill, I tried to address those concerns."

Turner, J.: "Well, what I had raised before was that, when you use the term domestic battery, you're talking about physical contact of an insulting nature. And what I had said in committee... if that's committed between people who live in the same household. What I had said in committee, if there is physical contact of an insulting nature, which doesn't involve any bodily harm, which doesn't involve any weapon of any kind, any kind, let alone a handgun or a shotgun, or any kind of gun, or any weapon, why in the

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world, for insulting contact between two people that live in the same household, would we want to create a situation where that individual, who's charged with that, must be convicted because supervision is not available, will never be able to get a long gun, even for hunting purposes, under your Bill? That's what I had raised in committee. I don't think you've done anything with that. Can you tell me, have you?"

Santiago: "Well, what I'm trying to do is to be tough on domestic violence. Anyone that beats up a woman, or vice versa, which it happens, we want to deal with that individual. And I understand your concern, and you're probably correct on your assertion. But I'm trying to cover the bigger picture, and that's what this Bill addresses. No law is perfect, Representative Turner."

Turner, J.: "I agree, but the picture's too big. Someone that beats up on a lady, I agree. Someone that uses a weapon, I agree. Someone that commits domestic battery where there's physical violence or physical harm, I agree. We need to do this. But as I explained in committee, domestic battery also includes physical contact of an insulting nature. There doesn't have to be any physical harm. There doesn't even have to be a weapon involved, let alone a gun, a long gun or a handgun. And to me it makes no sense to craft a law so that some person who is convicted of physical contact of an insulting nature where there is no weapon involved, and there's no physical harm, where that person is never going to be able to obtain a long gun for hunting purposes. I think the Bill is too broad, it's too encompassing. Your idea is good, but it needs to be confined. It needs to be confined to situations where a weapon is used, and/or where physical harm occurs. Don't

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you agree with that? I thought that we had discussed that in committee."

Santiago: "I do not, as I stated before, I do not recall we discussed this in committee. I address all the concerns of the committee with the Amendment. And with all due respect to you, you know, if I would have made that arrangement with you, I would have done it in the Bill. I do not recall that. I understand your concern. I respect your concern. I respect your opinion, therefore, I hope that you respect my feelings on the issue. And if you're really concerned, what I would commit to you is that you and I will go to the Senate Sponsor, and we make sure that we cover that clause that you're concerned with."

Turner, J.: "Have you spoken to anyone in the Senate as to who might be your Sponsor?"

Santiago: "No, Sir. But I welcome you to come with me, and we will both walk over there and pick a Sponsor that is committed in fighting domestic violence."

Turner, J.: "Well, I'm willing to work with you on it. But I want to make sure we have an understanding if that's the way we're going to do this. Are you going..."

Santiago: "I give you my commitment that that's the way it's going to be."

Turner, J.: "I appreciate that. Are we going then to confine this Bill to domestic battery cases where there is bodily harm to a family member and a weapon is involved? And if so, are we going to confine the weapon to that being a gun, as compared to, perhaps, a frying pan, or a wastebasket, or a book or something?"

Santiago: "Yeah, but I believe that's already in the current law. Bodily harm I will consider, but nothing with a weapon."

Turner, J.: "Well, Representative..."

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Santiago: "You know, I welcome you to come and work with me. And we will try to address the major problems. There's some things that you will never be able to correct. But, you know, I'm willing to sit down with you and the Senate Sponsor, and we'll work something out. My intention is to protect women from domestic battery and domestic violence. That's my whole intention."

Turner, J.: "I back you 100% on that. My question though is, are we going to confine this revocation of the FOID card to situations where the domestic battery involves bodily harm and a weapon?"

Santiago: "Can you define weapon for me?"

Turner, J.: "Well, my own personal opinion is, if we're talking about taking away someone's right to a gun, then in order for there to be a nexus between the two different statutes that we're talking about here, the weapon should be a gun."

Santiago: "Not neces... No. No, it could be with a knife, it could be with whatever other..."

Turner, J.: "But you see, the problem with that is, you're talking about taking away someone's right to go hunting because they may have hit somebody with a book."

Santiago: "No, that's not true."

Turner, J.: "Well, a book would be a weapon, would it not?"

Santiago: "No, you're incorrect. You're making a mountain out of a small hill. You're totally... I think you're well-intentioned, but I think you're missing the point."

Turner, J.: "I'm not making a mountain out of a small hill. I've seen these cases. I've defended them, and I've prosecuted them. And more times than not, the weapon you're going to be talking about is going to be, like I said, a frying pan, a book, a lamp, a lamp shade, something like that. And the way this Bill is drafted, there could be a argument between

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the spouses and one of them, it may be the female, it may be the male, can hit the other one over the head with the lampshade. They may make up and never have another fight the rest of their lives. But, by golly, they're not going to have a long gun to go hunting, under your Bill, because they're going to revoke the FOID card. And that lampshade would be a weapon. And so, if we do it the way you're talking about, the situation we're going to create is just going to be totally unfair."

Santiago: "If, if... Can you imagine, you talk about a lampshade, let's say the spouse hits the other, the partner with a lampshade, probably gets a bump on the head, can you imagine what that person could do with a shotgun, or a gun? I mean, we could go back and forth here, you and I, and I have the highest respect for your knowledge in the criminal law. I am not a lawyer. But I feel, and I have the sense, that this is good in the overall picture. And that's what I'm trying to do."

Turner, J.: "Okay, Representative. We both want to accomplish the same thing. I think, philosophically, we are a little bit different. I think that the Bill you envision is going to be much broader than the one I'm willing to vote for. And, therefore, simply agreeing to work with you, I don't think we're ever going to quite make that agreement. And so, for purposes today, I am going to vote 'no'. I suspect you're going to get the votes to get this out of here. I think the Bill is too broad. I think that it encompasses situations where we're taking the right to bear arms away, where it need not occur. I think, clearly under this Bill, not only is a weapon not required to be used in the domestic battery, there's no physical harm requirement. And indeed, it could just simply be insulting contact. And

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if there's simply insulting contact that happens in a domestic situation, that does not justify revocation of a FOID card, or the ability of the state police to never issue a FOID card. And for all of those reasons, I applaud your intentions, I think the Bill's way too broad. I'm voting 'no'. I encourage Members on both sides of the aisle to vote 'no', too, because the language is simply too broad for your intent. Thank you."

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

Brunsvold: "Will the Gentleman yield?"

Speaker Turner, A.: "He indicates he will."

Brunsvold: "Representative Santiago, am I clear then, on what Mr. Turner said, that if I would threaten my spouse with a baseball bat, bodily injury, I'd lose my FOID card?"

Santiago: "No. You have to be convicted of domestic violence. You have to be convicted."

Brunsvold: "Be convicted. But if I'm convicted of threatening her with a baseball bat, what happens?"

Santiago: "I'm told by counsel that battery requires contact."

Brunsvold: "Pardon me. What would happen? Representative Ronen is talking to me. What would happen?"

Santiago: "Battery requires physical contact."

Brunsvold: "Okay, so I physically contact her with a baseball bat, I'm convicted. What happens?"

Santiago: "Then the law comes into effect."

Brunsvold: "So, you're going to take the FOID card away because of the baseball bat violence?"

Santiago: "Yeah, you would lose, according to the Bill, you would lose the FOID card."

Brunsvold: "I mean, Representative, does that make any sense? Why are you attacking a FOID card?"

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Santiago: "Because statistics has demonstrated to us that the majority of domestic violence is caused through a gun or a weapon."

Brunsvold: "So you're going to take a baseball bat incident with a couple, where she's physically abused, and you're going to take away the FOID card. Is that constitutional, Representative?"

Santiago: "I think you're missing the point, Joel. I understand what your saying."

Brunsvold: "I'm not missing the point. I think Mr. Turner hit the point, and I don't think we ought to pass this Bill out of here. This thing is so bad, there shouldn't be any green votes on this Bill. Let me ask you another question, Representative. I'm 18 years old, married, I make a bad mistake. I get convicted of domestic battery, I lose my FOID card according to your Bill. Now I'm 48 years old, can I get my FOID card back?"

Santiago: "Yeah, you're correct."

Brunsvold: "So, a 19, 18, year old mistake, when I'm dumb and stupid and young, and make a bad mistake, and when I'm 48 years old, later, I still don't have an opportunity to shoot trap, or skeet, or any sporting activity with a gun? It doesn't have to be a handgun. Hunting activities, I can't do any of that for the rest of my life?"

Santiago: "That's what the Bill says."

Brunsvold: "Well, Mr. Speaker, to the Bill. I agree with Representative Turner. This is way too expansive. Some person makes a mistake, and we all make mistakes, we're going to live with that for the rest of our life. You're going to keep this Bill, this Bill is going to keep you from participating in any activities, even though it wasn't with a firearm, for the rest of your life. Way, way,

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overboard, and I'd ask a 'no' vote from every Member on this House Floor."

Speaker Turner, A.: "The Gentleman from DuPage, Representative Biggins."

Biggins: "Yeah, thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Biggins: "Representative, first I thank you for introducing this. I know what you're trying to do. And I really would like to support it. I have a major concern, and I'm not sure that my concern is valid. But I think there's an assumption in your Bill that both parties in the domestic dispute are not charged with a crime, and in fact, often are both convicted of a crime. I think it's possible this may be a anti-woman Bill. Never intended to be. If a man gets into a domestic argument with his wife and she has to defend herself by committing a crime against him in self-defense, but she can still be charged with domestic violence. She then, and he then, get sentenced, whatever happens, and if he wants to go after her, after he gets out whatever he's done, she may not be able to buy a gun to defend herself, and he may be very well aware of it. Now that's a... And in fact, I think it's possible to suggest that a man may even do that scenario, with a plan, on purpose, so the woman would be unable to defend herself later on. Now, am I incorrect in asking this? Or is that possible?"

Santiago: "If the woman is defending, if she is doing this in self-defense, then she will not be convicted."

Biggins: "Well, whether it's self-defense or not, suppose he attacks her, and she commits a crime defending herself, and they both get convicted? I'm told this happens. But then,

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she would not be able to get a gun to defend herself if this man wanted to come after her again, and was assumably stronger and, you know, taller or whatever. Is it possible?"

Santiago: "Anything is possible once you walk out this door. I mean, we could drop dead. I mean, we could, you know, pick on every word here on the Bill and try to make a mountain out of a hill. You know, that's your prerogative, and I respect you for your concern but..."

Biggins: "And I'm not sure if that concern is really valid, or if it's ever going to happen. I don't know."

Santiago: "If in any country, or anywhere that if you are defending yourself, you will not be convicted. I mean, that's common sense."

Biggins: "Thank you."

Speaker Turner, A.: "The Gentleman, I mean the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. If this weren't so serious, there would be some humor in this debate. You know, every day we pass laws that are suppose to get us tougher on crime, that extend the death penalty, that increase penalties. In fact, we even made a law so that if you harass hunters, if you harass hunters, you can end up in the slammer. Now, when it comes to protecting women from the most common violent crime, the crime of domestic battery, people rise up in protest. In fact, some rise up and say, 'Well, what if I just happen to be threatening her with a baseball bat?' Well, for crying out loud, baseball bats can do a lot of damage to people. Baseball bats can kill. And, in fact, if there is a gun around, a fight can escalate into a shooting match, and women do end up dead. I would plead

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with you today, that if we're going to be tough on crime, let's start with the most common of violent crimes. Let's start with the crime of domestic battery. And let's say, that let's not add fuel to the fire, let's keep guns out of it. The crime will probably still exist, but more lives will be saved. This is to protect women from this common crime. A 'no' vote should not be seen in this House today."

Speaker Turner, A.: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I rise in support of this Bill. This is a reasonable approach. To Members who are concerned that this goes too far, the only thing I can say is, if you don't want to lose your gun then don't beat your wife. And that's all that this Bill is about. To say that, 'Just because I hit her with a baseball bat,' is an outrage, and it really goes to show why we have such a problem, that there's really not an understanding that domestic violence is a crime, and we have to treat it like a crime. It's too bad that we have to go to such extremes. But the problem is getting worse and worse, and those of you who don't understand it, make it worse. I think this is a reasonable thing to do. I would urge all my colleagues, if you care about this issue, if we want to end domestic violence, we have to realize that domestic violence is getting worse. To the issue of the first offense not involving a gun, the record is, I think if you look at women who have been killed eventually by a gun, or some other weapon, it escalates to that point. The goal here is to stop it before it escalates to somebody being killed. Persons who are irrational and emotional and off-the-wall enough to take a baseball bat, a frying pan, or anything, and beat somebody, shouldn't be allowed to

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have a gun. They should not be allowed to have a gun. These are not stable people, and we have to realize that. So, I urge all my colleagues to vote 'yes' on this Bill."

Speaker Turner, A.: "Seeing no further discussion, Representative Santiago to close."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. It is, this Bill is very clear on the mission that we're trying to accomplish. Either... we heard during debate that we want to give people a second chance. Well, what happens when someone pulls a gun in a domestic dispute and shoots the other person? That individual, that other person, will never have a chance. And that person that has children will never have a chance. Now, I want to give the spouse an opportunity to survive. We could look at the Bill and pick a word here and pick a word there, and try to make an argument against the Bill. But the bottom line here is, that we want to protect women, we want to protect the people in that household. And the people that are going to suffer the most are the kids, it's not the father, it's not the mother. The bottom line is, that we want to protect families. And this is the objective of this Bill. We want to protect the family in that household. And that's why I ask each and every one of you to look at that board, and look at this Amendment, and look in the computer, and picture your family in this computer and see what could happen. Anyone could make a mistake. But in this case, we have seen traditionally that the weapon that is most used in domestic violence is a gun. And this is what we're trying to address. We're trying to prevent a disaster to happen. So, I, once again ask you, don't do it for me, don't do it for the guns, do it for your family. And let me add a footnote to this. The NRA is neutral on

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this Bill, because they support families, and they support children, and they support households. And they feel that we're trying to do something right now, and we're doing it right. So I ask you, once again, vote for your family, and vote 'yes' on this Bill. Thank you."

Speaker Turner, A.: "The question is, 'Shall House Bill 127 pass?' All those in favor shall vote 'aye'; all those opposed vote 'no'. The voting is now open. 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 98 voting 'aye', 18 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, for announcements."

Clerk Rossi: "The House Rules Committee is meeting at 4:30 in the Speaker's Conference Room. House Rules Committee, 4:30, Speaker's Conference Room."

Speaker Turner, A.: "On the Order of Third Readings. House Bill 796. Representative. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 796, a Bill for an Act in relation to sale, possession and use of tobacco products by minors. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman (sic-Speaker). This is the Bill we adopted the Floor Amendment the other day which makes it illegal for minors to possess or smoke...it sets up community service and education programs for it and sets a very small fine of first offense of \$25.00, \$50.00 for subsequent fines. And I would hope that the House would approve."

Speaker Turner, A.: "Any discussion? The Gentleman from Kendall,

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Representative Cross."

Cross: "Inquiry of the Chair? What Amendments have been adopted?"

Holbrook: "House Amendment #1."

Cross: "Could we also get an ETA of how much time left we'll be here?"

Speaker Brunsvold: "Representative Brunsvold is in the Chair. The second question..."

Cross: "We almost through?"

Speaker Turner: "The second part of your question is, if you subtract 10 from 4:30, I believe that's 5 1/2 hours."

Cross: "We did not get through with our mandated homework assignments so a few of us have problems with math. But just thank you."

Speaker Turner: "Okay. Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 has been adopted to the Bill."

Speaker Turner: "Representative Brunsvold in the Chair."

Speaker Brunsvold: "Representative Cross, have you completed your questioning?"

Cross: "There was so much laughter on that homework joke, I missed the answer on Floor Amendment #1. Has it been adopted?"

Speaker Brunsvold: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 has been adopted to the Bill."

Cross: "Representative Holbrook...Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor indicates he'll yield."

Cross: "Representative Holbrook, does the Amendment become the Bill?"

Holbrook: "No, it doesn't."

Cross: "Pardon me?"

Holbrook: "No, it doesn't."

Cross: "All right. What does the Amendment do?"

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Holbrook: "The Amendment deletes any licensing and adopts education supplemental to the first offense where they can take smoker education programs in lieu of hour for hour if the program's available."

Cross: "I'm sorry. Mr. Speaker, we're having a hard time hearing over here. Is there any opposition to the Bill, as amended, Representative?"

Holbrook: "I know of no opposition as amended."

Cross: "Pardon me?"

Holbrook: "I know of no opposition as amended."

Cross: "Another inquiry of the Chair. Mr. Speaker..."

Speaker Brunsvold: "State your inquiry."

Cross: "What...what would be the requirement vote-wise? Does this preempt home rule in anyway, and if so, does it require 71 votes?"

Speaker Brunsvold: "We are checking into that, Mr. Cross."

Cross: "Representative Holbrook, I know that IRMA at one point had a doubt...or they were opposed to this. Do you believe their opposition is gone now that you've amended it?"

Holbrook: "Yes, I do. They were worried about the licensing and that has been completely deleted."

Cross: "So, as of now, there's...you don't know of any opposition?"

Holbrook: "No one has come to me and said they're in opposition to this and I haven't seen anyone file an opposition to it."

Speaker Brunsvold: "Mr. Cross, the Parliamentarian indicates that this does not exempt home rule. It requires 60 votes."

Cross: "Okay, thank you. I don't have any other questions."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from St. Clair to close, Representative Holbrook."

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

Speaker Brunsvold: "The question is, 'Shall House Bill 796 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On that question there are 116 'ayes', 0 'noes', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 771."

Clerk Rossi: "House Bill 771, a Bill for an Act amending the Illinois Oil and Gas Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Jefferson, Representative Jones. The Gentleman from Jefferson, Representative Jones, on House Bill 771."

Jones, J.: "Thank you, Mr. Speaker and Members of the General Assembly. I come before you today with House Bill 771 which was on the Agreed Bill List in the Environment and Energy Committee and passed out of there 16 to 0. What this does is amends the Illinois Oil and Gas Act to provide the Department of Natural Resources has the authority to administer the Landowner Grant Program. Allows the department to expend funds in the Plugging and Restoration Fund for the removal of well site equipment and associated tank batteries and production facilities when the landowners are not legally responsible for the removal. Provides for the proper disposal of oil well site equipment, including an associated tank battery, production facilities, equipment, and hydrocarbons. This Bill is supported by the Petroleum Council, Department of Natural Resources and the Farm Bureau. Representative Hartke and I, this has become kind of a pet peeve of ours the last

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three years with all these abandoned wells throughout the State of Illinois. We have approximately 3,000 of them. We're only able to plug about 50 of them a year and so you can figure out that that's going to take a number of years for us to plug all of these abandoned wells, and I know they're really a nuisance to our landowners throughout southeastern Illinois, especially. And I would like for Representative Hartke to also elaborate on this Bill if he would, please."

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

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Representative Jones has put it out pretty plain. There's a real problem in southeastern Illinois in the oil patch. Within the last week, I might notify the Body, there was a breakout of a well that was drilled back in 1913. It is now starting to leak in a flood...flooded area...or flood area in southeastern Illinois in Crawford County. This breakout happened in a cemetery and there's going to be an extreme amount of expense trying to go in and plug this old abandoned well that was not plugged properly, that was drilled back in 1913. All of those sins are now coming back to haunt us in the oil patch and we need a lot of help and this piece of legislation will be one of the first steps on trying to clean up the problems we have in the environment. Thank you very much and I'd appreciate an 'aye' vote."

Speaker Brunsvold: "The Gentleman from Madison, Representative Steve Davis."

Davis, S.: "Thank you, Speaker, will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Davis, S.: "Representative, what is the fiscal impact on

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this...of this Bill?"

Jones, J.: "Really, Representative, we never did get a fiscal impact from the Department of Natural Resources on this. There is...Initially, there was \$110,000 in that fund, but this fund is supplied through a check-off through the oil companies, really. It's what supplies this fund."

Davis, S.: "Representative, you're speaking of the Oil and Gas Well Plugging Restoration Fund?"

Jones, J.: "Yes, we are."

Davis, S.: "And that fund currently has \$110,000 in it?"

Jones, J.: "No, it's...I believe Representative Hartke may be able to answer that better than I can. I think it's got quite a bit more than that in it right now."

Speaker Brunsvold: "Representative Hartke."

Hartke: "Yes, it's my understanding that that's not the fund that this will be taken out of. The oil and...or the Plugging and Restoration Fund is a different fund. These will come out of internal monies in the Department of Mines and Minerals that are there now. There is also a possibility that we could go to the Federal Government and get some funds for this program. But I think the amount that you're talking about is about 110 or \$150,000 that is monies that are available now in a different fund in the Department of Mines and Minerals."

Davis, S.: "Representative, how many of these wells are there? Do you know?"

Jones, J.: "There's approximately 3,000 wells in the State of Illinois that are under the Orphan Well Program right now and we're only able to address about 50 of them a year."

Davis, S.: "Fifty per year. At what cost...what is the cost per well to clean them up?"

Jones, J.: "The cost is approximately \$5,000 per well to plug the

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well. Now if the site needs to be cleaned up some from salt water damage and the like, you know, it can run quite a bit more and that's what we're trying to do here, Representative Davis, is clean up some of these sites as Representative Hartke just alluded to with a cemetery having a breakout in it, you know, from an old abandoned well. You know, there's going to be quite a bit of damage in a situation like that and we've got damage on some of these landowners throughout southeastern Illinois, especially where several acres are damaged and we're trying to recover some of that land."

Davis, S.: "But no money from the LUST Fund is going to be used to clean these wells up?"

Jones, J.: "No, Sir."

Davis, S.: "And are all of these wells on private property?"

Jones, J.: "To my knowledge they're all on private property, yes."

Davis, S.: "Are any of them in our state parks or on any public lands, to your knowledge?"

Jones, J.: "Not that we're aware of, Representative Davis."

Davis, S.: "And...I have no further questions, Representative. I just want to get that on the record as to where the monies were coming and how many wells, so, I support your legislation."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Jefferson to close."

Jones, J.: "I'd like to have everybody's attention because Representative Hartke and I both know that the fund only has peanuts in it, but we're trying to do the very best we can. I think this is another step forward on addressing some of these issues and we would just like a favorable vote on this. Thank you very much."

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Speaker Brunsvold: "The question is, 'Shall House Bill 771 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Amendment...Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 appears House Resolution 102. Representative Deering. Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 102 urges the President of Amtrak and its Board of Directors to maintain and keep open the Midwest Reservation Sales Call Center in Chicago. Were faced at losing approximately 400 jobs due to a potential decision to move this facility out of state. This is just an effort to try to keep this job...these jobs there. Apparently, it's a decision that they're looking at. It hasn't been made permanent yet, but it's something that's very important to a lot of people in the state and I would like to ask the support of my colleagues in the House. I would also be willing to try and answer any questions."

Speaker Brunsvold: "This Resolution was on the Agreed Bill List. On the Resolution, Mr. Black."

Black: "I'm sorry, Mr. Speaker. Are we on the Agreed Bill List, you say?"

Speaker Brunsvold: "No, this Bill...this Resolution was on the Agreed Bill List."

Black: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Black: "Representative, where is the National Railroad Passenger Corporation proposing to relocate this reservation office

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to?"

Deering: "It's my understanding, to the State of Florida."

Black: "To the State of Florida?"

Deering: "Yes, to the State of Florida and as I understand it, to better serve the interests of the midwestern United States."

Black: "Well, Florida certainly has a depressed economy the last time I checked. And it's suppose to serve those of us in the midwest better?"

Deering: "Yes, Sir."

Black: "From Florida. All right. Mr. Speaker, to the Resolution."

Speaker Brunsvold: "Proceed."

Black: "You know, I can't believe that anybody would try to make anything partisan out of this. This is an issue where a national corporation is, for whatever their reason wants to move 400 jobs out of Illinois, in this case Chicago, to Florida, supposedly so they can serve those of us in the midwest better. You know, from time to time many of us on either side of the aisle have asked this chamber to help us stem the flow of jobs from Illinois. This isn't moving from Chicago to another community, these are jobs leaving the State of Illinois. And I think whenever that happens and whenever we can help each other, what's good for Illinois is good for all of our districts, and in this case I think this should get a unanimous vote and I stand in support."

Speaker Brunsvold: "The Gentleman from Madison, Representative Stephens."

Stephens: "Mr. Speaker, if you've been in the Chair for one period and then you're replaced, do your previous rulings still hold when you resume the Chair?"

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Speaker Brunsvold: "Representative Stephens, that depends on what your asking."

Stephens: "Are we going to go to the Order of Written Motions?"

Speaker Brunsvold: "Written Motions. We will get there, Representative, we will get there."

Stephens: "You're very consistent."

Speaker Brunsvold: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, I just need to ask a few things to make sure and clarify here."

Speaker Brunsvold: "The Gentleman will yield."

Bost: "Amtrak is very important to the Carbondale area and to the...to my district where it comes through DuQuoin/Carbondale. In any way, shape, or form is this going to take anything from them?"

Deering: "It's not...To my understanding, Representative, no, this is just dealing with the Midwestern Ticket Sales Center or Reservation Center in the City of Chica...located in the City of Chicago or in Cook County. And it's also to my understanding that it's not suppose to affect any other operations in the rest of the state, but you know as well as I do if this is allowed to happen or if the...if Amtrak decides to do this, who knows what the spinoff could be."

Bost: "Thank you. To the Resolution."

Speaker Brunsvold: "Proceed."

Bost: "I rise in support of this Resolution. As the previous Speaker said, we cannot allow jobs to leave this state to go to other states and we've got to stand up in a bipartisan effort to keep them here and I just ask for all 'aye' votes."

Speaker Brunsvold: "The Gentleman's moved for the adoption of

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House Resolution 102, and on that question all in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it and the Resolution's been adopted. House Bill 708. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 708, a Bill for an Act in relation to health care benefits for certain retired community college employees and their dependents. Third Reading of this House Bill."

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

Murphy: "Yes, I would urge an 'aye' vote. We just took this Bill out of the record. It was amended and the Amendment becomes the Bill, so I would ask for a favorable vote."

Speaker Brunsvold: "On that question the Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. I'm very proud and pleased that Representative Murphy lets me join him on this important piece of legislation. This is nothing new to this chamber. I think we have passed this out of here in one form or another at least eight times that I am aware of and probably more than that. We have gotten it on the Governor's desk once that I recall and that was Governor Thompson and he vetoed the Bill. Let me tell you what we're trying to do here and I think we have most of the disagreements worked out and I appreciate Representative Hoeft working with us. The health insurance...this is a health insurance concept for community college retirees. We have exempted out at their request, the city colleges of Chicago. This legislation is supported by the Illinois Community College Trustees Association, the Illinois Community College Board, the Illinois Education Association, the Illinois Federation of Teachers, the

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Community College Presidents Council, the State Universities Annuitants Association, and the the State Universities Retirement System. Let me give you, very briefly, some background. Retirees of the Illinois Public Community College System are not currently guaranteed health insurance benefits as our public university retirees, and yet, both of them are covered by the State University Retirement System. What we are...what Representative Murphy and I are trying to do is to identify a method of providing health insurance benefits for retirees of the public community college system. One key of this proposal is that we think the following plan will generate funds necessary to pay for the plan. It has nothing to do with the Illinois Teacher's Retirement System. We have agreed to work with the Central Management Services and the Community College Association in the Senate, if in fact, the .35 contribution is not sufficient, we think we could raise that to .50 without any difficulties whatsoever. Each community college will match its employees contribution. That will generate \$2 million. The full time employees will have .35 percent deducted from the gross amount of their paycheck. That will generate 2 million. The state will then appropriate \$2 million and we are currently appropriating \$2.8 million. So, initially, there will be a savings to the state. Now the out years, I can't make that statement. Five, six, eight years from now it may cost us money, but we're willing to look at that by raising the contribution. I think this is eminently fair. The community college retirees are covered by the SURS System and yet they're not eligible for retirement benefits. We think we've crafted something that will meet most of the objections. We're willing to still work in the

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Senate if that's necessary. I would urge your approval of House Bill 708 and Representative Murphy and I will be glad to try and answer any questions that you have."

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Hoeft: "The Sponsor on this side of the aisle?"

Speaker Brunsvold: "Mr. Black indicates he'll yield also."

Hoeft: "Thank you. I think this points out very graphically the problems we have with the pension systems in this state and the various programs for the employees. We have so many different levels of benefits, we have so many different levels of contributions, that this gets extremely complex and confusing. This group came in asking for equity. They were asking for equity from the Higher Ed. System, not the TRS System and they have been compared to the TRS System from get go. That was the basis of the confusion. If in fact we are considering moving it from a .35 to a .50, if in fact that's necessary for fiscal balance and if this is to create equity amongst the Higher Ed. System, I don't know of any reason to oppose this and I would ask everyone in the chamber to go with these two fine Sponsors and pass this baby through."

Speaker Brunsvold: "The Gentleman from Cook, Representative Parke. The Gentleman indicates he does not want to speak. The Gentleman from Whiteside, Representative Mitchell. Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in strong support of House Bill 708. I think it's an excellent Bill. One thing that you have to remember is that all of our community colleges now have a plan that gives a degree to our young

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men and women in the college ranks. That degree, then, is carried forward to all of our state universities and accepted at that level and those students can then go into the state universities as a junior, full-fledged, without any problems. Now if we have that kind of a combination, it's obvious that they are part of the system. It's time to make them something besides a stepchild. These folks have talked to me. I've got an excellent community college in my district and I think they deserve House Bill 708 and I think everyone should get on board. Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Cook to close, Representative Murphy."

Murphy: "We would just ask for a favorable vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 708 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 470. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 470, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

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

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 470 amends the Environmental Protection Act and requires that the Pollution Control Board will have the power to adopts rules by September 1st, 1998, prohibiting the open burning of landscape waste in areas

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the state has classified as moderate, serious, severe or extreme non-attainment areas for ozone or areas designated as affected counties under the Vehicle Emissions Inspections Law of 1995. In addition, it preempts certain home rule powers. What this Bill does, Ladies and Gentlemen, and I know this issue has been around for a number of years, this is a sensible approach, I believe, to a very, very serious public health issue we have in Illinois, and that is landscape waste. Burning. There are a number of exemptions in this Bill that provides exemptions for test burns by local fire departments. There's an agricultural exemption. The Farm Bureau is not opposed to this Bill. And what it simply does is takes a sensible approach and looks at all the non-attainment areas that we currently have in the State of Illinois, and non-attainment areas are designated by the U.S. EPA and enforced by the Illinois EPA and they're designated by zip codes. So if you live in all of Cook County, most of Lake County or all of Lake County, I should say, the eastern part of McHenry County, the eastern part of Kane County, the northeastern part of Kendall County, and about half or northern half of Will County, plus parts of Madison, St. Clair and Monroe County, you will be affected by this Bill. Now I know this Bill does not provide for a blanket landscape waste burning ban. We know this is a difficult issue to deal with. A few years ago I believe Representative Lang had passed a Bill and placed it on the Governor's desk. Unfortunately, Governor Edgar vetoed the Bill. We believe this is sensible because, number one, the non-attainment areas in the State of Illinois designated by the Federal Government and enforced by the State Government indicate that air quality standards are below the United

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States EPA standards. So any type of landscape waste that burns in the non-attainment areas only exacerbates current air quality standards. We believe this is a sensible approach, a prudent approach. We certainly would like to get a reasonable Bill to the Governor's desk to deal with a very important public policy and public health issue. Be more than happy to answer any questions."

Speaker Brunsvold: "And on the question, is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Simply an inquiry of the Chair."

Speaker Brunsvold: "State your inquiry."

Black: "See, the Bill exempts certain portions of the Home Rule Act. Would the Chair advise us as to whether it takes 60 votes or 71?"

Speaker Brunsvold: "We will check into that."

Black: "Thank you."

Speaker Brunsvold: "The Lady from Will, Representative Kosel."

Kosel: "Thank you. The Bill also seems to exempt some farmland or farm. Can you tell me how the Bill defines farm?"

Speaker Brunsvold: "The Gentleman will yield."

Novak: "Yes, Representative, there is an agricultural exemption and the agricultural exemption is for their burning of landscape waste on a homestead and any other type of burnings on...in farmland. But if that farmland is located within the zip code, other than burning on the homestead, they will be affected."

Kosel: "How do you define farmland, though? I mean, what is a farm? I live in an area where a lot of people live on farms that have been subdivided down and I personally live on one that was a farm and now I'm down to seven acres. Does that...am I exempt for burning or not?"

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Novak: "First of all, the non-attainment areas go by zip code."

Kosel: "Okay."

Novak: "Zip codes are very...are defined areas and the agricultural exemption deals with burning of landscape waste on agricultural property that's zoned agricultural as well as burning of landscape waste on the homestead, which was...which is the home site."

Kosel: "Okay. So the zoning would be?"

Novak: "Yes."

Kosel: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Sangamon, Representative Poe."

Poe: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Poe: "Will you tell me a little bit more about zip code? For example, I have a Springfield address, I live in the Sangamon County rural area, so where am I at that I live on a working farm?"

Novak: "Representative Poe, Sangamon County...none of Sangamon County is a non-attainment area. None of it. So this Bill does not affect Sangamon County. The City of Springfield, I understand, has banned leaf burning, I believe, or landscape waste burning in the city. In the unincorporated areas, I think your county board has yet to make a decision."

Poe: "Thank you."

Speaker Brunsvold: "Representative Black, the Parliamentarian indicates that this, your request is concurrent. This Bill is concurrent with Section I of the Constitution and therefore is not exempt home rule and will take 60 votes. Further discussion? Seeing none, the Gentleman from Kankakee to close, Representative Novak."

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Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. As I indicated, we think this is a prudent and sensible approach to begin the process of banning landscape waste burning. It deals with the non-attainment areas where the vast majority of our population is concentrated. It's a well known fact right now if you live in these areas under these designated counties and zip codes that I mentioned as an example, you do have to...you do have to have your car in for vehicle emissions testing. That is a federal requirement required by state enforcement. So the natural thing to do is to try to eliminate any exacerbation of the air quality in the areas that are designated non-attainment. It's certainly logical that we should begin to deal with the waste burning ban. It's a very important public policy and public health issue and I certainly ask for your favorable support."

Speaker Brunsvold: "The question is, 'Shall House Bill 470 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Please record yourself. Have all voted who wish? Mr. Clerk, take the record. And on that question there 85 voting 'yes', 27 voting 'no', 2 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules to which the following Amendments were referred, action taken on April 16th, 1997, reported the same back with the following recommendations for consideration: Floor Amendment #1 to House Bill 18; Amendment #3 to House Bill 53; Amendments 4 and 5 to House Bill 61; Amendment 3 to House Bill 152; Amendment 1 to House Bill 231; Amendment 2 to House Bill 425; Amendment 1 to House Bill 483; Amendment

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1 to House Bill 519; Amendment 2 to House Bill 635; Amendment 2 to House Bill 1089; Amendment 3 to House Bill 1292; Amendment 1 to House Bill 1329; Amendment 2 to House Bill 1441; Amendment 1 to House Bill 1651; Amendment 1 to House Bill 1699 and Amendment 1 to House Bill 1708."

Speaker Brunsvold: "Mr. Clerk, what's the status of House Bill 1651?"

Clerk Rossi: "House Bill 1651 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Brunsvold: "On the Amendment, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 1651 simply changes the title to the Cook County Forest Preserve. This Amendment would change the title and make the Bill a vehicle and I would ask that it be adopted."

Speaker Brunsvold: "Any discussion on the Amendment? Seeing none, the Gentleman has moved for the adoption. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it and the Amendment's been adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1651, a Bill for an Act amending the Downstate Forest Preserve District Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1651 represents a Vehicle Bill that we are hoping to utilize with some substantive language. We would be enabling language to consummate a deal that is presently being discussed between the Village of Rosemont and the

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Cook County Forest Preserve District. There is some land that is adjacent to the Rosemont Convention Center which is currently isolated by the river on the back, the river road on the front and the convention center on the side. We have filed with our respective staffs a proposal for the Village of Rosemont to construct a park which will be called Rose Walk. This is currently being discussed between the county board, county forest preserve district and the Village of Rosemont and I would ask for your 'aye' vote to keep this matter going. This would be the enabling legislation to consummate the agreement between the Cook County Forest Preserve District and the Village of Rosemont. Thank you."

Speaker Brunsvold: "Is there any discussion? Being no discussion the question is, 'Shall House Bill 1651 pass?' All in favor vote 'aye'; all opposed 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. And on that question there are 104 voting 'yes', 9 voting 'no', 2 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 18?"

Clerk Rossi: "House Bill 18 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Kankakee, Representative Novak on the Amendment."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all I want to thank Representative Black for pointing out the mistake that was in the Bill. I had filed this Bill, probably, I think I pre-filed it back in

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late December, so the Bill was dormant for awhile before any activity was placed upon it. Since that time we passed a Bond Bill, so that's the reason why there was an inadvertent oversight. So, essentially, what this Bill does is change some numbers so we're...that reflects the actually number, the number of the bonds that have to be incurred and the figure has changed to 9,805,508,392. That's the figure that needs to be changed, so I'd be more than happy to entertain any questions."

Speaker Brunsvold: "On the Amendment are there any questions? Seeing none, the Gentleman has moved for the adoption of Amendment #1, Floor Amendment #1. All in favor say 'aye'; opposed say 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. The Gentleman from Kankakee on House Bill 18. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 18, a Bill for an Act relating to bonds for school construction. Third Reading of this House Bill."

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

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 18 in its amended form now increases state GO bond authorization by \$1 million for capital construction grants to school districts statewide and amends the school construction grant index to change the student measure from a weighted daily average attendance to enrollment and to reduce the local share from an average of approximately 50 percent to an average of approximately 35 percent of the cost of the project. The changes to the grant program have no state costs, they merely reduce the amount of total

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construction that would be funded and reallocate the state share among school districts. Ladies and Gentlemen, this issue has been around this General Assembly for a number of years. Within the context and parameters of school funding reform and school equity in the State of Illinois is another serious matter that I believe deserves the attention of the General Assembly and that is the current state of disrepair of our schools in Illinois, from Chicago to Cairo, from Pembroke to McDonough County, schools throughout the State of Illinois need help and need assistance. Time in and time again bond referendums are defeated for either new schools, for additions, for repairs because of the tremendous burden that is placed upon our local property taxpayers. This has been a successful program that the state has used for many years. During the late 1970's and early 1980's this program, under the School Construction Grant Program, built and repaired many schools throughout the entire state. It was an evenhanded program. It was based upon the wealth of the district. You could receive no less than 20 percent of the grant, 20 percent of the project costs and no more than 70. Under my proposal you can now receive no less than 30 percent of the project costs and no more than 90 percent of the project costs from state grants. We believe it's a good program, it's going to help school districts in this state, irrespective of where you are. We think it's time that we start paying attention to the dilapidated conditions of our public schools in Illinois. When people call for us to build more jails and prisons, we don't hesitate to build more jails and prisons because people demand us to put more criminals in jail. We think it's time now that we pay more attention to our children, our most precious resource in this state,

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that they have an amenable environment so they can learn, they can learn all the rudimentary basic education elements for a good education. Not only the three r's, but having instruction taught in a friendly environment where windows don't leak and roofs don't cave in and furnaces don't work. People talk about technology grants and accessing us to the Internet. Ladies and Gentlemen, my colleagues in the General Assembly, we know, we're very familiar, many school districts in the State of Illinois can't even repair windows, let alone buy computers. Can't even repair leaky faucets, let alone think about high technology in the 21st century. We need to deal with this issue now. We need to just...we need to pursue this issue and push it along, push this Bill to the Senate and convince the Governor and the Legislative Leaders that the time is now, within the context of school reform, to address this serious corollary issue. Be more than happy to answer any questions."

Speaker Brunsvold: "The Chair would like to recognize in the balcony the Young Presidents Organization. Will they please wave. We welcome them to Springfield. They met with the Governor today. This is the Windy City Chapter. Welcome. The Gentleman from Kankakee has described the Bill and on that, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I wonder if the Gentleman will yield for a question?"

Speaker Brunsvold: "Indicates he will."

Stephens: "Well, Representative, your premise is good. I wonder if you can explain to me; as I understand it, we're talking a billion dollars of bond authorization, and you affect the index as to how we're going to rate each of the districts that receive funds under this bond authorization and you're basically switching from an average daily attendance to an

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enrollment. Now if I understand average daily attendance versus enrollment, it is those children who actually attend school, are enrolled and attend, and that figure is taken daily in the classrooms, you're here or your not, versus going to enrollment which is the children that are enrolled in a school but may or may not attend. And are we...My question is, are we switching from an average daily attendance to an enrollment figure as the indices by which we will rate the issuance of these bonds?"

Novak: "Representative, the Bill does change the grant index from the general...from TWADA to the enrollment. Yes, it does. Many, many school districts will gain by this. The City of Chicago, for example, since its equalized assessed valuation has increased dramatically over the years, will not receive more than 30 percent for any school construction grants in the City of Chicago. There are many school districts in this printout that was supplied by the State Board of Education downstate that can receive up to 80 to 90 percent of the grant."

Stephens: "Well, I think that was a yes."

Novak: "Yes."

Stephens: "We're switching to enrollment and you mentioned the City of Chicago, Representative, and since you do, that's one of the school districts that is well documented that there is...certainly because of the population...excuse me, could be...has a high enrollment. But for whatever reason, history has shown that there is the average daily attendance in the Chicago school districts is less than admirable to say the least. And let me just pick a downstate district. This is a district...happens to be part of a...next to the 110th, which I represent. This is the 109th district. Now as I understand this issuance from

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the State Board of Education, if the indices...or if the index is higher...excuse me, if it's lower then you are a loser in your school district. This is the...let's see...Brownstown Community Unit District is going from .72 to a .71. So they would be a loser. That's a downstate district. Now I see Carlyle Community Unit..."

Novak: "I see Brownstown Community District going from .70 to .71190."

Stephens: "You were talking to Brownstown?"

Novak: "Yes. I'm looking at the same sheet..."

Stephens: "Point seven two seven to....727..."

Novak: "Representative, District 109...is Representative Granberg. It goes from .700 to .71190."

Stephens: "No, that's not correct. It goes from .72701 to .71190. That is a...what we would categorize as a losing district. Further down the list, Oden, which is the same district, goes from .864 to .843. Mr. Speaker, to the Bill. The bottom line is that what we're talking about doing; a bond construction fund for school renovation and construction, I think, is an issue that we will...we would certainly like to further that issue on our side of the aisle. However, I don't think that we're going to understand why we want to reward school districts that the students of those school districts do not actually attend class, and as a matter of fact, no school districts that have no attendance will really be rewarded because they get extra money because they have the enrollment and they won't have the wear and tear on the buildings because nobody would be there using them. So I...if you...Representative, let's make sure we understand what this is, a partially good idea. Construction money for schools, I believe in. Bond authorization using the state's leverage in the market

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is something I believe in, but I certainly don't believe in rewarding schools where children don't attend. That is not something that we should be in support of. Representative, you shouldn't be in support of that."

Novak: "You're wrong. Representative, isn't it more logical to build schools in the base of enrollment because you have to work for the future. Cause if there's 6500 kids in a community that can be enrolled in that school and for some reason 85% attend and the other 15% are delinquent for some reason, you've got to be able to work for the future and build for the future. You shouldn't build on the basis of TWADA."

Stephens: "Representative..."

Novak: "Every school district, Representative, every school district in the State of Illinois benefits by this. Your grant index is changed, but the amount...the least amount of grant is increased 10 percent on the least amount and the maximum is increased 20 percent, from 70 to 90 percent. There are hundreds and hundreds of winners in this printout."

Stephens: "Representative, we will work with you to accomplish the sort of goals that you just alluded to, but when you talk about the future, we are selling the future down the drain if we are sending the basic message that...You said the phrase, characterize it delinquency problem or whatever, for whatever reasons. I'm telling you, we ought to reward those schools and those students who enroll and attend and we should not dangle a carrot before those schools and those students who enroll in a school and then fail to attend. You're going to build castles in Chicago and they're not even going to be used. What we ought to be doing is building classrooms in Chicago and downstate and

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filling them with students who want to learn, not rewarding those who just want to enroll and then go to the park."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support of House Bill 18. You know, Representative Novak's on the right track here, especially his new program for the grant indexes which would give more ability for the 'have-nots' to get a little more money and to make sure the 'haves' still have the ability to access these funds. As you also know my economic development plan, which is Amendment #3 to House Bill 169, has the same kind of program in it but this calls for 10...a \$10 billion program as opposed to a \$1 billion program. The bonds in my program are revenue bonds without the full faith and credit of the State of Illinois. We'll get to that Bill eventually. Maybe we'll look at that and pass it, but for the time being this is an excellent program, one we ought to pass as it is. The comments of the previous speaker regarding castles in Chicago, I don't think that's what this is all about. I think this is an excellent program to help us on the way for better school funding. This is not direct operations for school funding, but clearly will help school districts and is clearly a piece of the puzzle we must fill in if we're to take care of the problems that school districts have with their finances, so I would recommend 'aye' votes."

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

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

Speaker Brunsvold: "Indicates he will."

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Black: "Representative, do you identify a revenue source to pay for the bonds in your Bill?"

Novak: "Well, at the present time, Representative Black, it looks like general revenue funds."

Black: "Okay. So we would have to appropriate...I just asked our appropriations people and generally speaking it's...the rule of thumb is about a tenth of the bond issues. So it'd be about 100,000,000 next year for debt retirement. Right?"

Novak: "It's spread over 10 years, yes."

Black: "Okay. Let me make sure that I understand how you've changed the grant index, how you arrive at the grant index. I think it's unfortunate, but everybody's kind of...it's what I call the printout phenomena here. You look at a printout and you, you know, gee who wins and who loses. The old grant index was an inverse proportion to EAV and on the weighted average daily attendance. And what that did for many years was, a smaller school with a low EAV but a high average daily attendance, their grant index was generally higher, correct? I'm on the right track?"

Novak: "Right."

Black: "Okay. Now we're moving away from the average daily attendance, but are we still giving credit inversely to EAV? So that the property...the more property poor your district is, you're still...you'll get more consideration on the grant index, right?"

Novak: "Right. Representative, that's why under this scenario here, that's why the wealthier district instead of only getting 20 percent they can get 30 percent. In the poorer districts now, instead of getting 70 they can get 90."

Black: "Okay. Now, again, on the printout phenomena I don't know what your staff tells you, but we have been told that there

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are about...let's...I think there are 950 school districts. We've been told about 500 would see their grant index go down, albeit, not...some of them not very much and 300 plus would see their grant index go up. Is that about the way you see it?"

Novak: "That's roughly correct. Some of the indexes go down by maybe tenths of one percent."

Black: "Okay."

Novak: "Or even less than that, Representative."

Black: "I appreciate what you're trying to do, Representative, and I don't know how we're ever going to get away from that printout phenomena. People are going to look at this and some of my school districts win under this and some stay about the same and a couple lose a little more than I wish they did and I understand why that is. To the Bill, Mr. Speaker, if I might."

Speaker Brunsvold: "Proceed."

Black: "I think the Gentleman has tried very diligently to craft...and we've seen several of these Bills. And I think we all realize that we need to do something on school construction bond funds and this may be your cup of tea and it may not be your cup of tea. But there is one thing, Mr. Speaker, regardless of how you feel about this Bill and if I could deviate with your permission and if I go too far afield, gavel me down. I wish that we would stop when we're trying to do something for education, particularly on capital. I wish we'd stop always comparing it to the Department of Corrections because when we do that, we come across like somebody comes in here in the dark of night and takes money for the Department of Corrections and we know that's not true, we appropriate those funds. And I would just simply ask all of us to remember, no matter how

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concerned we are about education, that this year we'll spend a little less than \$1 billion on the Department of Corrections. About a billion. A little less than a \$1 billion and I dare say most of our constituents would say, yes, we want you to spend that. We want them locked up. And when you add all funds, state, federal and local, we'll spend about \$12 billion this year on education. So, you know, let's not make our problems any worse than they are and let's keep in mind that we have appropriated money for prisons. And I think our constituents have asked us to do that and they are also now asking us to address the problem of deteriorating schools, schools that were built in the turn of the century still being used. So I appreciate the Gentleman and what he's trying to do. This is a Bill that all of you are going to have to look at and read and take a look at the printout, that's the way we work around here, and see whether you're going to support it or not support it. But I do appreciate what the Gentleman is trying to do. I appreciate his intent."

Speaker Brunsvold: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The previous speaker makes a lot of sense in what he's brought to our attention in the way of comparisons that we...many of us make to try to make our wishes known and our initiatives take hold. But at the same time I'm not sure that that range of 12 to 1, 12 billion to 1 billion, is something that we still should be proud of. And I just want to commend the Sponsor on this bonding authorization Bill to try to address the question that we're struggling with because, see, what's really happening in this state is that we may be finally finding our sense

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of where this crazy action and direction is going. Because in a reaction to getting a handle on crime, we haven't just built facilities to put prisoners and taking them off the street and putting them behind the bars, but we have built castles compared to what our children are struggling with and then come back and say, oh, let's be accountable and make these teachers and these students be sure that they pass the achievement test to the extent that we're proud and compete with other countries and other states. Let's give them the tools. And you know what, I'm not sure that we could sit here from 9 o'clock in the morning to 10 at night under conditions that were not conducive for deliberations. Let's don't ask our kids to do anything less. This Bill addresses the real concerns. It's a fair way to approach it. I know it's a diverse state. We've got diverse needs. But I know one thing that we all got in common, what we think our kids should have the very best at what we can at least afford. And I think Novak has presented a Bill here that we can live with and be proud of. I want us all to support this fine piece legislation."

Speaker Brunsvold: "Representative Giles. Representative Giles asks that this Bill be taken off Short Debate. A show of hands, please. Adequate hands have been raised. Proceed."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I didn't know I could speak without making a comment. I guess we're all talented. Mr. Speaker, will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Giles: "Representative Novak, I just want to be clear for the record and especially on this side of the aisle. This Bill will affect what a district...school districts throughout the state?"

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Novak: "Every single school district throughout the state, Representative Giles."

Giles: "Thank you, Representative. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Giles: "Once again we have a piece of legislation here that truly says what our priorities are in this state. We have had previous speakers who have said, well, you know, we make this comparison with more funding towards education, compared to building more prisons. Well, then, I mean, at some point in time you have to look at the facts. I mean, this is true. When Representative Phelps mentioned the other day on the House floor that he had some students in his school district had to go to a prison to run a track meet and that the track at the prison had a much more of a track setting, that's where the dollar's going to. That prison has a exclusive and has a beautiful track setting for the students to go and run their track meet. That's where the dollars are going. You know, I was taught you follow where the money is going and that's where you'll find the truth. So, once again, we need to check our priorities. I'm sure many of us here voted on, got elected and campaigned on the issue that we were going to make education a priority. We have the leader of the state who has said that they're going to make education a priority. So at some point in time we have to put our money where our mouths are and I would just urge all of our Members to support such an initiative and let's get on about the business of educating our children and making the facilities where our children are educated at, top notch, because once again, when you go to your house you want a beautiful house in order to live in, just as our school kids want a beautiful environment to learn from. And so I

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urge you to vote 'yes' for this piece of legislation."

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

Davis, M.: "Thank you, Mr. Speaker. Mr. Speaker, I'll tell you the honest truth, I was about to go to sleep till I heard somebody over here mouthing a lot of incorrect statements. Representative Novak, you're absolutely correct, all children deserve to attend schools in buildings that show that people care about them. Chicago has housed or provided a competition called the Academic Decathlon. They sponsor this contest on an annual basis and students from Chicago's public schools have been the top winners academically. Students from Whitney Young High School, students from other high schools that are public Chicago schools. Students from Chicago do attend schools that don't have any empty classrooms. Most of the enrollments in those classes are 32 students or more and they are filled. And as you attempt to paint a picture of bleakness on Chicago's academic progress, let me ask you to take a look at Dr. Mae Jamison, first woman astronaut, African American, Chicago public school graduate. Our city houses some of the most prestigious universities in this country; Northwestern, the University of Illinois, Chicago State, Roosevelt, University of Illinois Circle Campus, and I could name others. The majority of the students attending these universities are Chicago public school graduates. Nationally, on many national competitions Chicago has nothing to be ashamed of. Our children hold up the name very well. Buildings should be for poor children, buildings should be for rich children and I think with this Bill, all children will have an opportunity to look at the building and say, 'somebody here cares about me, therefore

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I should do my very very best.' Not just a few children, but all children. And just as Michael Jordan makes us proud, just as Mae Jamison has made us proud and certainly Mr. Tiger Wood makes us proud, let us give all children equal opportunities to learn and to learn in excellent environments. The Bill is good, vote 'yes'."

Speaker Brunsvold: "The Chair would like to let the Members know that DuPage Childrens Museum has brought the cookies up that were left from downstairs. Cookies and milk here in the front row. The Gentleman from Coles, Representative Weaver."

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

Novak: "Yes."

Speaker Brunsvold: "He indicates he will."

Weaver: "Just a brief question about the amount. A \$1 billion is a lot of money. Is that enough?"

Novak: "Representative, I wish it were. Reports, I believe, from the State Board of Education, indicate about 13 billion would really be sufficient, but we haven't had a dime in this program in about over 15 years if I'm correct. So we're at zero right now. We want to start with a billion and everybody, I mean, most people's districts in this General Assembly are going to benefit by it. But the problem...To answer your question, Representative Weaver, no, it is woefully inadequate."

Weaver: "Well, a previous speaker mentioned, Representative Phelps' Bill that had 360 million. If yours is not enough, then is his not enough either?"

Novak: "Well, that's a billion, almost a billion and a half dollars. We have to start somewhere. We realize, let's say a \$10 billion arbitrary figure is a lot to ask. That's a huge bit of debt to put on the taxpayers in Illinois with

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respect to paying interest on those payments, but we need to start the program, we need to reinvigorate the program."

Weaver: "So you're essentially seeing his 360 million and raising him 640 million?"

Novak: "Six hundred...Well, I'm seeing his three hundred and some odd million and raising him a billion."

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

Hartke: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Hartke: "Representative Novak, my computer's not showing an Amendment yet. There is an Amendment on this, right?"

Novak: "Yes. There was a technical Amendment due to a inadvertent error in the drafting of the Bill."

Hartke: "Did the amount of bonds that can be issued each year remain the same in the Amendment?"

Novak: "Pardon me, Representative."

Hartke: "Did the amount of bonds to be issued each year remain the same in the Amendment?"

Novak: "No, we had to reflect the Bond Bill that we passed earlier this spring. The six hundred...I think it was \$665 million Bond Bill. That figure had to be adjusted."

Hartke: "That's not my question. I'm looking here at the Bill and it said the first year of the program we'll issue 50 million?"

Novak: "Yes."

Hartke: "That stays the same?"

Novak: "A hundred...a hundred million a year over 10 years."

Hartke: "A hundred million a year for 10 years?"

Novak: "Yes."

Hartke: "Okay. Well, I agree with you, this is a start. It's only about 10% of what we need and I'm going to support

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this piece of legislation. But I don't think it's big enough at all. We really need, as was indicated between, what, 12 and \$13 billion for a building program. This is a start. I intend to vote for it."

Speaker Brunsvold: "Representative Novak to close."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Look at it this way, Ladies and Gentlemen, we haven't used this fund or we haven't appropriated or bonded out any of these dollars in over 15 years. So right now there isn't anything in this fund to help our school infrastructure problems. This is a one billion appropriation. Now it doesn't answer all the problems, we need about 13 times that amount if we really want to bring our school districts and buildings that need repair and expansions, and you know well, in this last election, how many referendums went down to defeat because of people's sick and tired of the property tax funding local school initiatives. Everyone...most everyone is going to win under this proposition. To give you an example, the Republican Leader's district, the Republican Leader's district, district #46, every school district in his district goes from 20 percent to 30 percent on the least amount of money they can get from the state. There's all kinds of suburban districts that benefit. The Gentleman from Collinsville, who unfortunately had to demagogue the issue about Chicago, his district has 15 school districts and every one of his districts benefit under this plan. So let's be honest with each other. Let's pay attention to the needs of the school children in Illinois. Let's fix the buildings when they come to school. Let's fix the furnaces. Let's repair the windows. Let's repair the roofs. Let's add a school building on. Let's take care of

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our kids. Please vote 'yes'."

Speaker Brunsvold: "The question is, 'Shall House Bill 18 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. And on that question there are 99 voting 'yes', 18 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1188."

Clerk Rossi: "House Bill 1188, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. House Bill 1188, as amended, is an Agreed Bill. It has no opposition. It is supported by metro-counties and the Illinois Farm Bureau. It does two things. It further defines agricultural purposes under the zoning Section of the Counties Code, and it allows counties to establish a minimum lot size for residences on land use for agricultural purposes. Be happy to answer questions."

Speaker Brunsvold: "And on that is there any discussion? Is there any discussion? Seeing none, the Lady has moved for the passage of House Bill 1188, and on that question all those in favor vote 'aye'; all opposed 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. And on that question there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'; and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hannig in the Chair."

Speaker Hannig: "The Chair will now go to the Order of Second Readings. The first Bill we're going to call is House Bill

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231. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 231, a Bill for an Act amending the Plat Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Hannig: "And on that question Representative Gash is recognized. Out of the record. House Bill 257. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 257, a Bill for an Act amending the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 291."

Clerk Rossi: "House Bill 291. This Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 is an agreed Amendment with IDOT or relative to this issue of how long a contractor who absconds with state monies should be kept from having another contract. This would make the period of time of the suspension up to five years. It's agreed."

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

Skinner: "Yes, Mr. Speaker. Certainly five years is better than one year, but five years is not long enough. If a contractor wants to cheat the State of Illinois they ought to be out of business forever."

Speaker Hannig: "Is there any further discussion? Seeing none, the question is, 'Shall the Amendment be adopted?' All in

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favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 333. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 333, a Bill for an Act to create the Illinois Patient Communication Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Feigenholtz, has been approved for consideration."

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

Feigenholtz: "Thank you very much, Mr. Speaker. Amendment 1 becomes the Bill and it specifically addresses the issue of annual mammograms for women 40 years of age or older. Currently, annual mammograms are only required for women 50 years and older."

Speaker Hannig: "Is there any discussion? Seeing none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 519."

Clerk Rossi: "House Bill 519. The Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Pugh, has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. The Bill is merely an Amendment to narrow the focus of the legislation to appease some of the concerns that was raised by the opponents of the legislation."

Speaker Hannig: "Is there any discussion? The Gentleman from

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Cook, Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Representative Pugh, has the Illinois Retail Merchants Association removed their objections to this legislation now?"

Pugh: "The wording that we...that is here was done at the recommendation of the Illinois Retail Merchants Association."

Parke: "So as far as they're concerned, they are now in support of your Bill?"

Pugh: "It was not a verbal support. The Amendment is the result of conversations that I had with the lobbyists."

Parke: "And they helped you draw up the Amendment?"

Pugh: "He gave me the idea."

Parke: "Thank you, Representative."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 536. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 536, a Bill for an Act to create the Tattoo Artists License Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Hannig: "Third Reading. House Bill 541. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 541. The Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hartke, has been approved for

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consideration."

Speaker Hannig: "The Gentleman from Effingham, Representative Hartke. Out of the record. Mr. Clerk, read 556. House Bill 556."

Clerk Rossi: "House Bill 556, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 566. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 566, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 635."

Clerk Rossi: "House Bill 635, a Bill for an Act concerning day care services. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Erwin, has been approved for consideration."

Speaker Hannig: "The Lady from Cook, Representative Erwin. Is the Lady in the chamber? Okay, the Lady is in the chamber."

Erwin: "Thank you. Mr. Speaker, Floor Amendment #2 is language that Howard Peters and the new Department of Human Services preferred. This is a piece of legislation that asks for a day care needs assessment study and we certainly did permit the department to try and get the language suited to their liking. So I would move for the adoption of Amendment #2."

Speaker Hannig: "And on that question the Gentleman from Vermilion, Representative Black."

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

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yield?"

Speaker Hannig: "She will."

Black: "Representative, when did you file this Amendment?"

Erwin: "You know what, Representative Black, I forgot what day today is, so quite honestly the Amendment was drafted by the Department of...current Department of Public Aid after I had a meeting with Howard Peters last week. I can't remember."

Black: "I think you filed it today."

Erwin: "I think it was yesterday, but I'm not positive."

Black: "It may have been this morning. The reason I need to ask you is we just got a copy..."

Erwin: "Okay."

Black: "...and we really haven't had...staff hasn't really had a chance to look at it, so..."

Erwin: "I appreciate that."

Black: "...let me just take...let me just run down a few questions if I could."

Erwin: "Okay."

Black: "You did add an Amendment in committee that became the Bill, that correct?"

Erwin: "Correct."

Black: "All right. Then I assume Floor Amendment #2 adds to the Bill or does it become the Bill?"

Erwin: "Amendment #2 really becomes the Bill and the major change...the major change was going from trying to resolve a solution to going to basically a needs assessment on child care. Howard concurred, but preferred some different language, so his language is Amendment #2."

Black: "What basically...I'm having trouble focusing on what is a needs assessment on child care?"

Erwin: "Representative Black, we've spent a lot of time over the

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last couple of years discussing what we all believe here is the solution. It might be more money for child care centers, increased rates, licensing child care homes. There's a plethora of options here and what was troubling to the Department of Public Aid and to Howard Peters was that we haven't really done a comprehensive needs assessment on what do families need that are looking for child care and when do they need it? Do they need it on weekends because of their jobs? Do they need it in the evenings? And so the department was interested in doing a comprehensive analysis of what really the needs are so that as opposed to our funding things and hoping it answers a problem."

Black: "Representative, I commend you. I think you might have stumbled on something. Though, not...knowing you, you didn't stumble on this. I think you have done something that is revolutionary and maybe we should do more of it in this chamber. If I heard you correctly, what you are saying is that we should figure out what we should be providing before we appropriate millions of dollars to do what we think we should do. Holy mackerel! Why didn't you think of this earlier? You need to be on the Appropriations Committee. What...this is a novel idea. Do we need day care for second shift workers, third shift workers, weekend, early morning, extended day. Hallelujah! Let's figure out what we need and then we can realistically figure out how to pay for it. My, My. I congratulate you, Representative. This is exactly what we should do more of. We stand in support of your Amendment."

Erwin: "Thank you. I appreciate it."

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

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Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 648. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 648, a Bill for an Act amending the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, at the request of the Sponsor leave that Bill on Second Reading. At the request of the Sponsor. Mr. Clerk, read House Bill 861."

Clerk Rossi: "House Bill 861. The Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Joe Lyons, has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker and Members of the House. House Bill 861 was passed out of committee and in order to bring it into agreement with recommendations by the Department of Aging, we have changed some of the language in it so they are now neutral to the Bill."

Speaker Hannig: "And on that question the Lady from Cook, Representative Howard."

Howard: "I just wanted to indicate that I was away from my desk and I would have voted 'yes' on House Bill 18. Thank you."

Speaker Hannig: "Thank you, Representative. The record will so reflect. Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Would the Representative..."

Speaker Hannig: "He will yield."

Lawfer: "...yield? What does this Amendment do then?"

Lyons, J.: "Representative, what it does is basically it takes

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any question that this is a mandate out of the argument. It makes it strictly permissive. That the department may at some point in time if they feel they want to initiate this, they can initiate it, but it changes the 'shalls' to 'mays'."

Lawfer: "And where would they...if they implemented this, where would these funds come from?"

Lyons, J.: "They would come from the Department of Aging's budget if and when they decided it was appropriate to start funding these Bills...this Bill."

Lawfer: "What is the stance and what is the position of the Department on Aging on this now?"

Lyons, J.: "I believe they're neutral to the Bill now, as opposed to...being opposed to it in committee when we heard it in Aging."

Lawfer: "Thank you."

Speaker Hannig: "Is there any discussion further? Seeing none, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 864."

Clerk Rossi: "House Bill 864. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Ronen, has been approved for consideration."

Speaker Hannig: "The Lady from Cook, Representative Ronen. Okay. The Lady is not in the chamber. Out of the record. House Bill 927. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 927. The Bill's been read a second time previously. No Committee Amendments. No Floor Amendments approved for consideration. No Motions filed."

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Speaker Hannig: "Third Reading. Representative Feigenholtz is recognized. Representative Feigenholtz, why do you rise? Did you want to move that Bill to Third Reading, Sara?"

Feigenholtz: "No."

Speaker Hannig: "Mr. Clerk, at the request of the Sponsor, return House Bill 927 to Second Reading, and Mr. Clerk, let's return to House Bill 864."

Clerk Rossi: "House Bill 864 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Ronen, has been approved for consideration."

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

Ronen: "Yes, thank you, Speaker, Members of the House. Amendment 1...The underlying Bill has to do with people working in health care facilities wearing identification badges so patients can identify who they are. Amendment 1 merely tightens up language. This is language that's been agreed to by the Illinois Hospital Association and the Illinois Nurses Association. I move 'do adopt'."

Speaker Hannig: "Representative Stephens."

Stephens: "Mr. Speaker, have you ruled on whether we're going to go back to written Motions? I'm confused as to who's been in the Chair today. I see Representative Mautino up there and I wondered maybe he might have some influence. I know he wants to go back to this Motion that's..."

Speaker Hannig: "Representative we're doing..."

Stephens: "...something we...It's actually an Agreed Motion, practically."

Speaker Hannig: "Representative, we're doing Second Readings at this time. We'll address the question..."

Stephens: "I understand that, Representative..."

Speaker Hannig: "On the Motions at a later time, Representative."

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Stephens: "The question is prospective, I suppose."

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

Black: "Mr. Speaker, first of all, an inquiry of the Chair."

Speaker Hannig: "State your point."

Black: "Pursuant to House Rules, the Rules appear to be silent on how many times you can move a Bill from Second to Third and Third to Second. Is it an unlimited number?"

Speaker Hannig: "It would appear so, Representative, but we've asked Members to try to get their Bills in order, so we would only have to move them from Second to Third one time."

Black: "Some of these Bills are going to have 20,000 miles on them before we ever take action on it, but be that as it may, will the Sponsor yield?"

Speaker Hannig: "She will."

Black: "Representative, this Amendment is a very interesting Amendment. I have a nursing home in my district that's right across the street, literally, from our area vocational center and a lot of times the young students in the health care orientation class will go across the road to the nursing home and kind of get a feel for what geriatric care may be like or they may just go over and visit. Sometimes a high school choral group will come in just to entertain the residents over the lunch period. They'll sing some songs or they'll just wander through the house and...or wander through the facility and talk to people. We have a really good animal control program and they'll take and the volunteers will take dogs and cats to visit. Now are you telling me that the nursing home is going to have to prepare I.D. badges for all of these people who come in to visit and help bring a little light

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and cheer to the residents?"

Feigenholtz: "No, I don't believe so. I think with the Amendment that would not be the case cause we're talking now about personnel who examine or treat. We took out observes."

Black: "You're right. You're right, I'm sorry. Your Amendment refers only to employees or volunteers."

Feigenholtz: "Right."

Black: "Now..."

Feigenholtz: "I think we wanted to address that issue, we wanted to make it clear that we're only talking about employees."

Black: "Now how are you going to define volunteers? Would this be people who might bring dogs or cats in from the animal control shelter and visit with the patients once a month or..."

Feigenholtz: "I didn't hear the beginning of your question."

Black: "It has to do with the definition of volunteers."

Feigenholtz: "It does not include the definition. We don't...Oh, I see. By replacing a person with each employee over a volunteer. I think if the volunteer...I think we still go back to examines or treats, so we're not talking about observes and I would think what the facility would do, would just put a thing...a volunteer badge on them. I think that's what they normally do. We're not trying to make this onerous, we're really trying to make sure that..."

Black: "Okay, do you...forgive me, it's been too long since I looked at this file. Are you just going to ask the agency to promulgate rules because...and I don't mean...this is going to sound light-hearted and I don't mean it to be, but in most nursing homes if you're going to wear a badge so that the resident can clearly see who you are, your name is going to have to be pretty big."

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Feigenholtz: "That's right."

Black: "So are you going to just assume that the rule-making process will cover that or..."

Feigenholtz: "We're probably going to leave it to the judgement of those facilities, too."

Black: "Okay. So in other words I could come in and wear my big badge, 'Hello, my name is Bill or something'. But you want it a little more formal than that, right?"

Feigenholtz: "Right."

Black: "Okay. I think the Amendment makes the Bill a little more palatable and I'm sorry I got off on the Bill. I don't have any problem with the Amendment. Thank you."

Feigenholtz: "Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 951. Clerk, call the Bill."

Clerk Rossi: "House Bill 951, a Bill for an Act amending the Adoption Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Lindner, has been approved for consideration."

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

Lindner: "Yes, thank you, Mr. Speaker. Floor Amendment #2 is a technical Amendment. At the end of the Bill it said there was an opportunity for somebody to participate in counseling and this just clarifies that it would be a clinically appropriate substance abuse counseling treatment and rehabilitation program."

Speaker Hannig: "Is there any discussion? Seeing none, all in

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 973. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 973, a Bill for an Act concerning the Chicago Park District. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1076."

Clerk Rossi: "House Bill 1076..."

Speaker Hannig: "Okay, out of the record. The Lady's waiting on an Amendment. House Bill 1087. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 1087, a Bill for an Act to amend the Illinois Lottery Law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "No Amendments filed, Representative. Do you want to move...out of the record. House Bill 1122. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1122, a Bill for an Act amending the Environmental Protection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1276."

Clerk Rossi: "House Bill 1276, a Bill for an Act amending the Mortgage/Escrow Account Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

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Speaker Hannig: "Third Reading. Mr. Clerk, call House Bill 1313."

Clerk Rossi: "House Bill 1313, the Bill's been read a second time previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3 offered by Representative Lindner, has been approved for consideration."

Speaker Hannig: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Floor Amendment 3 is a technical Amendment and merely replaces the words 'may be paid separately', with 'shall be paid separately'. I would ask for adoption of the Amendment."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1168."

Clerk Rossi: "House Bill 1168, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Capparelli, has been approved for consideration."

Speaker Hannig: "Representative Saviano was recognized on that Amendment."

Saviano: "Thank you, Mr. Speaker. Amendment #1 is simply a cleanup for...amends the Illinois Security Law of 1953, the Business Brokers Act, the Loan Brokers Act, the Business Opportunity Sales Law. This Amendment was necessary due to the passage of the National Securities Markets Improvement Act by Congress in October of '96. This is an Agreed Amendment between the Office of Secretary of State, George Ryan, the Securities Advisory Committee and the Securities

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Industry Association. I would ask 'be adopted'."

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

Clerk Rossi: "Floor Amendment #2, offered by Representative Capparelli."

Speaker Hannig: "Representative Saviano on the Amendment."

Saviano: "Amendment #2 to House Bill 1168, simply narrows the focus to changes made to Section 11 of Amendment #1 and is also agreed by the same parties, and I ask 'be adopted'. Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1320."

Clerk Rossi: "House Bill 1320, a Bill for an Act amending the Illinois Act on Aging. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1389."

Clerk Rossi: "House Bill 1389, a Bill for an Act concerning assisted living establishments. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 1420."

Clerk Rossi: "House Bill 1420, a Bill for an Act amending the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions

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have been filed. No Floor Amendments."

Speaker Hannig: "Third Reading. House Bill 1436. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1436, has been read a second time previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1437."

Clerk Rossi: "House Bill 1437, has been read a second time previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed."

Speaker Hannig: "Third Reading. House Bill 1441. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1441, has been read a second time previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Younge, has been approved for consideration."

Speaker Hannig: "Representative Younge on that Amendment."

Younge: "Thank you, Mr. Speaker. Floor Amendment #2 would take out the words 'building repair'. I move for the adoption of the Amendment."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1458."

Clerk Rossi: "House Bill 1458, a Bill for a Act amending the Health Care Worker Background Check Act. Second Reading of this House Bill. Amendment #1 was adopted in committee."

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No Motions have been filed. No Floor Amendments."

Speaker Hannig: "Third Reading. House Bill 1477. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1477, a Bill for an Act amending the Civil Administrative Code of Illinois. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1501."

Clerk Rossi: "House Bill 1501, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. No, excuse me Mr. Clerk. At the request of the Sponsor, out of the record. House Bill 1565. Read the Bill."

Clerk Rossi: "House Bill 1565, a Bill for an Act amending the Health Maintenance Organization Act."

Speaker Hannig: "Out of the record. House Bill 1610. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1610, the Bill's been read a second time previously. Amendment #1 was adopted in committee."

Speaker Hannig: "Okay. At the request of the Sponsor, this will be held on Second Reading. House Bill 1620. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1620, has been read a second time previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Hannig: "Okay. Out of the record at the request of the Sponsor. House Bill 1641. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1641, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second

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Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1670."

Clerk Bolin: "House Bill 1670, the Bill's been read a second time previously. Floor Amendment #1, offered by Representative Zickus, has been approved for consideration."

Speaker Hannig: "Representative Zickus."

Zickus: "Yes, Mr. Speaker. I need to have this held on Second. We're doing a tec...we have to make one change on the Amendment. We'll be filing another one."

Speaker Hannig: "Okay. Hold this Bill on Second Reading at the request of the Sponsor. Mr. Clerk, call House Bill 1452."

Clerk Bolin: "House Bill 1452, a Bill for an Act concerning notaries public. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Hannig: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. This Amendment is at the request of the Illinois State Bar Association concerning and answering any questions they had on conflicts of interest when the attorneys notarize documents."

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

Rutherford: "Is anyone opposed to the Amendment?"

Ryder: "No."

Rutherford: "Thank you."

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

Clerk Bolin: "Floor Amendment #2, offered by Representative

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Ryder, has been approved for consideration."

Speaker Hannig: "Representative Ryder."

Ryder: "Floor Amendment #2, allows clerks when they offer certificates for notary publics, will consolidate...previously they had a fee that would, for those people that picked it up in person and everybody was getting it by mail so it simply consolidates and makes the fees easier for the clerks."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1499."

Clerk Bolin: "House Bill 1499, a Bill for an Act to amend the Emergency Medical Services Systems Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1674."

Clerk Bolin: "House Bill 1674, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Excuse me, Mr. Clerk. At the request of the Sponsor, hold that on Second Reading. Mr. Clerk, what is the status of House Bill 1499?"

Clerk Bolin: "House Bill 1499, is on the Order of House Bills, Third Reading."

Speaker Hannig: "At the request of the Sponsor, return that to Second Reading. Mr. Clerk, read House Bill 1708."

Clerk Bolin: "House Bill 1708, a Bill for an Act to amend the

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Historic Preservation Agency Act. Second Reading of this House Bill. Floor Amendment #1, offered by Representative Younge, has been approved for consideration."

Speaker Hannig: "Representative Younge."

Younge: "Thank you, Mr. Speaker. There was a technical error in this Bill, which is involving the Historic Preservation Society, and it said 'state park' and it should have said 'state historic site' and it was approved and I move for the adoption of the Amendment."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 1724. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1724, a Bill for an Act relating to education finance reform. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1758."

Clerk Bolin: "House Bill 1758, a Bill for an Act to amend the Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 1760. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1760, a Bill for a Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Joseph Lyons, has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Joseph

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Lyons."

Lyons, Joseph: "Mr. Speaker, Members of the House. The Amendment just moved a companion Bill. Seventeen sixty one is an Amendment to the original Bill 1760. Instead of a stand alone Amendment on prohibitive hours for driving for 16 year olds, it's merged into House Bill 1760, which was on recommendation of Representative Dan Rutherford at the time of our meeting in Transportation."

Speaker Hannig: "And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Representative, I'm sorry. We didn't hear a single thing you just said. Can you repeat what you said and let us know if there is any opposition to the Amendment?"

Lyons, J.: "Representative, what I had at 1760 was a Bill that amends the Vehicle Code and puts some restrictions on some 16 year old driving privileges. And as a stand alone to that in 1761 was prohibitively allowing drivers at age 16 to drive between the hours of 1 and 6 a.m. in the morning. And so, instead of having both Bills, 1760 and 1761, I amended 1761 to read into Bill 1760. Does that help?"

Cross: "So you put two Bills into one Bill?"

Lyons, J.: "I added one line that was in both Bills. What I'm doing Representative, is killing 1761."

Cross: "And so you just kept the same number though even though you put two Bills in one?"

Lyons, J.: "Correct."

Cross: "Okay, thank you very much."

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

Clerk Bolin: "No further Amendments."

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

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1643."

Clerk Bolin: "House Bill 1643, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 was adopted to the Bill. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1622. Excuse me. Representative Black, for what reason do you rise?"

Black: "We requested a mandate note on this Bill."

Speaker Hannig: "On which Bill is that Representative?"

Black: "On the 14th. The one you always move to Third. Sixteen forty three. Has it been filed?"

Speaker Hannig: "Let me check with the Clerk. Mr. Clerk, what is the status of the note request on 1643?"

Clerk Bolin: "A state mandates note for the Bill, as amended, has been filed."

Black: "Thank you."

Speaker Hannig: "Thank you, Mr. Black."

Black: "Third Reading."

Speaker Hannig: "Third Reading. Sixteen twenty two. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1622, a Bill for an Act to amend the School Code. Second Reading of this House Bill. Amendment #1 was withdrawn in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1761."

Clerk Bolin: "House Bill 1761, the Bill's been read a second time previously. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Out of the record at the request of the Sponsor. Mr. Clerk, read House Bill 1460."

Clerk Bolin: "House Bill 1460, a Bill for an Act to amend the

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Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1776."

Clerk Bolin: "House Bill 1776, the Bill's been read a second time previously. Floor Amendment #1, offered by Representative Kubik has been approved for consideration."

Speaker Hannig: "Yes, the Gentleman from Cook, Representative Kubik, he was in the chamber. Is Mr. Kubik in the chamber? Representative Currie, would you handle this Bill...this Amendment for Representative Kubik? For the moment, let's take this out of the record. We'll return to it when the Sponsor returns. House Bill 1780. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1780, the Bill has been read a second time previously. Floor Amendment #1, offered by Representative McGuire, has been approved for consideration."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. This Bill 1780 has some erroneous figures provided by one of the departments, so we had to put the Amendment on to correct the figures. And that's the reason for the Amendment, otherwise the Bill would stay the same. I ask for adoption of the Amendment #1."

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

Lawfer: "Representative McGuire, my understanding is that the...at least we're figuring the same type of figures in this regard, and the Department of Rehabilitation and the Department on Aging are at least together on the timetable

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of when these wage increases start, is that correct?"

McGuire: "I'm sorry. I couldn't quite hear what the question was."

Lawfer: "Okay. At this time with the Amendment, the Department of Rehabilitation Services and the Department on Aging together on the timetable on this regard?"

McGuire: "As far as I know, they're both in agreement. They met and the Amendment was drafted and entered, so I'm quite sure that everyone is in agreement."

Lawfer: "Okay, well I hope that we'll have a thorough discussion on this Amendment when it comes to the House Floor."

McGuire: "Thank you very much."

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

Black: "Thank you very much, Mr. Speaker. If the Sponsor would yield, I'd like to have a full discussion on the Amendment now."

Speaker Hannig: "He'll be happy to yield."

Black: "Thank you. Representative, there's some ambiguities that we'd like to go with you even though you've amended the Bill. We've still got some confusion on three points. One, how will the 21% increase be implemented? Will it be split evenly over three years? Will it come all at once or will it come all at the end?"

McGuire: "Representative Black, according to the Amendment, it will be fully implemented within three fiscal years. The vendor shall receive a rate increase of 21% and thereafter. So, it's fully implemented within three fiscal years."

Black: "So, it's your intent, you're going to spread out this increase over three years, right?"

McGuire: "I'm quite sure that's what the Amendment says, Sir."

Black: "Okay. That brings to the floor our second question."

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What happens when the federal wage increases on September 1, the federal minimum wage will increase on September 1, 1997 from 4.75 to 5.15. And then what happens if you get another federal minimum wage increase before the full implementation of the 21%? Will the 21% figure have to be increased?"

McGuire: "Representative Black, we thought we had the problems ironed out here and one of the things that Representative Lawfer and I agreed to a day or two ago, was that the Department of Aging and DORS would get together and iron out their problem and come up with an Amendment. Now when they come up with the Amendment, I presumed that they had solved the problem."

Black: "Representative, our staff indicates that neither department has signed off on this Amendment, so it appears that you still got a little work to do. I'll defer to your judgement if you want to run the Amendment. I can't stop you from putting it on, but we'll reserve judgement on Third Reading whatever you want to do."

McGuire: "Well, I'm of the opinion that the Amendment solves the problem that we had. The two departments met. Representative Lawfer and I were not involved in the meeting because we're busy on the House Floor. They were to meet with respective staff and I don't know if staff was involved in the meeting or not because I was not involved."

Black: "Okay. You might have your staff check and if you want to advance the Bill, I can't stop you and I wouldn't even want to try."

McGuire: "Alright."

Black: "But our staff indicates that they are not in agreement with this Amendment. We still have a problem. I'll defer to your judgement."

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McGuire: "Alright, our staff was not involved in the meeting. I don't know if your staff was."

Black: "Our staffer indicates that he was involved in the meeting, but they didn't talk about this Amendment. So..."

McGuire: "So what, Sir?"

Black: "No, he wasn't involved in the meeting either. I'm sorry. So it appears..."

McGuire: "Neither staff was involved."

Black: "It appears we're back to square one, and again, I'll defer to your judgement."

McGuire: "Thank you very much."

Speaker Hannig: "Representative Law..."

McGuire: "I would like to have the Amendment adopted."

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

Lawfer: "My name was used in debate."

Speaker Hannig: "On a point of personal privilege."

Lawfer: "Well..."

Speaker Hannig: "State your point."

Lawfer: "Well, I just wanted to clear one thing up. At least we're together on the dates that we were talking about. I'm not sure there was an agreement in regards to the end figures, but at least we're now where we can talk and look at the figures in a uniform basis. And so, that was the agreement that was reached, we were talking about the same implementation dates. But, it's my understanding that the Department of Rehabilitation and the Department of Aging are still opposed to this. Is this correct Representative McGuire?"

McGuire: "Thank you, Representative Lawfer. One of the problems as you know, we are facing, is the deadline and if we have any other problems I would suggest that we move the Bill to

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the Senate and work on the problems, because we have as Representative Lawfer knows, diligently worked to solve any problems we have."

Lawfer: "But we do have the Department of Rehabilitation and the Department on Aging opposing this, is this correct?"

McGuire: "I'm sorry, I couldn't hear the last part Ron."

Lawfer: "Okay. The Department of...DORS and the Department of Aging are opposed to this Bill?"

McGuire: "DORS I believe is. I'm not sure about the Department of Aging. But DORS was opposed in the first place. So, there's no change."

Lawfer: "Okay. Well, I think there has been a fiscal note requested on this. Thank you."

McGuire: "Thank you."

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

Clerk Bolin: "No further Amendments, but a fiscal note has been requested on the Bill as amended."

Speaker Hannig: "So Representative McGuire, a fiscal note has been requested, and the Bill will remain on Second Reading."

McGuire: "Sir. Mr. Speaker. I couldn't hear you too good. Did you mention a note?"

Speaker Hannig: "Mr...yeah Mr....a fiscal note has been requested on your Bill Representative McGuire."

McGuire: "I talked to Representative Black yesterday, and he agreed not to."

Speaker Hannig: "Well Representative, you need to talk to Representative Black some more and if he will withdraw that note we will move it to Third."

McGuire: "Representative Black told me yesterday he's not going

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to do this."

Speaker Hannig: "Well Representative McGuire, for the moment your Bill will remain on Second Reading. There's been a fiscal note requested. You need to talk to the other side of the aisle about that or file the note."

McGuire: "I'd like to adopt the Amendment."

Speaker Hannig: "The Amendment is adopted, but the Bill will remain on Second Reading."

McGuire: "No, I'd like to move it to Third."

Speaker Hannig: "The Bill cannot move to Third under the House Rules until the fiscal note is filed or the fiscal note request is withdrawn. So you need to talk to someone on the other side of the aisle about this subject."

McGuire: "I did that yesterday."

Speaker Hannig: "Well..."

McGuire: "I'll do it again."

Speaker Hannig: "Well Representative..."

McGuire: "I'll do it again. I talked to Representative Black yesterday. He told me he would not file the note. So..."

Speaker Hannig: "Representative McGuire, the Chair cannot move the Bill as long as there is a fiscal note request. So you need to move over and talk to Representative Black again."

McGuire: "Okay, whatever you say, Sir."

Speaker Hannig: "So, this Bill remains on Second Reading."

McGuire: "Thank you."

Speaker Hannig: "House Bill 73. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 73, the Bill has been read a second time previously. Floor Amendment #3, offered by Representative Schakowsky, has been approved for consideration."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 takes out what was really a

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drafting error in Amendment 2 that would...and under Amendment 3 there are no requirements now for reimbursing physicians because there's no need to reimburse physicians for any materials. All the materials requested under this Bill are already present at the Department of Professional Regulation and I would move 'do adopt' on the Amendment."

Speaker Hannig: "And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Brief inquiry of the Chair, Mr. Speaker. What's the status of Floor Amendment or...Amendments 2 and 1?"

Speaker Hannig: "Mr. Clerk, what is the status of the Amendments?"

Clerk Bolin: "Amendment #1 was defeated in committee. Floor Amendment #2 was adopted to the Bill."

Cross: "And when was Amendment #3 filed?"

Speaker Hannig: "Mr. Clerk, do you have that information?"

Clerk Bolin: "Floor Amendment #3 was filed on April 14th."

Cross: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Cross: "Representative, why on page 3, line 6, are you deleting the word 'profiles'?"

Schakowsky: "Actually, on page 3, all of the words after 'evaluated regularly', are deleted. That whole paragraph is deleted. It's sort of an oddly drafted Amendment, but I'm deleting that whole last paragraph."

Cross: "Alright. Mr. Speaker. We'd like a roll call vote on this and a verification as well on that vote. Thank you."

Speaker Hannig: "Is there any further discussion? The Lady from Cook, Representative Schakowsky to close."

Schakowsky: "I'd like to take this out of the record please."

Hannig: "Out of the record. House Bill 1776. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 1776, the Bill has been read a second time previously. Floor Amendment #1, offered by Representative Kubik, has been approved for consideration."

Speaker Hannig: "And on the Amendment, Representative Currie is recognized."

Currie: "Thank you Speaker and Members of the House. The Bill as introduced actually had two concepts. One, if a public body had information available in electronic form, then a person requesting information under the Freedom of Information Act should be able to get the information in electronic form. The second concept was, that public bodies ought move with due dispatch to make sure their records are available in electronic form. That language caused fear and misery and distress on the part of many local bodies so we took out the language that says that 'do haste' is a good idea. That's what this Amendment does, takes out the go ahead and do it as quickly as you can language leaving instead, the first part of the Bill that says that if the information is available electronically you can have it electronically."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 1822. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1822, a Bill for an Act concerning juveniles which may be referred to as the Juvenile Court Reform Amendments of 1997. Second Reading of this House Bill."

Speaker Hannig: "Out of the record Mr. Clerk. House Bill 1824. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 1824, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1825."

Clerk Bolin: "House Bill 1825, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, call House Bill 1831."

Clerk Bolin: "House Bill 1831, 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 Hannig: "Third Reading. Mr. Clerk, read House Bill 1896."

Clerk Bolin: "House Bill 1896, a Bill for an Act to amend the Illinois Banking Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1901."

Clerk Bolin: "House Bill 1901, a Bill for an Act to amend the Counties Code. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1915."

Clerk Bolin: "House Bill 1915, the Bill's been read a second time previously. No Committee Amendments, no Floor..."

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Speaker Hannig: "Out of the record Mr. Clerk, at the request of the Sponsor. Representative Leitch, for what purpose do you rise?"

Leitch: "Mr. Speaker, I did not want 1831 moved to Third."

Speaker Hannig: "Eighteen thirty one? Okay. Mr. Clerk, House 1831, would you return that to Second Reading."

Leitch: "And House Bill 1111 should be back on Second as well."

Speaker Hannig: "Okay. Mr. Clerk, House Bill 1111. Mr. Clerk, what is the status of House Bill 1111?"

Clerk Bolin: "House Bill 1111, is on the Order of House Bills, Third Reading."

Speaker Hannig: "And at the request of the Sponsor, return that to Second Reading."

Leitch: "Thank you very much."

Speaker Hannig: "Okay. Mr. Clerk, read House Bill 2066. Out of the record at the request of the Sponsor. House Bill 2068. Out of the record at the request of the Sponsor. Mr. Clerk, read House Bill 2125."

Clerk Bolin: "House Bill 2125, a Bill for a Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Okay. Mr. Clerk, Third Reading. Representative Woolard, for what purpose do you rise?"

Woolard: "Thank you, Mr. Speaker. I'd like to have 489, House Bill 489, moved back to Second."

Speaker Hannig: "Okay, I'd advise the Members to pay attention as we move these Bills. When I see that there's a Member in his seat or her seat, and they're on the list and the Bills appear to be ready to move to Third, we are calling the Bills, and if there's no Amendments filed, we're moving them to Third. So if you don't want that to happen, give

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us the out of the record sign and we'll go ahead and move back. So, Representative Woolard, what is the number on that?"

Woolard: "Four eighty nine."

Speaker Hannig: "Four eighty nine. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 489 is on the Order of House Bills, Third Reading."

Speaker Hannig: "Okay. Return that to Second Reading at the request of the Sponsor. Mr. Clerk, read House Bill 1430."

Clerk Bolin: "House Bill 1430, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 1431. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1431, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1782."

Clerk Bolin: "House Bill 1782, a Bill for an Act concerning preventative services. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 was adopted to the Bill. No Motions filed."

Speaker Hannig: "Third Reading. Read House Bill 1781."

Clerk Bolin: "House Bill 1781, a Bill for an Act to amend the Health Care Worker Background Check Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 1801. Representative Granberg. Read the Bill."

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Clerk Bolin: "House Bill 1801, 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 Hannig: "Third Reading. House Bill 2152. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2152, a Bill for an Act regarding enforcement of child support orders. Second Reading of this House. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2167. Representative Lang."

Clerk Bolin: "House Bill 2167, a Bill for an Act in relation to community service. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 2188. Representative Kubik."

Clerk Bolin: "House Bill 2188, a Bill for an Act in relation to taxes. Floor Amendment #1, offered by Representative Kubik has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 adds to the Bill. It is just basically a technical Amendment to change some language which was inadvertently drafted. I know of no opposition to the Bill."

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

Clerk Bolin: "No further Amendments."

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

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2200."

Clerk Bolin: "House Bill 2200, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fantin, has been approved for consideration."

Speaker Hannig: "Representative Fantin on the Amendment."

Fantin: "Thank you. This is...the Amendment would take that the tax cap provided new property, annexed property, and recovered increments from concluded TIF districts. They had been exempt, and what this would do is just add it so they could be picked up under the tax caps. Presently, the tax caps, they're covered under tax caps where we lose all new property for the year because of the prior year AV and it would be just the one year we could pick up new property, annexed property, recovered property."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 2224. Representative Meyer."

Clerk Bolin: "House Bill 2224, a Bill for an Act in relation to Nursing Home Facilities. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Out of the record at the request of the Sponsor. House Bill 2239. Representative Holbrook. Out of the record at the request of the Sponsor. House Bill 2251. Representative Gash. Mr. Clerk, read the Bill. Representative Gash. Out of the record. Mr. Clerk, read House Bill 1090. Representative Gash."

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Clerk Bolin: "House Bill 1090, the Bill's been read a second time previously. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Hannig: "Representative Gash."

Gash: "This is a Bill that would make schools safer and would am...this is the Bill that requires the reporting of crimes in schools and Amendment #1 removes from that requirement certain crimes. What it leaves in are felony or misdemeanor offenses dealing with the Cannabis Control Act, Controlled Substances Act, or the Liquor Control Act."

Speaker Hannig: "And on that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Hannig: "She will."

Cross: "Representative, didn't we pass a Bill similar, close to this, a year or two ago? Don't we have legislation that resembles this already?"

Gash: "Representative Cross, can you repeat...did I pass a Bill a couple of years ago when the Republicans were in control and I couldn't even get a Bill called?"

Cross: "Were you asking me if you passed a Bill or was that a statement? I'm sure if your Bill had been put on the floor, we would have voted for it, Representative."

Gash: "I'm sure you would have."

Cross: "Well, I hope we have another opportunity to return to those days, but Representative, in all honesty, I think we passed a Bill similar to this two years ago. Are you familiar with any reporting requirements that exist now?"

Gash: "Representative Cross, are you referring to legislation that you had that dealt with certain reporting, mostly in the other direction?"

Cross: "I had a similar Bill like that. I guess that would be the

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one I'm talking about. My only question in that area is, are we duplicating what we've already done?"

Gash: "No."

Cross: "Alright, let me ask you this. My understanding is, this Bill applies to all schools including colleges and universities, is that correct?"

Gash: "Yes."

Cross: "So are alcohol...who does...if I'm reading this correctly, the principal does the reporting?"

Gash: "Yes."

Cross: "What's happening at...what are we...to whom do the principals report?"

Gash: "Local law enforcement agencies."

Cross: "So are we..."

Gash: "What would be appropriate."

Cross: "Would this apply to private schools as well?"

Gash: "Yes. This is an initiative of the Illinois State Crime Commission. The concern is that we want to try to figure out a way to prevent crime in schools. Information is one of the best ways to do that. Law enforcement officials can not without adequate information figure out a way to address crimes they can't even know about."

Cross: "So what if...do the principals have any liability...if something happens on school property and a teacher doesn't tell the principal, does the principal have any exposure for not reporting it? And does the teacher have any responsibility or liability for not reporting to the principal?"

Gash: "The principal would be required to report. They would have liability if they knowingly did not report intentionally."

Cross: "What...at the college level, I don't recall there being

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any principals. Are we giving the responsibility to the Dean to report crimes to local police?"

Gash: "I think in that situation, it would be the Administrator."

Cross: "Alright. Well, and if I read your Bill correctly, also the President or Chancellor, so the President of the University of Illinois is going to be calling the police chief in Champaign every day to report all the alcohol offenses that are committed at the University of Illinois? Is that the intent of this?"

Gash: "I'm sure you would want under age alcohol offenses to be reported. This is a serious problem."

Cross: "I'm not questioning the communication need at least at the junior high and high school level, but..."

Gash: "This also...can I just point out one another thing?"

Cross: "Certainly."

Gash: "One of the things we want to do is make schools safer. One of the affects of...one of the issues that was brought to us was, that in certain cases, there may actually be an incentive for certain people to come on to school grounds to commit crimes for the reason that they may be concerned that a particular school is concerned with its reputation, and therefore, when it discovers a crime being committed on its property, would rather send the people away than actually bring attention to the fact that there was a crime committed. That could potentially encourage...not only not discourage crimes in your schools, but actually encourage individuals to come on to school property in order to commit crimes."

Cross: "So, this is also applying to any teachers that commit violations on school property, college level, grade school, universities? High schools? So do we realistically think teachers are going to turn teachers in if they're

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committing offenses? They're expecting that?"

Gash: "We are absolutely asking that crimes committed on school grounds be reported. I'm sure you would agree with that. I would hope you would agree with that."

Cross: "Are the teacher's unions supporting this Bill?"

Gash: "I would hope so."

Cross: "I guess the other concern we have Representative is, are we setting teachers up for some type of retaliation by the students that they report?"

Gash: "That was one of the issues that we have addressed and we were concerned about that, and we felt that we had determined that this Bill addresses this problem the best way that we can. This is something that is very, very serious and we need to have reporting. Information is the most important...this is the information age. We need to have information. If law enforcement agencies don't have adequate information, they can not determine where crimes are being committed, what is being done, how to prevent gang crime, etc cetera."

Cross: "Well Representative, I've worked on issues similar to this and I..."

Gash: "I know."

Cross: "...for the most part I support this wholeheartedly. I think maybe we've have gone a bit too far at the university level. I'm trying to envision all of the reporting that the presidents of every university in this state are going to have to do for all misdemeanor and felony offenses at the university level."

Gash: "I share your concern and for that reason, this Amendment takes out many misdemeanors and what it leaves in...this Amendment which we are actually talking about right now and not the underlying Bill..."

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Cross: "The whole concept here is sharing of information between law enforcement and schools, which I think the two of us agree on."

Gash: "Yes."

Cross: "Primarily at the junior high and high school level. I think we're setting ourselves up and I think it's going to be a logistic nightmare at the university level to expect the presidents of our universities to get on the phone every Monday morning and call their local police chief and say, 'we had a football game at the U of I. We made 250 arrests for alcohol violations, adults as well as students. Here they are, let's spend a little time on the phone and go over all those offenses.' I don't think realistically that's going to happen. I don't think the universities are aware of this Bill quite frankly, and I would encourage you to hold this on Second Reading until you talk to the universities. Thank you."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 152. Representative Fritchey."

Clerk Bolin: "House Bill 152, the Bill has been read a second time previously. Floor Amendment #3, offered by Representative Fritchey has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. Floor Amendment #3 simply is my fulfilling a promise I made in front of the Criminal

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Judiciary Committee to amend the indecent solicitation of an adult statute to conform with the new proposed Section which I've had. This is something I'd done at the request of Representatives Roskam and Durkin and have simply complied with that request."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 231."

Clerk Bolin: "House Bill 231, a Bill for an Act to amend the Plat Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Hannig: "Representative Gash."

Gash: "I think there's another Sponsor on there."

Speaker Hannig: "The Amendment Representative Gash, has your name on it. House Amendment #1."

Gash: "This is a Bill dealing with notifying individuals who buy property of the school district in which that property is located. This requires the owner of the property to submit with the subdivision plat, a notarized statement indicating to the best of the owner's knowledge, the school district in which the tract, parcel, lot, or block lies."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "She will."

Black: "Representative, how do you define 'owner' in the Amendment?"

Gash: "The owner. The developer or whoever owns the property."

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Black: "The owner of the lot, the owner of the subdivision, the owner of the acreage that has been platted?"

Gash: "Yes, all of the above."

Black: "Well, then I would submit to you it's unworkable. You can't define the word owner as the developer of a subdivision or the owner of the land to be subdivided. It's either the owner of the house, the owner of the lot, the owner of the subdivision. Now, who is responsible..."

Gash: "It would be the developer, whoever is putting in...who would be putting in the plat of survey, this would be filed at the same time."

Black: "I would submit to you, you may want to correct that in a subsequent Amendment because your Amendment is very unclear. You are putting someone at risk of damages. If they knowingly, and I'm not sure how that can be defined, in some of the high growth, high population areas of this state, I dare say that when somebody subdivides and plots 300 acres of land, some of that acreage may not even be in a applicable school district or because of their ability to expand their boundaries, that land may be in four or five or six school districts, and I don't know how you can expect this to work. I really don't. When I first read this, I assumed you meant the owner of the lot or the owner of the house, but now that you've added the developer or the..."

Gash: "Whoever is putting in the plat of survey, that would be the owner of the lot, the owner..."

Black: "In many cases like that, it's not an individual owner. It could be a mortgage company, a bank, an insurance company..."

Gash: "They would be the owner."

Black: "Thank you very much Representative. Mr. Speaker, to the

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Amendment. This Amendment is an administrative nightmare. The word owner is not defined. You've got penalties in this Section. I would request a record vote on this Amendment, and I would urge people to vote 'no'. This Amendment must be clarified or this is total and abject confusion. I again ask you for a record vote and I urge people to vote 'no'."

Speaker Hannig: "Your request for a roll call is acknowledged Representative Black. Representative Gash to close."

Gash: "Can you pull this out of the record for the moment?"

Speaker Hannig: "Out of the record. Mr. Clerk, read House Bill 1780."

Clerk Bolin: "House Bill 1780, the Bill has been read a second time previously and was held on the Order of Second Reading due to the request for a fiscal note on the Bill as amended. The fiscal note request has been withdrawn."

Speaker Hannig: "Third Reading. Mr Clerk, read House Bill 483. Representative Deering."

Clerk Bolin: "House Bill 483, the Bill has been read a second time previously. Floor Amendment #1, offered by Representative Deering, has been approved for consideration."

Speaker Hannig: "Representative Deering."

Deering: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 483, simply changes the title of the Bill. We want to use this Bill for some potential quick-take authority in my district dealing with the road for the Department of Transportation. I talked to the Floor Leader on the other side of the aisle and told him my intentions and told him that this Bill would be used specifically for my district and if the Amendment is adopted and we subsequently pass it to the Senate, Senator Luechtefeld will pick it up and be

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used for one specific purpose. Again, the Amendment just simply changes the title of the Bill so it's germane to what we want to use it for."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1703."

Clerk Bolin: "House Bill 1703, a Bill for an Act to grant family and temporary medical leave under certain circumstances. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1704."

Clerk Bolin: "House Bill 1704, a Bill for an Act in relation to conditions of employment. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 494. Representative Art Turner."

Clerk Bolin: "House Bill 494, the Bill's been read a second time previously. Amendment #1 was adopted in committee."

Speaker Hannig: "Mr. Clerk, out of the record on that Bill at the request of the Sponsor. Mr. Clerk, could you read House Bill 541. Representative Hartke. 541. Out of the record. Mr. Clerk, read House Bill 718."

Clerk Bolin: "House Bill 718, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 was adopted to the Bill."

Speaker Hannig: "Representative Deering is recognized."

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Deering: "I believe we adopted Amendment #1 in committee, and there was a Floor Amendment filed but I withdrew the Floor Amendment."

Speaker Hannig: "So, we'll hold this Bill on Second Reading at the request of the Sponsor. Hang on. Representative...my mistake Representative. Mr. Clerk, read the Bill."

Clerk Bolin: "The Bill's been read a second time previously."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 805. Mr. Smith. 805. Out of the record. Mr. Clerk, would you read House Bill 1041. Representative Lopez. 1041. Out of the record. House Bill 1062. Representative Deering. Representative Deering, House Bill 1062. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1062, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, and no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 1141. Representative Lopez. 1141. Out of the record. House Bill 1150. Representative Bradford. Read the Bill."

Clerk Bolin: "House Bill 1150, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1271. Representative Smith, 1271. Out of the record. House Bill 1285. Representative Scott. 1285. Mr Clerk, read the Bill."

Clerk Bolin: "House Bill 1285, a Bill for an Act to amend the Crime Victims' Compensation Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments,

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no Motions filed."

Speaker Hannig: "Third Reading. House Bill 1329. Representative Myers. Out of the record. House Bill 1354. Representative Art Turner. Representative Turner on 1354. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1354, a Bill for an Act to amend the Barber, Cosmetology, Esthetics and Nail Technology Act of 1985. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Art Turner has been approved for consideration."

Speaker Hannig: "Representative Turner."

Turner, Art: "Thank you, Mr. Chairman. Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #1 removes the separate examination requirement for the licensing of clinical teachers under this Act. This has been accepted by the Department of Registration and Regulation. The department is not required to create or conduct a separate exam for the clinical teachers, and I move for the adoption of Amendment #1 to House Bill 1354."

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

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1447."

Clerk Bolin: "House Bill 1447, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder has been approved for consideration."

Speaker Hannig: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

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Ryder: "Thank you. There was a question raised in committee indicating the service provider would be exclusively the Department of Mental Health and Developmental Disabilities. This Amendment makes certain that this is the case."

Speaker Hannig: "Is there any discussion? Hearing none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, House Bill 1464. Representative Steve Davis. 1464. Out of the record. Mr. Clerk, House Bill 1575. Representative Art Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1575, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 1654. Representative Hartke. Out of the record. House Bill 1684. Representative Doug Scott. The Gentleman in the chamber? Representative Scott. Out of the record. House Bill 2027. Representative O'Brien. Out of the record. House Bill 2047. Representative Murphy. Harold Murphy. Out of the record. House Bill 2078. Representative Wyvetter Young. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2078, a Bill for an Act regarding the work training program for welfare recipients. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 2079. Representative Young. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 2079, a Bill for an Act to create the

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Illinois Workforce Commission. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

Speaker Hannig: "Third Reading. House Bill 2181. Representative Bost. Is the Gentleman in the chamber? Out of the record. House Bill 2282. Representative Mautino. Mr. Mautino. House Bill 2282. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2282, the Bill's been read a second time previously."

Speaker Hannig: "Mr. Clerk, is there any Amendments?"

Clerk Bolin: "No Floor Amendments have been approved for consideration."

Speaker Hannig: "Representative Mautino. Amendment #1 is in Rules, so what is your pleasure?"

Mautino: "Mr. Speaker, I'd ask that this Bill remain on Second Reading. We're going to be having a meeting of the Insurance Committee at 10:05 tonight to approve that Amendment."

Speaker Hannig: "Okay. So, this Bill will remain on the Order of Second Reading. Representative Granberg in the Chair."

Speaker Granberg: "Mr. Clerk, what is the status of House Bill 216?"

Clerk Bolin: "House Bill 216, is on the Order of House Bills, Third Reading."

Speaker Granberg: "Move it to Second. House Bill 687, what is the status?"

Clerk Bolin: "House Bill 687 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1490. Representative Ryder. What is the status of that Bill?"

Clerk Bolin: "House Bill 1490 is on the Order of House Bills, Third Reading."

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Speaker Granberg: "Return it to Second. House Bill 289. What is the status of that Bill? Return it to Second."

Clerk Bolin: "House Bill 289 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 92."

Clerk Bolin: "House Bill 92 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1168, what is the status?"

Clerk Bolin: "House Bill 1168 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1111."

Clerk Bolin: "House Bill 1111 is on the Order of House Bills, Second Reading."

Speaker Granberg: "Return it to Second. House Bill 1496, what is the status?"

Clerk Bolin: "House Bill 1496 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1103."

Clerk Bolin: "House Bill 1103 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 762."

Clerk Bolin: "House Bill 762 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1103."

Clerk Bolin: "House Bill 1103 is on the Order of House Bills, Second Reading."

Speaker Granberg: "House Bill 1320. What is the status?"

Clerk Bolin: "House Bill 1320 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 257. What is the status?"

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Clerk Bolin: "House Bill 257 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it...House Bill 758 (sic-1758). What
is the status?"

Clerk Bolin: "What was that number again?"

Speaker Granberg: "Seventeen fifty-eight."

Clerk Bolin: "House Bill 1758 is on the Order of House Bills,
Third Reading."

Speaker Bolin: "Return it to Second. House Bill 63."

Clerk Bolin: "House Bill 63 is on the Order of House Bills, Third
Reading."

Speaker Granberg: "Return it to Second. Sixty-four."

Clerk Bolin: "House Bill 64 is on the Order of House Bills, Third
Reading."

Speaker Granberg: "Return it to Second. Ninety-two."

Clerk Bolin: "House Bill 92 is on the Order of House Bills,
Second Reading."

Speaker Granberg: "Remain on Second. House Bill 1730."

Clerk Bolin: "House Bill 1730 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 73, read the
Bill Mr. Clerk."

Clerk Bolin: "House Bill 73, the Bill has been read a second time
previously. Floor Amendment #3, offered by Representative
Schakowsky, has been approved for consideration."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of
the House. House Bill...Amendment #3 is a technical
Amendment which just removes a paragraph from Amendment #2
that was actually inadvertently put in that Amendment. I
would ask for a favorable consideration."

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Speaker Granberg: "The Lady from Cook moves for the adoption of the Amendment. Is there is any discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor of the Amendment please yield for a question?"

Speaker Granberg: "Proceed."

Parke: "Representative, again, would you spend a little bit more time in explaining what Amendment #3 does?"

Schakowsky: "Amendment #3 takes out lines...the final paragraph of Amendment #3 which removes the words...it talks about physicians having to format and transmit data and information. Since that wasn't required by the Bill, the language was inadvertent and should be removed."

Parke: "And what...in essence what are you achieving? Is this something for the Medical Society that makes the Bill more acceptable to them? Who are you trying to please with this Amendment?"

Schakowsky: "The Amendment was not relevant to the Bill. We adopted language from Massachusetts that was an attempt to respond to the Medical Society's concerns. This particular language taken from Massachusetts was not in fact relevant, so we want to take it out."

Parke: "Okay, well, thank you."

Speaker Granberg: "Anything further? The Lady moves for the adoption of Floor Amendment #3. All say 'aye'. In favor say 'aye'; opposed say 'nay'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 231. Read the Bill."

Clerk Bolin: "House Bill 231, a Bill for an Act to amend the Plat Act. Second Reading of this House Bill. Amendment #1..."

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

Gash: "The Lady from where?"

Speaker Granberg: "The Lady from Lake."

Gash: "Thank you. This Amendment which we were just discussing a minute ago, addresses trying to make sure that people who are buying new homes in new developments, know what school...are able to try to find out as best as possible...as well as possible, what school district that lot is actually in. And we are working on language that will fix this Bill. We're not exactly there. Representative Black made some very good points which I actually agree with. I would like to ask that this Amendment be adopted. I would like to try to get this Bill out toward the Senate and then it would be my intention to hold it and work to try to get the best language possible. Obviously we all have the same goal."

Speaker Granberg: "The Lady moves for the adoption of the Amendment. And on that question, all in favor shall say 'aye'; opposed say 'nay'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 916."

Clerk Bolin: "House Bill 916, the Bill has been read a second time previously."

Speaker Granberg: "Third Reading. House Bill 1565. What is the status? Read the Bill"

Clerk Bolin: "House Bill 1565, a Bill for an Act to amend the Health Maintenance Organization Act. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments have been approved for consideration, no Motions filed."

Speaker Granberg: "Leave it on Second. The Gentleman from

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Vermilion, Representative Black, for what reason do you rise, Sir?"

Black: "Yes, thank you very much, Mr. Speaker. I put on a dark suit in honor of the seriousness of the occasion. Took my battery powered shaver, touched up the beard a little bit, brushed my teeth, put on a little aftershave, cause at 6:00, I thought we were going to the Order of my Mom and Dad working families and then we didn't do it. We're going to get to that later, or, what seems to be the difficulty?"

Speaker Granberg: "Mr. Black, I think whatever we do in this chamber deals with working families."

Black: "Oh, absolutely."

Speaker Granberg: "We're going to intersperse individual Member's request. If those Member's request deal with the working family issue, we will deal with them, if they do not we will deal their requests on other issues."

Black: "It didn't have anything to do with the failure to read a Bill, the second time on the second day did it?"

Speaker Granberg: "Absolutely not."

Black: "I didn't think so. Alright, I can understand."

Speaker Granberg: "Mr. Black, Mr. Black."

Black: "Yes Sir."

Speaker Granberg: "I can't wait until the Cubs win a game. You'll be so much more agreeable."

Black: "Neither could I."

Speaker Granberg: "House Bills, Third Reading, appears House Bill 61. Representative Dart. Out of the record. House Bill 724. Read the Bill."

Clerk Bolin: "House Bill 724, the Bill's been read a second time previously."

Speaker Granberg: "Out of the record. House Bill 405. Read the Bill. The Lady from Cook, Representative Schakowsky."

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Clerk Bolin: "House Bill 405, a Bill for an Act to amend the Illinois Education and Labor Relations Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Schakowsky, do you wish to proceed or do you wish to take the Bill out of the record? Out of the record. House Bill 724. Read the Bill. Third Reading. Has it been read a second time previously?"

Clerk Bolin: "The Bill's been read a second time previously."

Speaker Granberg: "Third Reading. The Lady from Cook, Representative Schakowsky on House Bill 405. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 405, a Bill for an Act to amend the Illinois Education and Labor Relations Act. Third Reading of this House Bill."

Speaker Granberg: "Does the Lady wish to proceed with the Bill?"

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 405 reverses one paragraph of the 450 page Higher Education Restructuring Act or School Reform Bill that we approved in 1995. This paragraph which was added...this paragraph which was not supported for inclusion in the Act by the Trustees of the University of Illinois, effectively eliminated the faculty bargaining unit at the University of Illinois at Sangamon...at Springfield. Under the terms of the merger between the University of Illinois and Sangamon State University, and it said that in order to bargain, the 200 or so faculty at University of Illinois Springfield would have to be joined by the 7000 other faculty at all other campuses of the University of Illinois system, a really absurd notion. What this Body did at that time, was to engage in statutory union busting, unprecedented in Illinois. There are a number of points that I'd ask you to consider as we vote on

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this Bill. First of all, current law conflicts with the Illinois Education Labor Relations Act. This Bill...the current law conflicts with the Illinois Education Labor Relations Act in several ways; what it did was deny the faculty at University of Illinois Springfield, the fullest freedom in exercising their rights and a number of other ways that it violated the Act. Secondly, this Act applies to only one university. It really discriminates because the Southern Illinois University faculty recently organized its Carbondale campus and it was not required to simultaneously organize Edwardsville and Springfield. Third, prior to the 1995 Act, the University of Illinois and the Illinois Education and Labor Relations Board agreed to campus by campus bargaining as well as separate units for faculty in the medical school and the law school on its other campuses. And fourth, the relationship between the faculty and the administration at Sangamon State was exemplary and both parties agreed that the university and its students benefited from their collective bargaining relationship. At the University of Illinois, there are 52 bargaining units. This faculty language is unique. The others are not all across the university. So, what this legislation would do would be to reinstate the bargaining unit at the University of Illinois Springfield which has been working just fine which is an exemplary...sets an example for how unions and management should work and make sense for everyone involved. I urge an 'aye' vote, and I would be happy to answer your questions."

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

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

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House. I rise in opposition of this Bill. And Mr. Speaker, if it receives the required number, I would like a verification of the roll call."

Speaker Granberg: "Acknowledged."

Parke: "Ladies and Gentlemen...thank you. Ladies and Gentlemen, this is pretty straightforward. When the University of Illinois merged with the Sangamon State University to form the U of I Springfield campus, in the process of that merger they decided that there would be one bargaining unit for all of the faculty for the University of Illinois, all three campuses. This simply sets up another level of bargaining units that is absolutely not necessary. The University of Illinois is the primary educational institution. They have the ultimate responsibility to deal with the employees of that university no matter where the campus is. It is not necessary for us to form a new bargaining unit. Ladies and Gentlemen, I rise in opposition to this and I see no reason for us to form another level of bargaining unit when you have the University of Illinois. The University of Illinois is opposed to this legislation and would ask, along with myself, to vote 'no' on this Bill."

Granberg: "The Lady moves for passage of the Bill. With no other Member seeking recog... The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I rise in opposition to the Bill. I think my colleague has expressed some of the concerns, that not only Members on our side of the aisle have, but I'm sure there are Members on the other side of the aisle, as well. You know, we're truly blessed in Illinois to have a flagship, world class university."

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Anyone who doesn't feel as I do, that the University of Illinois is in fact a world class institution, well then we can respectfully disagree but I think all of us are very proud of what that institution does, what it stands for, the number of Nobel prizes it has won, the outstanding quality of its research, the outstanding quality of its faculty. Now, I understand that when the university, when Sangamon State University was absorbed in the University of Illinois System, there were some people who weren't happy about losing their particular bargaining unit at the old Sangamon State University. But, I would submit to you that if you carry this to its extreme, then you could have every campus of the University of Illinois represented by a different bargaining group. I suppose you could carry it to the ridiculous extreme of saying that every college within the university could at some point be represented by a different bargaining unit. I would simply submit to you, that would make the governance of a world class university clumsy at best, unmanageable at worst. I don't know why we would want to change this. I understand and appreciate the fact that those at Sangamon State were used to a way of business and perhaps, they don't agree with that way of business now. I would also submit to them that if they give this an opportunity to work, I think being faculty members of the University of Illinois will far out weigh the advantages over a period of time than the disadvantages would of losing their bargaining ability. I would urge my colleagues not to micromanage the internal affairs of one of the great universities, not only of the United States, but of the world. If it isn't broken, let's not fix it. Let's not do anything to hamper the University of Illinois leading this state into the 21st Century. Vote 'no'."

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

Klingler: "Thank you, Mr. Speaker. As the Representative where the University of Illinois at Springfield is located, I need to rise in opposition to the Bill. I think we need to look at the history of the University of Illinois at Springfield. This institution was formally known as Sangamon State University and it was a great concern to many business leaders and educators in Springfield that this university, even though it was an excellent university and especially had a wonderful public affairs department and political science department, was not widely known outside of the area. It was very important to be affiliated with a major university. I was part of a President's Advisory Committee that worked very hard to work on merging Sangamon State with a major university, and that major university is the University of Illinois. Part of the legislation when this Bill...this merger became effective two years ago was to find that there would be...it would be considered as one university, all three campuses. University of Illinois at Springfield, at Champaign Urbana, and in Chicago, and I know that that's still a concern in Springfield, that we want to be...we want to feel that we're completely part of the total university, and it's for this reason that I feel that if there is a collective bargaining unit, it needs to be throughout this system so that one system is not different than another and for that reason, I would urge an 'no' vote."

Speaker Granberg: "Anything further? No one seeking recognition, the... The Lady from Cook, Representative Ronen."

Ronen: "Representative Schakowsky, could you tell us why we need

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to...why this Bill is important?"

Schakowsky: "Thank you. Thank you, Representative. A lot of talk has been made on this floor about why if it's not broke, don't fix it, and I would turn that argument around and say the very same thing. We had a well working campus when it was called Sangamon State University. I believe that the trustees of the University of Illinois actually understood this because they did not recommend this change."

Speaker Granberg: "Excuse me. Excuse me. Representative Mautino, your son dropped his doll in the aisle. Proceed, Ma'am."

Schakowsky: "What is unprecedented and what is different is that the State engaged in union busting in saying that there will no longer be what has worked very well on this campus for a decade. It is also not true that we have to have one bargaining unit throughout a university. As I said before, on the Carbondale Campus of the...of Southern Illinois University, they recently formed a bargaining unit. It is not required that they simultaneously organize Edwardsville and Springfield. I would say that the rationale that this is some how going to make for some unity on the campus is really just an excuse to keep all unions out of the University of Illinois. This has been an administration at the University of Illinois that has resisted organizing. They saw this merger as an opportunity to union bust and they came to the legislature as complicitors in union busting. They came and asked us to be co-conspirators in busting a union. It was working well. If it's not broke, don't fix it and I would say that that is the situation here and so, I would urge an 'aye' vote to return to a system that was working just fine for every one. For

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faculty, for students and for the university itself. I think that this is a system that can work well by maintaining this bargaining unit, and so I would urge an 'aye' vote."

Ronen: "Thank you for that response but did I hear you say that the trustees of the university didn't recommend this change?"

Schakowsky: "That is correct."

Ronen: "Do you want to elaborate on that?"

Schakowsky: "Essentially, the president of the university went beyond them and said that he would not except a merger agreement unless the union was busted and so, that's what finally happened."

Ronen: "That's...that's just outrageous. That's outrageous. So, you're saying that this is unprecedented what has happened here in Illinois, what we did last year in the General Assembly and that no other state has done such an outrageous thing?"

Schakowsky: "Well, I would say that it was certainly unprecedented here in Illinois and beyond unprecedented, it actually conflicts with the Illinois Education Labor Relations Act, which says that workers have to be allowed to their fullest freedom in exercising their rights. It violates the University of Illinois Springfield faculty, quote, 'historical pattern of recognition', which is also in the Labor Relations Act. These are common legal concepts which are embodied in both Public Sector Labor Relations laws throughout the U.S. as well as the National Labor Relations Act after which, much of our Act was predicated."

Ronen: "Thank you. So we...this is also in violation of State law, of many state laws and unprecedented in that way too,

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you're saying."

Schakowsky: "Well, it certainly conflicts..."

Ronen: "Conflicts with..."

Schakowsky: "...with our Labor Relations Act."

Ronen: "Right. Right. Right. So, would you say that this change, I mean, how does a change like this affect working families? I mean, what's the impact of something like this to somebody who's trying to raise their children and get a decent wage and just live a good life?"

Schakowsky: "Well, it certainly...it certainly has an enormous impact on the about 200 employees, faculty at the University of Illinois, Sangamon who worked very hard in order to establish a bargaining unit that was working very well with their administration, which by the way is really still in place. Everybody agreed that it was productive for all parties and so for now, this is a major disruption. They will have to go back...they will have to abide by the conditions under which all faculty, and this is an anti-union atmosphere now at the University of Illinois and they're resisting any efforts to organize."

Ronen: "And you're saying that that atmosphere didn't really didn't exist before their fomenting and trying to create that kind of atmosphere by doing this?"

Schakowsky: "Actually, what I'm saying is that efforts to organize on other campuses have been very difficult. They saw this as an opportunity to eliminate any remnants of union organization on their...on their campuses."

Ronen: "And that's...then that's the main way that it's really in opposition to working families, it's so harmful to them. I really...I really appreciate your comments and I really do understand now when you say that it wasn't broke, so why are we trying to fix it and by fixing it, it's very clear

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that we're making a system work worse and we're causing harm to people who are just trying to work hard and make a living and raise their family and earn just decent wages. So, I really support you in this effort and I really appreciate what you're doing and I really..."

Speaker Granberg: "Excuse me. Excuse me."

Ronen: "To the Bill. To the Bill. To the Bill. I think what the Representative is doing here is commendable. If we don't look out for working families, who will? If we allow this State to continue busting unions, who's going to look out for working families? Well, we will on this side of the aisle and we will continue to do that. So, I urge all my colleagues to vote for this Bill."

Speaker Granberg: "Excuse me. There is a one other Democratic Member seeking recognition. The Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "The Gentleman moves the previous question. All in favor, say 'aye', opposed say 'no'. The 'ayes' have it. The previous question is moved. All in favor of the Bill shall vote 'aye', all opposed shall vote 'nay', all opposed should vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Lady requests Postponed Consideration. She's within her rights...within her rights. Take the record. Mr. Clerk, House Bill 807, read the Bill."

Clerk Bolin: "House Bill 807. A Bill for an Act to amend the Illinois Educational Labor Relations Act. Third Reading of this House Bill."

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

Howard: "Mr. Speaker, I'd like this Bill to be taken out of the

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record."

Speaker Granberg: "Take it out of the record. House Bill 925, Representative Ronen. Representative Ronen, the Lady wish to call the Bill? Out of the record. House Bill 2171, Representative Winkel. Read the Bill."

Clerk Bolin: "House Bill 2171. A Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you very much, Mr. Speaker. What we're attempting to do in House Bill 2171 is to streamline the process for truants. We have a definition that we use from the school code for chronic truancy. If chronic truancy is suggested by the regional superintendent to the States Attorney's office, then there can be a prosecution so that we can move the matter before the court in an expeditious manner and eliminate some of the burden, some requirements that have been a part of the statute for the past ten years. What's happened from experience in the last ten years is that various state's attorneys throughout the State have refused to press these issues. As a result, we've had truants, students, kids not attending our schools, hanging out on street corners and the numbers clearly show that these kids are the ones that end up more likely than not, in trouble with the law. So, we're attempting to streamline this, this truancy law to restore the minors in need of supervision statute as it was ten years ago in an effort to reach these kids as a last effort before they become involved in the criminal justice system. I'd be glad to take questions."

Speaker Granberg: "The Lady (sic-Gentleman) moves for the passage

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on the question, the Gentleman from Bureau, Representative Mautino."

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

Speaker Granberg: "Indicates he will."

Mautino: "Representative, what was the genesis of this Bill? Where did this legislation come from?"

Winkel: "Representative, I've worked with Appellate Justice, Robert Stigeman in part. He suggested it to me along with my states attorney, John Piland from Champaign County, and also our regional superintendent, Marty Barrett. It has become a problem increasingly over the past several years and in fact, one Robert Bash has a granddaughter in our town of Champaign, is an excellent example of what's happened. His daughter is in eighth grade. This was a story in the News Gazette that ran just a couple months ago and she's been out of school for almost a year. I've worked with my constituent, Mr. Bash on this matter along with the other Gentlemen I've mentioned, concerning ways that we can improve our responsive time to truancy and so that, Representative, was the genesis of this. Really, a constituent complaint that caused me to review this entire system and resulted in this effort to streamline it."

Mautino: "You know the...about ten years ago, this was a major negotiation through a lot of the downstate counties as well and they put in certain, basically stopgaps for these kids who were truants. Before they actually got to the court system, they had to either go through community service, other placements, community based organizations, and they would be set in there and then upon failing that point if they were still truant, they went to the courts. Now, I wonder why we actually want to do this if all of the community groups and those support basis for these kids

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were set up and structured through very intense negotiations. I mean, can you tell me why we want to stop using the local based community support systems before we put a person in an overcrowded court system or take the kid and say, 'You're going directly to the court system on this?' Why would you want to do that?"

Winkel: "Well, Representative, that's misplaced. That's not the case at all. Certainly, we just passed a Bill, 1301, that would provide these sort of wrap around human services to schools and I'm in full support of that. In fact, as the...one of the authors of the Safe Schools Act with alternative ed., that's precisely what we want do is we want to have a public policy, a procedure in place for intervening in the early years to reach these kids who are at risk. And certainly, by deleting this we are certainly not saying that the schools are not going to do this. On the contrary, the schools already have these procedures in place. They run these procedures. They try to reach these kids through these various programs which this legislature has enacted. Which, local school boards on their own have put in place and certainly, I certainly know that under local control with our local school districts, they're going to try everything that they can, all the programs that they have at their disposal to reach these kids and they're certainly not going to run to court first. Nobody is for that and I'm certainly not proposing that with this Bill. What I'm attempting to do is to make it a little bit easier as a last resort. When all these things have failed, that the states attorneys would take the time to deal with the truants, the truly hard core truants, where all these programs you're suggesting we use, have been used and fail, so that we can reach out through the court system

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and intervene in this, really a civil matter rather than allowing them to hang out in the street corners and end up in criminal court."

Mautino: "Representative, if you'll permit me on this. Reaching out through the court system I guess, is something that I have some questions on because what we're assuming is if the local school council is going to you know, voluntarily go ahead and say, 'You'll have to go to this community based,' and to your references on 1301, I supported that as well, earlier. But, to giving them option, but through the course of the negotiations in this Bill, there was a reason that these truants had to go into these programs first before getting into the court system. The court was always the last resort as opposed to making the court the entry level where the judge then, has discretion and I think unless we have something confused here between the staffs, that's what our analysis is showing that you're doing."

Winkel: "No, that's not it at all. Certainly, the regional superintendents that support this, they are really our truancy officers now. The Regional Superintendents Association indorses this approach. This is the last resort. We're streamlining the last resort. Certainly, the programs that we've initiated at the local level to reach these kids in the early grades, we're going to continue with those. Certainly, the other programs such as 1301 is providing, we want to see those brought in, in a cohesive, comprehensive approach at the early years so we don't even have to have truancy problems. This does not mandate that this is the entry level. That's not the case, whatsoever. This still is the last resort. I think we can certainly trust our schools to the extent that they're going to try everything within their power, with the

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programs that they have, the staff that they have available to them and the regional superintendents to make sure that everything is tried before they have to advance to the last resort, which is court. This is only focusing on the last resort. It certainly is not mandating that we skip every program that might help kids at risk. That's not what we're saying at all."

Mautino: "Representative, Ladies and Gentlemen, to the Bill. As I read the Bill, what we are doing is exactly that. We're taking out all of the preventative programs. We're saying we're not mandating them but the reason they were there was to require the student to go in, participate in the program and if they fail in those programs, then they would from that point go to the court. Now, we're skipping the portion of looking to why this child is truant and going to the court. I have a detention home in my area and the kids in our detention home are not the truants. The judge would now be able to say in this, if this is enacted that this student, he'll tell him to go back to school. If he doesn't, he would have an option to send them to the detention home. Folks, in LaSalle County, we don't have any truants any more in the detention home. We have a lot more of the hard core kids. I guess what I'm saying is, maybe we're looking at getting to the final step before this Bill goes through those reliefs which were negotiated from all Members and community based organizations about ten years ago and for that I would...I would ask all Members to consider this Bill and to vote 'no'."

Speaker Granberg: "Anything further? The Gentleman from Logan, Representative John Turner."

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

Winkel: "Sure."

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

Speaker Granberg: "Proceed."

Turner, J.: "Representative, I just have one question. Does this in any way usurp the power of the court to hold a minor in contempt for failure to attend school after they've been ordered to do so?"

Winkel: "No, what it does, it puts into...the code into the statute what is now the practice."

Turner, J.: "Thank you, Sir."

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

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

Speaker Granberg: "Indicates he will. Proceed."

Ronen: "Representative, it's my understanding that most of the groups that deal with truants and minors in need of supervision, truants in need of supervision are opposing this Bill right now, is that correct?"

Winkel: "Not to my knowledge. Certainly, I've had one group, the..."

Ronen: "Well, let me just tell you, I've heard from..."

Winkel: "Well, they haven't spoken to me. What I do know is the regional superintendents who are the truancy officers, are in favor of this Bill."

Ronen: "Right. Well, I've heard from them. I'm sorry that they haven't contacted you but the Illinois Collaboration on Youth, the Youth Network Council of Metropolitan Chicago, the Chicago Area Project, Voices for Illinois Children, they're concerned because they see that what you're doing is removing services and changing the emphasis from prevention to detention and they're very concerned about that."

Winkel: "Well, I realize that they express concern. In fact, one Mr. Arbert Hammer expressed that concern to me at one

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point. I did offer. I said, 'Look,' I said, 'I'm striking this language. I have very serious concerns about how it's dragging these procedures out, the states attorneys are avoiding these cases because they don't want to bother with them, because of the onerous prove up,' and I offered, I said, 'Look, Mr. Hammer,' I said, 'why don't you provide me with some language?' And Mr. Hammer got back to me and said, 'Well, that's impossible.' And I find that a little bit odd. I mean, certainly I waited for the two weeks, willing to work with these groups and that was the response I got and apparently, they've come to you, which I find unfortunate."

Ronen: "It is, but I think, I think why it might be hard to do the language is that you're gearing in a direction that's different then they're proposing and it's hard to fix something that's going in the wrong direction. I think they would say that we really have to focus more on providing more services and keep kids out of the judicial system because once that happens, they seem to never come out of it and get labeled."

Winkel: "And, Representative, I don't disagree with what you're saying. That's why I supported House Bill 1301. That's why..."

Ronen: "Right, I appreciate that."

Winkel: "...I've worked so...that's why I worked so hard on Safe Schools and was joined by, unanimously out of this Chamber and out of the Senate and that's why we have alternative schools. We're trying to reach kids at a young age..."

Ronen: "Right."

Winkel: "...and I can tell you that it's been my complete emphasis in dealing with kids at risk, that we have the sort of services that's provided in 1301 and I can tell you

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the message is out there in the local school districts where they've come up with, not just state programs, but their own programs to reach kids. Now, this certainly does not tell them that they can not do that. They're going to do that. They care about their kids. They're going to try to reach these kids and keep them out of the juvenile courts."

Ronen: "But, wouldn't your Bill though, put truants in a detention center with more serious delinquents? Wouldn't that be the affect of it?"

Winkel: "You know, the ironic twist to all of this is, the more serious felons now in juvenile detention are perhaps the very kids that we could have reached in the very first place..."

Ronen: "Right, I agree."

Winkel: "...if they were truants, if we had dealt with these kids in the first place. My point is this, is that we changed this ten years ago, I'm sure with the very best intentions..."

Ronen: "Right."

Winkel: "...and I'm sure there were some very difficult negotiations that were had with the goal of achieving some good things, but I can tell you that in the past ten years, we have not had good results. We have kids who aren't going to school that are hanging out on street corners and they are the ones that are now being detained..."

Ronen: "I agree with you."

Winkel: "...in youth detention as the felons."

Ronen: "See, I agree with you but I think I would put a different cause to it. I think because we've diminished the kind of prevention services that you're talking about are so important over the year, I've worked in this area over a

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course of 20 years and it seems to me back in the '70s and '80s, that we were better at providing preventive services and I would say those changes happened because we really fell down on the job. So, I think maybe in this sense, maybe we both have the same goal but see the way to it in different ways. So, I do appreciate that you're sincere about this but I do feel strongly that what we're doing is going in a different direction. Can I ask you another question, though?"

Winkel: "Absolutely."

Ronen: "Is there any kind of parent notification provision in this Bill?"

Winkel: "Certainly, the courts can ask and can have the parents in the court room. In fact, that's the practice, that's currently the practice and what we're trying to do here is not to completely revamp the practice. In fact, by adding that one Section C on civil contempt, that's the current practice that's already being used in civil court and so, certainly parental involvement is key here and that's got to curve for this to be successful."

Ronen: "Right, right. Well, I do appreciate your, your motives here but I think I'm...to the Bill. I think it really is going in the wrong direction. I think we have to do a better job about giving kids services on the front end so that they don't have to get involved in the court services. I respect what you're trying to do, Representative, but I'm going to have to respectfully disagree with you on this. I think it's just not good public policy to place kids in detention for missing school. Kids who miss school usually have a whole host of personal and family problems and I think we have to deal with those problems more in a social service context rather than in the, within the court system

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or the jail system, especially. So, I respectfully disagree and ask colleagues to vote 'no' on this Bill."

Speaker Granberg: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Hoeft: "Twelve years of my life, I've worked in this area. Twelve years we worked on truancy in Kane County. The very first law that most children in the State of Illinois will violate is the truancy law and unless there are some teeth to the law, we aren't going to have a lesson learned that is anything but negative. If a child is truant and gets away with it, they escalate their action. I did a study of truancy in three towns, 127 students and we asked after two years of truancy how many of them had been convicted in a court for a nonschool related crime, burglary, car theft, drugs...78% of them were convicted. Because of that, the States Attorney of Kane County said, 'Hey, we got to work with these kids early.' The problem is, if a child wants to be truant, we have no recourse in this State to get services to the child if the child refuses. We can have the finest programs in the world, if they thumb their nose to these programs, we aren't going to be able to do anything. We can take the parents to court. We can harangue the parents, but if the parent is a single mother who is trying and the child is just walking around, that child is going to continue their truancy. I don't know of any Bill that is going to help the academics and the safety of our schools more than a Bill that is going to get kids in school. I strongly urge you to support this Bill because right now in Illinois, we are...we're fighting a battle with only one of our two arms. We can bring the

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parents into court if the parents are at fault but we can't bring the children. This Bill says the children will be brought into the juvenile court system. There's not a judge in this State who's going to put a child into court and then throw them into the detention center. They're going to try a whole series of remedies. Community service, working with the Y. They're going to do a lot of things before they take action that means jail. Ladies and Gentlemen, the most basic reform in education is to get the child in school first. If we're going to reform the educational system in this State, we need this power, this strength. This is one of the most important educational reform programs we can have. We need this support. Please, consider your positive vote."

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

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

Speaker Granberg: "Indicates he will."

Dart: "Representative, I'd ask you to examine your Amendment to this Bill. If I'm not mistaken, the amendment is misdrafted. If you look on line 21 of your Amendment, makes reference to a Section and it ends in mid-sentence and it never picks up after that."

Winkel: "We're looking. One second."

Dart: "Yeah, Rick, it's on the Amendment on page one, line 21. It's an incomplete sentence. It doesn't pick up on the next page. It doesn't amend anything else in the Act. I have no idea what it does."

Winkel: "Tom, did you say line 21 on page one of the Amendment?"

Dart: "Line 21 where it says, 'A-1, there's a rebuttle presumption that a chronic...'"

Winkel: "Yeah, there is a rebuttle presumption, is that what

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you're talking about?"

Dart: "Yeah, it says, 'that a chronic', but then it doesn't say anything after chronic."

Winkel: "It does on the next page. Apparently, maybe I gave you a bad copy."

Dart: "Okay, if...If you can have staff bring over a copy, maybe."

Winkel: "I'll send you my only copy."

Speaker Granberg: "Mr. Dart, did Mr. Winkel want to take this out of the record? Mr. Winkel, did you want to take this Bill out of the record temporarily to address the Amendment issue or..."

Winkel: "I believe our staff would like to...our staff does not have the full Amendment. That's the problem. There's a problem at the printing unit. Sure, we'll get right back to it this evening then."

Speaker Granberg: "Representative Winkel, I will do the best I can. I can't promise you that but I will do the best I can to get back to it."

Winkel: "Scouts honor?"

Speaker Granberg: "Have I ever failed? House Bill 807, 807, Representative Howard. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 807. A Bill for an Act to amend the Illinois Educational Labor Relations Act. Third Reading of this House Bill."

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

Howard: "Thank you, Mr. Chairman...Mr. Speaker, that is, Ladies and Gentlemen of the House. House Bill 807 restores collective bargaining rights for city colleges of Chicago employees. Bargaining rights for these employees were lost when HB206 stripped teachers of their rights to bargain about non-economic matters. I will endeavor to answer any

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of your questions."

Speaker Granberg: "On that question, the Lady moves for the passage. The Gentleman from Vermilion, Representative Black. 807, Mr. Black."

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

Speaker Granberg: "Indicates she will. Proceed, Sir."

Black: "Yes, Representative. Will the Sponsor yield?"

Speaker Granberg: "She indicated she would, Sir?"

Black: "Yeah, okay, I'm sorry. I already asked that. This...this Bill only includes...well, only involves the city colleges of Chicago, is that correct?"

Howard: "That is correct."

Black: "And, it says that the city colleges of Chicago will have no prohibitions on their collective bargaining abilities. That's what you're after, right?"

Howard: "That's correct, as well."

Black: "And, this...these prohibitions were brought about, about a year ago, weren't they? A year or so?"

Howard: "Yes, in '95. In '95, Representative."

Black: "Okay, this wasn't...this doesn't have anything to do with the Chicago school reform package, did it? Was it handled separately or was it part in parcel?"

Howard: "No, it... This particular provision was added at the conference committee to the school reform legislation."

Black: "Okay, okay. Has this been particularly onerous for the city colleges?"

Howard: "Yes, I understand that is has been very much so."

Black: "How...you'll have to bear with me, Representative, I worked in the community college system but not Chicago. I assume city colleges are like the rest of the community colleges, they're governed by a board, is that correct?"

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Howard: "That is correct."

Black: "Now, is that board elected or is it an appointed board?"

Howard: "It is an appointed board, Sir."

Black: "I'm sorry, appointed or..."

Howard: "It is an appointed board."

Black: "Appointed..."

Howard: "Yes."

Black: "...by the Mayor?"

Howard: "We believe that is accurate."

Black: "Okay, okay. Would it...would it be possible, excuse me. Would it be possible then, for the Mayor through his appointment power of the board to reinstate this or does it have to be done by State law?"

Howard: "This must be done by State law in as much as the problem came about because of State law."

Black: "Okay."

Howard: "And in fact, Representative, it is the Mayor that appoints these individuals."

Black: "Okay. Now... I can't remember this Bill. Some of it I can. It did not eliminate collective bargaining as such, it just put certain prohibitions in that were not going to be on the table?"

Howard: "That's correct. All non-economic issues were..."

Black: "Okay, okay, okay. All non-economic issues..."

Howard: "That's right."

Black: "...but salary and those items are still collectively bargained?"

Howard: "Yes."

Black: "Okay. I... Representative, I thank you. You've very forthright answers and I appreciate that. Thank you very much."

Speaker Granberg: "Thank you. Anything further? The Lady from

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Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just rise in support of House Bill 807. At the very last minute the college teachers were added to this Bill. I think there's wide view that they did not belong in anyway in this legislation and that they should be taken out. About 2/3 of their contract was negated by this legislation, by the former legislation and I urge the passage of House Bill 807."

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

McCarthy: "To the Bill, please."

Speaker Granberg: "Proceed."

McCarthy: "The... When we talk about reducing the bargaining rights and we say that, well these people still can dicker for all their financial rights. People say they're not losing much, but included in these bargaining rights were some things that I think would be near and dear to just about everybody in the chamber. One thing for all of the female Members of the chamber, when you return from maternity leave, your position is no longer guaranteed because of the loss of these bargaining rights. For the males in the chamber, when you return from paternity leave, your position is no longer guaranteed here. A further embarrassment here by losing these bargaining rights is the position of the faculties who are returning from a military leave, which we all must believe in, also loses his right to the position he held at the college. As the earlier speaker had said, this was a addition thrown into a Bill that was going to reform the Chicago public schools. No planning was put forward. The Chicago Teachers College Union was thrown in at the last second. I think it was a

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hasty action that should never have been done and I urge all of you to correct this wrong by voting 'aye' on House Bill 807. Thank you, very much."

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

Cross: "Thank you, Mr. Speaker. Should this get the requisite number of votes, we request a verification."

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

Parke: "Representative, it is my understanding that the city colleges of Chicago are still opposed to this legislation. Is that true?"

Howard: "That is correct."

Parke: "I understand the Illinois Chamber of Commerce is opposed. Is that true?"

Howard: "I am not aware of that opposition."

Parke: "It's my understanding, according to our documents, that they are. I understand LUDA, the Large Units School Districts Association is opposed, also. Is that your knowledge?"

Howard: "I am not aware of that opposition, either."

Parke: "Well, that's what we show here that in fact, it is. You know...to the Bill."

Speaker Granberg: "Proceed."

Parke: "What we have found is that we passed a Bill to help reform Chicago's schools two years ago, and in that negotiation it was eluded to us in committee that it was an afterthought, that at the last minute, the idea of putting the city colleges from having collective bargaining was just a last minute idea thrown in. I talked to the president of the city colleges and he told me that, that was absolutely not true, that it had been something that he

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had been working on for a long time to try and make the city college unions providing a educational system that can make that system work better and that's why no matter what was told in committee to us by some of the people...the people connected with the union, not our Legislators but the union, that it was not something that was last minute. So, I rise in opposition. This was thought out. It was done on purpose. We allowed it to get on the floor for debate. We've had the debate and now, I would ask that we do not vote for this and as required, we ask for a verification."

Speaker Granberg: "The Lady from Cook, Representative Howard to close."

Howard: "I just ask my colleagues for a favorable vote on this measure. Thank you."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Crotty. I'm sorry, Representative Crotty, I already asked Representative Howard to close. Is that...is that alright? Thank you. The Lady from Cook moves for the passage of the Bill. 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, 62 voting 'aye', 53 voting 'no', 0 voting 'present'. House Bill 807, having received the Constitutional Majority, is hereby declared passed. Verification has been requested and acknowledged. Proceed, Sir. Poll the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Boland. Bradford. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Deering. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio.

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Giles. Granberg. Hannig. Hartke. Holbrook. Howard.
Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez.
Lyons, Eileen. Lyons, Joseph. Mautino. McCarthy.
McGuire. McKeon. Moore, Eugene. Morrow. Mulligan.
Murphy. Novak. O'Brien. Phelps. Pugh. Ronen. Santiago.
Schakowsky. Schoenberg. Scott. Scully. Silva. Slone.
Smith. Stroger. Turner, Arthur. Woolard. Younge, and
Mr. Speaker."

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

Lang: "Thank you. I'm having trouble with the light. How is
Representative Eileen Lyons voting?"

Speaker Granberg: "She has voted 'aye'."

Lang: "Thank you."

Speaker Granberg: "Proceed with the verification, Sir."

Cross: "Thank you, Mr. Speaker. Let me get my list here and get
my glasses on. Representative Bradford."

Speaker Granberg: "In the Chamber, in his seat."

Cross: "Representative Giles."

Speaker Granberg: "The Gentleman is sitting next to
Representative Turner."

Cross: "Representative Brunsvold."

Speaker Granberg: "Representative Brunsvold. Representative
Brunsvold. Is the Gentleman in the Chamber?
Representative Brunsvold. Remove him. Representative
Cross."

Cross: "Representative Julie Curry"

Speaker Granberg: "Representative Curry is in her seat.
Representative Younge, Representative Erwin have request
leave to be verified."

Cross: "Representative Fritchey."

Speaker Granberg: "Mr. Cross, did you give Representative Erwin
or Representative Younge leave to be verified?"

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Cross: "Oh certainly, Mr. Speaker."

Speaker Granberg: "Thank you. Representative Fritchey. Representative Brunsvold has returned to the Chamber, return him to the roll. Representative Fritchey's in the rear of the Chamber. Anything further?"

Cross: "Representative Schakowsky."

Speaker Granberg: "She's in the aisle, center aisle, Sir. Anything further?"

Cross: "Representative Phelps."

Speaker Granberg: "Representative Phelps' in the rear of the Chamber. Anything else, Mr. Cross?"

Cross: "That's it, thank you."

Speaker Granberg: "Thank you. House Bill 807 have received 62 'yes' votes, 53 'no' votes, 0 voting 'present'. Having received the Constitutional Majority, is hereby declared passed. House Bill 925, Representative Ronen. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 925. A Bill for an Act to amend the Community Services Act. Third Reading of this House Bill."

Speaker Granberg: "The... For what reason does the Gentleman from Cook, Mr. McAuliffe arise?"

McAuliffe: "Yes, I'd like, Mr. Speaker, to be recorded as a 'yes' vote on that last vote, for the record."

Speaker Granberg: "You were not recorded as voting, Mr. McAuliffe?"

McAuliffe: "That is correct."

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

Ronen: "Thank you, Speaker, Members of the House. Senate...House Bill 925 requires that private mental health providers compensate employees on average at a rate equal to or greater than the rate of State reimbursement they receive for these direct care workers. The State has a

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responsibility to ensure that its contractors pay adequate wages and benefits so that we can attract the most confident staff. The ability to hire and retain skilled employees is crucial to maintaining a high level of resident care. Right now, the State of Illinois spends more than \$900 million dollars annually on community based services for the developmentally disabled and mentally ill. Well, the State allocates...in this allocation, more than nine dollars per hour for wages and benefits. Many private providers pay their employees little more than the minimum wage with few or with no benefits. In fact, some workers are paid so little, they actually qualify for food stamps. A University of Illinois study found that private facilities nationwide paid 17% more than we do here in the State of Illinois and further, that same study showed that these low wages lead to high turnover rates. Staff turnover in the Illinois private facilities is well over 50% and that's compared to 14% in the facilities that the State operates itself. So, what we're talking here, is having greater accountability for the tax dollars that we're spending through private agencies. We talked about accountability and it's about ensuring that the level of service is the highest quality. The only way we can provide quality service is to be able to attract qualified staff, competent staff and to ensure that there's no turn over. So, I urge all my colleagues to support this good government effort and I'd be happy to answer any questions."

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

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

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yield?"

Speaker Granberg: "Indicates she will."

Black: "Representative, assuming this Bill becomes law, who pays the increased labor cost?"

Ronen: "We're already paying this...these costs. These are State dollars. There's no extra cost involved here. All we're saying is, when we give a contract to a private mental health facility, we determine how much we're going to give them based upon the case load and staff. We want to just make sure that those precious State dollars are used in a way that we mean them to be for staff salaries."

Black: "Well, Representative, it's going to cost somebody something."

Ronen: "It's already costing us. It's not going to cost any more. It will not cost one dollar more. These are dollars that we're contracting with already. All we're saying is, that for those dollars that are given to an agency for staff, that the staff be given those dollars rather than skimmed off by some of these private agencies."

Black: "Well, let me try a different tact. I don't know how many dozens, if in fact not hundreds of community mental health providers are involved in the State. There's any number of them. Some of them are contracted with DMHDD."

Ronen: "That's right."

Black: "Alright. So, if we're going to try and come up with average rates once a year, given the diversity of the State of Illinois, I would suspect that somebody is going to make a higher wage rate than they do currently. Wouldn't you agree?"

Ronen: "No. Let me explain, Representative. What we're saying is, when we give a contract to one of those agencies, we have to determine on what basis we're going to give them

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money. Say we're going to give them \$100,000, that \$100,000 is based on some data saying that we're contracting with them to provide services to 'X' number of people and we assume, we make some assumptions about how much money that's going to cost. We think it should cost about \$9 an hour for staff to serve 'X' number of people, and it's on that basis that we give them the money. What we're finding though, is rather than paying the staff \$9 an hour, they're paying them less than \$5 an hour. So where are those state income tax dollars going? We're not being accountable for those dollars, and we're severely, severely injuring the quality of service because we're causing turnover in staff."

Black: "Well, Representative, in all due respect, if you have a \$100,000 contract with a private provider, I suppose some of that money is going to have to be used to pay insurance."

Ronen: "That's right."

Black: "Some will have to be used to pay utilities for the facility."

Ronen: "That's right."

Black: "Some will have to be used for medication and/or supplies. The bulk of it will be used as labor."

Ronen: "Exactly, exactly."

Black: "So, if you increase the labor costs..."

Ronen: "We're not, excuse me, Sir, I don't mean to cut you off, but when we give them money, if we're being professional administrators, we give them money and we have to assume what all of those costs are, all those costs you mentioned, and we say, 'this is how much you're going to spend on insurance, this is how much it should cost you for these types of overhead, and this is how much it should cost you

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for staff.' We just expect that, that same ratio is given to the staff, that's all, no extra money here, just more fair distribution of the money so that we can insure quality staff and insure quality service."

Black: "Well, Representative, I've often subscribed to the school of creative accounting, but this is more creative than even I'm used to. Any of these contracts...Are most of these contracts on a bid basis?"

Ronen: "Yes. Representative, all we're saying is, when we...we have to...you will...you will acknowledge that when we give a contractor money, if we're being good administrators and guardians of State tax dollars, that we know how we intend for them to use them. Otherwise, how could we tell how large the contract should be? How can we determine how much money we should give them unless we've made these determinations?"

Black: "Well, in other words, if I'm the department and I'm contracting with a private concern, Evergreen Services for example, what you want me to do is to tell Evergreen Services what they're going to pay their staff in the facility that I have just awarded a contract to."

Ronen: "If we don't, how else can we determine how much money to give them? How else can we be accountable for tax dollars?"

Black: "And that's the point I'm trying to get across to you. If you're going to make up a labor cost, then you're going to have to...some other part of the contract will be short. I mean, it's disingenuous at best, to say you can contract for a \$100,000 worth of services but by the way, we expect you to meet this salary or this hourly wage rate and expect that the \$100,000 worth of services will still buy the same amount of services."

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Ronen: "Here's what...Here's what's happening though, the money for those services that they need when we give them a contract, the money for those other services are provided. The money for staff are provided but guess what, all the money that's suppose to go to staff aren't given to staff. So the question is, where are those extra dollars going? If they're not going to staff, let's give them back to the taxpayers of Illinois."

Black: "Well, that might be a good amendment to the Bill. Thank you very much, Representative. Mr. Speaker, to the Bill if I might."

Speaker Granberg: "Proceed, Sir."

Black: "Now, Ladies and Gentlemen of the House, in all due respect to the Sponsor, and she is very serious and well-intentioned on this issue, there isn't any question about that, but I mean, if you've ever been in business or if you've ever worked for a business, stop and think of what we're asking to be done here. This Bill would say that providers of community based services shall, at a minimum, compensate employees at the same rate used by the Department of Mental Health and Developmental Disabilities for personnel costs in a formula to be devised by the Department. Now, any of us who have worked in any capacity, whether we started out at McDonalds when we were in high school or whatever, your personnel labor costs can be a significant factor of doing business. And if you have a fixed contractual amount, if you say up front, 'I am going to run this service for \$100,000', and then I come into you and say, 'Oh, by the way, the \$6.50 an hour you payed last year is no longer applicable. You must pay \$9.50 an hour.' Now what has my \$100,000 and contract purchased? My labor costs have gone up 30%. Now where do

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I skimp? Do I pay my labor? The Bill would require that. I would obviously have to pay my labor costs. Do I then skimp on food? Do I then skimp on running the air conditioning system eight hours a day less so I can pay my utility bill? Do I factor in my overhead? You know, I've only got a fixed amount, and if you're asking me to allocate more of that fixed amount to labor, which is okay with me in a perfect world, but don't stand here and tell me that I don't have to cut somewhere else. I've run a business. When I raised my labor costs, I had to pass it on. Somebody had to pay that cost, or I couldn't meet my bills. Ladies and Gentlemen of the House, no matter how well-intentioned you think this is, if your object is to increase your labor costs, fine, say so up front, but then tell me in your closing, Representative, how you're going to increase the contractual costs to make up what the labor costs now have increased the base amount of the contract. Folks, it doesn't work any other way. It's a fundamental rule of life, you can pay me now, or you can pay me later, but when you have me on contract, that has to pay the full freight. And if you mandate I pay higher wages, then I've either got to make up the higher wages by asking the taxpayer, pay more for the contract, or I've got to cut my expenses somewhere else, and when we're dealing with the people who need this kind of service, I don't want any other services cut so that I can pay the higher wage rate. I think a 'no' vote might be advisable on the Bill."

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

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. I believe that the previous speaker, however well-intentioned, was obfuscating the real issues

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at hand. Maybe he was confusing one lesson in life with another lesson in life. I think the operative lesson in life that we should be working from here is that when the state provides a set amount of dollars to provide a certain amount of service, that it's incumbent upon the provider to actually spend that amount and not skim some of it off the top in order to have some artificial profit off this DMHDD grant. I commend the Sponsor for this initiative. This measure was discussed extensively in the House Appropriations Committee for General Services and Government Oversight, and the reason that it was sent to that Committee is because it was consistent with the Committee's work in reviewing contractual practices and some of their more glaring deficiencies. Here is a particular deficiency that we have the opportunity to correct. When the state contracts with a provider and the state agrees to give a provider a set amount of grant dollars, specifically earmarked and targeted for employees, those dollars should go, in total, towards employees and not be diverted at the discretion of the provider. The Sponsor has done an excellent job with this and if you're for contracting reform, and the Department of Mental Health and Developmental Disabilities, this is one significant step forward that you can take and I urge your adoption of this Bill."

Speaker Granberg: "The Gentleman from Jo Daviess, Representative Lawfer. Proceed."

Lawfer: "Thank you, Mr. Chairman, a question to the Sponsor if she'll yield."

Speaker Granberg: "Proceed."

Lawfer: "I think a lot of my questions have been answered in the discussion, however, I believe the Bill refers to, that an

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average rate would be given to the providers within 30 days at this becoming law. What...Would that be an average rate for the entire state, would that be the same rate, or would that be by region?"

Ronen: "Let me try to say this again very clearly. What this Bill does, and it's really very simple, when we in the State of Illinois give a contract to a provider, we determine what their personnel costs are going to be to provide the service we're contracting for. It's based on what those personnel costs are that we give them the contract. What we're saying in this Bill is, if we gave you 'X' number of dollars for personnel costs in this contract, pass them on to the worker, don't steal them from them. Don't skim it off the top. That's all it is."

Lawfer: "Now, this would be to the private agencies, this would not be a certain percentage then for the vendor for administration and then the other part for the..."

Ronen: "No. We're saying as a responsible state, responsible administrators, when they're giving out a contract, look at what the costs are. A proposal comes in and the proposal says we're going to spend this amount for personnel and we're going to spend this amount for services. It's on that basis that you give the contract to somebody, and it's all based on the service that's going to be provided. When those decisions are made, we know we're giving you \$100,000 and we know that \$80,000 of those monies will be spent on personnel. All we're saying is, in that instance, those monies should be passed on, that's the basis upon which you have a contract with the state. That's the basis on which we're giving you precious state tax dollars, spend them in the way that you contracted for. You said that you were going to provide this service, you need to do it. I mean,

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it's just a matter of following the contract."

Lawfer: "Would the contract then have to specify how much they would pay per hour, and what they would pay for the fringe benefits?"

Ronen: "That's what we're trying to get at. What we're saying is, that in order to give money you have to have that information, and based on what those personnel costs actually are, we want you to pay those to staff."

Lawfer: "What if a provider would come in with a rate less than a current provider?"

Ronen: "It's not current provider, it's every contract is different. We're not trying to set any kind of statewide standard. We're saying just to follow the basis upon which we've given you these monies."

Lawfer: "If a provider did not follow that, then what would be the result?"

Ronen: "The result, sanctions could be taken. What we're asking is that they document that they do in fact provide those wages, and what happens if they don't, is that we're not being able to attract consistent qualified work force, and it's impacting on services."

Lawfer: "Thank you very much."

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

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

Speaker Granberg: "Proceed."

Turner, J.: "Representative, what increase, what percentage increase are you proposing in your legislation?"

Ronen: "None."

Turner, J.: "Excuse me."

Ronen: "None."

Turner, J.: "None?"

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Ronen: "None. We're talking about, the bottom line is the same. It's the distribution of the monies that we're talking about, Representative. Let me say this again, when...If you're giving out 100,000...If you're giving out \$900 million, which is what we're giving out in the State of Illinois, it seem to me rather than just writing checks to groups, you make these awards based on some analysis of what the costs are, and personnel costs are the most significant measure. If we decide, in the State of Illinois, to give a contract to the ABC Agency for \$100,000, we've done that based on what we know their personnel costs are to be. The contract, all we're saying is, pass those personnel costs that we gave you. We gave you state tax monies for these personnel, just give them to the personnel. The contract amount does not change. What changes is the fairness of how those monies are given out. If we're giving them based on personnel costs, don't skimp on that and skim monies off the top to the detriment of staff."

Turner, J.: "Well, don't you agree that you have to look and see how the agencies are doing, whether or not there's extra money to be distributed as you suggested? Does your legislation take into consideration whether the agencies are even capable of doing this?"

Ronen: "If they're not capable of doing that we shouldn't be giving them the grant award, Representative. I think you understand that."

Turner, J.: "Well, I understand it's going to take additional monies here, or additional revenue. It's got to come from some place."

Ronen: "There's no additional revenue. What we're talking about, right now this state is spending \$900 million and we're not

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being accountable for how those dollars are spent, because we're allowing some private agencies to take \$80,000 for staff costs, but only spend \$40,000 on staff, and but the other \$40,000 they spend elsewhere and we don't know where. That's not good government, that's not good accountability, and it's certainly not good service delivery. There's no...We're not asking for any more money. We're asking for a greater accountability of our tax dollars, and to oppose this is to say, 'Well I just want to write checks to agencies and let them do with it whatever they choose.'

Turner, J.: "Okay, let me try it from a different angle. Where is the money being spent that it should not be spent?"

Ronen: "That's the question."

Turner, J.: "...and instead be spent in the way that you're suggesting it should be done under the legislation?"

Ronen: "That's the issue. We don't know how these agencies are spending money, because we know they're not spending it on staff, and we know we gave them the money based on what staff costs should be."

Turner, J.: "Well if you don't know, how can you suggest that we should pass this legislation? If you don't know, if there's no statistical data to back up what you're trying to do here, how in the world can you suggest that we should vote so that more money would be put into the contracts?"

Ronen: "That's the point. That's the point. The state doesn't know. We do know, we do know the wages that they're paying are lower than what we're giving them money for. The big question is, what are they doing with their dollars, and what we...Some of them are diverting these dollars for profit agencies. That's the issue, and the state's not being accountable. That's what you should be concerned about, being accountable for those dollars. We know

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they're not being spent as we had anticipated, or as we had judged they be spent."

Turner, J.: "Okay. Once again, you said 'They are diverting their dollars.' Who's diverting the dollars, and where is it being diverted, where is the money going?"

Ronen: "Let me explain to you how this process works. The Department of Mental Health..."

Turner, J.: "Well, why can't you just answer my question?"

Ronen: "It goes to the private agencies that we're talking about that the state contracts with. You might not be aware, but the state...certain services are provided through the state and other services are provided through private agencies. We're talking about over \$900 million that this State contracts with...with private agencies for services. It's those agencies that we believe are misusing those funds by not passing out...on the money to personnel, and that was the basis upon which we gave them tax dollars."

Turner, J.: "Alright, can you specify which agencies you're talking about?"

Ronen: "Do you want me to name names?"

Turner, J.: "Yeah, I want to get as specific as we can be."

Ronen: "You know, I'd rather not name specifics. We're talking about this...this...this piece of legislation deals to all...all private agencies. Every agency that receives monies from the Department of Mental Health and Disabilities. It's a group, yeah, we're not talking about a hypothetical situation. We're talking about better accountability of tax dollars, and why you choose not to want to be accountable for taxpayer's dollars really befuddles me."

Turner, J.: "Okay, as to the agencies then. We're not going to name them. You've indicated you don't want to do that."

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Can you answer this? Are these agencies subject to an outside audit?"

Ronen: "I think what we're saying, Representative, is the auditing procedures are not sufficient to know how those monies are spent. What we know is, the enforcement mechanisms are lax."

Turner, J.: "Okay, let me try that again."

Ronen: "And you know, it seems to me, why set up a system that's so loose and so sloppy that says that we've got to, you know, that...that we have to...an individual audit on each one is the only way to do it. Set up the systems appropriately in the beginning so that, we can monitor them effectively."

Turner, J.: "Representative, are the agencies subject to an outside audit?"

Ronen: "Yeah, I think it's through the auditing process that many of these problems have been encountered, and that's why we're trying to address this."

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

Ronen: "I said, auditing process and monitoring process has encountered some of these problems that we're trying to address. You know, you're saying we're identifying problems, now we're trying to address them."

Turner, J.: "Okay, what are you citing in the audit then? If you do have the audit, if there is an audit, I think you're indicating an outside audit is done, you ought to be able to specify the agencies, the problematic areas, and therefore show me where the money is going to be transferred to put it into a different area than it currently is going. Where is the problem, what audit are you talking about, have you examined the audits?"

Ronen: "Isn't the question, 'Why should we not want to be more

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accountable for state tax dollars?' You want to talk about some agencies, we can talk about Beverly Farms, Francis House, that are diverting State funds that are intended for employees. I mean, these...these are...these are agencies that have done that, but the real question here is, 'Why don't we choose to be accountable up front?' Why do we choose not to put in place, procedures that are going to ensure that not only our tax dollars are spent properly, but that services are delivered in a quality fashion? What's the problem?"

Turner, J.: "Well, Mr. Speaker, I can't seem to get my questions answered. In the event that this Bill does receive the requisite number of votes, we'd ask for a verification. Thank you."

Speaker Granberg: "Acknowledged, Mr. Turner. The Lady from Cook moves for the passage of House Bill 925. 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, 63 'aye', 55 'no'. A request for a verification has been made and acknowledged. Mr. Clerk, poll the affirmative."

Clerk Rossi: "A poll of those voting in the affirmative. Representatives: Acevedo. Boland. Bost. Bradford. Bradley(sic-Brady). Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Coulson. Crotty. Currie. Julie Curry. Dart. Monique Davis. Steve Davis. Deering. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Holbrook. Howard. Lou Jones. Shirley Jones. Kenner. Klingler. Lang. Lopez. Joe Lyons. Mautino. McCarthy. McGuire. McKeon. Eugene Moore. Morrow. Harold Murphy. Novak.

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O'Brien. Phelps. Pugh. Ronen. Santiago. Schakowsky.
Schoenberg. Scott. Scully. Silva. Slone. Smith.
Stroger. Art Turner. Woolard. Younge, and Mr. Speaker."

Speaker Granberg: "Proceed, Sir. Mr. Turner. Mr. Turner."

Turner, J.: "Yes, Mr. Speaker."

Speaker Granberg: "Proceed, Sir."

Turner, J.: "Representative Bradford."

Speaker Granberg: "Representative Bradford in his chair.
Proceed."

Turner, J.: "Representative Lou Jones."

Speaker Granberg: "Representative Lou Jones. Representative Lou
Jones, is the Lady in the Chamber? Representative
Santiago, Representative Giles both request leave to be
verified."

Turner, J.: "Yes. Leave is granted."

Speaker Granberg: "Representative Lou Jones. Is the Lady in the
chamber? Is the Lady in the chamber? Take her off the
Roll. Anything further, Sir?"

Turner, J.: "Representative Shirley Jones."

Speaker Granberg: "Representative Shirley Jones. Representative
Shirley Jones. Someone's waving, I'm not sure if it's
Shirley Jones."

Turner, J.: "I don't think it was, Mr. Speaker."

Speaker Granberg: "Is the Lady in the Chamber? Is Representative
Shirley Jones in the Chamber? Representative Deering asks
leave to be verified. He's in the rear of the Chamber,
Sir. Hard to miss him."

Turner, J.: "Leave is granted."

Speaker Granberg: "Shirley Jones? Take the Lady off the Roll
Call."

Turner, J.: "Representative Capparelli."

Speaker Granberg: "Mr. Turner, Mr. Capparelli is in the rear of

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the Chamber."

Turner, J.: "Yes. I see him now. Representative Coulson."

Speaker Granberg: "Pardon me?"

Turner, J.: "Representative Coulson."

Speaker Granberg: "Representative Coulson? Representative Beth Coulson. Is the Lady in the Chamber? Is Representative Beth Coulson in the Chamber? Remove her from the Roll. Anything further, Mr. Turner?"

Turner, J.: "Representative Flowers."

Speaker Granberg: "The Lady's in the front, Mr. Turner."

Turner, J.: "Representative Fritchey."

Speaker Granberg: "Representative Fritchey is in his chair, Sir. Add Lou Jones back to the Roll Call, please. Anything further, Sir?"

Turner, J.: "Nothing further, thank you, Mr. Speaker."

Speaker Granberg: "Thank you, Mr. Turner. On this question 61 voting 'yes', 55 voting 'no', 0 voting 'present'. House Bill 925, having received the Constitutional Majority, is hereby declared passed. House Bill 2085. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2085. A Bill for an Act in relation to public works projects. Third Reading of this House Bill."

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

Scully: "Thank you, Mr. Chairman (sic-Speaker). House Bill 2085 is the Second Lowest Bidder Protection Act. The goal of this Bill is to encourage compliance with certain labor laws in the State of Illinois. The Bill will protect honest, law bidding contractors who submit bids on public works projects and maintain full compliance with these labor laws. Under this Bill, a contractor who successfully bids a public works project and wins the bid, but does so

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while knowingly violating certain Labor Practices Act, that contractor will do so at his peril. He will run the risk that he will be liable to the second highest bidder, liable for the actual damages approximately resulting from that knowing violation of Labor Practice Acts. Today, our State relies primarily upon State employees to enforce these laws. When we do so, we take several risks. The first risk is that we won't have enough staff to enforce compliance with these laws. The second risk we take is that bureaucrats will enforce these laws for merely technical violations in cases in which no one was harmed. This Bill avoids those risks. This Bill gives the private sector the ability to enforce the laws, where an aggrieved party has been damaged by a violations of these Labor Practice Acts. This aggrieved party will have to prove that they have standing to sue under this Act, that they've sustained actual damages as a result of those violations. They have to prove the violations and they have to prove the approximate causation between those violations and their damages. This is a far superior way to enforce labor laws in the State of Illinois. I ask for your support for this Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Scully moves for the passage of the Bill. On that, is there any body seeking recognition? No one...the Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Proceed."

Turner, J.: "Will the Gentleman yield? Representative. Representative, does your proposal apply to local government?"

Scully: "It applies to public work projects and under Section 10,

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there's a specific definition of public works projects that includes local government projects."

Turner, J.: "I could not hear you, I apologize."

Scully: "It applies to public works projects as defined in Section 10 and includes public...local municipal projects that would be funded by the State of Illinois through the Illinois Building and Finance Act with the Build America... Build Illinois Bond Act."

Turner, J.: "My question was, does it apply to local government? Maybe that's answering, if so it's going above my head. Does it apply to local government, is my question?"

Scully: "Are you asking whether this...local government projects..."

Turner, J.: "Yes."

Scully: "...being included within the definition of public works projects?"

Turner, J.: "Yes."

Scully: "It would if those projects are funded by certain Illinois Bonding Acts that are recited in the definitions of the Act. In general, no, but some municipal projects would be covered."

Turner, J.: "Okay, that's what I'm trying to get at and go with this. Why in general no? Why in general would it not apply?"

Scully: "This is intended to specifically deal with projects that are funded by the State of Illinois. We'd be happy to entertain your...an Amendment to expand the scope of this law, but we think this is very..."

Turner, J.: "Nah, I don't..."

Scully: "...important first step."

Turner, J.: "I don't have an Amendment but if it's such a good idea, I'm just surprised that you would have exemptions to

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it, but let me get on to what I see to be the substantive part of the Bill. Now, what exactly does your language do concerning the second lowest bidder? What rights do they have under your proposal?"

Scully: "Under this proposal a second lowest bidder would have the ability to file suit against a successful bidder if that successful bidder knowingly violated a certain Labor Practices Act, that knowing violation of these labor Practice Acts resulted in actual damages to that second highest bidder. In order to have standing under this Bill though, that second highest bidder would also have to be clean of any violations of labor practices. Standing would be limited to a second highest bidder who had not been found guilty of any labor practice violations."

Turner, J.: "Then why would you only allow standing for the second highest bidder and no one else?"

Scully: "The second highest bidder...Let me rephrase that. All the subcontractors with the second highest bidder would also have standing to sue."

Turner, J.: "Why would a second highest bidder have standing and not a third? Suppose the second was engaged in the same bad practices as the bidder that got it? I mean, are you presuming just cause the second bidder didn't get it is that they didn't engage in practices that were not consistent with labor law?"

Scully: "I make no such presumption. In fact, we specifically state in this Bill that a second highest bidder who was found guilty of violating any labor practices would not have standing under this...under this Bill."

Turner, J.: "All right, well, let me ask you this. Why would not the second highest bidder become a frequent visitor to the site looking for problems, kind of there as a policeman, if

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you will, to find out if indeed there's been some kind of violation and to therefore have a cause of action against the successful first bidder? What's to prohibit that from happening? And after they're successful, if they are successful, they become the highest bidder, then the next, the third highest bidder gets to come in and he does the same thing. We just keep going down the line, I guess, is the way this would work. Is that the way it's intended?"

Scully: "That's not the way it is intended and that's not the way it would work. It certainly would encourage a second highest bidder to monitor the job, to verify that there were no labor practice violations and to pursue his or her or its legal remedies, if they find that there were any such violations. There's also another protection built into this law to protect against people who would be overly litigious. This Bill provides for what I call winner take all attorney's fees. The court has the discretion to award attorney's fees to the prevailing party. So if the second highest bidder is overly litigious and brings an improper action, that second highest bidder runs the risk that the court will rule in favor of the first highest bidder and will award attorney's fees for that unsuccessful action. I think there's substantial protections against overly litigious second highest bidders."

Turner, J.: "You use the term monitor, but let me tell you what my fear is. My fear is that the second highest bidder is not going to just monitor, the second highest bidder is going to be there on the work site to harass and has incredible incentive under your legislation to be there to monitor and harass the highest bidder to try to find and seek out legal remedies so that they can become the highest bidder, get the damages, get their attorney fees and, in

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fact, take over the contract. Don't you see that this is a problem and that you are indeed giving the impetus to the second highest bidder to harass on the job site? Don't you think that's a major flaw in your proposal here?"

Scully: "I see no such evil intent. Furthermore, I think you're presuming that there is far more damages and more profit built into these contracts than there should be. If the bidding process is working successfully, the profit margins should be lean and second highest bidders shouldn't have that much free time on their hands to aggressively monitor a job site that clearly. Right now we lack affective enforcement devices in the State of Illinois for monitoring compliance. I propose that we not give this enforcement responsibility to the public sector, to bureaucrats. Give the enforcement mechanisms to the private sector, to those people who can show actual damages proximately resulting from violations."

Turner, J.: "Are there no rights right now for the second highest bidder? Is that what you're suggesting? No remedy at law whatsoever if we fail to pass your legislation?"

Scully: "I'm not aware of any remedy at law right now that a second highest bidder would be able to propose. We've looked at the issue of whether or not that second highest bidder could try to claim tortious interference with a contract and in my research there would be no such right. We have to create that statutory right."

Turner, J.: "No further questions, Mr. Speaker."

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

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

Speaker Granberg: "Yes. Proceed, Sir."

Kubik: "Representative, what is the name of this Bill? Would you

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read me the title of this Bill?"

Scully: "The Second Lowest Bidder Protection Act."

Kubik: "I've been listening to a dialogue about the second highest bidder and I thought maybe my computer was wrong or something. But it is the second lowest bidder?"

Scully: "It is the second lowest bidder. Thank you."

Kubik: "Okay. So I just want to make sure we're on the right Bill and we're not on the second highest bidder."

Scully: "Thank you."

Kubik: "Cause I think if we were on the second highest bidder, we'd probably be all against this Bill, wouldn't we? So, just to make that notation."

Scully: "Thank you very much."

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

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

Speaker Granberg: "Yes. Proceed."

Mulligan: "Representative, you just spoke to Representative Turner and you said the profit margin is normally lean. If a profit margin is lean, why would you want a company that is a successful bidder to have to expend that profit on attorney's fees defending themselves against something that you've created out of some potential myth that there's going to be a problem there? I don't understand why you would do that."

Scully: "We're doing this to create an enforcement mechanism in our state for violations of labor practices."

Mulligan: "Why would any company bid in a contract in this state if they know they're going to be harassed and if their profit margin is going to be expended in defending themselves against potential lawsuits, and that their employees, whether they're union or not, will be followed

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on the job and harassed. I don't understand why anyone could have a normal work site if you pass something like this. To me, this seems like just mischief-making."

Scully: "In response to your question about the harassment of workers, all that harassment that you state is merely presumption on your part."

Mulligan: "Well, how would you go in and monitor a job if you're not going to go around to the people while they're working, check out what's going on and be there to check this out. How would you tell that? Would you wait till the job is completed and then try and check on the profit or margin or are you going under the presumption that it's going...he's got a good bid because he's got non-union labor? What is the presumption here that people receive the lowest bid? And I, too, am with Representative Kubik. You've got the second highest bidder checking this out, where I think it would be the second lowest bidder who would have been the one that would have gotten the contract. So I don't understand the name of your Bill or how the Bill is written. There's something missing here that I just don't quite understand and I don't see why you wouldn't think there wouldn't be people harassing workers and interfering with the job that would automatically take away the margin of profit. So if you have a company that you don't like and they get the high...they're the lowest bidder and you want to drive them out of business, you go onto the job site and you harass them. And either they leave the state and don't bid here or they go out of business because you're taking away their profits. I mean, don't you think that...that would be the goal here?"

Scully: "I totally disagree with that...that that would be the goal and I state to you that it is you who are presuming

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that the second lowest bidder would do...commit all of these alleged harassing acts."

Mulligan: "Well, if winner takes all as far as lawyer's fees go, obviously the lawyer that represents the successful challenger is the one that's going to come up with fees. And the person that's defending, particularly if it's the lowest bidder, will have to pay their attorney. So, therefore, what profit margin they may be making will be eaten up in attorney's fees. I think this is probably the worst type of harassment to encourage business in this community or in the State of Illinois. Also, I think you should probably remove it from the record to address whether it's second highest or second lowest because there's a little bit of confusion."

Scully: "The second lowest bidder. Mr. Kubik made that point rather clearly."

Mulligan: "All right, but that's not the way the Bill is appearing on the screen. It's saying second highest, which would totally be ridiculous."

Scully: "I think it's appearing on the screen as second lowest bidder."

Mulligan: "Second highest bidder certainly would not be in line to receive damages. It'd be the second lowest bidder, the one that should have gotten the contract if the first lowest hadn't. He never answered whether he's willing to remove it from the record and clean it up."

Speaker Granberg: "He indicated...he indicated no."

Scully: "I'm sorry, I didn't hear your question. Could you please state that question?"

Mulligan: "I asked if you would remove it from the record and clean up the language as to whether it's second highest or second lowest. Second highest makes no sense."

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Speaker Granberg: "He indicated..."

Mulligan: "Why would second highest be in line for damages? They would not have been close to have obtaining the contract."

Scully: "In my presen...my oral presentation, I use the phrase second highest bidder. That was a misstatement on my part."

Mulligan: "Okay, so you're contending that it's only in debate and you feel you've clarified that?"

Scully: "Yes."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Durkin, for one question."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Proceed."

Durkin: "Representative, I'd like to just explore the word 'knowingly' for...just for one short second. Can you approve a violation under 'knowingly' through constructive knowledge or under the theory you can prove certain knowledge? Can knowledge be proved constructively?"

Scully: "Yes."

Durkin: "How?"

Scully: "Knowledge can be proved constructively by a person's conduct."

Durkin: "Could you just in one very short summation explain to me the types of conducts which would imply knowledge."

Scully: "First, a contractor would knowingly violate the Prevailing Wage Act if they know the wages that they are paying. They are presumed to know the law as opposed to willful conduct which would apply...the willful standard which would apply if that contractor knew that it was paying a specific wage and also knew that that wage the contractor was paying violated the law."

Durkin: "Thank you very much. Did you go to John Marshall Law

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School by chance?"

Scully: "I did, Sir."

Durkin: "Who was your contracts teacher?"

Scully: "I don't recall."

Durkin: "No further questions. Thank you."

Speaker Granberg: "The Gentleman from Cook moves for the passage of the Bill. 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 55 'aye', 60 'no', 2 voting 'present'. The Gentleman from Cook requests Consideration Postponed. He is within his rights. House Bill 1059, Representative Deering. Out of the record. House Bill 1063, Representative David Phelps. Read the Bill."

Clerk Bolin: "House Bill 1063, a Bill for an Act to amend the Illinois Public Labor Relations Act. Third Reading of this House Bill."

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

Phelps: "Thank you, Mr. Speaker. This Bill addresses local unit government's employees that have a desire to request a collective bargaining unit to enter into...to be represented by a collective bargaining unit. If when a petition has been filed, demonstrating that 75 percent or more of the employees of a unit of local government employing five or more, but less than 35, shall be represented and there would be an automatic recognition of that group to organize under a local bargaining unit. Appreciate your support."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that is there any...the Gentleman from Cook,

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Representative Parke, proceed."

Parke: "Ladies and Gentlemen of the House, I think you need to understand what this Bill really does. This Bill is nothing more than an attempt by labor to gain a stranglehold on additional Illinois public employees. As drafted, 1063 would grant Illinois unions the privilege of monopoly bargaining, so-called exclusive representation over every local government with as few as five employees. Remind you, five employees. If four of them decide that they are going to unionize, they will do so. Now I think that that has really gone too far. Ladies and Gentlemen, this takes it way beyond what I think is reasonable to allow your local governments. I don't know if you've talked to any of your municipal governments that you represent, but right now I think that that is something that is way beyond what they would like. Now, right now, if they have 35 employees they can unionize, that's up to them and that's fine. That's what it is today. But to lower it down to five employees is way beyond what it is. In addition, it is understood that the fiscal impact on the state and local labor relation board is approximately \$139,000. So, Ladies and Gentlemen, I would ask that you consider how far are we going to allow the unionization of municipal government? If this...Mr. Speaker, if this receives the required number of votes, I would ask for a verification of the roll call."

Speaker Granberg: "Your request is acknowledged."

Parke: "Thank you. I would ask the Body to vote 'no' on this Bill."

Speaker Granberg: "The Gentleman from Saline to close on the Bill. I'm sorry, Mr. Phelps. The Gentleman from Vermilion, Representative Black."

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Phelps: "Oh, I thought he was gone."

Speaker Granberg: "No. No such luck."

Phelps: "Hi, Billy."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. You know, there's an old saw here, about I have the greatest respect for the Sponsor, but in this case I really do. But I have to stand in opposition to his Bill. You know, this Bill started out saying that the Act will apply to very small units of local government. Now many of us on this floor go into pancake, sausage, and breakfasts every week to towns of 450 people who may employ three, four, five full time folks and a few part time folks to deliver some very minimal services to their people but they try very hard. I have communities in my district whose entire municipal budget is less than \$40,000 a year. Now in all due respect to the Sponsor, these towns they don't pay...they don't fail to pay \$15.00 an hour because they're skinflints or they don't want to. They don't have the financial resources to do so. And if in a small town like this they can get along without our interference and without our changing the rules in midstream, then I would submit to you you don't have to do this. These towns do not have the money to pay, they do not have the resources to negotiate contracts. In all good faith we've got a public employee collective bargaining system that works fairly well in Illinois, but if you begin to take it down to the smallest units of government who do not have the resources, how in the world are you going to negotiate a \$15.00 an hour, \$10.00 an hour, whatever it is, contract with a municipality whose total budget is less than \$40,000 a year. You know who's going to pay the Bill folks. Those costs will be passed on to the taxpayer in one form or

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another. There's no free money. There's no Santa Claus. If you mandate higher costs or you create higher costs, it's your constituents and your taxpayers who must pay the bill. That's the only way to do it. I don't think your taxpayers are going to want this in the small towns and villages throughout Illinois. You've got a pretty good system. It works fairly well. I don't think we need to take it down to the smallest unit of government possible. Vote 'no'."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that the Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Following up on the former Representative that just spoke, this Act gets into areas including wages, hours and other conditions of employment. It strikes me as amazing that the other side of the aisle always tries to advance Bills that affect wages, hours and other conditions of employment, but they never want to apply these Bills to themselves. Let us look at what we're doing this week and last week. Has anybody on the other side of the aisle suggested that the work hours that this chamber is going through, not just for the Members, but for all the employees, the staff and all the other attendants that work in this chamber. Anybody asked one question about their employment? Is anybody suggesting they be given more than regular time for their work? Has anybody said that family leave should not apply to the people that are working for the Legislators here? No, not one suggestion has been made, in fact, no one has been allowed to go home to their family without penalty. No one has been allowed to increase their wages for extra pay and we're in a situation where the other side of the aisle is

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continually telling businesses and the people of state government how to run their operation but they don't apply it to themselves. Why don't you suggest a Bill that tells we will pay time and a half or double time on weekends for the people that work here. Why don't you suggest a Bill that will allow people to go home and visit their families instead of working six days a week till 10 o'clock at night. You're totally opposed for the people that do the business of the chamber and I'm not talking about the Legislators. We serve at the public's request, we serve because they allow us to. But you, yourselves, are not giving the same benefits to your own people that you would require businesses and other units of government to implement. Furthermore, the township officials of Illinois are opposed to this Bill."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question all in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 52 voting 'yes', 63 voting 'no', 3 voting 'present'. Does the Gentleman move for a Consideration Postponed? Gentleman asks for Consideration Postponed. Granted. House Bill 1050...House Bill 257. What is the status, Mr. Clerk?"

Clerk Bolin: "House Bill 257 is on the Order of House Bills, Second Reading."

Speaker Granberg: "Remain on Second. House Bill 1103. What is the status, Sir?"

Clerk Bolin: "House Bill 1103 is on the Order of House Bills, Second Reading."

Speaker Granberg: "Remain on Second. Out of the record. House Bill 1059. Read the Bill."

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Clerk Bolin: "House Bill 1059, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

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

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1059 has been an amended Bill and the Amendment became the Bill and it deals with project labor agreements to help both business and management in road construction projects throughout the State of Illinois. It came to my attention from some groups throughout the Metro-East area. This Bill has been negotiated with both sides of the...both sides of the table, labor and management. They are both in agreement with this. I understand they have talked to IDOT. The Department of Transportation is neutral on this Bill. What it would do is says, that anybody in a county that is awarded an IDOT contract for the construction of infrastructure and that county has a set labor manage...project labor agreement in place, the contractor has to adhere to that contract. This has been getting nationwide notoriety here in the recent years. Christine Whitman, the Republican Governor of New Jersey, has supported this; George Patackie, the Republican Governor of New York; Bob Miller, the Democrat Governor of Nevada; the President and Vice President, I understand, are announcing that the White House will be issuing an Executive Order encouraging the use of these project labor agreements on federal labor...federal projects whenever feasible. And I think that's what we should try to do here in the state to promote...to promote working between both sides of the construction table to get the best bang for the buck. I would be pleased to try to have...answer any questions."

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

Black: "Thank you very much, Mr. Speaker and Ladies Gentlemen of the House. To the Bill. You know, every once in awhile, if you couldn't come here and support a Bill on the other side of the aisle, why would you even want to come back day after day? But here we have a Bill that I hope everybody in this chamber will vote for. It's a good idea. I don't know of any opposition to it. I talked to the Sponsor about it. Let me just tell you, in my district when we built a prison about 14 years ago, we used a project labor agreement that I think is the model for the Department of Corrections in any prison they've built subsequently. It guarantees an uninterrupted supply of skilled labor. It takes care of any labor stopping so that you can get done on time. Your disputes are handled in a more efficient way than a strike or a picket line. This is a good idea, it's a good labor vote. It's worked beautifully in my district and I think it can work statewide. Vote 'aye'."

Speaker Granberg: "Anything further? No one seeking recognition, the Gentleman from Washington moves for the passage of the Bill. 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 118 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 1059, having received the Constitutional Majority, is hereby declared passed. House Bill...Mr. Clerk, announcements."

Clerk Bolin: "Attention Members! The Rules Committee will meet at 9:30 in the Speaker's Conference Room. The Rules Committee will meet at 9:30 in the Speaker's Conference

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Room."

Speaker Granberg: "Thank you. Mr. Clerk, read House Bill 1176."

Clerk Bolin: "House Bill 1176, a Bill for an Act concerning forced labor. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1525. Read the Bill. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1525, a Bill for for an Act relating to partial tuition waivers for children of employees of public universities. Third Reading of this House Bill."

Speaker Granberg: "Gentleman...Mr. Woolard."

Woolard: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill we heard the other night. I think that there was some confusion. I'd like to apologize for doing a poor job of telling you about this Bill. I think that actually what we're talking about is something that seven year employees in the university systems all across this state have today, that's the ability to get 50 percent tuition waivers for their children. All we're asking is to extend that to where that they can take it from one university to another across the state. Would appreciate your consideration."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question the Gentleman from Cook, Representative Parke."

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

Speaker Granberg: "Proceed."

Parke: "Thank you. Representative Woolard, some members of the...some of the faculty at some of the universities said that this was something that was taken away from them on the reorganization. Can you elaborate on how factual that

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statement is and how it happened? Is that true?"

Woolard: "Actually, I'm not certain that that is true and if it is, I wish I could elaborate but I can't."

Parke: "Okay. It's on...my...It says there's an estimated cost of 100 enrolled students receiving tuition waivers, it's \$125,000. That's an estimate on our staff. Would you...How many students do you think we're talking here?"

Woolard: "Don't have any real numbers, but I think there would be several students."

Parke: "Several?"

Woolard: "There would be several students who would have access to a university under this plan that they don't have today. There are certain tuition requirements that disallow some people from entering the university that their parent works. It's different areas of interest and educational opportunity that would not avail themselves at the university where the parent works. So I'm sure that there would be more students involved in the tuition 50 percent waiver than there is today. But this is one of those things that I think that we should be seeking, and for us to establish a cost is very difficult because how much does it cost to put an extra student in a class when we're paying 50 percent of the cost?"

Parke: "Now, all right, let me ask you another question. Does this apply only to state universities or does this apply to community colleges, also?"

Woolard: "Right now we're only talking about state universities."

Parke: "Is there anybody in opposition that you're aware of and do the universities support this?"

Woolard: "No. In fact, there's a proponent list that list every teacher organization in the state, every university in the state, the AFL/CIO and others, but no opponents that I'm

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aware of."

Parke: "Well, Representative, I guess if nobody's going to be opposed to it why should I be. Thank you."

Speaker Granberg: "Anything further? The Gentleman from McHenry, Representative Skinner."

Skinner: "Well, Representative Parke ought to be opposed to this because it's not a very good idea. I mean, all of us are Legislators. We all vote on the higher education budgets. If we've been here seven years, should we be able to send our kid to a state school for 50 percent off? I mean, this is an accident where these people work. They didn't do anything to earn 50 percent off, they just happened to be working at a state university. There's no logic behind this. And certainly when the higher...when these universities come before our Appropriations Committee, I'm going to be suggesting that they've got too much money if they can give away 50 percent tuition to anybody that walks in the door that just happens to have a parent who is a university employee. I mean, I think it was not a good idea to allow university professors kids to have basically free tuition. I mean..."

Woolard: "That's not the issue here, Representative. That's already law. That's already law."

Skinner: "Did I ask a question? I mean, I didn't ask a question, Representative."

Woolard: "I thought I heard a question."

Skinner: "No, there was not a question. This is an extenuation of what we've given to the university professors, and frankly, the university professors don't work that hard! They get paid a lot of money."

Woolard: "Is that another question?"

Skinner: "No, that is not another...that is not a question. That

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was a statement with an exclamation point. If we made university employee...if universi...if we made university professors work as hard as we're working this week, we could probably lay a third of them off. It's not a good idea. Anybody that's awake ought to vote 'no'."

Speaker Granberg: "No one seeking recognition. The Gentleman from Williamson moves for the passage of the Bill. 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 78 voting 'yes', 40 voting 'no', 0 voting 'present'. House Bill 1525, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1548."

Clerk Rossi: "House Bill 1548, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. House Bill 1548 would enhance the penalty for retail theft or shoplifting from a Class A misdemeanor to a Class III felony if the shoplifter inflicts bodily harm on a merchant or employee who detains the alleged shoplifter. I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman from Fulton moves for the passage of the Bill. On that is there any discussion? 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 117 voting 'aye', 1 voting 'nay', 0 voting 'present'. House Bill 1548, having received the Constitutional Majority, is

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hereby declared passed. House Bill 1843. Read the Bill."

Clerk Rossi: "House Bill 1843, a Bill for an Act amending the
Prevailing Wage Act. Third Reading of this House Bill."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of
the House. House Bill 1843 codifies existing practice in
the state by clarifying that nothing in the Prevailing Wage
Act shall prohibit local units of government from passing
ordinances allowing for project labor agreements. This
legislation is permissive. It doesn't mandate anything for
local units of government but allows those who wish to pass
project labor agreements to do so. The State of Illinois
has a long history of using project labor agreements,
primarily with the Capital Development Board, in the
construction of prisons. The Department of Labor is not
opposed to this legislation. I am not aware of any
opposition and I would urge...and I wanted to note that the
Municipal League, as well, is not opposed to this Bill and
I urge its passage."

Speaker Granberg: "The Lady moves for the passage of the Bill.
The Gentleman from Vermilion, Representative Black."

Black: "Yes, Representative...I'm sorry. Mr. Speaker, will the
Sponsor yield?"

Speaker Granberg: "Proceed, Sir."

Black: "Representative, is this the Bill I'm suppose to read the
letter on? I'm confused. Oh. Oh, that's another Bill.
All right. Let me ask you some questions here. Did I hear
you say this is a permissive situation?"

Schakowsky: "That's correct. It would allow local units of
government to pass project labor agreements, but doesn't
require them. Unfortunately, state law...the language

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allowing this is not in the statutes."

Black: "Okay, so you're actually not mandating that a local unit of government do anything, but if they want to participate in a project labor agreement, they're free to do so."

Schakowsky: "That's all this Bill does."

Black: "Well, Representative, I got up with every intention of trying to figure out what you were doing with this Bill, but you're up to good things with this Bill. So I appreciate your answer to the question."

Speaker Granberg: "Anything further? There being no one seeking recognition, the Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Schakowsky: "Indicates she will. Proceed."

Durkin: "Representative, if this is permissive language I'm not quite sure why we have to do through the legislative process as we are right now. Could you explain to me what type of effect do you think this is going to have if this does become law?"

Schakowsky: "That is a good question, Representative. Because the language is not in the statutes, many units of local government are unsure if they're able to use these ordinances and so the Bill would simply end this confusion."

Durkin: "Well, isn't there another way in which we can go about this? Perhaps maybe a visit to the local unit of government through whatever collective...whatever labor unions or representatives of those unions as opposed to going through this grand process. Is that been...Have those attempts been unsuccessful?"

Schakowsky: "No, I think there was just a feeling that we could fairly easily clarify that language in the statute and then

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there wouldn't be any problem for having these project labor agreements, Representative."

Durkin: "Well, has there been a problem so far?"

Schakowsky: "There has been some confusion so far and there have been municipalities who have asked us to do this."

Durkin: "Okay. I don't want to string this out too long, but perhaps could you just give me an example of what the problem has been and what...where the confusion has...where the confusion...confusion has existed?"

Schakowsky: "Representative, this was brought to me by the Southwest Illinois Building and Construction Trades Council who in fact had an issue in their community; and I'm sorry that I can't tell you the exact municipality, but there was, in fact, confusion and they along with the municipality in question came to us and asked for this."

Durkin: "So, it's for one incident, perhaps, in which has prompted this legislation, correct?"

Schakowsky: "No, that is not...Well, in fact, it was one that prompted it, but the confusion can't...does exist everywhere because the statute is not clear and so the intention here is simply to clarify, Representative."

Durkin: "All right. Let me just ask one more question. Is this something which is common throughout the United States or would this be something which is exclusive to the State of Illinois if this does become signed into law?"

Schakowsky: "No, this is not exclusive to the State of Illinois and all it does is really codify existing practice more clearly. It is not unique."

Durkin: "Okay. Well, I thank you for your patience."

Speaker Granberg: "I'm sorry. Anything further? The Gentleman from Logan, Representative Turner."

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

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Speaker Granberg: "Proceed, Sir."

Turner, J.: "Thank you, Mr. Speaker. Representative,...it's my understanding, Prevailing Wage Act already applies to a public work product...public works projects anyway. Is that correct?"

Schakowsky: "Yes."

Turner, J.: "So what is the purpose then of your Bill? I guess I don't understand what you're getting at here."

Schakowsky: "We're talking about project labor agreements with municipalities."

Turner, J.: "It requires them then to...if the municipality passes an ordinance, then to use union laborers. Am I getting the gist of it? Is that what it does?"

Schakowsky: "What this would make very clear is that units of government that wish to pass project labor agreements are able to do so. The language in the law is unclear right now. A municipality and the union said that they would appreciate the clarity."

Turner, J.: "Thank you."

Speaker Granberg: "There being no other Members seeking...The Gentleman from Madison, Representative Davis."

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

Speaker Granberg: "Proceed, Sir."

Davis, S.: "Representative, can you answer this question for me? Does the Department of Transportation interpret the Prevailing Wage Act as it is in its current form, as prohibiting project labor agreements?"

Schakowsky: "I think they do, Representative. I'm not sure. Do you know?"

Davis, S.: "I'm looking at our analysis and the analysis states that the Department of Transportation has interpreted the Prevailing Wage Act in its current form as prohibiting

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project labor agreements. House Bill 1843 makes clear that project labor agreements do not violate the Act. The Bill..."

Schakowsky: "I'm looking at that analysis as well, and that is a good example of the reason that we need this clarity."

Davis, S.: "And under this piece of legislation, I think it would clarify also project labor agreements with any public body. Is that correct?"

Schakowsky: "That is correct."

Davis, S.: "I'll tell you, Ladies and Gentlemen of the House, to the Bill. The reason that this piece of legislation is put in is because the original intent of the Prevailing Wage Laws was to include project labor agreements and unfortunately the Department of Transportation, through their own interpretation, not interpretation by the courts but through their own interpretation, has decided that they are not going to comply with project labor agreements. But we need these labor agreements. They have proven to work. They have proven to be an excellent vehicle in the construction industry to bring about labor peace and to bring about production in the State of Illinois and I think it's time that we stand up and give this Bill a 'yes' vote so we can move on and make sure that this...that the Illinois Department of Transportation can go ahead and continue to fix the roads and the bridges that are in such bad shape in this state that they're now asking for a gas tax increase to go out and repair. So if they're going to go out and repair them, let's go out and repair them with union labor and let's do it with project...labor project agreements. Thank you."

Speaker Granberg: "The Lady from Cook moves for the passage of the Bill. All in favor shall vote 'aye'; all opposed shall

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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 95 voting 'yes', 21 voting 'no' and 0 voting 'present'. House Bill 1843, having received the Constitutional Majority, is hereby declared passed. Representative Phelps."

Phelps: "I intended to vote 'aye' on that Bill. I'm sorry that it wasn't recorded."

Speaker Granberg: "Twenty-one seventy-one. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2171, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Granberg: "Ladies and Gentlemen of the House, we're honored today to have with us a former State Representative, former Democratic State Representative and former Republican State Representative, mustacheless Sam Panayotovich. The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. May I inquire of the Speaker? Shall I close?"

Speaker Granberg: "Was there any...Is there any discussion on Representative Winkel's Bill? The Bill was taken out of the record. Mr. Dart. Mr. Dart, did you want to ask Representative Winkel if the Amendment is acceptable? Mr. Winkel, why don't you just give a brief description of the Bill."

Winkel: "Yes. What the Bill does is, it streamlines the truancy provisions in the Juvenile Code. What it does is deletes some of the language that made...created a barrier for a lot of state's attorneys to become involved in the juvenile court system. What we've had as a result, since the mid

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80's when a lot of these programs were tried and required in the statute, we've had state's attorneys avoid becoming involved in this. We've had a lot of students that have dropped out of school for months at a time, have gotten into trouble, have left the system, and these are kids that are on the street corners, who are getting involved in crime and they're certainly not in school. What this Bill does is encourages the, as a last resort, state's attorneys to become involved in the juvenile court system to work in cooperation with the local school districts, the regional superintendents and with the various state agencies delivering human and social services to these kids who are at risk to keep them in school. That's the bottom line. We want to encourage kids to attend school."

Speaker Granberg: "Anyone seeking recognition? The Gentleman moves for the passage of the Bill. 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 109 voting 'yes', 1 voting 'no', 7 voting 'present'. House Bill 2171, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules to which the following Amendments were referred, action taken on April 16th, 1997, reported the same back with the following recommendations directly to the Floor for consideration: Floor Amendment #2 to House Bill 257; Amendment #4 to House Bill 494; Amendment #1 to House Bill 762; Amendment #1 to House Bill 788; Amendment #1 to House Bill 1111; Amendments 2 and 3 to House Bill 1302; Amendments 2 and 3 to House Bill 1490 and Amendment 1 to

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House Bill 1825."

Speaker Granberg: "Mr. Clerk, read House Bill 1490. Ladies and Gentlemen, Ladies and Gentlemen, this is at the request of Representative Ryder. It's a bipartisan House. At the request of Representative Ryder. Mr. Clerk."

Clerk Rossi: "It is on Second. House Bill 1490. The Bill's been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Ryder, has been approved for consideration."

Speaker Granberg: "The Gentleman from Jersey."

Ryder: "Thank you. Floor Amendment #2 extends the time for accreditation for HMOs. We indicated we'd do this extension in committee and I'm keeping my word that was given in committee."

Speaker Granberg: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? All in favor shall say 'aye'; all opposed shall say 'nay'. Amendment #2 is adopted."

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

Speaker Granberg: "The Gentleman from Jersey."

Ryder: "Thank you. Floor Amendment #3 is also to keep a promise made in committee to clarify some language so that there would not be any confusion for the inclusion of physicians under this part of the Act. I'd be happy to answer any questions."

Speaker Granberg: "Anyone seeking recognition on the Amendment? All in favor shall say 'aye'; all opposed say 'nay'. The 'ayes' have it. Floor Amendment #3 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Granberg: "Third Reading. Mr. Clerk, House Bill 1374."

Clerk Rossi: "House Bill 1374, a Bill for an Act amending the Metropolitan...Metropolitan Reclamation District Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 43. What is the status?"

Clerk Rossi: "House Bill 43 is on the Order of House Bills Third Reading."

Speaker Granberg: "Return it to Second. The Gentleman from Cook, Representative Schoenberg, for what reason do you rise?"

Schoenberg: "Thank you, Mr. Speaker. Could you please have the record reflect that on House Bill 2171 I wish to be voted in the 'affirmative'. Thank you."

Speaker Granberg: "The record will so reflect your intention to vote 'aye' on the Bill. We are preparing to adjourn. Ladies and Gentlemen, for purposes of announcements. Committees meeting this evening, immediately upon adjournment: Children and Youth, 122B; Environment and Energy, 114; Insurance, 114; Judiciary I, Civil Law. They will meet immediately after adjournment or 10:05. Anything further? Any announcements? Allowing Perfunctory time for the Clerk...We have one more request. One last request. 957, Mr. Clerk."

Clerk Rossi: "House Bill 957 is on the Order of House Bills Third Reading."

Speaker Granberg: "Status. Third Reading. Return it to Second. Anything further? Committees shall meet, allowing Perfunctory time for the Clerk. The Lady from Cook now moves that the House stand adjourned until the hour of 9 o'clock, Thursday, April 17th. All in favor shall say 'aye'; all opposed shall say 'nay'. The House is

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adjourned."

Clerk Bolin: "Introduction of House Resolutions. House Resolution 109, offered by Representative O'Brien; House Resolution 110, offered by Representative Black; House Resolution 111, offered by Representative Granberg; House Resolution 112, offered by Representative Howard. First Reading of Senate Bills. Senate Bill 667, offered by Representative Murphy, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 703, offered by Representative Poe, a Bill for an Act to amend the Illinois Municipal Code. First Reading of these Senate Bills. Having no further business the House Perfunctory Session will stand adjourned and the House will reconvene in regular Session tomorrow morning at 9:00 a.m."