

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

45th Legislative Day

April 17, 1997

TAPE MALFUNCTION

Currie: "... absences on the House Democratic side."

Speaker Hannig: "Thank you. And the record will so reflect. Representative Hoeft for excused absences on the Republican side."

Hoeft: "As you know, Mr. Speaker, I have a fairly severe eye problem, so I'm looking around and saying, there are no Republicans that I can see that are vacant or missing today."

Speaker Hannig: "I think all your Members are here as well, Representative."

Hoeft: "I believe that is the case, Sir. Let's proceed with the business of the State of Illinois."

Speaker Hannig: "It appears that they're all here from here at the podium. So, Mr. Clerk, take the record. There being 118 Members answering the Roll Call, a quorum is present. The Chair intends to do a few Second Readings on the Appropriation Bills. We'll have the Committee Clerk update us, and then we're going to go to Third Readings. So, for those Members who have Bills that they want to read, you need to be here in the Chambers and prepared to call your Bills. Committee Reports."

Clerk Rossi: "Representative Ronen, Chairman from the Committee on Children and Youth, to which the following Amendment was referred, action taken on April 16, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #4 to House Bill 1610. Representative Dart, Chairman from the Committee on Judiciary I Civil Law, to which the following Amendment was referred, action taken on April 16, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 927. Representative Mautino, Chairman from the

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

45th Legislative Day

April 17, 1997

Committee on Insurance, to which the following Amendment was referred, action taken on April 16, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to 2282. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Amendment was referred, action taken on April 16, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 1122."

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

Hartke: "For a Motion. I move we adjourn until the hour of noon, tomorrow."

Speaker Hannig: "Representative Hartke, there are a lot of Bills left on the Calendar. A few of them are even yours. I think the Members would like to have the opportunity to call those Bills. Mr. Clerk, on the Order of Second Reading is House Bill 398. Please call that Bill."

Clerk Rossi: "House Bill 398, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 399. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 399, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 412."

Clerk Rossi: "House Bill 412, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

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

45th Legislative Day

April 17, 1997

filed."

Speaker Hannig: "Third Reading. House Bill 413."

Clerk Rossi: "House Bill 413, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 455."

Clerk Rossi: "House Bill 455, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 456."

Clerk Rossi: "House Bill 456, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 457."

Clerk Rossi: "House Bill 457, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 458."

Clerk Rossi: "House Bill 458, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 868."

Clerk Rossi: "House Bill 868, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 869."

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

45th Legislative Day

April 17, 1997

Clerk Rossi: "House Bill 869, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 871."

Clerk Rossi: "House Bill 871, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 872."

Clerk Rossi: "House Bill 872, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 877."

Clerk Rossi: "House Bill 877, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 878."

Clerk Rossi: "House Bill 878, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 881."

Clerk Rossi: "House Bill 881, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 882."

Clerk Rossi: "House Bill 882, a Bill for an Act making appropriations. Second Reading of this House Bill. No

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

45th Legislative Day

April 17, 1997

Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. That will wake everybody up. The Gentleman from Cook, Representative Turner. For what reason do you rise?"

Turner, A.: "Thank you, Mr. Speaker. I thought we were getting ready to have a Dereg Committee hearing in here."

Speaker Hannig: "Representative Boland, are you ready on House Bill 896? Excuse me, Representative. Let's return to Committee Reports."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Amendment was referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 2 to House Bill 1481."

Speaker Hannig: "Representative Bradford, are you ready on House Bill 972? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 972, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this House Bill."

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

Bradford: "Mr. Speaker, Members of the House, House Bill 972 is a responsive Bill to our circumstances with Higher Education Student Assistance. This raises the merit scholarship award from 1 thousand to \$3 thousand, beginning in the academic year 1998-99. The estimated cost of this is \$12 million, were it to be fully funded. This is a Bill to keep our best and brightest in the State of Illinois. It comes to my attention, in regard to the fact that other states, in regard to our brightest students, are offering out-of-state tuition waivers to Illinois students who are

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

45th Legislative Day

April 17, 1997

then enrolled in out-of-state schools. I think it is imperative, in this time, when we ask the teachers and the education system to be accountable, that we reward those students who do do the job, do stay in school, do make the effort, and become our best students in schools, even though we know that the schools are not properly funded, that they are doing a great job in regard to these students. And I think we should support these students in regard to their academic achievement. In and of itself, the Bill does not cost anything because the appropriation, in regard to this program, is separated from the Bill. It merely authorizes the Illinois Student Assistance Commission to raise the limit to this level. I'll be happy to answer any questions."

Speaker Hannig: "And on that question, the Gentleman from Jackson, Representative Bost."

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

Speaker Hannig: "He will."

Bost: "Representative, what students presently are eligible for these scholarships?"

Bradford: "At the present time, and pending another Bill in the House, at the present time 5%, the top 5% of students graduating from Illinois high schools."

Bost: "Okay. Do you know the number of how many of those are actually receiving these scholarships?"

Bradford: "Right now, based upon the past funding, less than half of those."

Bost: "Well, why weren't the other eligible ones offered this scholarship?"

Bradford: "This Body and its corresponding Body across the hall has failed to fully fund the program as it exists at this time."

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

45th Legislative Day

April 17, 1997

Bost: "And which percentage of the students, of the students that are offered these scholarships, actually use them?"

Bradford: "I don't have that figure. They're automatic."

Bost: "Representative, there's many concerns we brought up in committee regarding this. As we can't fully fund, right now, or we have not fully funded, right now, the existing scholarships. Correct?"

Bradford: "Correct."

Bost: "So we're going to, through your Bill, increase the amount we're supposed to provide, when we're not providing the amount that we're supposed to provide right now. Is that correct?"

Bradford: "Correct. And I know that seems like an anomaly in regard to the promotion of this Bill. But I suggest that it's our responsibility to do the funding. And it's not an appropriate reason not to pass this Bill because this House and the state has not acted responsibly in regard to a program that we believe was responsibly passed in its inception."

Bost: "Can you tell me what your suggestions are on where we would come up with this extra revenue?"

Bradford: "I believe, you know, when we have sat here the last few days, and we've established commissions and we're going to pay for those, we've, in my opinion, wasted money in regard to certain other programs that we have promoted. That if this state, and in this year, is not committed to education in this state as its number one priority, and if we make it the number one priority, there are funds for this appropriation. And I'm committed to education being the state's number one priority."

Bost: "I believe your intentions are good. I really do. But, Mr. Speaker, to the Bill."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "To the Bill, Representative Bost."

Bost: "This Bill increases, increases funding to something we're not even funding right now. It has good intentions. But do we prioritize this above all other students in the state? Do we, at what point do we quit taking from, when we're trying to cure these education problems, when we're trying to figure out where to come up for road funds, when all the other problems that exist in this state, where are we going to stop with this? We have to... This is a good cause. And if we had the money, I would support this cause. But, as of yet, there's not been someone that has said where this money is really going to come from. I appreciate the Sponsor, I think he's really trying to do a good thing here. But I would just recommend 'no' votes on this."

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

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

Speaker Hannig: "He will."

Biggert: "Representative Bradford, I was not in that committee so I don't have the background. But, if you're going to give \$3 thousand instead of \$1 thousand to students, does that mean that there will be less students receiving scholarships under the ISAC?"

Bradford: "Only, Representative, if you and I fail to do our job in funding this program, as has been the case in the past."

Biggert: "Well, I haven't heard the answer yet in how much we need to fund then, to keep the scholarships at the level that has been provided now?"

Bradford: "To fully fund this program under the existent 5% top students, takes an additional \$12.4 million. However, Representative, your party has also passed a Bill, as has this General Assembly, to unanimously, passed it

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

45th Legislative Day

April 17, 1997

unanimously, to increase the eligibility to 10%, the top 10% of students in Illinois. Unless you're willing to fund that, we're still not meeting the program's goal. This program either ought to be scrapped, or it ought to be initiated and funded completely by this Legislature. When we're voting unanimously to increase it, and we don't have the funds to do that either."

Biggert: "Well, if it's to go to 10%, is that at \$1 thousand versus the \$3 thousand?"

Bradford: "That's correct. So, the cost at \$1 thousand has an added increase to it also, that is still not funded. If we go to 10% and \$3 thousand, the cost is \$24 million."

Biggert: "Okay. But you're suggesting to go to 2.5%, or 5%?"

Bradford: "I'm suggesting that I will go with the will of the House in regard to whether or not the top 10% of students ought to be eligible to this. Primarily, I think, if the plan is to make sense, I would stay at the 5% level at \$3 thousand, which is then meaningful to keeping students in this state, as opposed to going elsewhere. I don't believe the 1 thousand to 2.5% of the students in this state, the top 2.5% of this state, keeps them in this state. I do not believe that. And I think the statistics bear that out."

Biggert: "So, the real premise is that it's just not enough money, \$1 thousand scholarship isn't worth keeping them in the state, or it doesn't provide enough funds?"

Bradford: "Not when you're competing with a state like Missouri who's out-of-state tuition is approximately \$5000 more than their in-state tuition. And to the top 10% of students in Illinois, they will waive that out-of-state tuition. That's what we're competing against. And I believe we're competing against that in terms of other states either, for our best and brightest. And once again, I suggest, these

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

45th Legislative Day

April 17, 1997

are students that are doing the job. And I know we have need in this state, and we do do things for the most needy students. But we shouldn't do that in deference to these students that are holding themselves in school, doing the job and going through our school system, and coming up with the kind of grades that it takes to be in this percentage level of the state."

Biggert: "Thank you."

Speaker Hannig: "The Gentleman from DeKalb, Representative Wirsing."

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

Speaker Hannig: "He will."

Wirsing: "I know we debated this at length in committee. And for me... Let me ask some questions that were asked then, just so I'm trying to be clear. Because I'm trying to figure out what you're attempting to do here. And I had a problem in committee, and I continue to have that problem. In essence, what your legislation is calling for, is taking this program and increasing the amount of dollars per student, per eligible student."

Bradford: "Correct. On the premise, Representative, that we have established this program as being a valid program. If it is to be a valid program, then we have to look at the intent of the program and make sure the intent is being met. I do not believe the \$1 thousand level for the top 2.5% of the students graduating in Illinois is meeting the intent of the original legislation."

Wirsing: "But the Bill is calling for raising from the 1 thousand level. That's all the legislation does, right?"

Bradford: "It allows for the program to be able to raise to \$3 thousand, once again, depending upon our effort at appropriation. Correct?"

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

45th Legislative Day

April 17, 1997

Wirsing: "Okay. And therein lies where I have a problem.

Because we historically and currently are not fully funding that program. It escapes me as to why... if we... raising the level, it would seem like the energy ought to be to get the program funded first, rather than increasing the size of the bill. Because all your legislation is saying, all your legislation is offering is raising those dollars. It doesn't offer any way, any opportunity, any idea of how we might fully fund the program as it is now, currently."

Bradford: "Representative, there's only, there is only one source of revenue to fund this program, and that's out of General Revenue Funds. They're either there or they're not. It's either a priority or not. We have a competition in regard to this particular program at this time. I think most of us in committee realized that, one, there is a funding problem for the program, and secondly, we want to look at the effectiveness of the program. As I indicated earlier, competing with this is a non-funded increase of this program to the top 10% of the students. And we haven't funded that either. And yet that Bill passed unanimously from this chamber, you voted for that Bill, and we still haven't fully funded it. So I'm suggesting we need to look at this program, one, in terms of effectiveness, and then what we're going to do to fund it. And I would be willing to work with anyone here and everyone here to fund it appropriately, or be honest enough to extinguish the program. Because \$1 thousand to the top 2.5% of the students in this state does not meet the legislative intent of this program, does not do any good, helps out a small body of students, and is not for the purpose that it was designed for."

Wirsing: "I know that in committee you indicated, and you were

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

45th Legislative Day

April 17, 1997

questioned about your comments about the loss of students who graduate, at least with a baccalaureate degree, and the loss of those going into the workforce, the loss of those to the State of Illinois. And I do apologize, because I've done some work on that, and the numbers that I find, if you compare Illinois with other midwest states, that statement does not hold to be factual. That students, irregardless whether they go to Iowa, to out-of-state for education, or whether they're educated here, but those that are educated within state, by the large percentage, stay in the state. I won't quote any percentages because I don't have the numbers with me."

Bradford: "I agree that the largest percentage of students that stay in the state are those that graduate in the state."

Wirsing: "And those who graduate out of the state are coming back to the State of Illinois. We have to remember that we set, here in Illinois, with a lot of opportunities, just within the midwest, in comparison to most of our border states. I just wanted to make comment to that. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Wirsing: "I continue to have a problem understanding why we want to move forward with this, what the value of a Bill that's increasing the opportunity for more money being offered per student who qualifies for the program, while at the same time, we historically have not been able to fund this fully. I would have sooner seen the energy here to deal with that issue, to move it up on the priority list for dollars, if the Sponsor, as he indicates, really is concerned about dealing with that upper level of academic students. I am in opposition to this Bill, and would suggest that perhaps we vote 'no' on this, as well. Thank

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

45th Legislative Day

April 17, 1997

you."

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

Black: "Good morning, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Good morning. He indicates he will."

Black: "Thank you. Representative, one of the reasons I so enjoy serving in the General Assembly is that it's Christmas everyday here. We're going to give presents to people everyday. That's why I like it. It's fun here. We can be Santa Claus everyday, until the bill comes due, and then we skip town. Representative, my son was a merit scholar. My son was a merit scholar, Representative, and he got a letter but he didn't get any award. What happened?"

Bradford: "You didn't fund it, and you've been here longer than I have."

Black: "Well, Representative, that's a real cute answer. But he was in high school before I was here, see. So what I'm trying to point out to you, Representative, is this is a Christmas present Bill, it's a feel good Bill. Are you going to fund it? I have your guarantee you're going to fund it, right?"

Bradford: "I'm willing to work with every Member of this Legislature to fund it."

Black: "You're willing to work. Yeah, typical answer, Representative, you're willing to work with the Senate and all these people. You know what this Bill's going to do, Representative? You're going to have more people get letters and no money. Now why would we want to do that?"

Bradford: "Representative Black, you have already voted for a Bill for more people to get less money, when you voted unanimously to pass the Bill to extend this to the top 10%. Now there are going to be more letters than ever before to

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

45th Legislative Day

April 17, 1997

students, that you're an Illinois State Merit Scholar and you're getting no money. And those that do get money will get less than they received last year."

Black: "Well, Representative, you know, those are real smug answers. I wish you'd been here in the last four years to help me abolish the Legislative Scholarship Program and help convince this Body to put the \$4 million give away that we don't pay for, into the Merit Scholarship Program. But, see, I couldn't get any votes on your side of the aisle to do that. Why aren't all of the eligible scholarships under the Merit Scholarship Program, actually offered the money?"

Bradford: "There's not enough appropriation."

Black: "So, in other words, if we pass your Bill, fewer students will get more money?"

Bradford: "Only if the appropriation isn't made. Fewer students already, as this House has already done this year, fewer students are going to get less money next year on Bills that we've already passed here. You're either going to fund this program, or you're not. You're either going to fund it on the Bill that you've already passed, or not. The question is, whether or not you're willing, your side and our side. If this is a viable program for the intent that it was meant, we're either going to fund it as a priority of this Legislature, or we ought to dump the program."

Black: "Well, let me ask you another question, Representative. Why didn't you take service academies out of your Bill? Why did you leave eligibility for someone who's appointed to West Point, Annapolis, the Naval Academy? Why did you leave them in the Bill?"

Bradford: "I did not take them out of the Bill."

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

45th Legislative Day

April 17, 1997

Black: "I know you didn't take them out. I asked you, why didn't you?"

Bradford: "Because it was the will of the Legislature in that Session, where that was passed, to include them."

Black: "Well, I always thought part of our job was to correct oversights that we might have made in the past. Evidently you don't share that. What does it cost to go to a service academy, Representative?"

Bradford: "Nothing, assuming that you do your chore or duty."

Black: "That's right. Not only does it not cost a thing, you get a stipend for going."

Bradford: "Correct, as I understand it."

Black: "So, I don't understand why we want to give a merit scholarship to somebody who's going to a service academy on a free ride. Are you willing to amend the Bill on its face and take service academies out?"

Bradford: "I don't believe that the Bill actually has to be amended, because the way the Act is written, the merit scholarship can only relate to actual expenses anyway. So even though service academies are in there, I don't believe we're giving money to the service academy graduates, unless they can show that those are expenses that they actually had."

Black: "I hope you're right. You and I need to check on that and see. Because I would hope that would be right. And the young staffer next to you is very, very good at what he does. And if he says that, I would tend to believe it. But, I'd like to... we might want to check on that. Thank you very much, Representative. I do appreciate the spirited defense you've given for your Bill. Mr. Speaker, to the Bill, if I might."

Speaker Hannig: "To the Bill."

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

45th Legislative Day

April 17, 1997

Black: "You know, Representative makes a point, and we've all voted for things, in fact, in this week I think we have voted for about \$7 hundred million worth of tax credits and/or methodologies to finance tuition at higher education. So, I guess we can all jump in the same pot and say, 'Well, I hope it works.' And we have a tendency to do that. And maybe it will work. But let me tell you, I don't think this Bill, in its current form, will, in fact, work. And I think we'll do what this Body has been so good at doing over the years. We will build expectations to our finest young scholars that we will then not meet. This Bill would authorize, authorize, not appropriate, authorize three times as much money to the present students, and maybe, possibly a few hundred more scholarship recipients. I would submit to you, there are Bills on the Calendar that might be able to do this job that the Representative is serious in wanting to do, but there are some Bills on the Calendar that might do it a little better. And from my personal experience as a father of a young lad who was a merit scholar, and we got a very nice letter, I think I framed it somewhere. One of the reasons I came down here, is that they congratulated him for being merit scholar, but they didn't have any money and they wished him well. I don't think we should continue that practice. And I think what we really should do is to figure out how to fund the Merit Scholarship Program fully, at its current level. And then once we have the means and the wherewithal, and the intestinal fortitude to do that, then I might stand in support of Representative Bradford's Bill to increase the eligibility pool. But until we show some desire to do that, I would think a 'no' or a 'present' vote might be the appropriate vote."

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

45th Legislative Day

April 17, 1997

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

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

Speaker Hannig: "He will."

Mitchell: "Representative, do you know in the history of the Student Assistant Commission and the merit scholarships, have we ever been able to get this program fully funded?"

Bradford: "It's been a program for over 10 years, I do know that. And out of those 10 years, it is estimated that only one or two of those years have been fully funded."

Mitchell: "Okay. And I would assume that's probably the first, maybe the first or second year, maybe the first two years of the appropriation."

Bradford: "It's one or two out of the first three years."

Mitchell: "Okay. Mr. Speaker, to the Bill. I do want to clarify a couple of points. Number one, the Bill that was passed earlier does not cut students out of the \$1 thousand scholarship, it does send out more letters, it does congratulate the top 10%. If we have the funding that we have now, or even if we increase that funding to 5%, this is going to cut students out of the program. There's no other way to look at it, unless we fully fund it at the new amount, either at 5% or 10% of the students. The concern that I have now is, as hard as this General Assembly tries, and I know that it is important, I'm afraid we can't do that. I would much rather go after the money, even at the 5% level, to get those kids that are getting the letters that the 5% or the 10% of the \$1 thousand scholarship, then to have even less students in college with that scholarship than we have at this time. And there's no other way to do it. Whatever amount of money you get, if you spread it around at 3 thousand rather than a thousand, you're going

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

45th Legislative Day

April 17, 1997

to have less students unless the size of the scholarship, the amount, the total amount, drives the legislation. But in this case it doesn't drive the legislation, and neither did my Bill. So, we do have to have the money. I just have a real concern that if this follows traditionally, eight years out of 10, try as we might, we have not been able to fully fund it. If that, in fact, happens again, then we have said to more kids, you can't go because we've got to give more money to fewer numbers of students. So that's something to keep in mind. Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Bradford to close."

Bradford: "Thank you, Mr. Speaker. I again reiterate to those of concern in terms of this Bill. The program is either viable or it is not. When we talk about intestinal fortitude, or the willingness to do it, the question is, what message are we going to send to students? Are we going to send to students in this state, the message that if you work hard, if you do make the grades, if you are our best students, we don't have enough money, we're not willing to take the action to fund a program that suggests to you that you've done your job, we respect, that and we want you to stay in this state. I do believe it is an abysmal record that this House has in not funding this program from day one. And now you're still talking about, we will not fund this program. We will not fund this program at the \$1 thousand level, we will not fund it at the \$3 thousand level, we don't care about these students to that extent. This Bill deserves a vote, it deserves a positive vote for those students in this state that are making the effort to be our best and brightest. And I would appreciate your vote, and will work with everyone of

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

45th Legislative Day

April 17, 1997

you to fully fund this program as it should be, because this is a good program. It is a program we have felt deserves support for 10 years now. We have not supported it. And now is the time to support this program. Thank you."

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 66 voting 'yes', 49 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 843."

Clerk Bolin: "House Bill 843, a Bill for an Act to create the Patient Access to Treatment Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 843 would allow direct access to dermatologists by those enrolled in the HMO. One thing I would like to highlight in this piece of legislation though is two things. Number one, it will allow for the HMO to add on a surcharge or a co-payment for an individual who exercises that opportunity. And secondly, it will necessitate that the person accessing that dermatologist must use those dermatologist that are a part of the existing HMO Program. I would be glad to answer any questions."

Speaker Hannig: "The Gentleman from Clinton, Representative Granberg."

Granberg: "I rise in support of the Gentleman's Bill. This is a minimal cost, nominal cost. We're talking about a

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

45th Legislative Day

April 17, 1997

condition that everyone knows they have when they go in, so there's no need to go through a gatekeeper. I think the Gentleman has a good idea and I rise in support of the legislation."

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

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

Speaker Hannig: "He will."

Lang: "Representative, on page 3 of your Bill, section 10 dealing with direct access, you've set aside dermatologists for direct reimbursement, but you don't include cardiologists or any other type people. Why have you singled out dermatologists?"

Rutherford: "Because dermatology is something that would be very easily noted from the skin surface and can be just physically and easily identified. And it's been shown that to have quicker treatment with something like that is actually much more cost efficient. Different than a cardiologist."

Lang: "All right. Thank you."

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 93 voting 'yes', 19 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 231."

Clerk Rossi: "House Bill 231, a Bill for an Act to amend the Plat Act. Third Reading of this House Bill."

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

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

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

45th Legislative Day

April 17, 1997

This Bill will allow perspective buyers of homes in new subdivisions to be informed in writing in which school district they will reside. There have been many disputes arising because of miscommunications as to the school district in which a house is actually located. Representative Black made certain points yesterday, which I thought were very good, and we talked about how to address them. I would be happy to work as this Bill goes out. This came to me through the Lake County Board of School Trustees. This is their request that something needs to be done to address this very significant problem that occurs over and over again. I would be happy to take any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

Gash: "Can I say something before he asks the question? Just for his information?"

Black: "Highly unusual. I mean, I was recognized, after all."

Speaker Hannig: "Mr. Black, let's let the Lady finish her introduction."

Black: "All right."

Speaker Hannig: "Representative Gash."

Gash: "I just wanted to let Representative Black know that I spent a lot of time last night researching the Plat Act. And, your concern with respect to what 'owner' means, I share, and as we talked about, we would work on it. But the problem comes from the original Plat Act, because they refer to the owner in the Plat Act. So we may want to address the Plat Act at some point."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen

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

45th Legislative Day

April 17, 1997

of the House. To the Bill. The Sponsor has indicated a willingness to work on a definitional problem in the Senate. And so, I, therefore, rise in support of her Bill, given the fact that she has pledged to do that. The underlying Bill, or the underlying matter that she is trying to address, is very important. I think if all of you would stop and think, when we buy a house or a lot to build a house in the future, one of the most important questions we ask is, what school district that that's in. And if someone tells us it is in school district A, and we like that, and we later find out, in fact, it's in school district B or C, we're not going to be very happy, and we don't have any recourse, so I think what the Representative is after is a cause worth supporting. And if we can get this ownership definitional problem worked out in the Senate, it's probably going to be a good Bill. So I intend to support her Bill. I have every confidence that this will be worked out in the Senate and come back to us in a form we can all support."

Speaker Hannig: "Representative Tom Johnson is recognized."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Johnson, Tom: "Representative, I don't know whether you've covered this in your discussions, but there's one other issue that I hope you'll look at when it goes to the Senate. And that is, you know, I take it you're going to put school districts on a plat when it is originally recorded. Correct? Or did I misread that?"

Gash: "Is that a question?"

Johnson, Tom: "Yes."

Gash: "Actually, we don't want to put it on the plat of survey. And the reason for that is that the surveyors came to me,

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

45th Legislative Day

April 17, 1997

and they're right, that they're not the person who's in the best position to determine what school district it's in. So we don't want it on a plat of survey, which is a nonchanging document, when school districts are political boundaries to some extent, and do change."

Johnson, Tom: "That's right."

Gash: "What we want is, at the time of the filing of the plat of survey, another document that says, at that time, to the best of the person's, the owner's, which is the word we're using at this point, to the best of their knowledge what school district it's in. It's a separate document."

Johnson, Tom: "Okay. But are you working on any provisions as those political boundaries change, would these be amended? And if so..."

Gash: "Our intention is that this would be put in in the beginning. And there would be something that would make it clear that this was, where, to the best of the owner's knowledge, the lot is located, what school district it's in. Obviously, those do change. So, I would personally think there should be something on it that made it clearer, that that could change. We don't want to mislead. And therefore, we don't want to be in a situation where a statement that's made at that time, misleads someone later on down the road. The goal is to make it clear to them where they are."

Johnson, Tom: "Have the title companies worked on this at all with you? And have they come up with any suggestions? Because aren't they, they're obviously going to be involved with this, in terms of conveyances and so on, it will come up as a title statement that, in fact, this property lies within X, Y and Z school districts."

Gash: "I do have a letter from them, here. And they do seem to

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

45th Legislative Day

April 17, 1997

have certain suggestions for what could be done. And I certainly will take their suggestions seriously."

Johnson, Tom: "Okay, good. Thank you."

Speaker Hannig: "Representative Biggins."

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

Gash: "Sure."

Speaker Hannig: "She will."

Biggins: "Thank you. What school districts are to be included in this Bill?"

Gash: "Any levels of public school districts."

Biggins: "Junior college district?"

Gash: "Well, that's not what we're envisioning, but there's no reason why that can't be done. As we said, we're working on the language. So if you have a suggestion for how that can be done, and you have a personal feeling about... feeling that something should be included to that extent, that is not exactly what my original goal was. But I'd be willing to consider it."

Biggins: "Well, high school district?"

Gash: "Yes."

Biggins: "Elementary school district?"

Gash: "Yes."

Biggins: "But junior colleges are optional? Wouldn't they want to be... What is the purpose of listing the districts anyway?"

Gash: "One of the most important considerations, when a perspective buyer is considering where they're going to purchase property, one of the most important considerations is usually in what school district that property is located. We want to make sure that there are not misrepresentations as to what school district that will be. This is not a hypothetical problem that may arise. It's a

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

45th Legislative Day

April 17, 1997

problem that's been brought to me by many different people that actually has arisen. And it's a problem that the Lake County Board of School Trustees, as a board got together and tried to figure out how to address, and came to me and we worked out a potential solution. This is a problem that's occurring in a lot of different areas."

Biggins: "Will the... How will they list the district? Will it say, Lake Villa District #12, or will it say District 12?"

Gash: "It would have to say the actual legal name of the school district, which would be, I don't know that school district, North Shore School District 112. Whatever the school district was, the legal name of the school district."

Biggins: "Okay, thank you."

Speaker Hannig: "Representative Hughes is recognized on this question. The Lady from McHenry, Representative Hughes."

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

Speaker Hannig: "She will."

Hughes: "In the Amendment there's reference to liability for knowingly giving false information. Is that a new element regarding the plat, recording of plats? How does it compare to misinformation on the actual plat that already exists in law?"

Gash: "It is a misdemeanor under the Plat Act to misrepresent information."

Hughes: "So, this would be consistent with what's already law, in that regard?"

Gash: "This is consistent in intent. What it does is allow for proper recourse to the person who actually would have caused the misstatement. And of course, even if there were a mistake, if it were not a knowing, intentional mistake, there wouldn't be liability."

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

45th Legislative Day

April 17, 1997

Hughes: "I know you have worked to address the concerns of the land surveyors by removing the requirement from the actual document itself, which then, which is, I guess the concern to the title companies and recorders. Is there any position from any group, now, on this Bill in terms of opposition?"

Gash: "Not that I am aware of. Although, the Land Title Association did have certain concerns that I would like to address, as I just stated."

Hughes: "Are there other similar requirements than the proposal here for separate recordings with plats?"

Gash: "I am not aware of any. I cannot state with certainty that there are not."

Hughes: "Such as covenants? Or, that would be separate from the recorded plat?"

Gash: "Oh, well things like that, ya. There's a myriad of things like that."

Hughes: "What I'm getting at is whether this would be a precedent in terms that there would be a second document filed along with that plat?"

Gash: "It is my understanding that that would not set a precedent, because there are many other documents that could be filed with the plat of survey."

Hughes: "Thank you."

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

Parke: "Yes, thank you, Mr. Speaker. I have a question for the Sponsor if she'll yield."

Speaker Hannig: "She'll yield."

Parke: "Thank you. What is the position on your Bill with realtors?"

Gash: "Well, we spoke with the realtors last night, and they expressed that they didn't have a major concern with it. I

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

45th Legislative Day

April 17, 1997

can't actually state what it is. They have not talked to me."

Parke: "They have concern with your Bill."

Gash: "I think some of their concerns were who would be responsible? And this is one of the issues I spoke about with Representative Black. Actually, I share that concern. So we're trying to work on who would be responsible. They did not file a witness slip. Representative Parke."

Parke: "Yes, Ma'am."

Gash: "They did not file a witness slip against the Bill at any point."

Parke: "But they still showed a concern when you talked to them last night?"

Gash: "I didn't personally talk to them. Someone did speak to them, and they said that they didn't have any real concern. I'm just expressing to you my belief that they may have some concern, and I'd like to work with them. Actually, they said they didn't have significant concern."

Parke: "Okay, now, when you get the definition of 'owner' worked out, are you going to work that out in the Senate?"

Gash: "I would be happy to try to work that out in the Senate. Let me restate that the term 'owner' also comes from the Plat Act. So if your concern is what the word 'owner' means, your concern goes all the way to the entire Plat Act. So you may want to readdress the whole Plat Act."

Parke: "Well, my concern is for you passing legislation that allows the real estate industry to be able to function in a manner that's fair to our constituents, is ultimately my goal. And I want to make sure that whatever you do, regardless of what laws there might be, your law is going to affect it. And I want to make sure that the real estate community can live with whatever you do with it, so that

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

45th Legislative Day

April 17, 1997

when I or your constituents decide to sell or buy homes, that there's nothing in your law that makes it more difficult for them to operate. So, that really is my concern. And thank you for answering my question."

Speaker Hannig: "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 who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 6 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1703."

Clerk Rossi: "House Bill 1703, a Bill for an Act to grant family and temporary medical leave under certain circumstances. Third Reading of this House Bill."

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

Slone: "On a Point of Personal Privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Slone: "May I introduce to the House, my son, Sydney Bergman, who is here visiting today for his birthday."

Speaker Hannig: "Welcome to Springfield. And on House Bill 1703, Representative Schakowsky is recognized."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am presenting House Bill 1703 on behalf of Speaker Madigan and on behalf of the working families in the State of Illinois. In 1993, the Federal Family and Medical Leave Act passed, in recognition of the efforts that working families have been making to balance home life and work life. In fact, this really was a family values piece of legislation. Despite all of the dire predictions

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

45th Legislative Day

April 17, 1997

about the impact, the bad impact on business, the Family and Medical Leave Act has been working very, very well. There has not been any appreciable economic damage to employers. And there has been appreciable benefit to people who want to stay home and care for their newly born or adopted children, who want to care for their elderly parents who are sick, who have illness in their family, their children or themselves. As all of you, I think, know, this is unpaid leave. And what House Bill 1703 is doing, is putting Illinois on record, not only in support of the Family and Medical Leave Act, but expanding that to include employers of 25 or more employees, instead of 50 or more employees. So we're extending the benefits of Family and Medical Leave Act, to some 4 hundred to 5 hundred thousand more employees in the State of Illinois, a group that has been shown to judiciously use Family and Medical Leave Act only to be able to enhance, both their work and their family life. And I urge passage of House Bill 1703."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "She will."

Black: "Representative, how many states surrounding Illinois have taken such action to go beyond what is Federal Law?"

Schakowsky: "Well, actually, many states have done that. We, in Illinois, actually did that with the issue of school leave, unpaid leave eight hours a day. There are all kinds of proposals. I can't give you an exact number, but this has been fairly typical legislation in many, many states."

Black: "Well, I'm not too concerned if Utah or Montana has done it, because my brother's business doesn't compete with

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

45th Legislative Day

April 17, 1997

somebody in Utah or Montana. I'm talking only about the Family Leave Act, which is now mandated by Federal Law. Has Indiana, Wisconsin, Iowa, Missouri or Kentucky, our bordering states, have they adopted such a law as you are proposing, to go beyond the scope of the Federal Law?"

Schakowsky: "Representative, the direct answer to that is, 'I don't know.' But if you'll permit me, the underlying assumption is that, our adoption of that would put, in some way, our businesses at a competitive disadvantage. And it is that point that I would argue. I think it does not."

Black: "And on what basis would you make that argument?"

Schakowsky: "It would seem to me, as with the Family and Medical Leave Act in general, that these kinds of options for workers does not, in any way, hurt the employer, that in fact, the research has found that it has in fact made for a more stable, a more productive work force. There's no evidence to say that there's any harm to the employer."

Black: "And was that research based on companies of 25 or fewer employees?"

Schakowsky: "We have it, I mean 25 or more is still a fairly substantial employer. And we do have evidence that, we're not talking about the smallest of employers, and so for substantial size employers, we do have evidence."

Black: "Can you cite any study, and that I could perhaps get a copy of, that has been done on employers of 25 or fewer employees, that this would have no negative impact?"

Schakowsky: "Well, 25 or fewer, you can't mean that, you must mean 25 or more. This does not apply to 25 or fewer."

Black: "Could you cite any study that has been done on an employer of 25 or more, but less than 50 employees?"

Schakowsky: "I will attempt to get that information to you, but I don't have it now. No, Representative."

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

45th Legislative Day

April 17, 1997

Black: "In all due respect, Representative, I didn't think you would. Most of the studies have been done on large employers, probably well in excess of 50 employees. Now, how many weeks of unpaid leave would this Bill require a small Illinois employer to grant?"

Schakowsky: "Twelve weeks of unpaid leave."

Black: "Twelve weeks? Can the 12 weeks be taken consecutively, or is it to be a total, or could it be used in either/or, 12 weeks consecutively, or 12 weeks throughout a calendar year?"

Schakowsky: "It can be all at once, or intermittently in the case of illness, or intermittently with the permission of the employer."

Black: "And what rights would the employer have, now we're talking about small employers here, not the General Motors and the Caterpillar's and the Acme Widget Companies, we're talking about people who have somewhere between 25 and 49 employees? What if one of my key employees takes 12 consecutive weeks, what rights do I have as an employer to bring somebody in to do that particular job?"

Schakowsky: "I'm looking for the part where their... the highest paid employees, the key employees, are, in fact, excluded from the legislation. But there are, in the case of certain highly compensated employees, an employer may refuse to restore an employee to his or her previous position, following a leave, if such refusal is necessary to prevent substantial and grievous harm to the employer, and the employer notifies the employee immediately upon deciding that the restoration to the previous employment will not occur. A highly compensated employee subject to this exemption is any employee who is among the highest paid 10% of the employees employed by the employer within

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

45th Legislative Day

April 17, 1997

75 miles of the facility where the employee is employed. So there are exemptions for those who may be considered the most valuable of the employees."

Black: "All right. So if I have one millwright on my payroll, are you telling me that I can tell that millwright, if you leave I cannot guarantee your same job when you come back?"

Schakowsky: "If he is one of the highest 10% paid of the employees, you can."

Black: "What if I have a highly skilled employee who needs the time off, I hire a temporary, no, let's not use that because that has some emotional connotations. Let's say that I find somebody out in my shop area who can do the job of the person who left, it's a highly skilled job, but this person has observed and has some working knowledge of that task, moves into that task, does it very, very well, in fact, better than my valued employee, but not one of my highest paid employees, the unpaid leave runs out, can I then tell the employee coming back, 'You know Mrs. Jones did such a great job, I'm going to leave her in your job, and I'm going to assign you to her old job.' Will I be able to do that?"

Schakowsky: "I believe that the person can be assigned to a comparable job. And that it does not guarantee the exact position upon their return, you would not have the option, however, of saying, 'There's no longer a place at this company,' or that 'We will not compensate you at the same level.'"

Black: "So am I to gather from what your answers have been, that this program is somewhat a negotiation between the employer and the employee? Is the employer... is the employee just going to come in and say, 'Look, I have some serious personal problems at home, I'm leaving, I'll see you 12

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

45th Legislative Day

April 17, 1997

weeks from now?'"

Schakowsky: "For extended leave, the legislation asks for 30 days notice for that leave. So it is not, surprise, I'm going to be gone tomorrow, starting tomorrow for 12 weeks. No."

Black: "Okay. Would your Bill apply to State Government?"

Schakowsky: "State Government has more than 50 employees. And so it's already covered by the Federal Law."

Black: "You know, that's an interesting point, and I'm glad you brought that out. Are we covered under the Federal Leave Act?"

Schakowsky: "I am told by my crack staff person, that we absolutely are, yes."

Black: "If anybody would know, Caleb would know. You know, I'm amazed that we don't have requests, if we are in fact covered. I sit here day after day, night after night, I see young staffers with small children at home, I see single mothers who work 15, 18 hour days. I don't know how they do it. I just wonder why we haven't had some of our staff people if, in fact, they are eligible, take some leave during the Legislative Session."

Schakowsky: "Well, actually, that, I think, proves the value of this legislation, that it is so judiciously used, that most workers are so dedicated to their jobs, they are willing to stay on the Floor of the House for 12, 13 hours, and then work additional hours after that. Most employees do not take it, actually, Representative, I think because it's unpaid. But, also, I'm sure, for strictly a, you know, good reasons."

Black: "You know, I don't know the answer to this. I'll just pose a rhetorical question to you. I have a hunch, knowing how shrewd government is, that most government employees are probably exempt from the Act. Because I really think

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

45th Legislative Day

April 17, 1997

if they were covered, I know some of our staff people on both sides of the aisle, and how difficult their job is, and how long their hours are, and the fact that they don't take some leave, although many of them have left. I just wonder sometimes if we actually have included them or excluded them. But a rhetorical question you and I can work on later. Representative, as always, I appreciate your answers to the question."

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

Black: "Mr. Speaker, may I speak to the Bill?"

Speaker Hannig: "My apologizes, Representative Black. I thought you were finished."

Black: "I'm sorry."

Speaker Hannig: "To the Bill, Representative Black."

Black: "I was listening with one ear to one speaker, and the other ear with another staffer, and I apologize. To the Bill, Ladies and Gentlemen. Let me go back to the point that I made originally with the Sponsor of this legislation. The Federal Law is in place; it has not been there very long. And anecdotal studies may very well indicate what she said, that this is not harmful, that it may, in fact, be a beneficial program as mandated by the Federal Government. My concern is, that you now lower the threshold, and you do it only in Illinois. And in all due respect to the Sponsor, my district, it borders Indiana. And if you have 26 employees, and this becomes a burdensome state mandate, there is absolutely nothing to prevent you from moving to Indiana where you do not have to do this kind of paperwork and administrative work, and you are free to run your business in a more unfettered manner. I really believe that we should let the Federal Law stand. Let's see how it works three or four years from now, and it may be

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

45th Legislative Day

April 17, 1997

that states will come back and lower that threshold. Ladies and Gentlemen of the House, if you're a small business person, it's very difficult for you to replace a key employee, whether they're among your highest paid or not. You don't have the luxury of thousands of employees, or hundreds of employees to fill in and move around. It could be a disaster. If that employee is that valuable to that employer, and then they're a small employer, I submit to you that the marketplace works fairly well, and that employer is going to do everything in his or her power to work out something with that employee. They're simply too valuable. They are simply too valuable. So, in all due respect, Mr. Speaker, I don't think Illinois, knowing how the surrounding states are so competitive and so aggressive in trying to find jobs and lure jobs into their state, that this is something that is in the long, excuse me, in the short term best interests of Illinois employees, those people who need jobs. Mr. Speaker, Mr. Speaker, if I might?"

Speaker Hannig: "Yes, Representative Black."

Black: "I've just been informed that the Republicans would request an hour Caucus, immediately."

Speaker Hannig: "Before we deal with that issue, Representative Lindner has a guest that she would like to recognize. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I would ask that everybody welcome the Honorable Robert Casey, a former Member of the House from Aurora."

Speaker Hannig: "Welcome back to Springfield. The House will stand in recess. The Republicans will Caucus in Room 114. There will be no Democratic Caucus. Representative Tenhouse, is that correct?"

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

45th Legislative Day

April 17, 1997

Tenhouse: "Mr. Speaker, I just want to correct you. I think, although we'd love to use Room 114, I think our customary meeting place for this year is 118."

Speaker Hannig: "Thank you for your corrections."

Tenhouse: "Okay."

Speaker Hannig: "So, Republicans will Caucus immediately in Room 118. And how long do you anticipate you need?"

Tenhouse: "We anticipate an hour."

Speaker Hannig: "Okay, so the House will reconvene at 11:15. So, leaving Perfunctory time for the Clerk, the House will stand in recess."

Clerk Rossi: "Committee Reports. Representative Burke, Chairman from the Committee on Executive, to which the following Amendments were referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 5 to House Bill 169, Floor Amendment 4 to House Bill 1819, Floor Amendment #3 to House Bill 1212, and Floor Amendment 2 to House Bill 1261. Representative Eugene Moore, Chairman from the Committee on Revenue, to which the following Amendment was referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1087. Representative Flowers, Chairman from the Committee on Health Care Availability and Access, to which the following Amendment was referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 1 to House Bill 1565. Representative McGuire, Chairman from the Committee on Aging, to which the following Amendment was referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 2 to House

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

45th Legislative Day

April 17, 1997

Bill 504. Representative Saviano, Chairman from the Committee on Registration and Regulation, to which the following Bill (sic-Amendment) was referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 2 to House Bill 1076."

Speaker Hannig: "The House will come to order. The House will come to order. On the Order of Third Reading, the House will resume on House Bill 1703. Representative Schakowsky has begun to debate on that Bill. Representative Schakowsky, would you give the Members a brief reintroduction to the issue, and then we'll go to questions. The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of this House. During this break we've managed to get an answer to a question about how many other states had adopted extensions of the Federal Family and Medical Leave Act. The answer to that is 20. And of those states, as of 1995, so there may be more by now, Wisconsin and Minnesota are among those."

Speaker Hannig: "The Lady has moved for passage of House Bill 1703. And on that question..."

Schakowsky: "Wait, may I... I didn't realize we're actually closing. Let me..."

Speaker Hannig: "Do you have some additional information, Representative?"

Schakowsky: "Yeah, I actually didn't realize we're closing."

Speaker Hannig: "We're not closing, Representative, we're actually reopening."

Schakowsky: "Oh, we're reopening."

Speaker Hannig: "Then we're going to have questions. And then we will close."

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

45th Legislative Day

April 17, 1997

Schakowsky: "Okay."

Speaker Hannig: "So, on that question, Representative Hughes is recognized."

Hughes: "Thank you, Mr. Speaker. Is it appropriate to comment to the Bill?"

Speaker Hannig: "Yes, to the Bill."

Hughes: "Thank you. To the Bill. We hear a lot of rhetoric in this House about small business, and we want to make sure that small business is healthy. That small businesses, they are to provide the jobs for the women who are leaving homes to get out and work. That small business is there for the women who want to be entrepreneurs. That small business is there for the young people in this country that are trying to make a place for themselves. Small business is where the burden of this Bill will fall. The smaller your group of employees, and Ladies and Gentlemen 25 to 50 is not a large company, the more specialization you have on every employee, the less flexibility you have to be able to do without one or two, or however many employees, for up to 12 weeks. These are issues that employers and employees ought and do work out. Maybe one employee (sic-employer) offers housing. Maybe another offers three months leave, paid or unpaid. But to demand that working conditions are legislated, to this point, on companies that are struggling to remain viable, to provide opportunities, is wrong. And I urge a hard 'no' vote on this Bill, so that small employers are able to remain the source of economic growth."

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

Cross: "Thank you, Mr. Speaker. Parliamentary Inquiry of the Chair. Are there any Amendments on this Bill that have

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

45th Legislative Day

April 17, 1997

been filed?"

Speaker hannig: "Mr. Clerk, would you give us the status of any Amendments on this Bill."

Cross: "Not Parliamentary, just of the Clerk."

Clerk Rossi: "No Amendments have been adopted to the Bill."

Speaker Hannig: "Mr. Cross."

Cross: "Will the Sponsor yield? Did she say yes?"

Speaker Hannig: "She will."

Cross: "Representative, under your provision, can you give us a number of how many additional employers in the State of Illinois will be affected by your Bill, in the event it passes and is signed by the Governor?"

Schakowsky: "We think that number is 11,744."

Cross: "By saying 'you think', is that a guess on either yours or the staff's part? Is that a number that's been verified by any state agency, any employer, employee group? How is that number..."

Schakowsky: "Nineteen ninety-six statistics from the Department of Employment Security, who employed from 26 to 50. So, that would... ours is 25 to 49, so there may be some mistakes."

Cross: "I'm sorry. I didn't hear the... How did you determine there was..."

Schakowsky: "Nineteen ninety-six statistics from the Department of Employment Security, which showed there are 11,744 employers, taxable under the Illinois Unemployment Insurance Act, who employ between 26 to 50 employees. Now, our Bill really effects 25 to 49, so it may be off a few."

Cross: "So we're talking about 12 thousand, 12 thousand employers in the State of Illinois will be affected by this, or almost 12. That's accurate? All right. When the temporary employees are put on, or given their job, will

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

45th Legislative Day

April 17, 1997

they be covered by unemployment insurance? Will the employees replacing be covered?"

Schakowsky: "Well, whether or not you're eligible for unemployment insurance is dependent on an earnings, there's a earnings requirement. If those individuals meet the earnings requirement and the length of stay on the job, then they could be eligible for unemployment."

Cross: "Is your intent that they be eligible for unemployment insurance? Should we have something in the Bill that says unemployment insurance does apply or does not apply? I don't see anything in the Bill. I would appreciate it if you could reference the area of which you speak."

Schakowsky: "That requirement, Representative, is in the Unemployment Insurance Act. So, to the extent that those employees fall under that Act, they would be eligible to those same benefits."

Cross: "Representative, under your Bill, with temporary employees, there will be provisions, or there will be the opportunity for those employees to work at least 30 days. Is that correct?"

Schakowsky: "That is correct."

Cross: "And my understanding of the Unemployment Insurance Law is that, once you've worked 30 days for an employer, you would be eligible for unemployment insurance."

Schakowsky: "Only about 30% of those people who are unemployed do qualify for unemployment insurance benefits. So it is not simply the 30 day requirement, Representative. You have to have the particular earnings in order to qualify for unemployment insurance."

Cross: "I guess the bottom line, Representative, is, you say 30%, I beg to differ, but nevertheless there's a cost, an additional cost, an additional mandate to the employer,

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

45th Legislative Day

April 17, 1997

contrary to what you said earlier. You wouldn't disagree that there's going to be an additional cost to unemployment insurance, or for unemployment insurance premiums, because of your Bill."

Schakowsky: "They're also, possibly, could be under the voluntary quit requirement, if they're taking a job, or voluntary quit exception if they take a job knowing that it's for 'x' number of days, and then they decide voluntarily. They understand that and decide voluntarily to leave. I did not say earlier that there would be absolutely no cost. What I said was, that on balance that the... let me just quote to you from a study, that according to the Commission on Family and Medical Leave, 92% of businesses reported little, or no negative impact on productivity, since the law's enactment. The relatively benign effect on businesses is likely due to the fact that less than 4% of employees have actually taken advantage of the law. 'Most people simply cannot afford to take a long unpaid leave', says report researcher 'Kirsta Millar.'"

Cross: "Let's go back to the... let me just... I just need a 'yes' or 'no'. If I'm a temporary employee, and I work at least 30 days, as a result of this Bill, am I entitled to unemployment insurance?"

Schakowsky: "I'll say it again. Thirty days, if you understand the Unemployment Insurance Law, does not immediately say you will get unemployment insurance. If you have not earned enough money in the period, you will not qualify. And currently, only about 30 some percent of Illinois workers do, are eligible."

Cross: "All right, let me ask it this was so we quit... so maybe I can get you to answer the question. Will there be temporary employees, under this Bill, that will qualify for

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

45th Legislative Day

April 17, 1997

unemployment insurance? Yes or no?"

Schakowsky: "Yes."

Cross: "Yes. And as a result of that, will the cost of unemployment insurance premiums go up for employers? Yes or no? The answer has to be 'yes'."

Schakowsky: "If you want to point to this as a reason for raising unemployment insurance premiums, I think you're on very shaky ground. Those insurance premiums have been going down. And so, I think you'd be on shaky ground to say that this would cause an increase in the unemployment, in the premium rate."

Cross: "Are you disputing that an employer's not going to be paying more because of this Bill? I'm an employer, I've hired you now as a temporary employee because of this Bill, all right. My rates are going to go up under unemployment insurance. How can you dispute the fact that I am now going to pay more as an employer. It's a cost mandate to me as an employer. That is correct, isn't it?"

Schakowsky: "Let me answer your question this way, there may be employers who see their premiums go up as a result of this. However..."

Cross: "That's exactly the answer. That's the answer. So the answer's 'yes'."

Schakowsky: "Due to legislation... No, not... due to legislation last year the unemployment insurance premiums have actually gone down, the cost to the employers. And the overall trend is down."

Cross: "Let's go to another area. The answer was 'yes', and that's what we thought. Will I, as a temporary employee, be entitled to workmen's comp coverage under your Bill?"

Schakowsky: "Yes."

Cross: "And I don't know if I can get a simple yes or no, let me

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

45th Legislative Day

April 17, 1997

try. If I'm going to be paying workmen's comp coverage to a temporary employee, would you agree that my workmen's comp costs are going to go up?"

Schakowsky: "No, because the other worker is not there. So you are paying... so you have... Workmen's compensation claims are only going to be made on someone who might be injured on the job. The other person is not on the job."

Cross: "Representative, you might want to check, but my understanding of the law, unfortunately your Bill doesn't address this, that the person on leave will continue to get coverage while he or she is on leave."

Schakowsky: "And if a person is not being employed somewhere, it is pretty hard to make a workers' compensation claim, Representative, if they're not there. If they're on leave."

Cross: "It's a matter of premiums, Representative. It's a matter of premiums that an employer is going to be paying and has to continue to pay. And once again, that's just another part of this Bill that provides a cost, increased cost, to an employer. I don't have any other questions. Thank you for answering those."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I hope you listened to Representative Cross' questions. There is no doubt, absolutely no doubt that those employers who hire from 25 to 50, would have an increased cost for doing business in Illinois. Those are the small businesses we keep bragging about in this state. Those are the small businesses they keep bringing in the new employees in this state. And now you're going to make it more difficult for them to do business in this state. Ladies and Gentlemen, I contend that the Federal

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

45th Legislative Day

April 17, 1997

Government, when it was debated on the Floor of the House in Congress, and Congressman Hyde spoke to this Bill and said, 'The concept of family leave was a good idea. That, in fact, the reason they did not go below 50 was because it would be an undue burden on the small businesses, the incubators, the ones that are creating the jobs in Illinois could not afford to go below 50 employees.' Now we, in our infinite wisdom, wish to put a Bill out that goes from 50 to 25 when we have to compete with all the surrounding states. You're putting us at a competitive disadvantage. It's tough enough for small businessmen and women to try and make a living today, let alone making them have an unfair competition with the surrounding small businesses in other states. I contend that Congress was wise in limiting it to 50 employees or more. Should we do anything more than that? I contend that, no, this is not a good small business vote. My colleagues on the other side of the aisle are mistaken. They are incorrect. And, Mr. Speaker, Mr. Speaker, if this Bill gets the required number of votes, I would ask for a verification of the Roll Call."

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

Parke: "Thank you."

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

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

Speaker Hannig: "She will."

Roskam: "Representative Schakowsky, can you tell me how many other states have this standard of 25 employees?"

Schakowsky: "I'm sorry, I don't know. We responded to the question of how many other states have gone beyond Federal Law, and that's 20. I don't know how many have this standard."

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

45th Legislative Day

April 17, 1997

Roskam: "Do you know what the situation is with the border states, or the states in the Midwest, that we're competing with for jobs?"

Schakowsky: "We know that Wisconsin and Minnesota have added provisions to their family and medical leave. But I don't know about border states, other than Wisconsin."

Roskam: "Do you know what Wisconsin... What specifically did Wisconsin, and was it Minnesota?"

Schakowsky: "I don't know."

Roskam: "You don't know? So it might be 45?"

Schakowsky: "I don't know."

Roskam: "It might be 30? You have no idea, whatsoever? Okay. Ladies and Gentlemen, to the Bill. I think Representative Schakowsky, although well-intentioned, is making a bad decision in terms of moving this legislation. She is not able to assert to the Body what the competitive effect would be for employers, in and around this area. I think at a time when we're trying to create a competitive environment in Illinois. We're trying to encourage businesses to locate here, as Representative Hughes mentioned earlier. This is an initiative which would, frankly, sap small business of vital resources. I would urge a 'no' vote."

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

Lindner: "Yes, thank you, Mr. Speaker. To the Bill. I think that we all want all of our businesses to have fair policies for family and medical leave. And sometimes I think we need to regulate more and apply more rules to larger companies where people don't know each other. But I think we have to think we have to think about the character of small businesses. Certainly, many things that we talk about in this Chamber, and one thing is true, that people

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

45th Legislative Day

April 17, 1997

want less governmental interference in their lives. I think extending this family leave certainly shows more governmental interference. Secondly, small businesses are the fastest growing segment of our society. In this high-tech society where corporations are downsizing and laying off, many people are starting small businesses, and this would be a burden, as other people have pointed out, on the small businesses. And, thirdly, the character of small businesses is different than larger businesses. Certainly, when you have a small business you know all your employees. You are sensitive to them, and the employers and the employees are friends, rather than having a relationship that is something, that is characterized as not friendly. And you are looking at your employees, you want to accommodate them, want to help them when they have a family problem. And I think our small businesses, and the people who run small businesses are recognizing this. I think this Bill would be an undue burden on them. And I urge a 'no' vote."

Speaker Hannig: "The Gentleman from DuPage, Representative Biggins."

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

Speaker Hannig: "She will."

Biggins: "Well, I think that we all recognize that this Bill will cost businesses more. Does your family have a business of its own?"

Schakowsky: "Actually, we don't all agree with that. I'd like to point to the study commissioned by the Small Business Administration that concluded that the net cost to employers of placing workers on leave is always substantially smaller than the cost of terminating an employer (sic-employee). Therefore, while there will be

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

45th Legislative Day

April 17, 1997

cost affirms of mandating leave by the Federal Government, these cost will be relatively small as compared to the cost of terminating the worker who desires the leave. And therefore, I would simply disagree with your conclusion that it is definitely going to cost business more, when the findings of the study are the opposite, Representative."

Biggins: "Okay, my question was, if you have a family business of your own, does this Bill pertain to that family business? Will this Bill affect your family business, does it cost to your family business?"

Schakowsky: "No, the only business in my family has employers (sic-employees) more than 25, more than 25 employers (sic-employees)."

Biggins: "Has more than 25? Okay. Well, I think, first of all, I appreciate your bringing this Bill to our attention, because the idea of family leave is a very good one. And we've seen it Congressionally and Federally. The idea of giving and encouraging employees to spend time with their families is a wonderful idea. And I embrace that, I think most, probably everybody in this room, whether they're Members or not, embraces that idea. I just don't think this is the right Bill for it. And I really think that if you, the point's been made already, but if you have a business and you represent the borders of our state, anywhere, and you vote for this Bill, you're really putting yourself and your businesses that you represent on a very bad competitive basis with businesses across the state line. So I'm going to vote 'no'."

Speaker Hannig: "To close, the Speaker of the House, Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, just to rise in conclusion and in support of this Bill. We've had a very

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

45th Legislative Day

April 17, 1997

good debate. Certain people have attempted to raise objections as to why this Bill should not become law. You don't have to make this Bill complicated, it's very simple. Illinois, today, has a law that relates to medical and family leave. This would simply apply that law to more Illinoisans. It would make more Illinoisans eligible for the benefits under this law. And it ought to be supported. I would recommend an 'aye' vote."

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 68 voting 'aye' and 44 voting 'no'. Representative Parke. Representative Parke. I believe the Gentleman had requested a verification. Representative Cross. Do you persist in your request for a verification?"

Cross: "We'll withdraw that."

Speaker Hannig: "This question, having received a Constitutional... this Bill, having received Constitutional Majority, is hereby declared passed. House Bill 1704. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1704, a Bill for an Act in relation to conditions of employment. Third Reading of this House Bill."

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

Schakowsky: "Once again, Mr. Speaker and Ladies and Gentlemen of the House, I rise to present a Bill sponsored by Speaker of the House, Michael Madigan, that would provide the workers of Illinois more flexibility in their lives in order to balance the competing demands of work and family. There has been a lot of talk lately about, so called, flex-time and a lot of proposals, particularly by

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

45th Legislative Day

April 17, 1997

employers, on how that might work. House Bill 1704 really represents the reality of flex-time. The most flexible of time, in that, it would say that employees would have, that are not otherwise granted personal days, would be allowed 24 hours worth of time that they can take unpaid from their work places in order to meet the demands that their children have for going to doctor's appointments, taking them to doctor appointments, fulfilling their obligations as parents and family members. So, I would urge the wholehearted support of House Bill 1704."

Speaker Hannig: "If I might, the Honorable President of the Senate, Pate Phillip, is with us today. We are always glad to see him visiting with us in this Chamber. The Lady has moved for passage of House Bill 1704. And on that question, the Gentleman from Cook, Representative Parke."

Parke: "Thank you very much, Mr. Speaker. Will the Sponsor of the Bill take a question or two?"

Speaker Hannig: "She will."

Parke: "Thank you. Currently, what does the Federal Law in the state mandate in terms of leave?"

Schakowsky: "Well, the Federal Law has family and medical leave, which again we have thoroughly discussed. We have added to that, eight hours of unpaid leave for school visitation and beyond that we haven't... that's it."

Parke: "It says that your Bill says that your going to put in three more days over and above that. Is that right?"

Schakowsky: "The Bill says... yeah if you were asking about this. I thought you were asking what we had already done regarding leave in Illinois. What this Bill says, 24 hours after someone has exhausted all available vacation leave, personal leave, compensatory time and all other forms of leave except disability and sick leave. And the Amendment

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

45th Legislative Day

April 17, 1997

said that if an employer offers it's employees personal or compensatory leave of at least three days per year, the employer is exempt from the provisions of this Act."

Parke: "Well, let me ask another question. Why, since this is such a good idea for the businesses of Illinois, why have you exempted state employees from this Bill? I mean it just seems that this is such a wonderful idea, Representative, why exempt state employees? I'm sure there is a lot of people listening to my debate today that would think that this is something that ought to apply to them, if it is such a great idea?"

Schakowsky: "Three personal days are already offered to state employees."

Parke: "Well, if that's the case, what happens if there is a... City of Springfield doesn't offer three days of personal? What happens to the City of Springfield? Are they exempt?"

Schakowsky: "I'm looking at the Bill. I see that Federal Officers are exempt. I'm sorry, but I don't see where we have exempted all other public employees."

Parke: "Well, our staff analysis says that, in fact, that happens. And that also municipal governments are exempted, also."

Schakowsky: "I believe that is an error."

Parke: "If this receives the required number of votes, Mr. Speaker, I would ask for a verification of the Roll Call."

Speaker Hannig: "Yes, your request for a verification is acknowledged, Representative Parke."

Parke: "Well, to the Bill, Ladies and Gentlemen. Federal Law, again, is recognized the need for families, has recognized the need for single parents to work with their children when they have problems. We understand that the Federal Government has said that we recognize the changing

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

45th Legislative Day

April 17, 1997

demographic of families and single parents and two family incomes necessary. And the Federal Government, in the last Bill and this Bill, has laid down guidelines for the country to operate and address the needs and the changes of our society. When again, infinitely in our own wisdom, the Sponsors of this Bill says we can do better than what the Federal Guidelines are. And in doing that, again, is just another small way of making Illinois business less competitive with the surrounding states. Yeah, it is a great idea. Sure, Representative it is a great idea. But again, it is just another nail in the coffin that could easily turn away, turn around the growth that we have had in this state. Solid economic growth that has been developed over the last couple of years. Well intended as this Bill is, I would contend that it is more government interferences in the small business or into the market place of which has already been regulated by the Federal Government, already decided by, by Congress and the President, in saying this is good public policy. Now we are going to take it even one step further. I contend that we are starting to make Illinois business less and less competitive. And I would ask that we vote 'no' on this Bill."

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

Durkin: "Mr. Speaker, Inquiry of the Chair. Does this... Will this Bill preempt Home Rule?"

Speaker Hannig: "The Parliamentarian will take a look at that Bill. Did you have questions of the Sponsors?"

Durkin: "Yes."

Speaker Hannig: "The Sponsor will yield."

Durkin: "Representative, could you describe to me what you mean by specified eligibility? If someone... this applies to

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

45th Legislative Day

April 17, 1997

somebody if they meet some type of specified eligibility criteria. Could you explain to me in detail what that means?"

Schakowsky: "Work for an employer who employs at least 25 employees, has been employed for at least six consecutive months immediately proceeding a request for leave, work an average number of hours per week equal to at least one half the full-time equivalent position in the employers job classification. So, that's who is eligible."

Durkin: "Do we really need to mandate this on business right now? Is there a problem with just going in and voluntarily asking business to award this type of flex-time?"

Schakowsky: "Well the intention of this Bill is really to balance the employees needs to take occasional time off with an employers legitimate interest in making sure that his business operates efficiently. And so we have definitely put in protection, for the employers. The employee has to first consult with the employer. The leave will be unpaid. An employee who makes up the leave does it on a shift and time selected by the employer. Employees making up time will always be paid at their regular rather than overtime rate of pay. So, do we need legislation? I think that this legislation does make a clear statement about Illinois' interest in making sure that we do enable working families to balance all of aspects of their life, home and work."

Durkin: "Well, could you perhaps spell out a few incidents which has prompted you to move with this legislation?"

Schakowsky: "Yes, I can give you examples. We chose to only... I was approached by PTA parents when I went for the legislation that would have eight hours of school visitation. We decided to limit the Bill to that. But

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

45th Legislative Day

April 17, 1997

they were talking about a number of instances where they wanted to fulfill their family obligations, not just school visitation but taking their kids to the doctor, those kinds of things, where they found, as parents, it was hard to get that time off. This would assure that those opportunities were made available providing that they gave prior notice and worked with their employer."

Durkin: "Well, Representative, how does this mesh with the School Visitation Act?"

Schakowsky: "This would be an addition to the eight hours a year. We are only talking about eight hours. And this would be, because as you well know, that going to school with your kids is just one of the things, as a parent, that you are required to do. Certainly to say that 32 hours total a year to be able to use at your discretion, in terms of your family and your personal life, is not that much."

Durkin: "Let me ask this question. Of the states which border Illinois, which states have legislation which mimics what you are intending to pass this House or is identical?"

Schakowsky: "I'm not certain that any do, Representative. But one of the reasons that we did not do this state by state analysis is because all of the research on these questions don't indicate an adverse affect on employers."

Durkin: "Well, the concern is, which has been brought up through a number of individuals in this Caucus, is that by this type of legislation, which we are going to be forcing on private industry, well, eventually is going to make them feel that Illinois is sour on business, and they may cross lines and go into a state which does not have this type of mandate on them."

Schakowsky: "Well, once again, the Small Business Administration studies show that the cost to business of giving unpaid

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

45th Legislative Day

April 17, 1997

time off, if any, is minimal. And, in fact, most businesses do that. Any business that does provide this personal leave, et cetera, vacation time, compensatory time, all of that would have to be used up. And if they give three days already, they wouldn't be affected, obviously."

Durkin: "Well, maybe there is a better way of going at this. Instead of mandating on business, why don't we provide some type of incentive on them, incentive for them to participate in the voluntary basis?"

Schakowsky: "Well, if you are asking for more cost to the..."

Durkin: "More cost to who?"

Schakowsky: "Well, to the State of Illinois would certainly have more cost, if we are talking about a tax break or something. What we are saying is there is not... we don't need to do that, because there is not for appreciable additional cost to businesses. Why should we give incentives for things that are not going to have an appreciable affect in terms of the bottom line for most if not all, businesses?"

Durkin: "Okay. Does this legislation apply to municipal government and State Government as well?"

Schakowsky: "Yes, it does. Although, again State Government does provide three days."

Durkin: "Municipal government?"

Schakowsky: "My understanding is that... it does not exempt although, municipalities could pass legislation to the contrary."

Durkin: "But this does apply to municipalities, though? Correct it?"

Schakowsky: "But it does not preempt Home Rule, if that is where you are heading."

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

45th Legislative Day

April 17, 1997

Durkin: "Well, does the City of Springfield, which I'm assuming does have more than 25 individuals on their payroll, would this Bill apply to them?"

Schakowsky: "It would apply to them, but they could, any law that they might pass would not be overruled by this."

Durkin: "Well, that sounds like to me that we are preempting Home Rule. In any event, I have no further questions. But I would seek guidance from the Chair whether or not this Bill does preempt Home Rule authority."

Speaker Hannig: "Yes, and on that question, the Chair rules that this does not affect any of the Home Rule powers and consequently does not require 71 votes. It does not preempt Home Rule. Representative Coulson."

Coulson: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Coulson: "I have a few questions. I'm not sure exactly why the Bill is called flex-time, because as I read it, it seems to me to require an employer to give an additional three days off, but I need to give notice of those needed hours off several days ahead of time. And my understanding, I guess, is that true about this Bill? I'm asking a question there."

Schakowsky: "That is true. A seven days notice, except in the case of emergency. If you are asking why we call it flex-time, we think that flexibility is the appropriate word when you give employees the opportunity to chose the times when they would want to be off of work, in consultation, of course, with their employer. But flex, being short for flexibility, we think this is the ultimate in flexibility."

Coulson: "Is... I guess to the Bill. I'm concerned that in actuality, this doesn't provide as much. I would like to

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

45th Legislative Day

April 17, 1997

see flex-time. I think for most employees to have flex-time to be able to come in early and leave early. Employers could offer that and provide that as a benefit. Many employers already do that. My concern about this piece of legislation is that it is called flex-time, but it almost has a feel of I may lose some of my benefits, because this is fewer than I have already, as far as flexible hours to be gone for an appointment or to take someone to a doctor. I'm really concerned that if this goes into law, that we may lose some of the flexibility that is already in there and yet it says that it is flex-time. And there is Mandates here of seven days. Many times, I take an hour off in the morning to go do something, and I haven't given seven days notice. And I would, actually, in this scenario, lose some of my own benefits."

Speaker Hannig: "Representative John Turner is recognized."

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

Speaker Hannig: "She will."

Turner, J.: "Representative, does this legislation apply to part-time employees?"

Schakowsky: "Yes, it does, Representative, half-time."

Turner, J.: "What was that last statement you just said?"

Schakowsky: "Half. At least half-time."

Turner, J.: "Half-time. And is there a definition for half-time?"

Schakowsky: "At least one half the full-time equivalent position in the employers' job classification as defined by the employers' personnel policy and practices or in accordance with the terms of a collective bargaining agreement that has been in effect for the preceding six months."

Turner, J.: "I've been trying to listen to the debate, and I

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

45th Legislative Day

April 17, 1997

think I have heard you say on a couple of occasions that if this legislation passes, it will have no adverse affect on employers. Is that your statement? Is that your representation to this Chamber?"

Schakowsky: "Yes it is, Representative. That the small... reciting studies from the Small Business Administration, that the cost to businesses of giving unpaid time off, if any, would be minimal. And that the benefits, in terms of their work force, outweigh that."

Turner, J.: "Those studies come from application of a similar type of law as in some other state? I mean, where do those studies come from?"

Schakowsky: "Small Business Administration."

Turner, J.: "Based upon what facts have they presented? I thought this was a new idea. Is there some other jurisdiction where the same law has been implemented so that we can rely upon these studies?"

Schakowsky: "This is in reference to unpaid time off. So, you know, for a variety of reasons, unpaid time-off could be given."

Turner, J.: "If this is such a good idea, why not preempt Home Rule? Why not require the cities to have the same policy?"

Schakowsky: "Well, for one reason, it would take 71 votes. And since you're probably not going to vote for it, it would be harder to pass, Representative."

Turner, J.: "So, the only reason then that you haven't included municipalities is because you are afraid you couldn't get 71 votes. Is that what you just said?"

Schakowsky: "We do include, include municipalities. The municipalities could overrule this, and state law would not override it."

Turner, J.: "So the reason you don't preempt Home Rule is because

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

45th Legislative Day

April 17, 1997

it's going to require 71 votes. And that's the only reason that's not included in your Bill?"

Schakowsky: "No. Actually, we want... our Bill does encourage municipalities by not excluding them. The decision to leave it up to the municipalities, I really don't know the answer to that, Representative."

Turner, J.: "Well maybe you know the answer to this one. If this is such a good idea, and it has no adverse affect on employers, why have you set the limit at 25? Why must an employer have 25 employees before it applies? What's your rationale for that?"

Schakowsky: "Well, the rationale really, Representative, was to expand these kinds of benefits beyond the level that they're at, and it seemed to us that an incremental approach would be a judicious approach. That generally these kinds of laws have applied to 50, and that by going to 25 we do include a substantial number more employees, but you're right, it's definitely an arbitrary number. But we decided to go step by step."

Turner, J.: "Well, I guess I don't understand. You chose 25 for a reason, and I'm not sure you've articulated what that reason is. If this has no adverse effect on employers, why not just include everyone? It just almost begs the question, and it strikes me that you've chosen a certain number because it's almost an admission. As the employer gets smaller and smaller, it has a larger and larger adverse effect, and yet you're saying there is no adverse effect."

Schakowsky: "Well actually, Representative, we thought that with this is a fairly new concept, this idea of flex-time as being 24 hours for employees that, to have so many employees covered. And, as we said earlier, the difference

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

45th Legislative Day

April 17, 1997

between 25 and 50, for example, is another nearly 1/2 million employees, was a good place to start. You know, if you're interested in seeing it go all the way down to zero, I'm sure we could work out something, I guess not zero that wouldn't make sense."

Turner, J.: "Well, based upon that response, then, it's my understanding that you are indicating to this Body that this, if it passes, will have the same effect on an employer that may have 25 employees, and it would have exactly that same effect whether they have 50 or if they only had two or three employees. Is that your position?"

Schakowsky: "No, Representative. I understand that there is a difference. What I am saying is that all employers that would be covered by this have a capacity to comply with the standards and the days off that are included in this Bill."

Turner, J.: "And would you agree, as you've just admitted there's a difference, the difference is the size of the employer. Size being how many employees they keep. The reason being, is because this is an adverse effect on business, but the larger the business is, the easier they can absorb this adverse effect. Now isn't that actually the reason why you set a number at 25 and didn't set it at 20, or 15, or 10? I mean, isn't, frankly, Representative, that the fact, that the truth?"

Schakowsky: "You know, Representative, you've asked me this question and I've attempted to answer it. You've asked it in several different ways. I will only reiterate that it is our intention to provide most of the workers in this state the opportunity for this flexible time off, and we do not think that it will have an adverse effect on businesses."

Turner, J.: "You will not admit, then, that there would be an

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

45th Legislative Day

April 17, 1997

adverse effect, for example, if we applied this law to an employer that had five employees?"

Schakowsky: "This is not part of the Bill, and I don't feel that I need to respond to things that are not in the Bill, Representative."

Speaker Hannig: "Representative Roskam."

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

Speaker Hannig: "She will."

Roskam: "Representative, I was just kind of minding my own business here eating my lunch and was just sort of listening, quietly, to the debate when you said something that really shocked me. Are we, this is for part-time employees, is that right?"

Schakowsky: "Half-time or more."

Roskam: "Okay. Why do part time employees need more time off?"

Schakowsky: "Representative, let me clue you in about the real world out there."

Roskam: "Listen, I'm all ears. Clue me in."

Schakowsky: "Okay. The part-time employees, very often, are working a number of different jobs that they would actually would, probably, like to be working at one full-time job with all kinds of benefits, and instead, find themselves working at part-time jobs, having less time for their families and for their other obligations."

Roskam: "Thank you for the edification. I'm grateful. Ladies and Gentlemen, to the Bill. This is a meat-ax approach to, maybe, a public problem, but this is the wrong Bill at the wrong time. When we're trying to create jobs, when we're trying to create opportunities for people on the lower end of the income level, and so forth, when we're trying to create welfare-to-work types of initiatives, this is the wrong move at the wrong time, and I urge a 'no' vote."

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

45th Legislative Day

April 17, 1997

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

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

Speaker Hannig: "Yes. Representative, you started the debate before your Caucus."

Black: "That was on another Bill. That wasn't on this Bill."

Speaker Hannig: "I stand corrected. You are correct. Yes, Representative Black, she will yield."

Black: "Thank you. You see the great esteem in which I'm held. I get up to speak and they go to Caucus. Representative, on the 1st page of your Bill, line 24, the language says, 'employer'. Employer means 'any individual, partnership, association, business trust, person, or entity for whom 25 or more persons are gainfully employed in Illinois.' And that's the definition that I assume you agree with in the Bill, correct?"

Schakowsky: "Correct."

Black: "Okay. Now, would not a municipal government fall under that definition? An entity for whom 25 or more persons are gainfully employed."

Schakowsky: "Yes, Representative. The, as I said earlier, municipal governments are covered. The question is, does this preempt Home Rule? That is, if they passed an ordinance to the contrary, would state law overrule that, and the answer is, no."

Black: "Well, how in the world... can you give me a cite in the Constitution where a Home Rule city can pass an ordinance, and not have to follow a state law?"

Schakowsky: "Well, if that were true then probably most every Bill in the House would require 71 votes. If we're requiring... I mean municipalities may be able to pass

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

45th Legislative Day

April 17, 1997

standards that are different."

Black: "All right. Have you looked at the Mandates Note that was filed on your Bill? It's down in that analysis section."

Schakowsky: "It says that it fails to impose any requirements on units of local government. It says, 'Fails to create a State Mandate under the State Government's Act.' That's what I'm looking at."

Black: "Okay. Well let's look at the sentence that says, in that same paragraph, 'While the Bill would require units of local government to grant a minimum', require units of local government to grant a minimum, 'of 24 hours personal time a year to their employees, no financial compensation for this taken time is mandatory.' Yes. So you're not making a financial mandate on any unit of local government, but... you know, I realize I'm just a poor old downstater, but you are requiring units of local government to follow this law."

Schakowsky: "There was a request for a State Mandates Note, and if I am reading the same one you are it says, in addition to what you said, 'House Bill 1704, as amended by Amendment 1, fails to impose any requirements upon units of local government. Therefore, in the opinion of the Department of Commerce and Community Affairs, House Bill 1704, as amended by Amendment 1, fails to create a State Mandate under the State Mandates Act.' It seems to me that's pretty clear."

Black: "Well, I can't agree. I think semantically we could argue that point all day, Representative. The Bill, Mr. Speaker, if I might, a Parliamentary inquiry."

Speaker Hannig: "Yes. State your point, Representative."

Black: "On line 24 through 26 of the Bill there is language that defines employer. And it clearly says, 'Any entity for whom 25 or more people are gainfully employed in Illinois.'"

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

45th Legislative Day

April 17, 1997

Our staff, and I have the greatest respect for staff on both sides of the aisle, say in the absence of any language to the contrary, this means that Home Rules are not exempted. Home Rule units must follow this law. Our question to the Parliamentarian then, is that you are preempting Home Rule. And we would ask that the Parliamentarian inform us as to whether or not this takes 71 votes."

Speaker Hannig: "Representative Black, we've already ruled on that question. We've ruled that it takes 60 votes, that it does not preempt Home Rule."

Black: "Well, I didn't agree with that. So you get the same answer if you ask the same question, is that what you're telling me?"

Speaker Hannig: "That's the idea."

Black: "How many times do I have to tell you I expect the Speaker of this Body to be right, not consistent. But, at least you're consistent on that issue. I don't think you're right, but you're consistent."

Speaker Hannig: "Thank you."

Black: "Well thank you, Mr. Speaker. I do appreciate the indulgence of the Chair. And, as I've indicated, I do think you are creating a mandate on the City of Chicago as well as all other cities and the counties of the state who employ more than 25 people. And I think you should take that into consideration in your vote. Thank you, Mr. Speaker."

Speaker Hannig: "Speaker Madigan to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this Bill is much like the last one. You can make it very complicated, or you can make it very simple. Number one, we are talking about unpaid leave. We are not talking about people being

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

45th Legislative Day

April 17, 1997

paid not to work. This is a situation where people don't go to work, they don't get paid. They get 24 hours over an entire year to use at their discretion in blocks of four hours at a time, and it doesn't apply if their employer already provides three personal days a year as part of the ordinary employment contract. So again, it's simple. It ought to be supported. I recommend an 'aye' vote."

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. And on this question, there are 73 'aye', and 41 'no'. And the Gentleman withdraws his request for a verification. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 672."

Clerk Rossi: "House Bill 672, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Before I get started, if I could take the time to introduce a class from Thompson Junior High School in Oswego, Illinois, my hometown, right up there with their teacher, Tom Fletcher, a member of our county board."

Speaker Hannig: "Welcome to Springfield."

Cross: "Inquiry of the Chair, Mr. Speaker. Has the Amendment been adopted?"

Speaker Hannig: "Mr. Clerk, what is the status of this Bill?"

Cross: "The Committee Amendment."

Clerk Rossi: "Committee Amendment #1 has been adopted to the Bill."

Cross: "Thank you, Mr. Speaker. As many of you know, this Bill deals with campaign finance reform, and it is a Bill that

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

45th Legislative Day

April 17, 1997

was addressed by the Governor in his State of the State address. I know it has bipartisan support, as you can see by the five Sponsors on the board. It also has a good deal more support from other Members of this Chamber. It does a variety of things, and I will try to go over them briefly and quickly. Number one, it no longer allows or requires the State Board of Election to accept or take down the name of someone who examines our D-2 forms. Nor will we know in the future who goes through our D-2 forms. It gives the State Board of Elections the power and the authority to fine Members or political parties that have campaign accounts up to \$5000. One, if they do not file their reports in a timely manner when they create their committees. And second, if they do not file, within 30 days out of an election, the fact that they received contributions in the amount of \$500 or more as they are now required to do. It ups the amount of the fines that the State Board of Election can impose. I'm not aware of, well, there may be some opposition. And I'll be glad to answer any questions at this point."

Speaker Hannig: "And on that question, the Gentlemen from Livingston, Representative Rutherford."

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

Speaker Hannig: "He will."

Rutherford: "Representative Cross, just to clarify. The underlying Bill at one time had the threshold for itemized deductions to be 250, this Amendment now adopted would put it back to the original 150 that we have today?"

Cross: "The 150, the section that requires the itemizing and reporting on your campaign report of anyone that gives you a contribution of 150 or more remains at \$150, that is correct, Representative."

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

45th Legislative Day

April 17, 1997

Rutherford: "Thank you. There were penalties put in here for \$5 thousand, for up to \$5 thousand. Is there, what caused that threshold dollar amount to be there? I mean, is that because of a certain category of a penalty?"

Cross: "I'm sorry, Dan, I didn't hear the very last portion of that."

Rutherford: "There's requirements in here of the State Board of Elections to levy civil penalties up to \$5 thousand for late filings, is that because it meets a certain type of a penalty, or... why \$5 thousand as opposed to something that may be less?"

Cross: "Well, we raised that level, or we enacted that or imposed that fee of \$5 thousand because the belief is that there have been committees that have not been following the law, at least in the area of 30 days out from the election. That they receive \$500 from a variety of contributors, if they don't report that... or the feeling is they should report that, as the law currently provides, and we want to deter individuals and campaigns from not reporting the fact that they received the \$500. The belief is that the \$5 thousand fine will have that effect, and I guess, in reality, it could have been any figure. It could have been \$10 thousand, it could have been \$1 thousand, it could have been \$25 thousand, but we felt \$5,000 was a reasonable but firm figure."

Rutherford: "Great. To the Bill, Mr. Speaker. And Representative Cross and I talked about this in committee. I'm going to be supporting the legislation, but the one concern I do have when we start to require that individuals who make contributions over a certain threshold amount put down their occupation and employer is, with certain implications, could be by an individual that perhaps may

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

45th Legislative Day

April 17, 1997

work at a facility or an entity that may be, in certain people's minds, questionable to have received contributions from. So, for example, there's legislation in regard to public utilities. There's legislation in regards to racing entities or to boats. There's legislation in regards to, or concerns in regards to, certain types of waste companies. As well as even someone who can put down that they are a secretary at an abortion clinic. I mean, ultimately by filling those type of things out, they could have an implication that it could be some kind of questionable contribution. I would just hope that if this does become law that the act and the participation by people in the political arena do not try to take that to an extreme in that direction."

Speaker Hannig: "And on this question, Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this Bill, and I wish to compliment Mr. Cross for his Sponsorship of the Bill. The essence of the Bill is the message delivered by the Governor at the time of his State of the State address. In addition, the Bill will now provide that the filings under the campaign disclosure law can be done electronically. In addition, it will provide that all of this information will be available on the World Wide Web. When I say all of this information, it would include both the information available from the State Board of Elections and also the information available from the Secretary of State. I think it's a good, sound piece of legislation. It deserves our support. And I would recommend an 'aye' vote."

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

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

Speaker Hannig: "He will."

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

45th Legislative Day

April 17, 1997

Mulligan: "Representative Cross, I don't understand why you've included that people can request our campaign reporting without letting us know who they are. I mean, I don't mind that they request it, but in many instances, Legislators, once they're elected, are always under constant attack by people who would like to either seek their job or question what they're doing. And I feel that it's only fair, if they're going to look at and examine my financial reporting, that I have an idea who's looking so I know where they're coming from."

Cross: "Well, I understand that, Representative, and I appreciate it. It's a valid question. I think the rationale behind is that if we're going to really open up this process and allow people to look at our campaign contributions and expenditures, the feeling is that if we know who it is, they may be a bit threatened and intimidated by that. You do raise a point and maybe we should take a look at it again, at this issue, in the future if we have some problems with it. But if we're really going to keep people involved in this process and allow them to freely look at our reports, then they shouldn't have the threat hanging over their heads that we may, 'come back and get them' if they take the time and energy to look at our reports. At least that's the rationale."

Mulligan: "I don't think it's ever hampered anyone to have a student or someone pull a report, and you don't honestly know who's pulling it, but at least you know someone is scrutinizing it. And as far as electronically, I would think there is a way of tallying that there's been a hit to come in and look at, or the access is there for someone to have to identify who they are to pull it electronically which I understand you can do now. But I do feel that in

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

45th Legislative Day

April 17, 1997

some instances it's unfair not to know who is looking at your financial reporting."

Speaker Hannig: "Representative Skinner."

Skinner: "I wonder if the... something for me. Where is the threshold for the formation of a committee?"

Cross: "You mean numbers wise, Representative?"

Skinner: "How many thousand dollars?"

Cross: "It remains the same, at a thousand."

Skinner: "Oh. Good. That's a useful change. Thank you."

Speaker Hannig: "Representative Leitch."

Leitch: "Will the Gentleman yield?"

Speaker Hannig: "He will."

Leitch: "Tom, with respect to the civil penalties, and with respect to disclosure of the receipt of a contribution of \$500 or more, what is the legal definition, if you know, of when a campaign committee has received... what is the receipt of a contribution? How is that defined? When does your campaign committee receive a contribution?"

Cross: "Representative, that's a valid question and we have not... give me a second to try to find it. We didn't change that in this Bill, but I know, given the fact that we're raising the penalties, we should try to clarify that if you'd give us a second. David, we're just talking about that. Apparently there's some... the state board is unclear really, right now, as to when that happens. They have, apparently in the past, taken it to mean when you actually receive the check. Not when you cash it. I know that I've been concerned about that. There may be a check dated a month prior to when I receive it. I personally have taken... my understanding has been when I actually receive it, I have that obligation to in turn report it. But there is some confusion, and maybe we need to address

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

45th Legislative Day

April 17, 1997

that in the future, then have some more clarity on it. This Bill does not particularly address that issue."

Leitch: "Okay. It's just my concern that with that being unclear, and with the civil penalties being so substantial, that it might be worthwhile to figure out what that is because..."

Cross: "It's a valid point, and I think, maybe we can get some clarification from the state board. Either now, or maybe when it's over in the Senate. Because I think we all are curious about that. I know that I've been concerned about it."

Leitch: "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 104 voting 'yes', 5 voting 'no', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 135."

Clerk Rossi: "House Bill 135. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Gash, has been approved for consideration."

Speaker Hannig: "Mr. Clerk, could you hold this a second. Representative Deering, for what reason do you rise?"

Deering: "Thank you, Mr. Speaker. I couldn't get to my button in time. I would like the record to reflect that had I voted, I would have voted 'yes' on House Bill 672."

Speaker Hannig: "Thank you. Representative O'Brien, for what purpose do you rise?"

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

45th Legislative Day

April 17, 1997

O'Brien: "Thank you, Mr. Speaker. I'd like the record to reflect that, had I had the opportunity to vote, I would have been an 'aye' vote on House Bill 672."

Speaker Hannig: "Thank you. And Representative Rutherford. Mr. Clerk, take that Bill out of the record and call House Bill 1074."

Clerk Rossi: "House Bill 1074, a Bill for an Act amending the Illinois Governmental Ethics Act. Third Reading of this House Bill."

Speaker Hannig: "Speaker Madigan."

Speaker Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, the effect of this Bill is to ban gift giving from registered lobbyists to officials covered by the Registered Lobbyist Act. So, if someone registers as a lobbyist, this Bill would prohibit gift giving by the lobbyist to the following people: Members of the Legislature, constitutional officers, cabinet directors, assistant directors, chiefs of staff, and chief counsel to those that I've just enunciated. In addition, there is a ban on honoraria, there are certain exceptions to the ban on gift giving. Number one, a campaign contribution duly reported under the Campaign Finance Law would be an exception, documented loans would be an exception, plaques, trophies, certifications would be an exception, novelty items, such as T-shirts, an exception, meals and drinks in the nature of business meetings, an exception, publications would be an exception. In addition, the Bill contains a provision which requires a lobbyist, when they name a Legislator in the report that they file with the Secretary of State, to notify the Legislator that the Legislator is going to be named in that report. I think that this is a Bill which is much needed. I highly recommend it and request an 'aye'

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

45th Legislative Day

April 17, 1997

vote."

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

Rutherford: "Thank you, Mr. Speaker. Will the Sponsor yield? Speaker Madigan, in regards to the defining nominal value, do we have that defined somewhere in the adopted Amendment?"

Speaker Madigan: "It's not specifically defined in this Bill, but the language is used quite frequently in the underlying law. So that I would think that there's a pretty good understanding of what nominal value means."

Rutherford: "The reason I put this as a part of the question is, the underlying, I'm sorry, the existing, we are now eliminating, per the underlying Bill, where we'd had in there \$100 aggregate for gifts or something like that, and we've now taken that part out, albeit, now we are still defining novelty items and so forth of under \$25. But by taking out that \$100 aggregate, we basically are saying that one can receive unlimited number of these \$25 gifts without having any limit to the aggregate. Is that, is that the intent, or, obviously, the case?"

Speaker Madigan: "Mr. Rutherford, the clear intent of this legislation is to eliminate the thrust of the current law. So the current law states that you cannot take a gift for more than \$100 under circumstances that would leave the wrong inference. We want to move in the opposite direction. We want to say, 'Look, eliminate the gift giving,' recognizing that there's a lot of trivial items that you'll find on the desks and in your offices, especially when we're in Session."

Rutherford: "Talking about the groups that would need to follow this, are those that are defined under the Lobbyist

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

45th Legislative Day

April 17, 1997

Registration Act, which are those that you had defined earlier. Would that include the chairmans of boards or commissions that are appointed by the executive branch and approved by the Senate? So, for example, the Illinois Arts Council, or the IDFA, or Toll Authority?"

Speaker Madigan: "If they register as lobbyists, the answer would be, 'yes'. If their name is on the document which is produced by the Secretary of State, the answer is 'yes'."

Rutherford: "I'm sorry, I didn't ask the question then in the right way. I'm talking about the officials, unto which must be precluded from certain things because of this Bill, so, the officials being the Governor, the Lieutenant Governor, Members of the General Assembly, chief legal counsels as you've defined them, cabinet members. Does this, though, include the chairmen of boards and commissions, again, per the examples I've just given you?"

Speaker Madigan: "My staff advises me that the answer would be 'yes'."

Rutherford: "If I could, and this does obviously have a great deal of impact, because there are a number of chairs out there and general counsels of commissions. Could they help me identify where they get that answer, because I think that is not, I would like to see where it is, because I'm not sure that is accurate. Because, as I read the Amendment, it's officials as defined in the Lobbyist Registration Act, so forth and so on, and I don't believe those individuals that I described to you are defined in that."

Speaker Madigan: "My lawyer is advising me that if named individuals are covered under the law today, then they would be covered under the Amendment, and that's where he came to his advice that the answer to your earlier question

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

45th Legislative Day

April 17, 1997

was 'yes'."

Rutherford: "Okay, I will, maybe when we're done here I'd like to follow up on that, because I'm not sure that those people are covered under the definition of official under the Lobbyist Registration Act."

Speaker Madigan: "Mr. Rutherford, I would state my intent that they should be covered."

Rutherford: "Okay, and if they are not, it is your intent then, to work through this in the Senate to make sure that they would be included in it, I assume?"

Speaker Madigan: "We would be pleased to do that."

Rutherford: "Great. Let's, if we could now look at, let me find it here, talking about allowing lobbyists to be able to go out and to buy meals and drinks and so forth like that. Are there any restrictions on the price of the wine or the grade of the steak?"

Speaker Madigan: "No."

Rutherford: "Would it include cigars at the dinner? These are important questions for some people in the Illinois General Assembly."

Speaker Madigan: "I'd recommend no."

Rutherford: "You would have to recommend a cigar, cigars are not included. Okay. If we could, Mr. Speaker, if we could look at the portion precluding indirect gifts. Give me an example, let me give you an example, an indirect gift, would it be in violation, for example, to say giving a gift to my secretary, who would then give it to me, or give it to a family member, a spouse, to not even a relative like that, but let's just say a good friend, a college fraternity brother and a gift is given there and then 15 minutes later it's handed to me."

Speaker Madigan: "That sounds like a planned, deliberate

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

45th Legislative Day

April 17, 1997

subterfuge and should not be done."

Rutherford: "Say that again."

Speaker Madigan: "That sounds to me like a planned, deliberate subterfuge of the intent of the law. It would be in violation of the law."

Rutherford: "Representative Turner, was I just insulted? A planned deliberate subterfuge? All right, I can understand that, Speaker, thank you. In moving ahead on the portion dealing with small gifts, am I correct in reading the Amendment, or the Bill now, that this does not include local officials? So, are we talking about mayors, township officials, road commissioners, are they not a part of this law, or this Bill, if it was to become law?"

Speaker Madigan: "Two part answer, #1, if they're covered under the current law, then they're covered after the Amendment, #2, if they are on the list that comes from the Secretary of State, then they're covered."

Rutherford: "Does that include local officials then?"

Speaker Madigan: "Well, again, if they're on the Lobbyist Registration List that comes from the Secretary of State."

Rutherford: "Yeah, again, we're not talking about the lobbyists, I'm sorry, very clear, we're talking about the official that must, that this falls under."

Speaker Madigan: "The official that would receive the gift?"

Rutherford: "Correct. Let's just use a mayor or a township official as an example here."

Speaker Madigan: "If they're covered under the current law, then they would be covered. My lawyer advises me that they're not covered under the current law."

Rutherford: "That they are not covered under the current law."

Speaker Madigan: "Yes."

Rutherford: "So a township official or mayor is not covered under

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

45th Legislative Day

April 17, 1997

this, if it was to become law. Second part of the question, what if one is a township official and a member who is covered under this law, and he receives the gift as a township official, and is this one of these subterfuge things again?"

Speaker Madigan: "Yes."

Rutherford: "Thank you."

Speaker Hannig: "Representative Ryder."

Rutherford: "I'm not finished."

Speaker Hannig: "Excuse me, Representative."

Rutherford: "That's okay. Going ahead with the lobbyist who is required to complete the disclosure of giving the gift or so forth to a Legislator and then sending that to them, I stand wholly in support of that effort, but what if, for example, they had given 118 whatevers and they inadvertently only put down 117 names, one person was left off by accident. Obviously, the penalties in here could be up to no more than \$10 thousand, but it does state that they would be prohibited from lobbying for three years, and obviously, I would assume that's going to be an innocent mistake. What recourse would that individual have to be able to not be barred from lobbying for three years?"

Speaker Madigan: "Our view on the three years is that that's a maximum. So that there would be a discretion in terms of what the penalty might be, and so, if it's an innocent mistake, the penalty might simply be a reprimand or probation."

Rutherford: "I want to check on that, because I, we read it as that it is three years. Whose discretion would that be, let's just say, if it is interpreted per what your counsel has said? Is it that of the State Board of Elections, is it the court system?"

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

45th Legislative Day

April 17, 1997

Speaker Madigan: "We believe it's the Secretary of State."

Rutherford: "So the Secretary of State's Office would have the determination as to whether lobbyists would be barred from lobbying for one day, one year, or three years?"

Speaker Madigan: "They would be able to decline to take the registration, which means that, if you're not registered then you cannot lobby."

Rutherford: "Okay, the Act, in violation of this per the penalties under the law book that I have in my hand, who would provide for the conviction? It would be going through the court system that they would be found guilty, and they would be convicted through the court system?"

Speaker Madigan: "Whatever the current law provides."

Rutherford: "I realize that, but the concern I have, because we are changing something here that they could be in violation for, again, I stand wholly in support of the idea that a lobbyist has to tell us if they're going to put us on one of their disclosure statement, but if 117 are filled out, one is advertently left out, then they could, the penalty, and I'm reading it right out of here, it says, 'upon conviction of any violation of any provision of this Act is prohibited for a period of three years from the date of conviction.' So I do not read that as a subjective question, it is absolutely defined. The part, and I think you can understand where I'm coming from at it, if it was truly an inadvertent mistake, as could happen in this business, somebody does technically fall in violation, as I read this, they do not have a discretion for someone, the Secretary of State, and I'm not a lawyer, perhaps even the courts not even have a discretion to say, 'You were in violation, you can't lobby for a day.' I read the law to say that they, upon found violation, they will be barred

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

45th Legislative Day

April 17, 1997

from lobbying for a period of three years."

Speaker Madigan: "Mr. Rutherford, it would appear as if you're correct. That there's a current law that deals with this that these matters could wind up in court, before a judge, and that could happen. But if we're concerned about that, we have to go back and change the current law."

Rutherford: "The only reason that I bring this to our attention is because we are changing something that could cause the current law to become into effect what could well be much more of an innocent reason than perhaps the reason the existing law is in place. Obviously, I don't want to take too much more of the Body's time on this specific issue, I'd just appreciate it if your counsel would highlight that so that we can talk about it and maybe do a little more work into it if it does need to be something if it passes from here when it goes to the Senate. Is that alright, because I've got a couple other questions then?"

Speaker Madigan: "Okay."

Rutherford: "Thank you. Looking at the provision that talks about that no official, as defined in the Lobbyist Registration Act, may receive anything of value from a person or entity required to register, this means if they are not registered, they didn't register, but they are required to. Whose burden is it to have recognized the fact that they should have been a registered and have not yet and have received that item of value? Is it the public official's burden, or is it the person who should have registered has not, who's in violation, the official or that person that should have filed when they presented the thing of value?"

Speaker Madigan: "The lobbyist."

Rutherford: "I'm sorry."

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

45th Legislative Day

April 17, 1997

Speaker Madigan: "The lobbyist."

Rutherford: "They're not a lobbyist yet though, because they haven't filed."

Speaker Madigan: "They should be registered, so, we have a law that provides that if you're working around this building, either before the Legislature or before the executive department, you're obligated to register, and individuals are expected to know the law. And so, we're taking that basic law, and we're adding another element to it, which says that those people who are expected to know that they should register cannot be giving gifts."

Rutherford: "Okay, but if I could please, on page 2, line 18, and I'm looking at the Amendment where it says, 'No official, as defined, may receive anything of value from a person or entity required to register, regardless of whether they are actually registered or not.' Now I don't, again, I'm just trying to get this clarified, because hopefully this does become law, and we're all going to be out there having to live under it. I read that, page 2 line 18 on down, that the burden there is not lying with that person who should have registered, but the burden there actually lies with the official. 'No official as defined', so forth, 'may receive anything.' So, if I'm walking with Tony Rossi to talk about filing an Amendment someplace down in Springfield, and somebody has some gift for me and I don't know they're not registered, I don't know that, but I take it, I read this as I'm the guy in violation."

Speaker Madigan: "I think we have to give you just a practical piece of advice, that you're an elected official, and someone comes bearing a gift, and you know that they routinely talk to you about legislation, or that they want to talk to you about legislation, and so you are an elected

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

45th Legislative Day

April 17, 1997

official and my advice would be, tell this individual you can't do this."

Rutherford: "I can understand practical advice, but I also happen to know attorneys that I've known for years that have never been involved with the political or legislative process, and maybe now, tonight, they're going to be representing some entity here in Springfield, unbeknownst to me, they're not a registered lobbyist, and they go out and buy me a Bulls ticket or something. Now, as I read this, if this is to become law, I am now the guy that's at fault to it."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Yes, Sir."

Speaker Madigan: "This law imposes a criminal penalty, therefore..."

Rutherford: "I'm sorry, what?"

Speaker Madigan: "This law imposes a criminal penalty. The current law imposes a criminal penalty, and therefore, there's a requirement of intent. You would have to be found guilty of intent to violate the law, and under the circumstances that you just described, I don't think you'd be found guilty."

Rutherford: "Okay. If that happens, I'm going to come look for a good lawyer with you. Going on now to the provision, talking about the fiscal impact now, I see that the Fiscal Impact Note that was filed came from the State Board of Elections, but what we're talking about here, in regards to the lobbyists' filings, is a burden of responsibility for the Secretary of State's office, do you anticipate any fiscal impact onto the Secretary of State's office?"

Speaker Madigan: "No, the lobbyist is under obligation to notify the Legislator. The lobbyist is under obligation to notify the Legislator."

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

45th Legislative Day

April 17, 1997

Rutherford: "So there's no filing of that with the Secretary of State's office then? So that report is already being filed with the SOS, what you're suggesting happened here is the burden of responsibility to notify the elected official falls on the lobbyist. What about, I was going to say monitoring that, but I'm sure that would come from the elected official. Terrific, Speaker Madigan, I think what you've put together here is some excellent, excellent points, particularly on the reporting on the items from the lobbyists. I do have some, and again, this isn't one of these games being played, I do have some very serious questions on a couple of issues, I've highlighted them to you. If this does go to the Senate, I hope we can try to at least answer them and maybe even work them out. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Ryder."

Ryder: "Thank you, would the Sponsor be willing to yield for a few questions?"

Speaker Hannig: "He will."

Ryder: "Thank you. There's a few areas that I would just like to highlight, and there not very many, so I would appreciate your cooperation in answering the questions. Mr. Rutherford made reference to something called nominal gifts, and nominal gifts is not something that I read that has a dollar limit. Is there a dollar limit on nominal gifts within the Act?"

Madigan: "No. The further answer is that nominal is used all through this law, so there's a pretty good understanding as to what nominal would be. Just yesterday I spoke with a group that came to the Capitol Building and they gave me a paperweight, which I thanked them for. I view that as nominal."

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

45th Legislative Day

April 17, 1997

Ryder: "The reason, Sir, that I ask that, by the way, I hope it's a nice paperweight and that you have plenty of papers to be weighted by it, is it your Bill does talk about two different categories and perhaps you placed the paperweight and the novelty items of less than \$25 in value, and perhaps that were to be the case, I don't know, I didn't see it. There was another category that eliminates gifts of nominal value. You made mention, I thought, in your earlier comments, or perhaps your opening, equating nominal value gifts with perhaps those items that we receive, the plaques, the trophies, the items of that case, and I have a reason for asking that item. Am I correct, did I hear you correctly in equating nominal value gifts to the plaques and trophies that we receive?"

Madigan: "They would be exceptions to the ban."

Ryder: "You were kind enough to share with me, I'll share with you. I was honored by a firefighting group who gave to me an old leather helmet, which was nice, I appreciate it, thank you very much. Later it was brought to my attention that I had no appreciation of the value of that gift. That leather helmet is a commemorative that that group paid a couple of hundred dollars for. I was most surprised, because I had no knowledge of the value of that gift. When I accepted it and the honor that went with it, I felt that it was nominal, just like you and your paperweight. I suppose, because I'm ignorant to the value of paperweights, you could have received a classic, a collector, or a, one that was much more valuable and I have, therefore, trouble with the nominal part. Am I raising a question that you've analyzed, Sir?"

Madigan: "Mr. Ryder, we come back to intent. You know, what is your intent, and I think that this will require that every

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

45th Legislative Day

April 17, 1997

Legislator raise their level of understanding of all of this, and by way of example, you know my wife has served on the Illinois Arts Council for several years, which has subjected me to a reporting requirement for anything over \$50. And so, there are instances where people will come into my office, and they're offering a gift and I will ask them, 'Give me an estimated value on this. What do you think this is worth?' And the reason I'm asking is because of reporting. So that's the type of future that we will have under this."

Ryder: "So if I understand your comment correctly, when I'm being honored by an organization, and they give to me this leather fire helmet, I have to say, 'Thank you very much for the honor. By the way, what did you pay for this gift?' It's somewhat awkward, would you not agree?"

Madigan: "Well, you can do it in a private conversation. You don't have to do it over the microphone."

Ryder: "When we eliminated the honoraria for Legislators, there were provisions and exceptions placed in that part of the Bill previously that indicated that travel expenses were not, were exempt. So that, in the event that I'm called upon to speak to someone in a panel or participate, that I would be allowed to have travel expenses reimbursed to me. Is that still your intent under this portion?"

Madigan: "Yes."

Ryder: "There are organizations that try to make us better legislators, Council of State Governments, National Conference of State Legislators, and others. Those organizations, on occasion, will ask Legislators to travel on their behalf. They are not registered lobbyists here, so I believe they would be exempt under your Bill, but the funds to support their activities do come from

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

45th Legislative Day

April 17, 1997

organizations that lobby here. Am I correct in believing that their activities, and therefore, reimbursement for expenses would therefore be exempt?"

Madigan: "All right, Mr. Ryder, same rule applies. They can pay for you to go there just as long as they're not a registered lobbyist."

Ryder: "Very good. With deference to one of the colleagues on your side of the aisle it has been, there has been circumstances in which there have been marriages between Legislators and lobbyists. Is there anything in your Bill that excludes that circumstance, Sir, because there would be gifts going back and forth?"

Madigan: "We didn't treat that matter. It's not covered here, in the Bill."

Ryder: "Very good. As another item, it's my recollection in the previous Bill, previous Bill concerning gifts to legislature, that there was exemptions for family occasions, birthdays. I happen to know a State Senator, whose sister is a registered lobbyist, and it was my recollection that there were exemptions for family occasions in previous legislation that I do not see in yours, Sir."

Madigan: "Tom, Marleen could take Vince out for dinner on his birthday."

Ryder: "Well, that's nice, and since he was over here lobbying me on just that effect, I had to get that question out, and I appreciate that very direct answer of legislative intent. On the last item that I wish to investigate, is it correct, under your legislation, Sir, that the lobbyist is to report the value of the gift in their, is it every six month report, or is it at the time of the giving of the gift?"

Madigan: "In the regular report. In the regular report."

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

45th Legislative Day

April 17, 1997

Ryder: "And that's every six months?"

Madigan: "I believe it is, yes. I believe it is."

Ryder: "And is the lobbyist required to notify the Legislator, who has received a gift, at the same time as the report is filed, or prior thereto?"

Madigan: "At the time he forwards his report to the Secretary of State, the lobbyist should send a notice to the Legislator."

Ryder: "Just by mail?"

Madigan: "Mail or hand delivery."

Ryder: "Does your legislation provide an opportunity for the Legislator to respond, in any fashion, suggesting that, a) There's been a mistake, I didn't receive this, b) I question the value thereof, c) I have determined that I was ignorant of the value at the time that I received it and, as a result, I have returned it?"

Madigan: "That will happen, so, there's one lobbyist who I go to dinner with from time to time, and this particular lobbyist..."

Ryder: "Lucky person."

Madigan: "I missed your question."

Ryder: "I said that the person you went to dinner with must be a lucky person."

Madigan: "Oh, yeah, maybe. He's been in the habit of notifying me of what's going to be in his report, and so I've taken advantage of that to call him and question him. 'Did this actually happen, are you thinking of somebody else?' So, that's what would happen."

Ryder: "Since you do not provide for prior notice to the Legislator, the Legislator would have to deal with an inaccurate or faulty report that would be filed, because they're only getting knowledge at the time the report is

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

45th Legislative Day

April 17, 1997

being filed. In other words, you're not giving the Legislator an opportunity to say, 'Now wait a minute, I wasn't the one that received this item, that was Speaker Madigan. Tom Ryder didn't do that, it was Speaker Madigan.' Do you understand the point?"

Madigan: "Yeah. Now, just responding based upon my experience, I've always been able to have plenty of time to adjust my records. So this would come in, and I go to my permanent record of gifts received, so it is confirmed, because my practice is, if a lobbyist were to buy me dinner, I keep a record of it."

Ryder: "As do I."

Madigan: "And you're not on that list."

Ryder: "I hope that's not the only list on which I am not. Thank you for your time."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Speaker Madigan, you've stood up before us and said that this is long overdue. Can you explain to me, in the last couple of years, what abuses you have seen that has prompted this legislation?"

Madigan: "Mr. Parke, I don't have any specific instances that come to mind today. It's just that I've observed the practices in and around the legislature for several years, and I clearly believe that we ought to eliminate the gift giving from lobbyists to Legislators and from lobbyists to members of the executive departments."

Parke: "What kind of gift giving are you referring to?"

Madigan: "Well, it depends upon what a lobbyist wishes to give, I mean, you know."

Parke: "I don't know. I mean, the fact of the matter is, is that

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

45th Legislative Day

April 17, 1997

it seems to me that this might be an overkill if you can't specifically tell us what you're referring to. Is this really necessary, is kind of where I'm coming from? I mean, are we as Legislators, and are the government officials abusing the trust of the people by accepting huge gifts from lobbyists or abusing what would be considered proper behavior? I don't understand the genesis of your Bill."

Madigan: "The genesis of the Bill is what I have spoken to already. It can cover a wide range of items. Let's cite one example, maybe a lobbyist chooses to buy a very expensive tie for you, and I think that ought to be banned."

Parke: "But you don't, this is not an ugly tie, you may, you say in your Bill that if somebody does this on the first offense that they will be fined up to \$5 thousand and not be able to lobby for three years, is that the penalty?"

Madigan: "That is the penalty. Now Mr. Parke, again, this was treated in previous questioning. This is a criminal statute and therefore, there is a requirement of showing of intent."

Parke: "Yes, but how many lobbyists are registered in Illinois, Sir?"

Madigan: "I don't know the exact number, but the filing is about that thick."

Parke: "Thousands, thousands right? Yeah, thousands."

Madigan: "I'm advise that it may be 15 hundred."

Parke: "Okay. My understanding is that, I've been told that people have registered because they were told if they're going to deal, in any way, with the legislature and talk about any kind of issue, that they ought to be a registered lobbyist. We're not talking about professional lobbyists,

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

45th Legislative Day

April 17, 1997

we're talking about general citizens who have a specific issue in mind that they ought to register if they're going to actually come down here and talk to lobbyists about a specific Bill. They don't have the knowledge and the understanding of what it means, you know, occasionally, I know that we have seen mistakes made when somebody will give us a small gift, and in that include a number of a Bill, which is forbidden by current law, that you can't give something and talk about specific legislation at the same time, that they made a mistake, it was a stupid mistake, but they actually didn't know any better. Your Bill is pretty severe, that if, that they cannot, it's a \$5 thousand fine if they make a mistake like that, and they cannot lobby for three years. Now, a citizen lobbyist, three years is not a problem, but \$5 thousand is. Also, if a lobbyist makes a mistake in interpreting what you're trying to achieve, and they're a professional lobbyist, losing their license for three years is a pretty serious offense, they're out of business. And so, I guess my question is, if you see all, if you can't tell us specific abuses, and I don't know, I haven't seen the media highlighting specific abuses in articles, and I don't see all the articles, but I try and pay attention, that I just think that maybe this is overkill. I think the general public wants us to have good ethics, and that we shouldn't be accepting great gifts and wonderful ties and trips to foreign countries, but the fact of the matter is, I don't know if that's being done. I have a friend of mine who's a Senator in Wisconsin, and he's told me that it's their laws that they passed to solve one problem become so severe that they can hardly do anything, they can't even have somebody buy them a cup of coffee, because their Bills that they

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

45th Legislative Day

April 17, 1997

passed were interpreted so tightly that the lobbyists are afraid to do that because they could be breaking a law and lose their license. So, I guess my point is is that I think this is pretty severe. I don't see the abuses that you're alluding to, and, though I understand the intent, and I appreciate the intent of what you're trying to do, I'm just concerned that we will find people not willing to talk to us. That what you're going to do, is that you're going to tell people that you better not come down here and do the opportunity of petitioning their Legislator, and with any thought of giving them cookies, giving them any kind of thought, though you specifically say that that's okay, and a piece of cherry pie is okay, and a coffee mug is okay. But what you're going to do, in my opinion, with this is you're going to intimidate people not to want to come and petition their elected officials in any shape or form because we're too severe. That's my concern, for whatever it's worth, but I believe that when we start putting all these election reform Bills up, that you are in fact restricting the general public's willingness to talk and work with their Legislator, and I would just ask that, not only you, Sir, but all the Members who are trying to provide good government, let's be practical on how we do this stuff, let's be logical and not stymie the process of citizens, whether they're registered or not, to petition their legislature for whatever is important to them. And that's my point, and I believe that this Bill, with its penalties, has gone too far."

Speaker Hannig: "Representative Clayton. Okay, Representative Skinner."

Skinner: "Mr. Speaker, one of the organizations I belong to is the American Legislative Exchange Council. There are a

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

45th Legislative Day

April 17, 1997

number of other Members who are members of this organization. It's an organization which has an annual conference, and various business interests are solicited for money to pay for scholarships, if you will. How is that covered under this legislation?"

Speaker Madigan: "Are they a registered lobbyist?"

Skinner: "Well, some certainly would be."

Speaker Madigan: "I'm sorry. The organization that does the sponsoring, are they registered?"

Skinner: "No."

Speaker Madigan: "Okay. So, if it's done in the ordinary course, then it would be okay, but if one of the participating organizations which is a lobbyist, gives money specifically to pay for you to go to a conference, that would be in violation."

Skinner: "All right, that's not the way the organization works. Thank you very much."

Speaker Hannig: "Representative Biggins."

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

Speaker Hannig: "He will."

Biggins: "Back to the reporting requirement that the lobbyists must do. When the lobbyist files the report, they wouldn't share that report with the Members whose names are in it, would they? They would just report to them that they included them on a report."

Speaker Madigan: "Mr. Biggins, the exact language provides that a copy of the report would be submitted to the named Legislator. So I think your point is that everybody's going to be on the report."

Biggins: "We might have more than one Member on a page."

Speaker Madigan: "Yeah, right."

Biggins: "I don't know how the reports look, but it's possible

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

45th Legislative Day

April 17, 1997

that more than, we could all be on the, who knows."

Speaker Hannig: "Speaker Madigan to close."

Madigan: "Mr. Speaker and Ladies and Gentlemen, we've had a very good debate on this question. As I said, this is clearly something that should be done. Two points were raised in debate that I'd like to respond to. A point was made that a professional lobbyist, one who is always around this building, or one who is always interacting with members of the government, might lose their ability to do that activity for three years. My response there is, that if their entire livelihood, or a large part of their livelihood comes from lobbying, then I think it's reasonable to expect that they will know the provisions of this law and abide by the provisions of the law. A second category was mentioned, which are those people who don't come to Springfield, don't interact on a regular basis, but work for a company where the lawyer for the company has advised those people that since they work on legislation, they should register as lobbyists. And my response there is, the same lawyer that advised them to register, will also advise them, don't be giving gifts. Mr. Speaker, I request a favorable vote."

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 106 voting 'yes', 5 voting 'no', and 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 135."

Clerk Bolin: "House Bill 135, the Bill has been read a second time, previously. Floor Amendment #2, offered by

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

45th Legislative Day

April 17, 1997

Representative Madigan, has been approved for consideration."

Speaker Hannig: "Representative Gash, is recognized on the Amendment."

Gash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 135 seeks to ban the personal use of campaign funds. Today I think we should take a step to fix something that is, in fact, broken. We have 32 Cosponsors on this Bill. The Bill and the Amendment passed out of committee with only 'yes' votes, no 'noes' or 'present'. Campaign finance laws in Illinois are broken. They are badly in need of repair. We are introducing House Bill 135 and asking for its passage. It will do something simple, but something that is long overdue. This Bill simply bans the personal use of campaign funds. I've been working on this Bill for years. I've talked to many citizens around Illinois about it. When I tell people that today in Illinois, it's perfectly legal for an elected official to take campaign contributions and use them to buy a car, or build a new home, the response from people is absolutely the same everywhere I go. It's complete and total disbelief. They literally can't believe that this is not already not allowed. There are a lot of things in Illinois that we have to be proud of. Our campaign finance laws are not among those things. Illinois is one of only 13 states that allows the personal use of campaign funds. Thirty-seven other states have some restriction on the personal use of these funds. Today we're taking an important first step to rebuilding people's trust in their elected officials. I'd be happy to answer any questions."

Speaker Hannig: "Representative Black is recognized. Representative Black, could I suggest that we would like to

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

45th Legislative Day

April 17, 1997

adopt the Amendment by a voice vote and then go on to the Bill on Third Reading. So, could we have questions held until that time, Representative Black and Rutherford? Okay. 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?"

Gash: "No further Amendments."

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 135, a Bill for an Act to amend the Election Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Gash, has given her explanation of the Bill. Is there anything that you need to add, Representative Gash?"

Gash: "Amendment 2 becomes the Bill."

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

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

Speaker Hannig: "She will."

Rutherford: "Representative Gash, I was in committee when Speaker Madigan's Amendment was adopted onto this. And I'm glad we're able to have that be the underlying part of this Bill, because I think there are some good points to this. The first question I have, is there any provisions to this Bill that would require payments for any outstanding debts to the United States Post Office? Just curious. Did you hear the question? Should I repeat it?"

Gash: "This Bill is not addressing that. I understand the question."

Rutherford: "My question, Representative Gash, is there any provisions to this Bill which require payment for outstanding debt to the United States Post Office?"

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

45th Legislative Day

April 17, 1997

Gash: "This Bill bans the personal use of campaign funds. It doesn't address that. Thank you for asking that though."

Rutherford: "You're welcome. So the answer is no? Going on ahead, in your Amendment, actually Speaker Madigan's Amendment, on page 2, you identify the use for which a political committee can use those funds. And it's talking about expenditures treated under the (sic-Section) 527, ordinary expenses for an office holder, donations to organizations as described the Internal Revenue Code, and transfers to state and local political committees. But no where in here does it say that you can use it to campaign for office."

Gash: "Those are exempt functions under Section 527 of the Internal Revenue Code."

Rutherford: "I've read Section 527 under exempt functions, and I'm not sure that's clear. I'm getting my copy of it. Maybe your attorney can help you. And I'm not sure that that's clear."

Gash: "I do think it is clear. And I will read it to you verbatim from the Code. Exempt function means, 'the function of influencing or attempting to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization' and so on. Is that not clear?"

Rutherford: "Thank you. You say that you refer to the section in the 527, going ahead with deductions."

Gash: "Go ahead."

Rutherford: "In your Bill you're talking about the deductions in Section 527 as being allowed campaign expenses. Would any deduction under Chapter 1 be allowable? And the reason I ask this is because I don't necessarily see that the

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

45th Legislative Day

April 17, 1997

deductions themselves are defined in (sic-Section) 527. As I read 527, the deductions are only referred to as being the other parts of Chapter 1. Thus, if that is the case, and I'll slow it down if you want to check that part out, the part then, if that is the case then, does the rest or all deductions applicable or defined in Chapter 1 have application to this Bill?"

Gash: "That refers to monies used for fund-raising purposes. That's why we've added in the exempt functions."

Rutherford: "No, I'm not talking about the exempt functions any longer. I've moved over to the deduction part of it."

Gash: "No, I understand, you're talking about deductions. I'm just explaining why that's there also."

Rutherford: "Deductions, and again, just to make sure we're clear here, deductions are not defined in Section 527. Do we agree with that?"

Gash: "That is correct. And we mean by deductions, fund-raising purposes."

Rutherford: "Just to clarify though, deductions are not defined in Section 527. Deductions are referenced in 527, back to other parts of Chapter 1. Is that..."

Gash: "Yeah."

Rutherford: "Okay. And I'm trying to help with the Amendment here. I think maybe, and if you're willing to try to put this as a part of your intent here, all deductions within Chapter 1 would not have application to your intent of Section 527, I would believe. So, may I assume, and if this is the case you may want to state that and, perhaps, you'd like to see about either amending it or working with this through in the Senate, is suggest that the deductions as encompassing as Chapter 1 has them, should be defined only as those that can be directly connected with campaign

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

45th Legislative Day

April 17, 1997

purposes, or in Section 527."

Gash: "Again, the Chapter 1 monies that we're talking about refer to..."

Rutherford: "I'm sorry, Chapter 1 monies?"

Gash: "The Chapter 1 deductions refer, in this purpose, for fund-raising purposes. The other things do not."

Rutherford: "I think if we could... Let's back this thing back up. You have agreed the deductions in Section 527 are nowhere defined. And we've already concurred to that. The deductions in 527 are referenced back to the rest of Chapter 1. We have concurred to that. All deductions within Chapter 1 is broad and encompassing. I would believe that your intent of this Bill is not to have applications to all deductions of Chapter 1."

Gash: "It is my understanding that..."

Rutherford: "That the intent is to focus it strictly for political purposes, as defined within (sic-Section) 527. I'm trying to help... I'm trying to be of assistance and clarifying this. And I'm kind of walking slowly to make sure all the attorneys are catching up on it."

Gash: "The deductions that are... Deductions are deductions when they relate to income producing endeavors. So, in the political context, that would be fund-raising."

Rutherford: "So you agree that your legislative intent... I'm sorry, go ahead. Finish with..."

Gash: "The legislative intent is that what we mean by deductions there is fund-raising, political fund-raising."

Rutherford: "Thank you. It took us awhile to get to that, but I'm glad we were able to bring it all around. You have a portion... you have a portion of your legislation which discusses the prohibition of purchasing a vehicle, but the allowance of leasing a vehicle. The question I have,

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

45th Legislative Day

April 17, 1997

Representative, is, if a campaign vehicle is leased, of which many times there's a provision for a buy out at the end of that lease period, which could well be more economical, a good investment to be able to have for future political purposes. But, yet, as I read this, you have prohibited that wise business investment to happen. Is that correct?"

Gash: "Representative, we discussed this in committee. And as you know, this has been through many iterations, and we've tried to come up with the best possible wording that we could. This addresses the leasing of a vehicle."

Rutherford: "If I could, there were approximately a hundred other people that weren't with us in committee. And that's the reason I need to be sure. But if we could run through this one more time."

Gash: "You can."

Rutherford: "There is a better, many times businesses can go out and lease a vehicle, at the end of that lease period be able to exercise the option to buy at a much more economical opportunity than continuing on with a second lease for another vehicle. Are there provisions to be able to allow a campaign vehicle to be purchased at the end of a life... of a lease period for that economical opportunity?"

Gash: "Representative, as we have discussed before, this went through many iterations, and we determined that this was the best, the most workable language, which does require the leasing of a vehicle."

Rutherford: "So the answer is no?"

Gash: "The potentiality for abuse was so significant that this was the best wording that we could come up with."

Rutherford: "So the answer is no?"

Gash: "Yes. Yes, the answer is no."

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

45th Legislative Day

April 17, 1997

Rutherford: "Thank you, Representative Gash. Does your Bill prohibit the use of campaign funds from paying court or legal fees?"

Gash: "If it would be related to fund-raising, your fund-raising, or your campaign, or a governmental purpose, that would be allowable."

Rutherford: "So your intent is if someone served in the United States Congress or the Illinois State Legislature, and they were in violation of something heinous, not found in violation, that they were charged with something heinous, and they went through a court proceeding, that they could use their political campaign funds to represent them in court?"

Gash: "I understand your question. And regardless of my personal feeling about that, what this Bill is attempting to address is to ban the personal use, solely personal use of campaign funds, from what we have now as present law in Illinois that speaks to this issue, which is frankly, nothing."

Rutherford: "I don't disagree with any of what you just said. I'm just trying to get an answer to the question. If somebody..."

Gash: "Yes."

Rutherford: "Okay, so someone can use this for their legal defense fund if they did something heinous. Does your Bill restrict any type of shifting, and maybe the best way to say this is, a state political committee transferring monies to a federal political committee and, shortly thereafter, the federal political committee transfers those funds back?"

Gash: "I believe that federal law requires that you cannot transfer."

Rutherford: "Well, if it's qualified money, though, it would be

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

45th Legislative Day

April 17, 1997

eligible to be transferred from a state account to a federal account. So let's assume that it's qualified money. If it was done, does this..."

Gash: "Wait one second. Federal laws would obviously pertain."

Rutherford: "Could you explain that to me? My question is, did your..."

Gash: "And it should also be pointed out that there is a ban at the federal level on the personal use."

Rutherford: "I know. You're not answering... I'm sorry, let me rephrase my question."

Gash: "I do feel it's important to point that out though."

Rutherford: "If you have funds in your state account that are federally eligible to be received by a federal committee, can you transfer those funds to that federal committee and 24 hours later have those funds immediately transferred back to the state committee? Does your law, does your Bill if become law, prohibit that?"

Gash: "Can you repeat that question?"

Rutherford: "I would be delighted to. Does your Bill, if becomes law, if the funds in that state account are federally eligible to be received by a federal campaign committee, does your Bill prohibit the transfer of funds from a state account to a federal account with eligible monies, and 24 hours later, the federal account transfers them back to the state account? Does this Bill prohibit that?"

Gash: "This Bill does not address that."

Rutherford: "Thank you."

Gash: "Federal law does, however."

Rutherford: "Federal law prohibits a state account being transferred to a federal account and back in 24 hours? Are you sure you want to make that statement on the record?"

Gash: "This Bill does not address that."

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

45th Legislative Day

April 17, 1997

Rutherford: "Okay. And are you saying the federal law does? Or do you just want to kind of leave that silent for the moment?"

Gash: "I'm sorry, someone was talking to me."

Rutherford: "Do you want to say... You told me the federal law prohibits that. Are you sure of that, or do you just want to maybe not..."

Gash: "No. Federal law addresses that, this Bill does not."

Rutherford: "Okay. Does this Bill, in any way, prevent political committees or candidates from accepting money from foreign nationals?"

Gash: "This Bill does not address that. Federal law does address that, but this Bill does not. This Bill..."

Rutherford: "Federal law addresses it for federal candidates. But you're dealing with state law, state campaign committees. That's my question. If I have to qualify it each time that we're talking about a state committee..."

Gash: "Federal law addresses that for all candidates. That is my understanding. This Bill, however, does not address that."

Rutherford: "Federal law... So, Representative Gash could not receive from a foreign national in her state political campaign committee?"

Gash: "That is my understanding."

Rutherford: "Okay. Thank you. In your Bill, you say that shall not, a campaign committee shall not make expenditures in violation of the United States Law. Why do you need that in there?"

Gash: "You shouldn't need that in there, should you? We feel that it's important to point that out."

Rutherford: "Is it redundant?"

Gash: "No, it isn't redundant. The fact that personal use of campaign funds occurs makes this law necessary. And I

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

45th Legislative Day

April 17, 1997

think it's necessary to point out what will be prohibited."

Rutherford: "Like breaking the United States law?"

Gash: "That is prohibited."

Rutherford: "Okay. In your Amendment, you state that notes for loans need to be in writing."

Gash: "Yes."

Rutherford: "Where are those documents to be kept?"

Gash: "That would need to be kept with the records of the political committee. I think you can understand what the concern is if you don't have records like that."

Rutherford: "I don't disagree. I'm just trying to... What you're about to try to do is make law that every citizen of Illinois must live under, and I just want to make it clear."

Gash: "And I want you to."

Rutherford: "So you're saying then, that if the... so if there was a loan for the political committee, it needs to be in writing and has to be kept with the records. So that would be, presumably the campaign treasurer or the campaign chairman or someone like that? I can't hear you shaking your head."

Gash: "I'll do that louder. The law requires the treasurer to keep those records."

Rutherford: "The law requires the treasurer?"

Gash: "To keep those records."

Rutherford: "Where is that in the law?"

Gash: "I believe it's in the Election Code, article..."

Rutherford: "Representative Gash, if I could, I mean, you're making a statement saying that it's in the law. This is the first time, if this becomes law, we will have ever had this provision to be necessitated. If you're stating that the records of the campaign committee, by law, are to be

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

45th Legislative Day

April 17, 1997

kept with the treasurer, I could buy into that. But you are making an interpretation, again, if this is your intent, I want to make sure we understand it, or maybe have to amend it to clarify, that these become records that are to be kept with the treasurer."

Gash: "That would be my intent."

Rutherford: "That is your intent. Can anyone examine that?"

Gash: "Section 9-7 of the Election Code, Treasurers Account of Contributions Preservation, 'The treasurer of a political committee shall keep a detailed and exact account of...'
This is one of the things that they would be required to keep."

Rutherford: "Right. And are you putting as a part of the..."

Gash: "Yes."

Rutherford: "Your Amendment states that to put it as a part of that list, notes for the campaign committee? I'm not sure that your Amendment does that, Representative."

Gash: "This Amendment requires the treasurer to keep those records, which is what the Election Code requires. It requires the treasurer to keep the records."

Rutherford: "I understand that it requires them to keep the records. Could you show me in your Bill where you state that a loan must be in writing? Where is that?"

Gash: "Page 2, starting on line 30, deals with loans made to the committee in repayment of debts."

Rutherford: "Thank you. I'm caught up with you there. But it says that they will be in writing, repayment by check."

Gash: "Set forth in a written agreement."

Rutherford: "Sorry?"

Gash: "Set forth in a written agreement."

Rutherford: "Right."

Gash: "That requires them to be in writing."

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

45th Legislative Day

April 17, 1997

Rutherford: "Right. I got all that. But no where does it say where that in writing is supposed to be kept."

Gash: "It doesn't have to say that there since the records are required, in the Election Code, to be kept with the treasurer."

Rutherford: "Okay. I'm not sure I agree with you on that. But for the sake of the Body's time, we're going to move on. Can someone examine that? Because you also necessitate fair market value and prevailing market interest rates. Who monitors that? And if they are kept with the treasurer of the campaign committee, who can have access to that, and what means can they go through to get access to check that?"

Gash: "That actually goes down to another section in the Bill relating to enforcement."

Rutherford: "Okay. I'm sorry, Representative, what page are you on?"

Gash: "I am on page 4, line 17."

Rutherford: "Okay."

Gash: "Under enforcement, 'The board shall have the authority to investigate upon its own motion, or the receipt of a complaint, violations of the provisions of this section.'"

Rutherford: "Can the general public have access to that loan note?"

Gash: "Those are records that are kept with the campaign, like the other records that are kept with the campaign. And may I suggest to you that if you feel that there are parts of this, of the type of law that we are trying to create that could be so much stronger, I would be interested from hearing in you. But let me just tell you, we are trying to move. This is a very new, very important thing, we are trying to move to a ban on the personal use of campaign

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

45th Legislative Day

April 17, 1997

funds from what we have now, which is nothing."

Rutherford: "Representative, I totally agree. I'm with you, that's why we're trying to make this a good Bill."

Gash: "Good. Okay."

Rutherford: "Going on ahead, you talk about, and this question I did ask you in committee, I never did get an answer back, the idea of membership in clubs. You do allow the use of campaign funds to be used for political campaign purposes for a club."

Gash: "Correct."

Rutherford: "But what if one wants to use that club for government function to pay for it out of their campaign funds. I asked this both of you when you had your Amendment, and also of Speaker Madigan when he had his Amendment."

Gash: "As I have said to you, our intent is certainly that the funds can be used for campaign or governmental purposes. And that is my intent with this."

Rutherford: "Okay, I'm catching a lot of intents here that aren't necessarily in the language of it. I'm hoping either your staff or our staff or the transcripts will be able to pull this back soon."

Gash: "Yes."

Rutherford: "And gather all these intents, and maybe try to clean this thing up in the Senate. Going on ahead, you note in here that travel outside of the State of Illinois is prohibited unless it's for political or governmental duties. Does that include Washington D.C.?"

Gash: "As you just stated, for government or political duties."

Rutherford: "Would that include a stay in the Lincoln bedroom?"

Gash: "I'm sure I didn't understand the question."

Rutherford: "I'm sorry?"

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

45th Legislative Day

April 17, 1997

Gash: "I didn't understand."

Rutherford: "I'm just wondering, could somebody use their state funds to make a campaign contribution that would allow them the opportunity to stay in the Lincoln bedroom. Are you looking for an answer?"

Gash: "No. A transfer from a political committee to another is allowed. This is a ban on the personal use."

Rutherford: "Okay. Going ahead, on page 4, on page 4 you define, on page 4, line 34, you define 'immediate family'."

Gash: "Yes."

Rutherford: "Where do you use that in the Bill?"

Gash: "That was in my original Bill, I believe."

Rutherford: "So I think there is a drafting error there. If I could help you, on page 3, line 18, you used the term 'family member', but nowhere is 'family member' a part of the definition. But on page 4, line 34, you use 'immediate family member'. So, again, what we're about to affect here, maybe a immediate family member is a grandparent, but a family member, I'm sorry, a family member may be grandparent, immediate may not be. So, I think here is another thing we want to be sure staff makes note of, so we can clean this up, either in the Senate or when it comes back. Acknowledged?"

Gash: "Yes."

Rutherford: "Okay. Representative, you go to page 4, line..."

Gash: "I'm there."

Rutherford: "I'm sorry?"

Gash: "I'm there."

Rutherford: "Line 15, 'unless the thing of value is purchases or leased'. I believe we have another drafting error. I believe that is suppose to be 'purchased', past tense."

Gash: "That's a typo."

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

45th Legislative Day

April 17, 1997

Rutherford: "I'm sorry?"

Gash: "That's a typo."

Rutherford: "So acknowledged that we need to clean that up, as well?"

Gash: "Yes."

Rutherford: "Thank you. Going ahead, Representative."

Gash: "Going to where, Sir?"

Rutherford: "I'm going to opinion on the Bill. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Rutherford: "I appreciate Speaker Madigan's effort in drafting this Amendment, putting it together for Representative Gash. I think there are a number of things in here that are very positive and good. I hope that we can cause most of these to become law. But I think there are a number of items that do need to be cleaned up in here. And both of our staffs have duly noted that we can work towards that in the Senate. Thank you."

Speaker Hannig: "Further discussion? Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor of the Bill yield to questions?"

Speaker Hannig: "She will."

Ryder: "Representative, in your opening statement you indicated that the purpose..."

Gash: "Could you start again? I'm having trouble hearing you."

Ryder: "I'm speaking as loud as the microphone will allow. If it's the problem, it's because the House isn't in control. I'll do my best."

Speaker Hannig: "Could we have a little order for the Lady and the Gentleman who wish to debate this important campaign Bill. Ladies and Gentlemen of the House, a little order. Proceed, Mr. Ryder."

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

45th Legislative Day

April 17, 1997

Ryder: "Representative, in your opening statement you indicated that you wish this piece of legislation to eliminate the personal use of campaign funds. I've looked through the Bill and I have not discovered a definition of 'personal use'."

Gash: "The Bill defines what will be allowed and won't be allowed."

Ryder: "No. I didn't ask that question. I said 'personal use'. Is there such a definition?"

Gash: "It is very difficult to define personal use..."

Ryder: "Are the words 'personal use' defined?"

Gash: "They are not defined. What we have done is..."

Ryder: "Thank you. I appreciate that. So now it's our job to be able to define from the language of your Bill, what it is that you're attempting to eliminate. You make specific reference to a code in the Internal Revenue Service, which by its definition, talks about what is deductible under the Internal Revenue Code. Is that a correct statement, Ma'am? I'm sorry, did you answer the question?"

Gash: "The intent of that..."

Ryder: "No. You made a statement, your Bill refers to the Internal Revenue Code to indicate that what is deductible under the Internal Revenue Code is an appropriate expenditure for a campaign fund. Is that correct or incorrect?"

Gash: "This Bill prohibits the use of political committee funds for anything that is not a deduction or exempt function under Section..."

Ryder: "Then I take it from your comment that the deduction is correct, as defined by the Internal Revenue Code."

Gash: "Yes."

Ryder: "It would have been simpler a few sentences ago, but

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

45th Legislative Day

April 17, 1997

thank you very for answering the question. I appreciate that."

Gash: "You're quite welcome."

Ryder: "I know very little about the Internal Revenue Code. It is a huge document. What I do know is that deductibility is determined by the kind and type of business, so that what might be deductible in your business is clearly not deductible in mine. So, unfortunately, in this circumstance, by making the references that you have, you have left a very large area for us to examine. So, I'm now going to ask a few questions about deductibility. You have specifically excluded such things as personal clothing for a candidate. Correct?"

Gash: "No."

Ryder: "That is not a legitimate expense under this Bill. Is that correct?"

Gash: "In certain circumstances that may be acceptable, but generally that is correct."

Ryder: "So sometimes it is, and sometimes it isn't?"

Gash: "It specifies exactly when."

Ryder: "Well, tell me exactly what that means."

Gash: "'For clothing or laundry expenses, except clothing items rented by the candidate for his or her own use, exclusively for a specific campaign related event, provided that the committees may purchase costumes, novelty items, or accessories worn primarily to advertise candidacy'... that would be for instance T-shirts."

Ryder: "For example, if the campaign were to purchase a sport shirt for a candidate. Is that a legitimate expense? Excuse me."

Gash: "Say that again."

Ryder: "If the campaign fund were to purchase a sport shirt for a

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

45th Legislative Day

April 17, 1997

candidate. Is that a legitimate expense?"

Gash: "No."

Ryder: "What if the sport shirt is in the colors of the campaign to clearly identify the candidate when the candidate is traveling in a parade with a few dozen other volunteers. Does that make it a legitimate expense?"

Gash: "Accessories worn primarily to advertise the candidacy."

Ryder: "No, I understand the definition. I can read that, thank you. I'm asking you a specific question as the Sponsor of the Bill. Does that make it a legitimate campaign expense?"

Gash: "If it is worn primarily to advertise the candidacy."

Ryder: "Yes or no? Does a sport shirt that identifies the candidate by campaign color in a parade, does that qualify as a legitimate campaign expense?"

Gash: "Absolutely. I said absolutely. In a parade, yes."

Ryder: "Oh, you said it was yes. I'm sorry, now I couldn't hear you. And I apologize. But the answer to the question you said was absolutely, that's correct. Okay. So it is not the item itself, is it? It is the manner in which that item is used that makes it a legitimate expense."

Gash: "That is correct. Primarily for."

Ryder: "Okay. Now, campaign funds can be used for a number of different things, but could and I agree that the purpose of a campaign fund is to elect the person in that campaign?"

Gash: "Yes, I hope so. We do agree on that."

Ryder: "Okay. So if the campaign fund dollars are used to better improve the chances of that candidate for election, that would be an appropriate use, would it not?"

Gash: "In my opinion, yes."

Ryder: "If I am a poor public speaker, and indeed I am, and I

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

45th Legislative Day

April 17, 1997

need help in a public presentation, if I were to ask a speech coach to help me be a better speaker, is that a legitimate use?"

Gash: "Yes."

Ryder: "Okay. If I were to decide that I wanted to know more about my district, and in my district I represent six counties, and I were to use the campaign funds to subscribe to newspapers in my district so I could know more about what's going on, is that a legitimate expense?"

Gash: "It is absolutely a legitimate expense if you would not be normally subscribing to those newspapers, magazines, publications. If it is something that you were doing anyway, then it's not."

Ryder: "Well, let me suggest this to you. I take a daily subscription of a newspaper."

Gash: "So do I."

Ryder: "That I read, and I read it before I became a State Representative, I buy an additional subscription because I want that to go to the office where we identify subjects, identify dates, identify people. Are you saying that now that's not a legitimate campaign function?"

Gash: "That additional purchase is absolutely allowable. That is both political and a governmental purpose."

Ryder: "Okay. Would you not agree that one of the ways in which candidates are elected to office is if they have name recognition, if they are better known in the district?"

Gash: "I would agree."

Ryder: "Therefore, perhaps this happens to you, it certainly happens to me, that from time to time people will ask me to advertise in a booklet, to buy an advertisement in a..."

Gash: "Totally legitimate."

Ryder: "What is totally?"

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

45th Legislative Day

April 17, 1997

Gash: "What you are saying, that would be allowed."

Ryder: "Would you not agree that in the event a candidate were better informed about issues, that the candidate would have a better opportunity being elected? So that education of that candidate about issues would be helpful?"

Gash: "Would I not agree? I would agree."

Ryder: "Okay, then you would agree. Then can you tell me why it is that you place prohibitions against candidates, or officeholders if you will, participating in organizations outside the State of Illinois?"

Gash: "Would you like to point me to where you think it says that?"

Ryder: "I believe if you examine the prohibitions, what you indicate is not available under the travel. You place a limitation of 'it must be within the State of Illinois'."

Gash: "That is a prohibition. You cannot..."

Ryder: "Right. You're saying, for example, I wanted to learn more about education."

Gash: "Right."

Ryder: "Had an opportunity to study education, at a seminar that was outside the State of Illinois, if that made me a better Legislator, you're suggesting that I cannot use campaign funds for that purpose. Is that right?"

Gash: "Again, Representative, I don't understand why you say that."

Ryder: "Well, perhaps then, you can appoint me to the prohibition that you have on travel, which is, by my reading, limited to within the State of Illinois."

Gash: "Page 3, lines 16-21, there is a prohibition on travel outside the State of Illinois, unless the travel is necessary for fulfillment of political or governmental duties. And we did agree that education..."

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

45th Legislative Day

April 17, 1997

Ryder: "Thank you. Then let's you and I talk about what fulfillment means."

Gash: "Okay."

Ryder: "If we may. Would a seminar on education funding be in fulfillment thereof?"

Gash: "I didn't hear you. I have a lot of people talking to me over here."

Ryder: "I'm sorry, Mr. Collins is blocking our view there. And, I'd prefer to see you if I can."

Gash: "I prefer to see you too."

Ryder: "Thank you. My question was, you correctly placed my attention on the portion that talks about 'in fulfillment of our governmental duties'. Correct?"

Gash: "Yes."

Ryder: "All right. Let me ask a question which I think would be obvious. If I were a newcomer to the campaign process, and I knew nothing about campaigning, which I sometimes think is the case, and I had an opportunity to attend a campaign seminar that would teach me how to be a better candidate, how to win elections. Can I use these funds to attend that seminar?"

Gash: "Again, let me repeat this, in the section we were just discussing, that it is prohibited travel outside the State of Illinois, unless the travel is necessary for fulfillment of political or governmental duties."

Ryder: "Right. And you and I are exploring what that fulfillment means at this point. Since I'm not quite sure what you mean, I'm asking for purposes of intent, and for discussion, I'm asking you what that fulfillment means. Specifically, I asked, if I wish to attend, or you, or any of..."

Gash: "Anything that will further your election to your office or

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

45th Legislative Day

April 17, 1997

a governmental purpose. And by that, we mean anything for which you could spend governmental funds, public funds."

Ryder: "Well, clearly, I can't spend government funds to go to a campaign seminar."

Gash: "Well that might be a political purpose."

Ryder: "I think that might be. So, you and I have agreed on that. And on some occasion, some of us travel to National Conference of State Legislators. Does that qualify, their meetings?"

Gash: "Do you travel there for political or governmental purposes?"

Ryder: "Well, I'm telling you that I travel. And I'm asking you if, in your intent as the Sponsor of the Bill, that meets the definition that you have drafted."

Gash: "I personally am assuming that you travel for political or governmental purpose for that reason."

Ryder: "Is that based on an assumption?"

Gash: "Yes."

Ryder: "All right."

Gash: "I can't speak for you."

Ryder: "Thank you. I sometimes have trouble speaking for myself."

Gash: "If you don't attend the seminar, that's another story."

Ryder: "I'm sorry, I didn't hear that."

Gash: "If your intention is to actually attend the seminar then, yes, that would be a political or governmental function."

Ryder: "Oh, I see."

Gash: "If you go to the beach and do not do anything of any political or governmental purpose, whatsoever, I would think that's not."

Ryder: "Well, in some occasions the seminar finishes and the beach beckons, and you'll simply have to deal with that in

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

45th Legislative Day

April 17, 1997

your mind, as well. You can tell by my pasty white complexion that it's not beckoned to me very recently."

Gash: "And mine, as well."

Ryder: "There's a couple of omissions here. But let me conclude, if I will. I take it that you believe that participation in any of the national organizations to which this state is affiliated, which is to say Council of State Governments, National Conference of State Legislators, ALEC, and et cetera. Participation in that would clearly be an appropriate use of campaign funds."

Gash: "I agree."

Ryder: "You agree to that. Thank you."

Gash: "Absolutely."

Ryder: "Very good. Now, there are a couple of things missing, Representative Rutherford made one mention of them. I didn't see in here any prohibition for a campaign fund after a Legislator leaves office. Did I miss that?"

Gash: "This Bill applies as long as that political committee is active."

Ryder: "I'm sorry?"

Gash: "My original Bill did address that, but this Amendment which becomes the Bill now applies, as long as the political committee is active, in existence."

Ryder: "Oh, so, you wanted to do something more, but you were persuaded not to do it in this Amendment. Correct?"

Gash: "I have to say that I am very pleased that we have come this far. I have worked on this particular legislation in various, very close iterations, for years and years and years. And this is the closest we have ever come to actually doing something, with respect to the personal use of campaign funds, that Illinois can actually be proud of."

Ryder: "But it does not say anything about the use of campaign

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

45th Legislative Day

April 17, 1997

funds after a Legislator leaves office?"

Gash: "Yeah, it does. It says what campaign funds can be used for, as long as the committee is in existence, when they leave office, also. It can't be used for anything other than what is allowed in this Bill, whether you have left office or not."

Ryder: "There was a, and I'll conclude on this, I appreciate your attention to my questions, in my area..."

Gash: "Can I just say, with respect to..."

Ryder: "Of course, you're the Sponsor."

Gash: "Thank you. With respect to what you're saying, it does address what cannot be done any longer, when someone is in office, or after they leave office, with their campaign funds. So it does address."

Ryder: "Okay. Were you concluded? May I proceed with my last area?"

Gash: "I guess."

Ryder: "Thank you. In my area, we are sometimes called upon by raising money, sometimes I have a chairman of a committee, that chairman goes out and he helps to raise money for me back home, and I appreciate that effort very much. One of the requirements, however, is on occasion, that person that helps me raise money will ask me to then contribute to other sorts of charitable organizations, an opportunity for me to meet and greet people of my district, and perhaps return the favor to other folks that are in that area. Do I have the ability to use campaign funds to attend those charitable functions?"

Gash: "This absolutely gives you the ability to do that."

Ryder: "All right. On other occasions, those charitable functions include auctions in which certain items are placed up for bid. And I have to admit that I'm not a very

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

45th Legislative Day

April 17, 1997

good bidder, because, I believe, on most occasions I'm probably paying more than the fair market value of those items. Again, it's at a charitable function."

Gash: "That would then be considered a donation to the organizations that are described in Section 170C of the Internal Revenue Code. So, if you are paying, in that case, more than the fair market value, and it is going to a charitable organization, it is an allowable donation."

Ryder: "Okay. And my last example concerns 4-H auctions in which the prize animals of the 4-Hers are auctioned off, usually at a county fair. And, again, I'm not very good in the bidding, because usually I pay more than the fair market value of those animals, and after a certain amount is taken off for the 4-H foundation or other charity, it does go directly to those 4-Hers. And they are usually more than compensated by over fair market value on those 4-H projects. Is that also covered in your Bill?"

Gash: "Is that a donation to a charitable organization?"

Ryder: "Well, I don't know. I write out the check to the 4-H Foundation."

Gash: "It is."

Ryder: "And then they distribute it, thereafter. And some cases I write it out, I think the check goes to the 4-H clubs."

Gash: "Again, that's an allowable donation."

Ryder: "So that's okay. Even though I've been taken to the cleaners paying \$50 or a hundred dollars for a rabbit or, in one case, a turkey. That's still okay?"

Gash: "I assume you're doing that in good faith to try to help out. That is a donation to a charitable organization, to the best of my understanding."

Ryder: "Okay. Thank you."

Speaker Hannig: "Representative Clayton is recognized."

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

45th Legislative Day

April 17, 1997

Representative Clayton."

Clayton: "My questions were answered."

Speaker Hannig: "Okay. Representative Mulligan is recognized."

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

Speaker Hannig: "She will."

Mulligan: "Representative, I think Representative Rutherford asked about you about legal fees. I'm curious as to how you would look at legal fees, say, in an election contest?"

Gash: "This Bill allows that. We're not talking about that particular issue. This Bill does not prohibit it. It does prohibit many different things."

Mulligan: "Because legal fees in the Internal Revenue Code are sometimes questioned. And so I'm curious, since you've referred to the Internal Revenue Code several times, that legal fees for that type of an expenditure might be called into doubt."

Gash: "That is one of the exempt functions that we were talking about earlier. But again, this Bill does not address that. It does prohibit certain things. It doesn't prohibit everything under the sun. What it does is prohibit what we feel we need to prohibit to try to prevent people from using campaign funds for their own personal benefit and not for what the donors intended those funds to be used for. When people give money to a campaign, they expect that money to go to the furtherance of that person's election or nomination to office. They don't expect that that person will then go use those funds to buy a new car for their family or to build a new home in the suburbs, or downstate, or in the city."

Mulligan: "All right. Then, I just have one or two more questions. On occasion we have a good campaign worker who may be ill, or be in the hospital, and the committee

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

45th Legislative Day

April 17, 1997

chooses to send that person flowers. Would that be considered an expenditure?"

Gash: "It is my understanding that that is an exempt function."

Mulligan: "Or to have a luncheon for campaign workers or staff, say, at the holiday time?"

Gash: "Absolutely. That's absolutely."

Mulligan: "Thank you."

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

Speaker Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of the passage of this Bill. And I commend Representative Gash, for sponsoring the Bill. Clearly, this is another area where the Legislature needs more definition in terms of what it does with campaign funds. And, in particular, I direct the attention of the Members to the section of this Bill which requires that expenditures out of political committees conform with the rules and regulations of the Internal Revenue Service. I think there are many committees which accidentally don't follow those rules and regulations. And I think we're doing all of ourselves a service by providing, in the law, that the IRS rules and regulations must be followed. And for that reason, in addition to many others, I recommend an 'aye' vote."

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 106 voting 'yes', 3 voting 'no', and 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 498."

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

45th Legislative Day

April 17, 1997

Clerk Rossi: "House Bill 498, a Bill for an Act amending the Illinois Purchasing Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Perhaps it's, unfortunately, very appropriate that we today be considering House Bill 498, which would significantly reform how hundreds of state leases are awarded currently in the State of Illinois. I, regretfully, have to point to today's front page headline from the Chicago Tribune, entitled 'Heiple Office Lease May Be His Next Headache'. Speaking to how the process by which state leases are entered into, is in serious need of fundamental reform. House Bill 498 would amend the Purchasing Act in relation to state leases, and it would provide for purchasing officers to have the authority to secure leases for real property of capital improvements, but it sets pretty significant reform criteria for doing so. For example, all entities who wish to compete for the lease have to respond in writing and show that they're capable of meeting the minimum criteria. A purchasing officer would have to determine, in writing, which respondents would meet the minimum requirements. Negotiations then could begin with all qualified respondents. When a contract is eventually awarded, a written report has to be filed with the lease. The report would then have to say why it was in the best interest of the state to award that particular respondent with the lease contract. The legislation also provides that no state lease could be for more than 10 years. It would also require state leases to have a termination clause in the lease, which could be exercised after five years. That, my

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

45th Legislative Day

April 17, 1997

friends, is so that we are no longer, in the words of Ernest Hemingway in The Sun Also Rises, 'paying and paying and paying'. If, in fact, it's cheaper to enter into a purchase agreement for a building rather than paying inflated prices for perpetuity, we should certainly be able to do so. And this would insure that we're able to do so. House Bill 498 would also make the following changes: It would prohibit any state agency from incurring rental obligations before they take occupancy of the space rented unless it's determined to be in the best interest of the state. It also sets some parameters for the bidding process, parameters which are sorely lacking today. At this point, I'd be happy to answer any questions and certainly encourage you to support this Bill."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Is there any discussion on that issue? The Gentleman from Livingston, Representative Rutherford."

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

Speaker Brunsvold: "Indicates he will."

Rutherford: "Thank you. Representative Schoenberg, we had a pretty good discussion on this piece of legislation in committee, and I had a number of questions at that time, and I don't see that you've amended it to try to correct those. This Bill uses the term 'state purchasing officer'. Where is that defined in (sic-House Bill) 498?"

Schoenberg: "The state purchasing officer is not explicitly defined in House Bill 498, however, that individual who would have the responsibilities under the current law, or under any subsequent revision of the law that person would be the one assigned those responsibilities."

Rutherford: "See, I understand what you're saying. And I've had a very, very quick chance to look at (sic-House Bill) 1481,

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

45th Legislative Day

April 17, 1997

which does follow up and define a state purchasing officer. But if you recall in committee, and this is something I had suggested you may want to try to address, what you're trying to do in House Bill 498, if it becomes law it's going to be the law of the land in Illinois, and we have no idea as to whether another companion Bill can become the law, and what you've done here is actually vesting the responsibility to have the authority to procure leases to an entity called a purchasing officer, which is not defined in here. I've really got some major concern with that."

Schoenberg: "As I indicated earlier, whomever, under current law or revised law would be responsible for entering into lease agreements. That is the person, who upon which these responsibilities would fall. Is there another question, Sir?"

Rutherford: "Yes, there are. Presently in current law, the state leases cannot exceed a term for five years. Why do you want to double the time that a lease could be had for, to go up to 10 years?"

Schoenberg: "It's our belief that by extending the term to 10 years that that will ultimately be more favorable to the state, particularly since we're also providing for a termination clause in favor of the state after five years. We believe that this provides for greater flexibility, as well as greater accountability and greater protection for the agencies making these decisions. Mr. Rutherford, I won't belabor this during the course of our discussions, however, as you're well aware, over these past two years, really it's been over the past three years, we have had extensive discussion on the woefully inadequate mechanisms in place for determining..."

Rutherford: "Can I suggest you may want to make those at your

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

45th Legislative Day

April 17, 1997

close, because I do have some more questions. I mean, I understand where you're coming from."

Schoenberg: "I'm just going to finish my sentence, Sir. We have woefully inadequate procedures and safeguards in place, and they have been demonstrated, regretfully, on a repeated basis."

Rutherford: "I don't necessarily suggest that what you're saying is right or wrong, but I think what we need to do is have a technically correct Bill coming out of here."

Schoenberg: "Certainly."

Rutherford: "Because, just what we were talking about, in regards to your legislation, if it would become law, extends the time that a state lease could be for for 10 years, yet under existing law, we say that it shall not be an exceeded term of five years. If your Bill became law, you did not repeal the portion that would make it five years. So you have a conflict in the statutes if this was to become law. How do we... Why would you suggest we would do that in (sic-House Bill) 498?"

Schoenberg: "Mr. Rutherford, there's certainly willingness on my part to put this, maintain this at five years. However, having made that overture to you, I do want to hasten to point out that there are certain lease purchase agreements which we enter into, which exceed 10 years, and that is circumvented through that means by that financing mechanism. But I do want to let you know that there is a willingness on my part to maintain it at its current level."

Rutherford: "Okay, but what we're doing, if this becomes law, is in one part of the statute we're going to say the maximum is 10 years, another part of the statute we're going to say the maximum is five years. See, these are things that I

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

45th Legislative Day

April 17, 1997

brought up to you in committee. I mean, very openly and very candidly I suggested that these are going to be problems with this piece of legislation when it comes to the Floor. I had suggested that you may want to try to get together to amend it, and we haven't done it. I mean, if we passed this Bill and it became law, we're going to have conflicts out there. Also, this Bill requires that written reports and negotiations, of the negotiations be kept someplace, but it does not define where these papers are to be kept. Who is to keep these documents?"

Schoenberg: "Mr. Rutherford, I'm certainly intrigued with your curiosity as to who will keep the paper. To me it seems fundamentally more important that we actually are able to maintain a paper trail in these transactions, and that these records be readily accessible. I know through my own personal experience that I've made freedom of information requests for documentation and been told such documentation would eventually be forthcoming. We're both relatively young men, but I still hope that I do see that day."

Rutherford: "But it helps when you file a Freedom of Information Act if you know where you need to go to get the paper. And that's what I'm trying to get to here. Page 3, line 4, states that a written report shall be kept. But in this Bill, and again, Representative, this is what I pointed out to you when we were in committee, that I see that there is a flaw in this Bill, trying to make sure that when it came to the Floor we had these things defined. Where is the paperwork to be kept? Who's responsible for it? And how long is it to be kept?"

Schoenberg: "The paperwork, conceivably, would be kept with that individual who maintained the lease files."

Rutherford: "That individual, meaning the purchasing officer?"

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

45th Legislative Day

April 17, 1997

Schoenberg: "That individual who maintained the lease files.

Under our current way of doing things..."

Rutherford: "But you were suggesting earlier that you can't get those. I mean, if you're going to be now necessitating statutorily written reports to be kept, I would suggest that you may want to find out who's going to keep them, who's going to be responsible for them, and how long they've got to keep them. And it's nowhere in this Bill right now, as I had discussed with you in committee."

Schoenberg: "Mr. Rutherford, we had a rather abbreviated conversation about this Bill in committee, and you did indicate your concerns to me. In terms of the execution of the details on how we would provide a fundamental overhaul on how we award state leases, you seem to be preoccupied with who shuffles the paper, as opposed to who's the beneficiary of some very questionable transactions."

Rutherford: "Okay, let's go ahead with one other concern, and then I'll close on the Bill here. You've got a provision in here that does necessitate that when one goes into option, I'm sorry, when one goes into a lease, and it's going to be required to have an option to purchase in it, what if one wanted to lease some space in a building that was really the most economically opportune situation for them, but the landlord didn't want to have it to provide it for an option to purchase? Let's say, for example, the Sears Tower, or a building in Central Illinois that maybe is a good prime location, good opportunity, good price, but is not something he's going to give you the option to purchase, you basically hamstrung the best financial opportunity for the state?"

Schoenberg: "Let me point you towards a real situation as opposed to a hypothetical. The state did enter into a lease

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

45th Legislative Day

April 17, 1997

purchase agreement on behalf of the Department of Employment Security for their current facility at 401 South State Street in Chicago, for their central headquarters. The owner of the property reneged on his legal obligation to purchase the building. The state took the landlord to court and won. We then found ourselves in litigation, in which the state ultimately did prevail, and an Amendment to that lease was provided that enabled the state to extend their lease as part of the settlement for a significant cost savings for the taxpayers of Illinois. Mr. Rutherford, the intention of this provision in the Bill is as follows: There's a certain point in which we may well reach diminishing returns in paying for a free standing building, to rent it as opposed to owning it. And what I'm saying, and I'm sure you'll agree with me, is that with resources so scarce for whatever we want to do in this state, we want to provide the best cost savings possible. The purchase option doesn't have to be exercised, but by making the purchase option standardized within these agreements, what we're saying is, that if it's cheaper to buy the building, rather than to pay an individual or group to rent it, and rent it, and rent it, until we're paying significantly more than we really have to, we certainly should be able to have that leverage in the transaction. Wouldn't you agree?"

Rutherford: "To the Bill."

Speaker Brunsvold: "Proceed."

Rutherford: "I know Representative Schoenberg's intent is truly from the heart, and he has been working on this for quite a bit of time, put a good deal of effort and energy into it. But House Bill 498 truly is dramatically flawed. To highlight once again, what we're doing is, were going to

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

45th Legislative Day

April 17, 1997

have vest responsibility to do leases for the State of Illinois by some entity, or some person called a state purchasing officer. Nowhere is it defined in this Bill. Secondly, what we're doing here is we are changing the maximum time that the state could have a lease with an entity to 10 years, present statute says five. But in doing extension into 10 years we're not eliminating the fact that we also still have in the law, five years. As well, what we're doing is we're saying you're suppose to keep some paperwork, you're suppose to keep some paperwork, but we don't know who you are. Somebody somewhere is suppose to keep some paperwork, but we don't know who it is. We have no idea how long they're suppose to keep it. And the last thing is, even if you got the best deal going out there to have yourself a lease going into it, it's going to give you the best price, the best opportunity, the best location, unless that owner says, and you can buy my property, when you're done, you can't go into that lease agreement. Ladies and Gentlemen, I have to stand in opposition to this Bill, because it is dramatically flawed."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Biggins."

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

Speaker Brunsvold: "Indicates he will."

Biggins: "First of all, Representative, does this Bill cover the leasing operations of the Constitutional Officers, the Supreme Court?"

Schoenberg: "This agreement would cover every state lease for every state lease. and there are approximately 8 hundred or so of those leases out there."

Biggins: "Well, if that's the case, then you'd have to draft an

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

45th Legislative Day

April 17, 1997

Amendment to it, because right now the constitution, or the statute states that the Constitutional Officers have their own provisions for leasing, totally and not covered by Central Management Services. So, that's an error in the Bill. You started out by referring to the Chicago Tribune from this morning, with a headline on office-based lease. For your information, further, as evidence, I don't think you're aware of this, that the Supreme Court also is not covered by any leasing activities currently done by Central Management Services. They have their own leasing abilities. Therefore, the State of Illinois, by itself, was not involved in the leasing story today, as much as it was the operation of the, believe it or not, Supreme Court. Now, this Bill..."

Schoenberg: "Mr. Biggins, may I respond to your remarks. In the committee which you chaired these past two years, Sir, and which I currently chair, we have had rather extensive discussion, which has not been relegated to mere press clippings, but which has been adequately documented as agencies have come before our committee, as to some of the gross improprieties and financial disadvantages that we are subject to, as a result of the status quo. Thank you. Your questions, Sir."

Biggins: "Good, I feel better about that."

Schoenberg: "If it was good for you it was good for me."

Biggins: "The lease... The individuals that do the leasing for our state, do you know how many we have currently? How many does your Bill call for?"

Schoenberg: "Sir, this Bill does not call for any set number of individuals. So, what this does is assign responsibilities, and frankly, protections, not just for those people who execute the leases but those people who

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

45th Legislative Day

April 17, 1997

authorize the leases, as to how these decisions get made. No, Sir, there are no specific numbers of people who are designated as being responsible for state leases."

Biggins: "You mean you're proposing a Bill to streamline operations that has no requirement for the number of people that would be performing the function, by which you're creating the whole Bill? I mean, can you give a range."

Schoenberg: "No, Sir, what I'm doing is clearly providing some clarity for some of the grossly gray areas in this public policy that are costing Illinois taxpayers 10s of millions of dollars."

Biggins: "Does the Bill address anything regarding what would happen for leasing space in the case of an emergency? Current statutes specifically states what will happen in cases of emergency. Your Bill does not contain a provision for it."

Schoenberg: "This particular Bill does not have any criteria for emergencies."

Biggins: "Well, in 1993, as soon as the floods hit all those, and many of us here had some of our Members went over to Mississippi and help out each other because of the terrible flooding situation. Because we had an existing policy, the state was able to immediately, through CMS, go in a lease land, or concrete pads so that we could qualify for federal aid immediately. I think that any policy that's going to change that would and should address what will happen in the rest of the state in the case of any emergencies. This Bill is sorely of lacking that. This makes it, not only a very expensive Bill, but frankly, one that's very dangerous and harmful to the citizens of our state."

Schoenberg: "Mr. Biggins, I'm glad you raised the issue of emergencies. First of all, I want to say, that within

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

45th Legislative Day

April 17, 1997

House Bill 498, there are no changes made for emergencies, therefore the current law that we have for emergencies would be the law that would be the statute that's maintained. But we've also seen, regrettably, how the issue of emergencies have been interpreted rather liberally to help those who are best in a position to affect emergencies. And I specifically point to an example where an office where a state lease was entered into on ostensibly an emergency basis for the, for a state agency in Lake County, for the Department of Revenue. And it just happened to be that the Lake County Board Chairman happened to be the person who happened to own the property that this emergency happened to occur, and we were happily able to happen to accommodate him. Perhaps, we should look at the issue of emergencies. Because as the situation which I just outlined, which is not a hypothetical, but a real one that occurred, perhaps we should have further discussions on emergencies in a subsequent piece of legislation."

Biggins: "Well, I don't have the cavalier attitude that you seem to possess about the lack of need for emergency situations to be addressed in this legislation. I don't think the Members or the people that suffered through that flood in '93 would be happy with this legislation or feel comfortable living with it. Now, I also, on an area of the number of square feet required before competitive bidding. What does your Bill do... What's the minimum number of square feet that would be competitively bid under your proposed Bill?"

Schoenberg: "That would be 10 thousand square feet."

Biggins: "Well, currently... Do you know what the current practice is? Well, let me help you. The current minimum is zero. So, all office leasing is now put out for

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

45th Legislative Day

April 17, 1997

competitive bidding. Why would you introduce a Bill to put less light on this subject than we currently have?"

Schoenberg: "Sir, anything under 10 thousand would be done the way it is now. What this really does is provide for, what this really does is provide that we have..."

Biggins: "You have to amend your Bill, or say, 'or as it's done now', or something. But it still takes an Amendment. Because currently, we lease, and all new leases are competitively bid. This now raises the number to 10 thousand square feet, as in your Bill. So that's a limitation, which I am not supporting. I cannot support that."

Schoenberg: "Sir, what we're doing is saying that on those larger leases, being 10 thousand square feet or above, that those would, indeed, require... 10 thousand square feet and above, those larger space needs would have to have stricter accountability standards in determining how they were awarded. If anything, we're arguably saying that we want to provide agencies with the ability to have greater flexibility with a smaller spaces by maintaining things the way they are."

Biggins: "Just for your information, there are no standards in the Bill. I mean, you're wishing and hoping for a lot of things that are not in your legislation that are changing the way we do it now including the number of people that will be doing the leasing. Are you familiar with where the leasing activities are occurring, how many people are in the offices that do the leasing, Representative, currently?"

Schoenberg: "As I indicated in response to Mr. Rutherford, what this Bill does is define what individuals' responsibilities would be relative to awarding and selecting leases. I'm

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

45th Legislative Day

April 17, 1997

not going to... The Bill specifically does not set a number of individuals who are responsible for doing it. Frankly, I think it's more important, as important if not more important, that we provide them with that protection of having clear definitions of what those responsibilities are, so that in the unfortunate event that there would be any external pressures to make a decision a particular way, then those people would be protected."

Biggins: "Let me give you an external pressure right now. A provision that requires a purchase option will put immediate pressure on the state to make a deal. The landlords will be in a better position. Who will know what value that we use to determine the agreed upon purchase price? And it will reduce, totally, the competition that the state now enjoys with competitive bidding on leasing situations without an option to buy. And how can you possibly mandate that a person has to sell a piece of real estate before the state can utilize it? To the Bill, Mr. Speaker."

Speaker Brunsvold: "Proceed."

Biggins: "Well, I'm very much opposed to this measure, and I hope that the Body will agree with me. The Sponsor could not answer a lot of the questions very completely or forthrightly. For the general information of the Body, we currently have one leasing centralized authority. It is based in both Springfield and Chicago. There are nine or 10, depending on the season, leasing Representatives. This Bill would create all new agencies that would do the leasing with inconsistent procedures, because there are none spelled out in the Bill. And the need for the agency to hire and train new staff, it will balloon the number of people all doing leasing in their own different manners. I

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

45th Legislative Day

April 17, 1997

oppose that part of the Bill. Doubling the existing lease term, five years to 10 years, is not a competitive way to go out and lease real estate. A mandatory purchase option, reducing competition, assumes that the landlord wants to sell the building in the first place. You know, many downtown office buildings are owned by pension funds, a lot of union pension funds. They don't want to have to sell those assets if they don't want to. So, the state would be precluded from entering into any leases in any of those buildings which would further damage the ability of those properties to develop their own market values. That's a bad policy for the pension funds. That's a bad policy for the citizens of the state. And, worst of all, there is no provision about emergencies. And to put at risk the people in an emergency situation in this state without a policy that enables the state to go in and immediately lease properties and immediately provide care from the accessing federal funds, is a violation of our duty as lawmakers. I urge a 'no' vote."

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

Clayton: "Thank you, Speaker. My questions have been answered. However, I would like to speak to the Bill."

Speaker Brunsvold: "Proceed."

Clayton: "I understand what the Sponsor is attempting to accomplish. But I'm very concerned with the cost, that this Bill will drive up the cost rather than save the state money. And I'm speaking specifically to certain provisions in the Bill, such as the mandatory purchase option. Concerned that it will increase the cost by eliminating those who are unable or unwilling to sell their property to the state. I'm also concerned that this Bill will be more inefficient and costly, because every agency will have to

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

45th Legislative Day

April 17, 1997

have its own leasing agency. And I'm also concerned that the cost will be driven up by requiring competitive selection on all leases, because most landlords will charge a higher rental, initially, if they know their leases cannot be renewed because of the... without competitive selection. So I would urge a 'no' vote."

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

Erwin: "Thank you, Speaker. To some of these speakers on the other side of the aisle, I would just like to point out that two years ago and a year ago I sponsored legislation trying to create a professional independent real estate oversight board by statute. That was one version. I also did a version that would have expanded the power and authority of the Capital Development Board. I think that what the Sponsor is attempting to do here is correct, what I view as some very blatant problems in the way the State of Illinois deals with real estate practices, be it lease purchase, or leasing property. I will share with you that there are Senate Republicans who Representative Schoenberg and I have worked with on this, and they were, Representative Biggins, appalled at the lack of information. You would spend the rest of your life trying to figure out what the State of Illinois has entered into in terms of office leases around this state, in property leases. It is not professionally done. It is not independently done. We are wasting tens of millions of taxpayers' dollars. In my own district, the construction of, construction of a new Department of Public Aid building, at a time when there was nearly a 17% vacancy rate in downtown Chicago, where one could have taken over almost the whole Sears Tower for next to nothing, we are building a brand new public aid building. We don't even

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

45th Legislative Day

April 17, 1997

know what TANF or the new department is going to be doing next year, but we know that we've entered into a 30 year lease on this. I would urge you to support this Bill. It is an attempt, although you didn't want to have a Professional Independent Real Estate Board, because I had that Bill in for two years, it never got out of Rules. This is at least an attempt to begin reforming very serious deficiencies in the way this state deals with real estate. Now, let's save the administration the embarrassment, the trouble, and just awful practices, and I urge you, if there are specific areas, let us work with the Senate Sponsors on this. But I sincerely believe that we waste on an annual basis, tens of millions of dollars on bad lease agreements, maybe well-meaning people. I mean this in no personal way. Well-meaning people in Central Management Services, and among all the agencies. But the fact is, they are not professional, they do not do this for a living, and it's not independent. We've got to get the politics out of the leases, the politics out of developers getting whatever contracts, and separate it out. I think this is an important Bill, and I would certainly urge an 'aye' vote."

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

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, there is no delicate way for me to ask this question, so I'm just going to ask it, and I'll expect you to answer it however you are moved to do so. Did you, in fact, relate to certain people that you would not call this Bill?"

Schoenberg: "This particular Bill, Sir?"

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

45th Legislative Day

April 17, 1997

Black: "Yes, Sir, this particular Bill."

Schoenberg: "This particular on state leases, I do not believe that I related that I would not call this particular Bill."

Black: "I will take you at your word. I don't necessarily agree."

Schoenberg: "Mr. Black, before you make you next remark, what I wanted to indicate to you is that, and indicate to all the matters, to all the Members, I should say, that there are ongoing discussions with a number of, there are ongoing discussions about a number of related matters, matters which include the content of this Bill. To answer your question truthfully and to the fullest of my understanding, I did not make a commitment not to call this particular Bill. There are other pieces of legislation which also find themselves in play on related matters, and I have agreed to withhold any activity on them, pending further discussion."

Black: "Thank you, Representative. That was a very interesting answer. You have been asked this before, but so long ago I can't remember the answer to your question. The Bill references, and now my technological marvel gone and says I have to type in my password and I can't remember, so I'm going to have to deal with my memory here. Your Bill references a state purchasing officer or officers, and there is no such creature or office in the State of Illinois under current law. Is that a correct assumption?"

Schoenberg: "In response to your question and my response to Mr. Rutherford's question, is that current statute does not have a specific definition for state purchasing officers. However, if subsequent legislation is not enacted, and there will be subsequent legislation, then those individuals who are assigned the responsibility to make

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

45th Legislative Day

April 17, 1997

those purchasing decisions, their responsibilities, their protections, their safeguards are outlined in House Bill 498."

Black: "Thank you, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. I intend to vote 'no' on this Bill, not because of the concept the Gentleman is trying to get across may not be worthy, in fact, it may well be worthy. But at some point in the process, if you're down here any length of time, you have to say to a Sponsor, as I've had it said to me, your Bill is not drafted properly, it is flawed, it doesn't do anything, and I daresay, if it isn't corrected in this Chamber, it will die a slow and horrible death in the Senate, assuming the Senate ever comes back. Now, Ladies and Gentlemen of the House, this Bill is out of order. He has called it out of order. He has a Bill that defines a state purchasing officer, but that Bill hasn't been called. Furthermore, his Bill amends, deletes, corrects, adds to, detracts from the Lease Purchasing Act of the state. But nowhere in his Bill does he take out the offending language. Now, at some point in the process, those of you that want to vote 'no' (sic-'yes') because it has a really neat title, and you're afraid of the John Wong fall out. Thank God John Wong brought all this stuff out of the back rooms of the White House and moved it into the public sector where the sun can shine on it. I just urge you to look at your technological marble. This Bill is flawed. It's written and it doesn't do squiddly, diddly, piddly, squat. It just simply is meaningless, it isn't written properly, it's not drafted properly, and it doesn't do one thing. And if it isn't corrected before it leaves this Chamber, nothing is going to happen, except, I guess you could say, 'I'm on a Roll

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

45th Legislative Day

April 17, 1997

Call to cleanup the Lease Purchasing Act of the State of Illinois.' Of course, it doesn't do that, but we all know how direct mail works. You know, once in this 14 hour day, say to an individual, and I hold him in the greatest respect, as you have said to me. And I have had to take Bills out of the record. It isn't drafted properly, it doesn't do anything, it is not worthy of your vote, it's a waste of our time. Vote 'no'."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Johnson, Tom: "Representative, I have just a couple of questions for you. Number one, do you own any rental buildings, or have you every built rental buildings, or been in the leasing market, or practiced in that area?"

Schoenberg: "No, Sir."

Johnson, Tom: "Okay. Well, I'm going to speak from somebody who has. In fact, that's been my business for many years, and I own buildings, and I've built buildings and developed them. Now, when I look at this I see a couple questions. One, is this new language that 'all leases shall be subject to termination if the General Assembly fails to appropriate funds?' That appears as new language. That's not currently there, right?"

Schoenberg: "Would you bear with me for a moment, Sir? Yes, Sir. In Section 45, Section C, that is the case."

Johnson, Tom: "Right. That's the language of your Bill, correct? Now..."

Schoenberg: "However, Sir... pardon me. Just to add to that. All state contracts, not just limited to leases, but all state contracts are subject to termination, cancellation in

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

45th Legislative Day

April 17, 1997

a year, which the General Assembly does not appropriate any money. So, in this regard, state leases are just the same as any other contractual agreement as..."

Johnson, Tom: "Well, you're making it that way, right?"

Schoenberg: "That's the way it is now, Sir."

Johnson, Tom: "Okay. Our leases, right now, are subject to cancellation, under that scenario, for buildings, real estate?"

Schoenberg: "Right now, all contracts are subject to appropriation. Whether they are for leases or any other form of contracts with the state. They are, indeed, subject for appropriation. And I have to tell you, parenthetically, that... I'll withhold that remark until my close. Mr. Johnson, do you have another question?"

Johnson, Tom: "Why did you put in the limitation here of buildings 10 thousand square feet or under?"

Schoenberg: "The threshold of 10 thousand square feet was to address larger, address properties that have, that are for larger space needs. So, for example..."

Johnson, Tom: "Well, when you speak about larger, you know, with \$200 thousand a year, you don't think that's large?"

Schoenberg: "Mr. Johnson, the reason the 10 thousand square foot threshold is there is, for example, we, in some cases, having had the opportunity to review a number of the records of the 800 plus contracts for state leases, in some cases, we rent very small spaces for storage. We rent very small space to put a radio antenna on top of a building."

Johnson, Tom: "That's a lot less than 10 thousand square feet. Ten thousand square feet of office in the City of Chicago, if you consider that small and should be exempted."

Schoenberg: "That's, Sir, what I'm saying is that for less than... we set the threshold to address leases for 10

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

45th Legislative Day

April 17, 1997

thousand square feet and above so as to not be preoccupied with and encumbered with all the stipulations spelled out in House Bill 498, for a space where we merely have a radio antenna for the Department of Transportation atop a building."

Johnson, Tom: "Do you have a breakdown on the number of leases this state has, in terms of spaces under 10 thousand and over 10 thousand?"

Schoenberg: "Sir, I don't have that with me readily available. I'd be happy to provide it to you."

Johnson, Tom: "Well, would you agree that the bulk in quantity, quantity, is under 10 thousand square feet, are leases?"

Schoenberg: "I'm sorry. Could you repeat the last part?"

Johnson, Tom: "Would you agree that the bulk of our leases, probably the large majority of our leases are for space under 10 thousand?"

Schoenberg: "As I said, Mr. Johnson, I am not going to speak off the top of my head as to where the threshold lies. When I originally drafted this Bill and introduced it, not to this Session, but in previous years in response to the many discussions which we had in Mr. Biggins' committee, which he, at the time, was the Chair. It was felt that 10 thousand square feet would be the appropriate threshold. That data, I don't have it readily available, I don't want to make any presumptions or representations based on it, and I'd be happy to furnish it to you if I have it."

Johnson, Tom: "But I'm asking you, Representative, you know, let's get serious here. If the intent of your Bill is to get by abuse and cronyism and the rest, wouldn't you want that to apply across the board? And shouldn't we be looking at some other standards than just putting these types of things in a Bill? I mean, I would, if I'm going

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

45th Legislative Day

April 17, 1997

to be exempt from this type of scrutiny and I can lease something to the state for \$200 thousand plus and be exempt, and I would submit that a lot of our leases are under 10 thousand square feet, if you're trying to get at cronyism and so on, your Bill does not do it."

Schoenberg: "Mr. Johnson, I find it interesting how, during the course of the questioning of House Bill 498, how, at times, we have alternated between defending flexibility at the expense of accountability and defending accountability at the expense of flexibility. Mr. Johnson, having surveyed, and I'm not an expert in real estate. I did consult with people in the field. This was more deliberately crafted than perhaps one of the previous speakers who thinks that we're in the direct mail business suggested, having viewed the existing situation in Illinois and wanting to address some of the more egregious situations, the 10 thousand square foot threshold was certainly the appropriate threshold. One of the problems with addressing the dollar amount in this particular case is that, as we both know, Mr. Johnson, what the state pays in dollar amount per square footage is artificially high in many cases. And therefore, if we would do it strictly on the basis of dollar amount, for example, paying landlords in Springfield at rates for leases which are as favorable as the priciest neighborhoods in Chicago, you're absolutely right. Perhaps there's an inequity there, but in determining what's the best threshold that we set in providing these leasing procedures and safeguards, 10 thousand square feet is the appropriate threshold, in my view."

Johnson, Tom: "Okay. Now, I'm going to get nowhere with you I see, Representative, on a lot of these questions. You say you're not a real estate expert, but what you're doing is

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

45th Legislative Day

April 17, 1997

dealing with real estate terms and conditions of leasing space and trying to get the best deal for the people of the State of Illinois. And I submit to you that what you're doing, under this Bill, is probably denying the taxpayer of the State of Illinois the best deal. Now, I'll give you an example. You have said that we can go into a 10 year lease with a five year option as a kick out. Now, if I, as a real estate owner, own a building, and I want to refinance or sell that building or anything else, and the state has an option, first of all if the General Assembly doesn't want to appropriate funds, if I were the real estate market I'd be very concerned today, based on the Heiple situation, that the politics of this is... would we renew the funding for Justice Heiple's building? Tomorrow, if it were coming up, it wouldn't. But let me get to the point."

Schoenberg: "But, Mr. Johnson, let me address that point, Mr. Johnson. Because for some inexplicable reason, we assume that when people do... we repeatedly, here on the Floor of this House, that we should do things more in the private sector. And to me, one of the characteristics of the private sector is that you have to assume some risk. Why do we provide..."

Johnson, Tom: "But you see, I'm getting to that, Jeff. As somebody in real estate, if I have an option to kick out of a 10 year lease at five, you know, number one, I'm not going to be able to get financing as an owner, because I don't have a tenant after five. And we're talking about big space here, because you've taken the arbitrary of 10 thousand plus. I can't refinance. I can't sell because I have no guarantee of a tenant. What I submit, under that scenario, is you are going to severely limit, I'm going to have to charge the state very high prices to secure whether

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

45th Legislative Day

April 17, 1997

or not I want to lease that amount. And I'm just saying you're not going to get the best bet. Now, the issue as to..."

Schoenberg: "Mr. Johnson, in many..."

Johnson, Tom: "Wait a minute. Let me finish."

Schoenberg: "Mr. Johnson, in many cases, we're paying better... in many cases, as we've documented, and as I alluded to earlier, a number of landlords, and they're not isolated instances, but if you look at, if you survey what we are paying, what rates we are paying for leases, relative to the commercial space of that market, it's excessive."

Johnson, Tom: "I understand that. Okay, and I probably you can show me that. What I'm saying is that I think that your Bill is off the mark, off the target. You're talking about the amount of space. You're talking about lease terms that are negotiated. You are not getting at the target, which ought to be the abuse of putting these leases out to favorite friends and relatives, et cetera. To the Bill. I, initially, wanted to support this legislation, but when I sat down and read this Bill a few minutes ago, I have to say that I believe that the people of the State of Illinois are going to end up getting a very raw deal. Number one, in probably not being able to find appropriate space, number one. And number two, in order to get it we will, in fact, be paying more exorbitant prices. Now, in doing so, we might at least get to the point of renting it out on maybe a competitive basis. But that competitive basis is going to have to be a much higher basis than what we are probably currently doing. I suggest that the Sponsor, though well-intentioned, has missed the mark, and he ought to focus in on how we get around this perception that we're doing favors for friends. And something like that I would

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

45th Legislative Day

April 17, 1997

gladly support. If this Bill gets the requisite numbers I would ask for verification."

Speaker Brunsvold: "That is acknowledged. Any further discussion? The Gentleman from Cook to close, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's been said that we need to provide the best deal for the taxpayers of Illinois. But under our current system of awarding tens of millions of dollars of state leases we have to ask ourselves, 'providing the best deal for whom?' Are we really providing the best deal for everyone, or are we providing the best deal for a select few? Unfortunately, there's very compelling evidence that time and time again we've seen that the best deal, often at a significantly inflated price, that goes beyond anything close to what the real market yields. And all you have to do is look at some of the buildings here in the Springfield area to buttress this point. Whose interests are genuinely being served? I suppose that I should take it as a compliment at the extensive line of questioning which took place, because what's genuinely flawed here is the status quo. There's no way around it. You can nit pick this Bill to death, and I think today, frankly, we saw a pretty good example of it. You can worry about whose file cabinet we're going to keep the paperwork in. You can worry about when they're going to take off for lunch, and who's going to watch the papers in the file cabinet while they're at lunch. You can worry about all kinds of concerns, real and imagined, but if you want to maintain the status quo, vote against this Bill. If you're perfectly comfortable with spending over \$110 million annually in a spoil system, where the process is more like a bazaar in Miracesh than it

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

45th Legislative Day

April 17, 1997

is a truly private business enterprise. If you want to maintain the status quo, you like the bazaar in Miracesh, you should vote against this Bill. If you think that we are genuinely in need of reforming this process and, as previous speakers indicated, there will be subsequent discussions, as well as legislative initiatives on this, you should vote for this Bill. We can't condone the status quo anymore. We need the money to do too many other important things. I urge your 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 498 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? Please record yourself. The Gentleman has requested a verification. Have all voted who wish? Mr. Clerk, take the record. And on that question there is 53 voting 'yes', 53 voting 'no', 12 voting 'present'. And this Bill, having not received the Constitutional Majority, is hereby declared lost. Mr. Clerk, please read House Bill 233."

Clerk Bolin: "House Bill 233, a Bill for an Act in relation to rights and remedies. Third Reading of this House Bill."

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

Dart: "Thank you, Mr. Speaker, Members of the General Assembly. This is a noncontroversial Bill. It should receive bipartisan support. This is the Structural Work Act. This Bill would put it back on the books. The Bill was repealed, the law was repealed two years ago, and since that time, frankly, it has not worked. The Structural Work Act was and is a safety measure, it has been and always will be. While we had it on the books, us and New York, ours was one of the safest states in the country. Since it

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

45th Legislative Day

April 17, 1997

was repealed, the number of deaths in construction has gone up 40%, while in non-construction it's gone down. The deaths per thousands of workers has gone up 36% in construction jobs, down in non-construction jobs, and at the same time, residential building permits issued have gone down, contracts for future construction has gone down, as well. The reasons we were told why this needed to be repealed for the business community have not materialized. The safety concerns that we voiced when this was repealed, unfortunately have materialized. Our state has become less safe as a result of that. This is a question of safety, it is not a question about lawyers, it's not a question about money. I think this is a question about equity. We experimented with this, it didn't work. We need to have this back on the books. It's what we owe the working people of this state, and I would be happy to answer any questions."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of House Bill 233. When we repealed the Structural Work Act two years ago, many of us on this side of the aisle were chagrined to note that working men and women apparently had less value in the Illinois of today than they did previously. I think if we do not vote to put the Structural Work Act back on the books we will make that same statement today. The arguments are no different than they were then. This is about workers' safety. This is about what happens at a workplace and who's responsible for worker safety. Everyone should be responsible for worker safety. The facts are no different than they were then. At the time we repealed the Structural Work Act, Illinois

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

45th Legislative Day

April 17, 1997

and New York were the only two states that had such a law, and those two states were one and three in the country in worker's safety. The Sponsor of the repeal at the time would have us believe that, 'Well, workers are better trained in New York and Illinois than anywhere else.' And while that may be true, the facts were very clear that the Structural Work Act saved lives and kept the families of working men and women secure, because the families would know that when they sent their loved ones out to a job site they would be as safe as they could possibly be, and it gave those people a cause of action if someone was careless in worker safety. And since the repeal of the Structural Work Act, there is no lessening, there is no lessening of insurance premiums, some are going to point to some statistics. You can pull statistics out all day long, but the fact is, that it is not cheaper for contractors to build buildings before insurance costs today. Those costs have not gone down, and the fact is that deaths have gone up, injuries have gone up, worker safety has gone down, family security has gone down. So, Representative Dart was correct, this is a Bill about worker safety and family security, has nothing to do with lawyers, has nothing to do with profits, has nothing to do with anything but protecting the working men and women in the State of Illinois. During the two years prior to this, the beginning of this Session, there's been an assault on the rights of working men and women in the State of Illinois. An assault that included their collective bargaining rights, their prevailing wage rights, their right to unionize, their right to do all sorts of things. One of the things that the Majority at that time went after was worker's safety. This was the very first Bill, the repeal

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

45th Legislative Day

April 17, 1997

of the Structural Work Act, as a signal to business interests and as a signal to organized labor, the very first Bill passed was the repeal of the Structural Work Act. It was wrong then, and it would be wrong today to vote against this, because our responsibility on the Floor of this House is to take care of the rights and safety of working men and women all over the State of Illinois, and when we fail to do that, and when we ignore errors that we have made along the way, it's a fatal flaw in our system. It's a mistake we can correct today, it's a flaw we can correct today, and we can send a different signal to working men and women today that their safety on the job, their job protection, their families, and their futures are every bit as important to us as the business interests that caused some of you to want to repeal this law two years ago. So I urge you to get involved in the process of protecting working men and women. I urge you to make their work sites safer, and I urge you to vote for House Bill 233."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let's talk a little bit about the last two previous speakers and what they said. Representative Lang hit it right on the head, he said this was a cause of action. Ladies and Gentlemen, those of you that are in your first term and weren't here last year or two years ago when we repealed the Scaffolding Act, let's talk about it. It is a cause of action. If you pulled the old statutes and looked at them, it told you how you could sue. It does not talk about safety at the workplace. It did not break out and tell you that you have to do this, you have to do that.

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

45th Legislative Day

April 17, 1997

The remedy, the remedy that, at that time, 48 other states had, was Workers' Compensation. Only New York and Illinois had any leftover laws from before Workers' Comp was put in place. Now, even New York has modified their plan. So there are no states in the Union now that have anything like the Scaffolding Act. Ladies and Gentlemen, the previous speaker also said there's no reduction in cost, that's not true either. The fact of the matter is, Workers' Comp rates have gone down significantly in the last three years to the worker, to the businesses of Illinois, significantly have gone down. They claim that because we repealed it, that the amount of injuries in the workplace have gone down (sic-up). Now, nobody, nobody will trivialize the loss of one single life to working men and women in this state on any job sight. That's no justification for that, but if there is somebody that is willfully and wantonly not providing safety for working men and women, OSHA is available to be able to be used to penalize, to shut down the work site, and that is done not only in Illinois, but every other state in the nation. We do not need the repeal of the repeal of the Structural Work Act. That is not necessary. Let's talk a little bit about the loss of life, which is terrible in any case, but in 1995 there were 643 U.S. deaths due to falls. In Illinois there were 45, that's 45 too many deaths, but let's talk about how it happened. Nationally are 13% or 82 of those that died in the United States were falls related to the Scaffolding Act, 95 or 15% were falls from ladders, 143 or 22% were fall from roofs, and 50 or 8% were falls from the same level. The point is, most of the deaths that we're alluding to in the last couple years were falls, not related to the scaffolds, not related to scaffolds. Let's

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

45th Legislative Day

April 17, 1997

also talk about comparing. Now, we're talking about, in Alabama, there were 10% of the construction deaths in '93, there were 16% in '94. They repealed, they didn't have the Structural Work Act. California, there were 10 deaths in '93, in '94 there were 11 deaths. Let's talk about Massachusetts, there were 17 deaths before the repeal of the Scaffolding Act, now there were, the following year there were 22. For us to allude, because you repealed the Scaffolding Act, that we have increased deaths that you can attribute to the scaffolding, that is ridiculous. It's a cause of action. It allows those people who want regress to go to court and figure out another way of suing the contractor or subcontractors to get additional money. That's what the Scaffolding Act did. It was bad public policy then, it is bad public policy now. We must continue to keep the law in place the way it is. I presume that this will go on a partisan Roll Call, but Ladies and Gentlemen, I contend that it was the right thing to do for us to repeal it, that there is a loss of premiums, that we have had reduction in costs to the tune of between 3 and \$400 million to Illinois businesses that ought to be related to an increasing marketplace. I contend that's why Illinois, in the last three years, has had a phenomenal growth spurt, that I contend that that's why we have unemployment rates at all time lows, or ties of all time lows in this state. It is because we have sent a signal to the people of Illinois and to the people of the United States and to the people of the world, that Illinois is a good place to work, and it's not being done on the backs of working men and women. We still want to protect them. We still have many, many laws to protect working men and women, and when those laws are willfully ignored, we have

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

45th Legislative Day

April 17, 1997

OSHA and they will come in, and as those people that work in the construction industry know, OSHA will shut down those work sites until they are safe. Ladies and Gentlemen, we do not need this Bill. I would ask that you please do not vote for this Bill."

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

Schakowsky: "Thank you, Mr. Speaker. When we first considered the Structural Work Act, I said it was a solution looking for a problem. That is, we had pretty high levels of construction, and we had safe work places. I think that it is valid to look at what has happened to safety on the job, even though Representative Parke does not want to attribute those to the Structural Work Act, he does acknowledge that we have seen a significant increase in injuries on the work site. And, in fact, if you look at construction versus non construction, we've seen that non-construction deaths, job deaths have decreased, so we're doing well in Illinois on that level. An 8% decrease in total on the job deaths in the non-construction field, but in construction, we've seen a 40% increase in the number of deaths. In deaths per 100 thousand workers, 1994 construction to 1995, increased 36.8%, for non construction, decreased 10.2%. And what do we have to show for that? Are we seeing that the value of contracts for future construction are rising? No, to the contrary, we saw a decline in the value of contracts, and so, workers have paid a very dear price for not much, actually there's been no overall growth to justify the sacrifices that the worker has made. So, once again, the Structural Work Act was clearly not impeding anybody from having, from the construction work that was going on at record paces here in Illinois, and yet, we had safer

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

45th Legislative Day

April 17, 1997

workplaces than we have now. The conclusion is simple then, let's restore the Structural Work Act, make sure that our workplaces are safer, and everyone in this state will surely benefit. Now, when you say it's a cause of action, that's all it is, the ability to sue. I ask you, why would, why would the construction industry be so much against that if they had the kind of safe workplaces that they did, and that they could have? Well, it's because they don't want workers to have the opportunity to go beyond the Workers' Comp Program, and now that they do, now that they don't have that opportunity, we've seen that the workplaces are not as safe as they use to be. In fact, the cause of action was a deterrent to unsafe workplaces. We know that's true, the incentive was clear. You don't have a safe workplace, you will end up paying. Now that they're under Workers' Comp they don't pay as much. I would urge an 'aye' vote for safe workplaces in Illinois."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Johnson, Tom: "Representative Dart, when you presented this to Committee, I listened to your presentation and I asked you at that time whether or not you had the statistics of the, you had quoted some increase in number of deaths in the workplace since the repeal, and you were going to go back, I think there were 69 deaths in the 60's as I recall, and you were going to get a breakdown as to what the causes of those deaths were. Did you ever get those, and can you maybe enlighten me a little bit?"

Dart: "I was unable to get those. The numbers I do have are the ones from the Department of Public Health and from DCCA. I

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

45th Legislative Day

April 17, 1997

didn't have the more specific..."

Johnson, Tom: "Okay, so we really don't have that breakdown as to the real cause?"

Dart: "No, I don't have them broke down as far as the cause."

Johnson, Tom: "Okay. So, and secondly, you also noted that there was a decline in construction jobs in that two year period that this thing was repealed, and of course, as I noted to you at that point, we also had refused to pass any bonding initiatives in this state during that two year period, which of course killed any of the new construction projects. Now, to the Bill. Several years ago, when this came up for repeal, I voted against it the first time. The second time, when the Republicans were in control of this House, it came up for repeal and I supported it then. I have said all along, you know, this is one of those nice litmus type Bills that we float out here every couple of years, because it separates the labor and business community and our natural constituents. The tragedy of all of this is that the Structural Work Act, and I think it's acknowledged by everybody, through definition of certain terms in that Structural Work Act over the years, was expanded to cover many, many things that it was not intended initially to, and there was a lot of abuse in that. And I suggested to the Sponsor that, you know, sometime maybe when we get over the dividing lines here, of this is the labor's Bill, this is the Republican Bill, or business Bill. Sometime we ought to get down to fixing the abuses that were in that Structural Work Act to begin with, and maybe we can do something good for a change for both business and labor and for the construction workers, because this Act, in and of itself, was well-intentioned. And, in fact, if we just sat down and started redefining

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

45th Legislative Day

April 17, 1997

some of the terms that had been abused and expanded od infinitum (sic-ad infinitum) by the court system, we could probably end up with a decent Bill that would be acceptable to all sides. But I understand, that because of the partisan nature, and keeping our constituencies behind each of us, I'm not sure that that can ever be achieved anymore, but I would hope that we can do that. None of us want to be in favor of more problems in the construction industry as it relates to safety, and none of us want to turn around and injure workers or cause unsafe conditions, but because we've got this mind-set that it is either/or and there is no room for compromise on any of these issues, I fear we are destined probably to do no good for anybody. But I hope that after this Bill runs its course in here today, and it'll probably pass out of here because your side of the aisle is now in control, it'll die over in the Senate, and then maybe after that, business in the construction industry, the laborers, and those of us who are concerned about these issues maybe can sit down and maybe we can work something out."

Speaker Brunsvold: "Representative Dart to close."

Dart: "Thank you, Mr. Speaker. There's been a lot of comments made in regards to this Act, and I wish, one of the previous speakers mentioned, I wish we had had the opportunity two years to sit down and maybe attempt to work out some type of agreement instead of just having a repeal rammed down our throats. I would have liked to have that option, that option wasn't presented to anybody, just as it wasn't presented as an option during tort reform either. Some of the comments though were patently, were off-target. I mean, OSHA, the only time you find OSHA is when someone's dead. OSHA comes out when someone is dead, then they come

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

45th Legislative Day

April 17, 1997

out and issue a citation. So, to hang your hat on them as an entity who's going to somehow make this a safer workplace is not correct, and I challenge you to come up with one work site OSHA has shut down, they don't do it. So, it doesn't work. Our only option was through this safety measure, and I also, I ask you to look at the statute itself. If you look at it, you'll see that nine of the 10 sections talk particularly about safety measures, precisely safety measures. It talks about how high beams have to be, how high a scaffolding has to be. There is one section, and only one section, that even makes reference to causes of action. This is and always was a safety measure. It was something that we had in this state, it was unique, it made our workplace safer. The jobs that were supposed to come as a result of this being repealed have not been there, the construction contracts have not been there, they have all fallen, they have not increased. And at the same time, it's unmistakable whether or not we have the precise injury or not, we'd know that construction jobs, the injuries and deaths have increased by over 40%. Doesn't that send us a signal, that since the repeal, up over 40%? I mean, that is incredibly dramatic, as far as an increase, folks, and that's what we're supposed to be here about. I mean, it's too late for people like Stephen Gatza. He was a carpenter who was working one day on scaffolding that was shaky. He fell, he died. His family is no longer going to be able to have him there as their father. He is no longer going to be able to come back. We have an opportunity to try to make this a safer state, that is what this is about, this is not about lawsuits, this is about safety, folks, and we have an opportunity to do something about that. So, I ask you, think about safety, don't think about your

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

45th Legislative Day

April 17, 1997

constituencies that are talking to you about pure money issues, think about worker safeties for a second, folks, and I appreciate an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 233 pass?' And on that question, 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, Mr. Dart."

Dart: "Thank you, I'd ask for Postponed Consideration."

Speaker Brunsvold: "And on that question, there are 55 voting 'yes', 60 voting 'no', 0 voting 'present'. The Gentleman requests Postponed Consideration. It will be so ordered. Mr. Clerk, what's the status of House Bill 1481?"

Clerk Bolin: "House Bill 1481 is on the Order of House Bills - Second Reading."

Speaker Brunsvold: "Are there any Amendments?"

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

Speaker Brunsvold: "Representative Rutherford, for what reason do you rise? Okay. On the Amendment, Representative Hannig. On Floor Amendment #2."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. A number of years ago, about four years ago, the Blue Ribbon Commission met with the Auditor General in an effort to rewrite the purchasing laws here in Illinois. The Bill, the underlying Bill, House Bill 1481, is for the most part a product of that group, a group that had met and reached an agreement, but unfortunately we have never, yet, been able to enact it into law. So, House Bill 1481 was our last best effort to address that problem. Well, in Committee, the Department of Central Management Services raised a number of issues and questions that they had with

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

45th Legislative Day

April 17, 1997

the Bill, and, consequently, we met with them and we agreed to make some changes in the Bill. So this Amendment, while it does not, and certainly is not making this an agreed Bill, I would suggest that it is a move in the direction that the Department of Central Management Services requests. It is making this Bill a more agreeable Bill to them, and I'd be happy to answer any questions, and I'd ask for your 'yes' vote."

Speaker Brunsvold: "The Gentleman from Saline, what reason do you rise, Representative Phelps?"

Phelps: "Thank you, Mr. Speaker. On House Bill 233, I was not at my switch and had some confusion, and that vote should have shown a affirmative vote, a 'yes' vote for 233. I know it's a Postponed Consideration, but I want the record to be clear on my vote."

Speaker Brunsvold: "Your words will be recorded. On the question, of the Amendment, the Gentleman from DuPage, Representative Biggins."

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

Hannig: "Yes."

Speaker Brunsvold: "Indicates he will."

Biggins: "Representative, what is the reason for changing the Procurement Code?"

Hannig: "I'm sorry. Could you repeat the question?"

Biggins: "What is the reason for changing the Procurement Code?"

Hannig: "Well, Representative, the Blue Ribbon Commission that met, and all four caucuses were represented, and the Auditor General chaired the Commission, they came to the conclusion, at the request of the Members at that time, that we should rewrite the Code. What had happened was that in a last minute, midnight effort, the Department of Central Management Services had the existing Procurement

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

45th Legislative Day

April 17, 1997

Code repealed, and we felt that it was important that we rewrite that proposal. And we've been trying to get meaningful rules and regulations back on the books since then. We've seen a number of scandals that have occurred since that time in the area of purchasing and contracts, and we certainly think that this is an effort to clean up that whole problem and to make a meaningful change in the way we purchase goods and services here in the State of Illinois."

Biggins: "But doesn't the conclusion of the Blue Ribbon Committee create another Blue Ribbon Policy Board that's going to be very costly, just create another layer of management?"

Hannig: "Well, Representative, this Amendment does not address that. So if you would like to debate the Amendment at this point, I think on Third Reading, then you can ask the questions about the overall board."

Biggins: "I have no further questions."

Speaker Brunsvold: "Thank you, Mr. Biggins. The Lady from Lake, Representative Clayton."

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

Speaker Brunsvold: "Indicates he will."

Clayton: "Was this Amendment heard in committee?"

Hannig: "No, Representative, the Rules Committee determined that since this Amendment was an effort to address some of the concerns that the Department of Central Management Services had presented to us, that it didn't really break any new ground. It did not expand the Bill. And, in fact, it reduced the differences between what that agency and the Sponsors had, that it should go directly to the Floor. But that determination was made by the Rules Committee."

Clayton: "I see. I thought we had an understanding that only

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

45th Legislative Day

April 17, 1997

Bills of a technical nature would come to the Floor directly, not ones that change the Bill this dramatically."

Hannig: "I don't know if that was a question, but the answer is the Rules Committee made that determination and the Amendment is in front of us."

Clayton: "Thank you. With regard to the policy board, approximately how much do you think that this will cost us per year?"

Hannig: "Representative, the Amendment does not address the policy board. The policy board is in the underlying Bill, and this makes no change in that area."

Clayton: "Thank you. Did the Amendment, again, because we didn't get the Amendment until such a short time ago, it's very difficult to know what's in it and what is not. So excuse me if I'm asking questions from the underlying Bill. Does your Amendment then also address the concerns that we had with road construction that IDOT, not being designated, will potentially hurt our federal funding, with them no longer being designated?"

Hannig: "Yes, Representative, IDOT, or the Department of Central Management Services indicated that they thought, in some cases, IDOT would need some different authority. So Floor Amendment #2 delegates the procurement authority to IDOT and the Toll Highway Authority if required by federal law. So in cases where the federal law requires them to have that procurement authority, this Amendment would address that."

Clayton: "Does it address the policy making, not just the procurement, the policy making is the concern that we have?"

Hannig: "Representative, it's my understanding that we took the language that CMS had suggested to us, and then we added

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

45th Legislative Day

April 17, 1997

after that, 'if required by federal law' because there seemed to be some question as to whether or not they would need this, but certainly if they did, by federal law, we would then give them that authority."

Clayton: "Okay. CMS had several concerns. Did you address all of those in this Amendment?"

Hannig: "Representative, again, I don't want to give you the impression that this makes it an Agreed Bill. It does not. But I think if you look at everything that's in this Amendment, it's a step towards the direction that Central Management Services wants us to go. We may not have gone as far as they would like, but I think it is, indeed, a step towards where they want us to go."

Clayton: "Specifically, did you address the procurement bulletin that was suggested? Because that was estimated to be \$645 thousand a year, versus what they presently pay to the official state newspaper, which is .0001 cents per line."

Hannig: "Well, the language that is in the Amendment is suggested, actually it lowers the numbers of days of the notice for procurement decisions from 28 to 14, and that was at the suggestion of the Department of Central Management Services. It also retains the bulletin, makes the bulletin appear twice a month, classifies that procurement notices may be placed by e-mail or in the state newspaper, in addition to the bulletin. Those were all suggestions that Central Management Services made and that we accepted."

Clayton: "Another one of their concerns that had been expressed was that there was no provision for leasing real estate in an emergency. Does the Amendment address that? And I'm sorry that I have to ask you these, because I'm not sure what's in the Amendment."

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

45th Legislative Day

April 17, 1997

Hannig: "Yes. The Amendment addresses CMS's concern by providing for emergency leasing without requests for information. Allows renewal without requests for information as long as the purchasing officer determines, according to board rules, that requests for information are not in the state's best interest. And allows the option of the lease without an option to purchase if the purchasing officer makes a determination, in writing, that an option is not in the state's best interest. That, for the most part, is much along the lines of what Central Management Services had been talking to us about."

Clayton: "It prohibits the use of competitive sealed bidding for professional services, that was another concern. Was that addressed in the Amendment?"

Hannig: "I think, Representative, that in a meeting that we had with CMS, they came to the conclusion that our language did not do that. And certainly, we did not address it because we thought there was an understanding on that point."

Clayton: "Are there any other points with CMS that you feel that should be addressed?"

Hannig: "Why don't I walk through the points, if you would like that, Representative?"

Clayton: "That would be wonderful. Thank you."

Hannig: "One of the differences we had was with the policy board. Again, we did not address that issue. We like the policy board. They do not, but that's not in that Amendment. The purchasing officer, again, we had some question about that. They had some question about that. We liked it, so we kept it. We did not address it in this Amendment. The procurement notice, I talked to you about the bulletin and the e-mail, IDOT certification. We took their language, but we only made it apply where the Federal Government

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

45th Legislative Day

April 17, 1997

required it, because they had suggested that that's why they needed it. The bid threshold, they thought we should go from 10 to 25. We accepted that. The sealed bids proposals, we, CMS agreed with us eventually and accepted that. With the professional services, CMS agreed that nothing in the Code would prohibit a state agency from doing, from going with the lowest bidder of professional services. In the legal and medical area, this Floor Amendment allows a state agency to engage legal and related services without a competitive selection if a competitive selection adversely affects the state's position. It also allows the purchase of medical services without competition, competitive selection, when a person's health is in jeopardy. And the policy board is to promulgate rules and guidelines for these situations. So that's how we address that issue of legal and medical. That's not exactly what Central Management Services wanted, but again, it's a step in that direction. In the area of real estate, Floor Amendment 2 addresses the concerns, CMS's concerns, by providing for emergency leasing, and I talked about that a little bit earlier. It also has a new article with the... to clarify that state granting of concessions, how we should grant concessions. It removes the sunset provisions for the real estate portion of the Procurement Code. In the area of small business, the Amendment clearly says that a member of the administration would be a purchasing officer. And in a conflict of interest area, the Floor Amendment gives the rule making authority to the board. It limits the revolving door prohibition to one year instead of two years, which was initially in the board. That was at the request of CMS. And limits the prohibition to activities concerning the employee's former

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

45th Legislative Day

April 17, 1997

agency. The agency asked for a transitional period. It looked like their language actually left us in a situation where, for one year, there would be no purchasing rules, or no purchasing act at all. Our language provides for a transitional period. And, at the request of CMS, personal service contracts were excluded from the competitive requirement of the Procurement Code. Floor Amendment 2, in the area of grants, specifically exempts grants from the competitive process. They thought it might, our language, might include them. They raised an issue about a problem, for example, like with Prairie Farm, but we were not able to come to any conclusion on that issue. So it is not in this Amendment. They raised the issue of the foreign procurements, and the language exempts foreign offices where compliance is impractical. So those are the general areas that we differed, and as you can see, in some cases we accepted their language, in some cases they came to our point of view. There are still some differences, and in some cases we've tried to go in their direction. So I think that the Amendment makes the Bill a better Bill, and, even if you disagree with the underlying Bill, you really should support us in the adoption of this Amendment."

Clayton: "The policy board, their rules that they're going to establish, has JCAR approved those?"

Hannig: "I'm sorry, I couldn't hear your question."

Clayton: "The rules that the policy board is going to create, does JCAR approve those?"

Hannig: "The agency rules will go to JCAR, but again this is not addressed in this Amendment. That's addressed in the underlying Bill."

Clayton: "Thank you."

Speaker Brunsvold: "Representative Clayton, are you finished with

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

45th Legislative Day

April 17, 1997

your questioning?"

Clayton: "I'm sorry, yes. Will there be an opportunity to ask questions when it gets to Third?"

Speaker Brunsvold: "Absolutely."

Clayton: "Thank you."

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

Rutherford: "Thank you, Mr. Speaker. Representative Hannig, the one thing that I do want to highlight that..."

Speaker Brunsvold: "The Gentleman will yield."

Rutherford: "Well I was going to make a statement first, then I'll ask him a question. One of the concerns that we have is that this Amendment popped out of Rules at 8:45 this morning. You know, the comment that you made that dealt with most of the language that was from CMS and so forth may well be right, but the part that's of concern is this Amendment did not land on the desk for our staff to even have the chance to read it, begin to analyze it, begin to get it to copies to Members that have got some type of relationship with this issue until well into about 1, 2:00 this morning. So I appreciate the comment that you had made to Representative Clayton, but I think it's important for the Body to know the process that was followed. We only had this a few hours this morning when they popped it out of Rules. That really wasn't a question. I appreciate, because you are on Rules Committee, and you are the Sponsor, if you want to respond to that that would be great. The one thing that... now, will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Rutherford: "Mr. Speaker, thank you. Representative Hannig, one of the things I do want to challenge slightly is the comment to Representative Clayton's question with regards

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

45th Legislative Day

April 17, 1997

to the Department of Transportation and their concerns on the ability to be able to utilize the funds. It's my understanding that you had said that this is language that's reflective of Central Management Services' language. I believe that I would concur with that, but Central Management Services' language would have fulfilled the needs for Department of Transportation had we have not kept the procurement board, as is in the underlying Bill, vested with a responsibility for the rules and the procedures. Because that is in the underlying Bill, that will run contrary to what CMS's desires were. Thus, the idea of Illinois DOT being in conflict with federal regulations, we believe adamantly will now happen if this was to become law."

Hannig: "I guess my response is, if you're saying that there's something that's in the underlying Bill that creates a problem, but that you like, generally, the language that's in the Amendment, we should adopt the Amendment then."

Rutherford: "I am not suggesting that we should not adopt the Amendment. That is correct. But in order to clarify Representative Clayton's question to you and your response being that the language was CMS's language, that is accurate in the Amendment, but that was only if it was an application to something that was different in the underlying Bill. For that reason, we believe that Illinois DOT will be in violation of federal regulations, it will have to follow a much greater process in order to capture those funds for our state."

Hannig: "Representative, first of all, when I said that it was their language generally, I said there was a phrase we put in at the end it said, 'when required by federal law.' That was not CMS's language, that was our addition to their

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

45th Legislative Day

April 17, 1997

language. So, but again, it was our effort to try to address a problem that they suggested might exist. And we're certainly willing to work with your side of the aisle and the Department of Central Management Services whenever and however you can point out that there are flaws. But we think that they do fit together and that the Department of Transportation, under this proposal, would have the authority that they need. But again, we're certainly open to discussions from your side of the aisle."

Rutherford: "And I appreciate that. I won't belabor the point since we are only speaking on the Amendment. When we get to an amended Bill I would like to further that discussion. Are you going to be handling the amended Bill or will Representative Schoenberg be handling that? Representative Schoenberg will, then I will reserve my questions for Representative Schoenberg. No further questions, Mr. Speaker."

Speaker Brunsvold: "And the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; all opposed say 'nay'. The 'ayes' have it. The Amendment has been adopted. Any further amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1481, a Bill for an Act to create the Illinois Procurement Code. Third Reading of this House Bill."

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

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I especially want to extend my thanks to Mr. Hannig, who did such a thorough and elaborate job at explaining the changes in the Bill as the product of

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

45th Legislative Day

April 17, 1997

discussions between representatives of our Caucus, and I was in attendance and participating in that meeting, and Central Management Services. As Representative Hannig indicated, there were 16 areas of concern which were expressed. And, while we certainly haven't fulfilled closure on all of them, we certainly have come to some resolution on the vast majority of them. And I most notably want to point out that one area where we have reached some agreement is on something that relates to one of the Bills previously considered today, which was in the area of real estate contracting. That the language that's in House Bill 1481, as amended, has addressed many of the issues which were very articulately outlined by Mr. Rutherford, Mr. Biggins, and several of the other Members of the other side of the aisle. The area where there is the greatest distinction between the two positions is really in the area of the Procurement Board. The creation of an independent Procurement Board, which sets policy and has oversight for how we purchase billions of dollars of goods and services in Illinois, is fundamental to a genuine reform effort. This was certainly the underlying premise behind the Auditor General's Blue Ribbon Commission on Procurement Reform, a bipartisan commission in which I was privileged to be a member and participate in those discussions. And House Bill 1481 really reflects the recommendations which were passed unanimously by that Blue Ribbon bipartisan panel as far as how we could genuinely fulfill the Governor's call in his 1994 State of the State address for serious purchasing reform. It's our belief that having an independent policy board, which oversees the procurement officers in the state, is fundamental to insuring not only that we have the greatest cost savings on

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

45th Legislative Day

April 17, 1997

the purchase of goods and services, but that we really provide significant protection from coercive influences which might lead state agencies, and those making these decisions in state agencies, from doing what's ultimately best. The climate is certainly right for significant procurement reform. I think we've heard considerable discussion on this Floor, as far as the willingness to achieve these goals. And House Bill 1481 goes quite a distance in reaching this ultimate goal. I'd, at this point, like to... before I answer any questions, what I'd like to do is address the issue of the independent policy board, which I know is going to be the subject of questions because, frankly, this is an area, the most outstanding area of disagreement between those of us who support this measure and the representatives of Central Management Services. You may ask, 'Why do we need an independent entity to set policy on how we should make billions of dollars worth of decisions in this state?' The independent policy board reflects, I think, the authoritative best judgement of those in the know on these decisions, and namely it reflects the model Procurement Code of the American Bar Association. The model Procurement Code for state and local governments, the section of urban, state, local government law and the section of public contract law. This is really the benchmark by which significant procurement reform is measured in this country. In addressing the issue of the creation of, and the necessity, for an independent procurement policy office, the American Bar Association's stated position, after reviewing procedures and options from around the country, is as follows. And I quote, 'This is the preferred arrangement as it would further insure the professional integrity of

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

45th Legislative Day

April 17, 1997

this important policy making body and appropriately elevate the entire procurement process in the public sector.' So a number of the options which are going to be tossed out there about whether or not we need an independent oversight agency, whether we need to separate the people setting the policies from the people who are executing them, this is spelled out in the American Bar Association's Model Procurement Code. Moreover, the ABA points out that, 'Regardless of the organizational structure chosen, it would have the effect of separating policy making from the day to day operation of the procurement process.' Finally, the American Bar Association concludes, 'Experience has shown that a cohesive and integrated procurement system, rather than one which is fragmented or diffused will promote efficiency and economy and will best conserve the taxpayers' money.' This is an area of disagreement between myself, Representative Hannig, and Members who are involved in House Bill 1481 with Central Management Services. As someone who's served on a independent bipartisan panel which examined the best possible options available, we defer to the Auditor General's Blue Ribbon Commission, which unanimously passed this recommendation. And before Mr. Rutherford falls over out of exhaustion, I'd be happy to answer any questions."

Speaker Brunsvold: "The Chair would like the Sponsor and the people that are doing the debating to be as succinct as possible. We have a lot of important pieces of legislation to move this afternoon. The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative Schoenberg, that was an elegant opening, as succinct as it was. I just want to follow up, though, on the last point that you made

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

45th Legislative Day

April 17, 1997

in regard to the Model Procurement Code. It's my understanding that what you have just defined is absolutely a part of a Model Procurement Code, but am I correct that that is only one option available?"

Schoenberg: "What's stated in the American Bar Association Model Procurement Code is the best option available."

Rutherford: "Well, but the point... I appreciate that, but I actually have a copy of the document here, as well. And what you defined is an option. As you may want to highlight, though, for the rest of the Body, point number four, talking about the fourth organizational structure, as a part of the Model Procurement Code, is exactly what the State of Illinois has. Would the Sponsor yield? I assume he will. Going ahead. Representative, in your amended Bill, you have taken away the procedure to go ahead with competitive sealed bidding for professional services. Why would you want to take that sealed bidding process away from the State of Illinois Procurement?"

Schoenberg: "The concern with sealed bidding is that it would prevent you from going with the lowest bidder."

Rutherford: "You're going to have to speak in the microphone."

Schoenberg: "I'm sorry. There's nothing to prevent you from going with the lowest bidder, and these proposals would certainly be incorporated within that."

Rutherford: "I'm not sure I got much of an answer. The biggest concern I have, Representative, speaking very distinctly, the biggest concern I have is that you are removing the procedure for sealed bids for professional services in our state. I happen to stand in favor of sealed bid process."

Schoenberg: "Sir, this doesn't stop you from doing that."

Rutherford: "But you're taking away the requirement that they do it. Page 16, line 30, Competitive Selection Procedures for

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

45th Legislative Day

April 17, 1997

Professional Services. You are taking away the requirement that they have sealed bids."

Schoenberg: "I'm sorry, could you give me that citation again please?"

Rutherford: "Page 16, line 30. See, Representative maybe to assist your staff."

Schoenberg: "Sir, what I'd like to do is point out on page 22, line 22, Section 25-15 on the method of source selection. Paragraph (a), Competitive Sealed Bidding, 'Except as provided in subsection (b) in Sections 20-20, 20-25, 20-30, all state contracts for supplies and services shall be awarded by competitive sealed bidding in accordance with Section 20-20.'"

Speaker Brunsvold: "Just a moment Gentlemen. Mr. Biggins, for what reason do you rise?"

Biggins: "Thank you, Mr. Speaker. I would like to rise on a Point of Personal Privilege."

Speaker Brunsvold: "Proceed."

Biggins: "Attending with us now in the Gallery are a group of students from Willowbrook and Addison Trail High Schools. They are here for the competition on vocational skills, and last year, among the awards that they won, number one in the state in automotive. Will you recognize them please, in the balcony? Would you stand up please?"

Speaker Brunsvold: "Welcome to Springfield. Raise your hands please. Welcome to Springfield. The Gentleman from Livingston, Representative Rutherford to Representative Schoenberg."

Rutherford: "Thank you, Mr. Speaker. Representative Schoenberg, I totally concur with what you just cited to me. But the point was for artistic services, for professional services, you are removing the procedure for sealed bidding. In

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

45th Legislative Day

April 17, 1997

fact, the citation that you pointed to me on page 22, article 25, it says right in the headline, 'Excluding Professional Artistic Services.' Why do you want to take away the sealed bid process?"

Schoenberg: "Mr. Rutherford, the concern during the discussions was expressed that the Procurement Code prohibited competitive bidding based on professional services, which were based on price. However, there was agreement that nothing in the Code would prohibit any state agency with going with the lowest bidder of professional services in most instances. So the Bill, as amended, does not address this point."

Rutherford: "See, I think what the Body needs to realize is today Central Management Services has the option to go out and follow a procedure per the quality and so forth, as you've identified, or the opportunity to go into sealed bid. If this amended Bill becomes law, they no longer have the option to go to sealed bid. They will be necessitated by law of Illinois to go the procedure that starts on page 16, line 30. I just want to highlight that you're taking away the sealed bid process for artistic services. I'll go ahead with another point then."

Schoenberg: "Yes, Sir. And for these services you're not being hurt by going through this procedure."

Rutherford: "Say that again."

Schoenberg: "For these professional services you are not being hurt or penalized going through this procedure."

Rutherford: "But you are not allowing CMS the option to go through a sealed bid like they have today, correct?"

Schoenberg: "There's nothing that prohibits CMS or any other entity from going with the lowest."

Rutherford: "It's very clear. If your attorney would sit

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

45th Legislative Day

April 17, 1997

there... just read it. It specifically says that they have to go through a statement of qualification, a public announcement. It's highlighted in the discussions. And then, line 24... page 17, line 24, (e) Award. 'Award shall be made to the offeror determined in writing by the purchaser at the best qualified based on the evaluation factors set forth in the request.' Nowhere does it allow them the opportunity to go to sealed bid. Today they have the option. Your Bill, if becoming law, would remove that as an option. I just need the Body to understand that. Second point I'd like to bring up. How does, if this Bill became law, how do you foresee the opportunity to address an emergency with regards to leasing, with regards to space? If there was a fire or flood in a state facility that's being leased, how do we respond to an emergency situation?"

Schoenberg: "With respect to leases, Sir, we've adopted CMS's recommendation on the criteria for emergency leases. That's within the Amendment that we just added to the Bill. It's on page 8, Sir, lines 22 through 31."

Rutherford: "What page? I'm sorry, Jeff."

Schoenberg: "Page 8, lines 22 through 31 of the Amendment. I'm sorry, was that you crying, Sir?"

Rutherford: "That was clear. Could you perhaps highlight where it responds to the emergency side of it, Representative? I'm looking on page 8, looking at line 22, trying to find it."

Schoenberg: "Mr. Rutherford?"

Rutherford: "Yes, Mr. Schoenberg?"

Schoenberg: "Section (e), which begins on line 22."

Rutherford: "Right."

Schoenberg: "Paragraph (e), Subsection 2, 'Temporary space is

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

45th Legislative Day

April 17, 1997

defined by rule.' That would satisfy your issue. After all, emergencies are inherently temporary, not permanent."

Rutherford: "Okay, Representative, this is not CMS's language, but we do believe that this could accomplish what the need may be."

Schoenberg: "It is not CMS's language per se, but it does address, in my view, that concern which was expressed."

Rutherford: "I agree with you it does, but I was following up what you had said, that you'd adopted CMS's language, and I just needed to check to see that it wasn't."

Schoenberg: "Well, then, if I did say that it was CMS's language I misspoke and I apologize."

Rutherford: "That's okay. No problem. We all make mistakes. Going ahead. The third question."

Schoenberg: "It did fulfill, Sir, it did fulfill CMS's request. Adequately, Sir."

Rutherford: "Correct, but in your language."

Schoenberg: "They're both English, Sir."

Rutherford: "I may have to borrow Bill Black's little book of whatever that stuff was earlier. Going ahead in the procurement side of things. You are now, as I read the language, you are now going to require that all announcements with regards to opportunities now be published in a procurement bulletin as well. To clarify for the Body, today the state, when it goes out to advertise, advertises in the official state newspaper, which is bid out and so forth. And the cost, the cost to bring on this additional publication, which I understand to be called the Procurement Bulletin, is going to cost several hundred thousand dollars. Why do you feel we need to go through this additional expense?"

Schoenberg: "The question really is whether or not we can afford

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

45th Legislative Day

April 17, 1997

not to have it. By having ongoing and more frequent notification, which also includes having procurement notices being placed by e-mail or in the state newspaper, in addition to the Procurement Bulletin, what we're really doing is expanding the opportunities for people to become aware of contracts available for bid for goods and services."

Rutherford: "Couldn't that be done in the ad that's run in the official state newspaper?"

Schoenberg: "As I've said, we've also expanded the opportunities to include it within the electronic medium. That was a very..."

Rutherford: "And I'm not questioning that. Representative, I'm not questioning the opportunity to get it on electronic mail. Can I finish my sentence? Can I finish my sentence?"

Schoenberg: "What I want to say in response."

Rutherford: "If I could finish my sentence."

Schoenberg: "I'm a linear guy, I can only do one thought at a time. The..."

Rutherford: "Have you finished your sentence?"

Schoenberg: "Why don't you finish your sentence, because I forgot what I was going to say."

Rutherford: "Thank you very much. That's what I was trying to get at. Representative, I'm not objecting to the electronic transfer of the information. I'm not objecting to the fact that perhaps you'd like to expand the definitions that may be in the state newspaper. What you are doing is causing another piece of paper, you're causing another publication to come out that's going to cost hundreds of thousands of taxpayers' dollars, when every single individual that wants to go about buying or

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

45th Legislative Day

April 17, 1997

participating in the procurement process of this state can subscribe to the state newspaper. Why would you want to go ahead and add this additional cost?"

Schoenberg: "What was the state newspaper a year ago?"

Rutherford: "What was the state newspaper?"

Schoenberg: "Yes."

Rutherford: "This year it's the Kewanee Star Courier."

Schoenberg: "I'm sorry, I couldn't hear above the din. What was the state newspaper?"

Rutherford: "The official state newspaper for publications is the Kewanee Star Courier."

Schoenberg: "The Kewanee Star Courier."

Rutherford: "You got a book to help me pronounce those other words too?"

Schoenberg: "The Kewanee Star Courier. Just out of curiosity, where does the Kewanee Star Courier circulate?"

Rutherford: "It circulated, I assume, around Kewanee, plus any state vendor that would like to subscribe to it, because everybody knows what the official state newspaper would be, Representative."

Schoenberg: "What this does, the reason why we've made this change is in order to enable more people to be aware of the opportunities that are available to do business with the state. On the chance that you don't even know where Kewanee is. You and I know where Kewanee is, we have no trouble subscribing to the Kewanee.."

Rutherford: "You don't have to know where Kewanee is. You can get a hold of Central Management Services, be able to subscribe to the official state newspaper, which circulates and is around every... changes periodically. How is the State Board of Education going to fit into this bureaucracy? Where do they fit in with regards to their

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

45th Legislative Day

April 17, 1997

procurement officer?"

Schoenberg: "That would fall under the auspices of Central Management Services."

Rutherford: "Where does the State Board stand on that issue?"

Schoenberg: "The State Board has indicated that they want their own purchasing officer. However, Mr. Rutherford, because we're all sensitive to the cost, we want to minimize the number of purchasing officers who are there. So that every agency and every institution doesn't need their own purchasing officer. We want to be cost efficient and yet provide significant savings for..."

Rutherford: "What other state agencies don't have their own purchasing officer?"

Schoenberg: "I'm sorry, pardon me."

Rutherford: "You just suggested that the Board of Education would fall under CMS. What other agency does not have its own purchasing officer?"

Schoenberg: "For starters, all code agencies."

Rutherford: "I'm sorry, Representative, repeat that."

Schoenberg: "All code agencies."

Rutherford: "Code agencies do not have their own purchasing officer?"

Schoenberg: "That's correct. All executive branch agencies fall under CMS."

Rutherford: "Representative, the Amendment had... Amendment 1 that was adopted changed from the Board of Governors and the Board of Regents to identify the individual, local trustees, am I correct?"

Schoenberg: "Yes."

Rutherford: "All right, that then brings the total number of qualified state purchasing officers to how many?"

Schoenberg: "I believe 21."

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

45th Legislative Day

April 17, 1997

Rutherford: "Twenty-one. Then going to the codification for creating the... who are members of the Procurement Advisory Council?"

Schoenberg: "It would be made up of the chief procurement officers of each of those entities."

Rutherford: "And that is what your Amendment made to be 21 members?"

Schoenberg: "That's what I believe to be correct, Sir."

Rutherford: "On page 7, line 32. How many members of the..."

Schoenberg: "Of the Bill or the Amendment?"

Rutherford: "I'm sorry."

Schoenberg: "Page 7 of the Bill or the Amendment?"

Rutherford: "I'm sorry, this is of the Bill, the underlying Bill, page 7, line 32. How many members does that say will be a member, participate in the advisory council?"

Schoenberg: "Mr. Rutherford, I believe you're pointing out a..."

Rutherford: "Go ahead and say it."

Schoenberg: "... technical inaccuracy, which would be revised in a subsequent Bill."

Rutherford: "I'm just reading a Bill that we got dropped at 2:00 a.m. in the morning, popped out of Rules without a committee hearing at 8:45, and trying to figure this thing out. Yes, there is a technical error in this that the number of procurement officers, as defined by Amendment 1, goes to 21. Underlying Bill, page 7, line 32 says there's only going to be 16. This thing is in error. So, I'd assume that if this goes to the Senate you're going to work towards trying to get it fixed."

Schoenberg: "That's certainly the case. As we are also going to continue our discussions to continue to try to bridge the gap on any differences which may exist."

Rutherford: "Okay. I want to go further back now to the issues

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

45th Legislative Day

April 17, 1997

that we talked to Representative Hannig. And I know you were attentively listening to this in regards to the Department of Transportation. We truly believe that there is going to be some very major problems if this amended Bill became law. Let's just walk through this very clearly. The U.S. Government requires, the U.S. Government requires that our Illinois Department of Transportation be responsible for promulgating its own procurement and responsible for its own rules and its own policies. If they do not follow that, Representative, then they are not going to be eligible for Federal Highway Funds. They will not be able to bid the contracts. All of their amendments, any change of orders and so forth will all need to go back to the Federal Government for approval and cannot be done here in the State of Illinois. This, Representative, is a major problem. Every one of us have got roads in our district that have got some sense and touch of federal assistance. We have to be able to address this."

Schoenberg: "Mr. Rutherford, if you're suggesting that we're going to be denied billions and billions of dollars in federal funds as a result of this, I think that's a bit of a reach. In Article 5, Section 5-5, Subsection (b), the board, the procurement board has the authority and responsibility to promulgate rules consistent with the Code, et cetera. That certainly would fall under this per view, and the doomsday scenario that you just outlined is not only unlikely, it's improbable."

Rutherford: "Well, Representative, no, I wouldn't suggest that we're not going to be able to get our federal monies. I'm just going to suggest that by not being able to have our certification followed through, we're going to have to go through the Federal Government out of Washington, D.C., and

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

45th Legislative Day

April 17, 1997

this will dramatically, dramatically slow down the flow of funds from the Federal Government here. So, what may have been a five year plan, is now going to trickle down into a several year plan much beyond that. So, no. The money will come here, but by then the Jetsons will be flying their space shuttles around the place, because it's going to take that much longer going through the federal bureaucracy out in Washington, D.C."

Schoenberg: "I take great offense with you taking the Jetsons in vain."

Rutherford: "Oh no, I do it with all highest compliments."

Schoenberg: "Well, Elroy, I wish to suggest..."

Rutherford: "All right, Representative... Mr. Speaker, I'm going to stand in opposition to this piece of legislation. There is some flaws to the whole matter. I know that Representative Schoenberg has worked hard at it. They have attempted to try to bring in Central Management Services' language, but putting it into a Bill that causes the language to be interpreted differently will dramatically affect our funds from Washington, D.C., with regards to the highway programs. It also dramatically affects the way that we go through our emergency procedures. And, Mr. Speaker, I would ask for a verification should this receive the requisite number of votes."

Speaker Brunsvold: "That has been acknowledged."

Rutherford: "Thank you, Sir. Thank you."

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

Clayton: "Yes, I wanted to speak to the Bill. I urge an opposition to this Bill. It's not needed. It causes additional cost. And it certainly adds to the bureaucracy. I'm concerned with the policy board, which will add an additional cost of \$565 thousand a year. It's bureaucratic

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

45th Legislative Day

April 17, 1997

and certainly unnecessary. The creation of a policy board is unnecessary. It will slow down the procurement process and add cost to State Government. Presently, the Model Procurement Code recognizes that our current procurement structure does not rely on a board. The agency in charge has always established rules that work in actual practice, based on law, and based on the knowledge gained from years of experience in State Government procurement. This board would not have the experience that we presently have. Since 1977, the procurement rules have been subject to oversight by JCAR. Procurement issues come up on a daily basis, and it is very unlikely that this policy board would be able to meet daily. The board would have to be staffed and that is 360 thousand a year, approximately. And there would be no offsetting savings from other agencies. And I think the concern with IDOT being de-designated as our procurement official on highway construction is something that we certainly can't ignore. At the very least, at the very least it will slow down our highway construction, and I don't think any of us want to see that. That Procurement Bulletin that's going to cost approximately \$645 thousand a year is not necessary. We are presently doing it in the official state newspaper at a reasonable cost. And it's a reasonable cost for those people who subscribe to that paper in order to see what procurements are advertised. I'm very concerned, also, with eliminating sealed bidding on the artistic services. With all of those concerns, I would certainly... Oh, I do also want to list the opponents. This is opposed by the Department of Revenue, the Capitol Development Board, Central Management Services, the Department of Transportation, DNR, EPA, and the State Board of Education. I think that all of these concerns and

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

45th Legislative Day

April 17, 1997

others would warrant a 'no' vote on this Bill. So please, I urge a 'no' vote. It's important."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in very strong support of House Bill 1481. And in so doing, I want to congratulate Representative Schoenberg and Hannig and all others who were involved in the drafting of this final document. This has been studied for a very long period of time and encompasses, partially the Blue Ribbon Report on issue of procurement. The procurement policies in the State of Illinois have been abysmal for a long period of time, costing our taxpayers hundreds of millions of dollars, causing all kinds of featherbedding and all kinds of contracts to those who are in the know. This will clear that up. Some five years ago at the Governor's request, we removed from the statute the requirement for sealed bidding. That was a mistake then. This Bill will rectify that mistake. Over the previous two years, before this General Assembly, our side of the aisle has introduced some 30 plus Amendments to clear up parts of the Procurement Code, all of which were bottled up in Rules, declared out of order, and the like. Finally, we see these ideas come to light. And these ideas will save the taxpayers untold amounts of money, and clean up our process so that our taxpayers can be sure that not only are we getting the best bang for our buck, but we're getting people to do these jobs for the State of Illinois, that are clean and above board. As you know, House Bill 291, which we'll be voting on sometime soon, is my Bill, which deals with one little part of this, which says that if you're a contractor that defrauds the state, you should not be able

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

45th Legislative Day

April 17, 1997

to get any state contract for at least five years. The current law is one year. Obviously, that's not sufficient. Perhaps if we had rules, such as in House Bill 1481, regarding professional and artistic service contracts, the MSI scandal never would have happened. I don't think it would happen, or anything like it could happen if we pass House Bill 1481. So I urge passage of this very important legislation, which is further protection for the taxpayers' money that comes to us. Thank you very much."

Speaker Brunsvold: "Mr. Black."

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

Speaker Brunsvold: "Indicates he will."

Black: "Representative, first of all, let me, for the record, and as you and I have talked, I'm certainly not opposed to any reasonable restructuring of purchasing laws. That's an ongoing process in the private sector, needs to be an ongoing process in the public sector. But I am very concerned about one particular issue. And I think any of us, particularly downstate, where many of us still drive on roads that were... the ribbon was snipped by Governor Small, under his 'Get out of the mud' campaign. Now, that's been, Representative, several years ago."

Schoenberg: "I know you were at that ribbon cutting, Sir."

Black: "I thought Governor Small was a remarkable man. But I don't know how much longer we can use 10 foot wide concrete strips where you have to get off on the edge of the road when you pass. I mean, most of you people who live upstate have never seen a single slab road, and I pray that you never do. Previous speaker said that this is going to save the taxpayers a lot of money. Can you explain to me how having IDOT send a certification request to Washington D.C.

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

45th Legislative Day

April 17, 1997

is going to save us any money?"

Schoenberg: "This scenario, as we pointed to earlier, those specifics are going to be addressed by the policy board, which has the statutory authority to promulgate the necessary rules. And with this amount of money involved, Mr. Black, I think we both know that members of the policy board would not be remiss in this very important responsibility."

Black: "Well, Representative, I don't have any problem with your policy board. But are you aware that the Federal Government will not recognize a policy board on highway and bridge contracts? They will not deal with them, they do not recognize them, they will not work with them. They will only work with the Illinois Department of Transportation. Now, how are you going to save the taxpayers of Illinois any money when every federally funded, or partially federally funded road and bridge project has to go to Washington D.C. for certification?"

Schoenberg: "Mr. Black, under this scenario that you just outlined, if the policy board designated the authority to the Illinois Department of Transportation to execute those agreements with the Federal Government, that concern of yours would be taken care of."

Black: "How can I be certain? How can I tell people who have waited years for Illinois Route 1 to be upgraded, and we're finally underway on that, how can I tell them, don't worry, don't worry, the policy board will designate IDOT? How do I know that? It isn't in your Bill."

Schoenberg: "Mr. Black, I think you would know and I know that it's not only probable, it's highly likely that they will do so. And if they don't, we'll certainly be back here. But I think that the picture that you're painting, Sir, is

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

45th Legislative Day

April 17, 1997

one that can and will be addressed through the rule-making process, as is routine with many other similar situations."

Black: "Well, thank you very much, Representative. Mr. Speaker, if I might, to the Bill."

Speaker Brunsvold: "To the Bill."

Black: "Sometimes you have to reach out on this House Floor. The Road Fund is, in fact, and both sides of the aisle have said this back and forth all Session, road construction projects are important to every single part of this state. They are particularly important to downstate. You can be supportive of this entire Bill, but I call your attention to one major flaw, the Gentleman has not addressed it, he said, 'I think it will work out.' It might work out. It could work out. Holy cow, what happens if it doesn't work out? The failure to designate the Illinois Department of Transportation as being in charge of rules and policies governing highway construction will result in the loss of Federal Certification to the State of Illinois. That's not maybe, that is will be done. This means that all federally funded or partially federally funded highway projects, contracts, Amendments, change orders and so forth, will have to be sent to the U.S. Department of Transportation for approval. Now, I submit to you, at the best case scenario, this is going to slow down road and bridge projects in your district. And you're going to have to explain that to your constituents. My experience with the United States Department of Transportation is that it takes them about nine weeks to open their mail. It takes about four weeks to read it, and about nine more weeks to get an answer back. This one issue of this Bill is why I'm going to vote 'no'. I am not going to explain to my constituents why we have removed IDOT from the process and turned over

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

45th Legislative Day

April 17, 1997

our road projects to the Federal Government. When that delay happens in your district, don't call me and say, why didn't I tell you. I did tell you, and that's reason enough to vote 'no'."

Speaker Brunsvold: "Mr. Hannig. Mr. Hannig with the announcement."

Hannig: "Yes, thank you, Mr. Speaker. I rise to request that Representative Gash be excused for the remainder of the day."

Speaker Brunsvold: "Thank you, Representative. Mr. Schoenberg on a very brief closing."

Schoenberg: "If you're concerned about who's pushing the paper, if you're concerned about some of the red herrings that are thrown out there in order to scare up some fear, then, if you want to maintain the status quo then you should take Mr. Black's advise, you should take Ms. Clayton's advise, you should take Mr. Rutherford's advise, and you should vote against this. Because we see how well the status quo is working, don't we? I think we're all embarrassed by what we hear about how the status quo is not working. It's not just limited to any one side of the aisle. Those of us who choose to serve the State of Illinois are embarrassed with the repeated abuses of the process, which seem to be daily news and diminished confidence that people have in government as a whole, and not just one particular Party. Aside from who's going to watch what files in which file cabinet, it's been conveniently overlooked about the revolving door clauses and the tough ethics clauses which are in this, which would really provide protection for state workers from people trying to influence them in the awarding of contracts. It rectifies the wrong that was done previously in eliminating the process that we used to

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

45th Legislative Day

April 17, 1997

have in favor of a process that's much weaker. If you want to vote on the side of common cause and other reform groups who are tired of the systematic plundering of the State Treasury, then vote 'aye'. If you want to maintain the status quo and continue to embarrass us all, vote 'no'. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1481 pass?' Those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 61 voting 'yes', 52 voting 'no', 4 voting 'present'. And there has been a request for a verification. Mr. Clerk, read the Affirmative Roll Call."

Clerk Rossi: "The Poll of those voting in the affirmative: Representatives', Acevedo. Boland. Bost. Bradford. Bradley. Brosnahan. Bugielski. Burke. Capparelli..."

Speaker Brunsvold: "Mr. Turner asked to be verified. Mr. Deering asked to be verified."

Rutherford: "You said Representative Turner asked to be verified. Which one?"

Speaker Brunsvold: "Art Turner."

Rutherford: "Thank you."

Speaker Brunsvold: "Mr. Deering, Mr. McGuire, Mr. Woolard. Proceed with the Roll Call, Mr. Clerk."

Clerk Rossi: "Crotty. Barbara Currie. Julie Curry. Dart. Davis, Monique. Davis, Steve. Deering. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Giglio. Giles. Granberg. Hannig. Hartke. Holbrook. Howard. Jones, John. Kenner. Klingler. Lang. Lopez. Lyons, Joseph. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Moore, Eugene. Morrow. Novak. O'Brien. Phelps. Poe. Pugh.

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

45th Legislative Day

April 17, 1997

Ronen. Santiago. Schakowsky. Schoenberg. Scott.
Scully. Silva. Slone. Smith. Stroger. Turner. Weaver.
Woolard. Younge. Mr. Speaker."

Speaker Brunsvold: "Questions of the Affirmative? Mr.
Rutherford."

Rutherford: "Representative Jones, Lou Jones."

Speaker Brunsvold: "Representative Lou Jones."

Rutherford: "I'm sorry, they're both present."

Speaker Brunsvold: "Was Representative Lou Jones voting, Mr.
Clerk?"

Clerk Rossi: "Lou Jones is voting 'present'."

Speaker Brunsvold: "Mr. Rutherford, continue."

Rutherford: "Representative Dart."

Speaker Brunsvold: "Representative Tom Dart. Tom Dart is in the
back of the Chamber."

Rutherford: "Representative Acevedo."

Speaker Brunsvold: "Representative Acevedo is in the back of the
Chamber."

Rutherford: "Thank you. Representative McKeon."

Speaker Brunsvold: "Representative McKeon."

Rutherford: "Got him. See it? Thank you. Representative
Feigenholtz."

Speaker Brunsvold: "Representative Feigenholtz is in her chair.
Representative Lou Jones is here, but she was not verified
off."

Rutherford: "Representative Lyons."

Speaker Brunsvold: "Representative Lyons is in the... at the
Well."

Rutherford: "Thank you. Representative Stroger."

Speaker Brunsvold: "Representative Todd Stroger. There he is.
He's in the center aisle."

Rutherford: "Representative Mautino."

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

45th Legislative Day

April 17, 1997

Speaker Brunsvold: "Representative Mautino is holding his young son, Peter, on the Democratic side of the aisle."

Rutherford: "I apologize. There's so many people milling around, Mr. Speaker. Is Representative Kenner here?"

Speaker Brunsvold: "Mr. Kenner."

Rutherford: "Is Representative Kenner here?"

Speaker Brunsvold: "Mr. Kenner's in the back of the Chamber. Representative Carol Ronen asks verification, to be verified. Any further?"

Rutherford: "Representative Morrow."

Speaker Brunsvold: "Representative Morrow, is in his chair."

Rutherford: "He is. Nothing further."

Speaker Brunsvold: "Mr. Granberg asks leave to be verified. He is so granted."

Rutherford: "Nothing further. Thank you, Mr. Speaker."

Speaker Brunsvold: "And on that question, there are 61 voting 'aye', 52 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1425."

Clerk Rossi: "House Bill 1425, a Bill for an Act amending the Uniform Penalty and Interest Act. Third Reading of this House Bill."

Speaker Brunsvold: "Before I go to Mr. Kubik, Representative Slone. Representative Slone."

Slone: "Thank you. My son..."

Speaker Brunsvold: "What reason do you rise?"

Slone: "Thank you. Personal request. My son who was introduced earlier, we have a birthday cake for him. And anybody is welcome to join us for cake."

Speaker Brunsvold: "Thank you, Representative. Happy Birthday. Mr. Kubik on House Bill 1425."

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

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

45th Legislative Day

April 17, 1997

House. House Bill..."

Speaker Brunsvold: "Excuse me, Mr. Kubik. Representative Morrow, what reason do you rise?"

Morrow: "Yes, thank you, Mr. Speaker. I have an Inquiry of the Chair."

Speaker Brunsvold: "State your inquiry."

Morrow: "Yes, Mr. Speaker, it's in our House Rules that we place our debate on a timer. I would ask the Chair that we start placing our debates on a timer so we can move our Bills in a timely fashion."

Speaker Brunsvold: "Your request has been acknowledged. And Mr. Morrow is right, we should limit our questions to time. The Chair would like everyone to say what they'd like to say, but if I think Mr. Morrow is making a point here, that we need to be succinct in our questioning and move these very important Bills along. Mr. Morrow, thank you."

Morrow: "I'm saying everyone should be recognized, but that they should have a time limit."

Speaker Brunsvold: "Mr. Morrow makes a good point. Thank you."

Morrow: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1425 would amend the responsible officer penalty provision in the Uniform Penalty and Interest Act, to make it consistent with the provisions of the retail, I'm sorry, the Retailers Occupation Tax and the Illinois Income Tax. The Bill is a technical Amendment to the Penalty and Interest Act to make the bonding provisions required on administrative review of an assessment by the Department of Revenue, consistent with the bonding provisions applicable to the administrative review of an assessment under the Illinois Income Tax and the ROT Act.

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

45th Legislative Day

April 17, 1997

This Bill simply provides for the same bonding provisions under the Penalty and Interest Act that currently apply for appealing an assessment under the Illinois Income Tax Act and the ROT Act. This is the recommendation of a State and Local Tax Section of the Illinois State Bar Association. I don't know of any opposition to the Bill. I'd appreciate your support."

Speaker Brunsvold: "The question is, 'Shall House Bill 1425 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 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 735."

Clerk Rossi: "House Bill 735, a Bill for an Act regarding the delivery of human services. Third Reading of this House Bill."

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

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. House Bill 735 is both a Workers' Rights Bill and a Residents' or Patients' Rights Bill. The State of Illinois spends nearly a billion dollars annually to purchase care for the mentally ill and the developmentally disabled in its charge. There is no more significant element in assuring that quality care is provided to these individuals than the development of a trained and dedicated work force of care givers. The state, therefore, has a strong interest in assuring that the contractors whom it gives these millions of dollars to, do not abuse the fundamental rights of the their employees. Unfortunately,

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

45th Legislative Day

April 17, 1997

a few of these contractors have so repeatedly and flagrantly violated their workers' rights that they have been cited as lawbreakers by the National Labor Relations Board. They have fired workers for things like speaking out about problems with quality of care for residents. They have threatened and intimidated workers who want to join a union. They have spent tens and probably hundreds of thousands of dollars on anti-union consultants and legal fees. And all of this they have done with taxpayer dollars for no other reason than to deny their employees the right to form a union. Let me emphasize again the problem that this Bill is trying to address. Employees of DMHDD private facilities that are receiving millions of dollars have been harassed for speaking out about patient care. And let's face it, when an employee is demoralized and harassed, they can't give quality care and that is what we are really aiming at. Now, I know that some of my colleagues are very concerned about calls and letters that they have been getting from residents and their families that are afraid that they will be put out of their homes, their facilities, if this Bill would pass. I want to make it very clear, the passage of House Bill 735, in no way, will put people out of the facility they are in, unless that facility decides that it would rather break the law than provide care for their residents. The very same people who are claiming that they have the well being of their patients in mind are scaring them to death and telling them to call us. Let me just review for you all of the appeal processes, the entire process that is available to these employers, to the owners of the facilities, so that we have listened carefully to the concerns of the original Bill and we amended it in such a way to make sure that at every step of the way, the

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

45th Legislative Day

April 17, 1997

facilities can come into compliance. First of all, this Bill applies only to mental health providers who have been convicted, I underline convicted, of three or more serious violations of Federal Labor Law during a two-year period. Those could have their licenses, their contracts, suspended, denied or terminated. Second, the Department of Human Services is given authority to examine the nature of each violation, and the department will decide whether or not it's minor, of a technical nature, or whether it is indeed, a serious violation. Third, upon an initial finding of a labor law violation, the department can convene a remediation session between the employer and the labor organization to resolve the situation and to prevent further violations. There is an appeal process at the NLRB and there is an appeal process within the state through its ordinary appeals of contract decisions. So we have made it possible at every turn for the facilities to come into compliance with the law. That's all they have to do. We should not be giving millions of dollars to lawbreakers. And I would welcome your questions."

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

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

Speaker Brunsvold: "She indicates she will."

Black: "Representative, for purposes of legislative intent, a great deal of information has been circulated about this Bill that involves a process. And I want to make sure we're all on the same track. It has been called to attention of most every Member that if you and I, for example, owned 50 homes that would be covered under this Act, and we had a bad manager managing one of our

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

45th Legislative Day

April 17, 1997

facilities, and, in fact, they run afoul of this legislation, what we are being told is that all 50 of our homes would be immediately delicensed or not subject to contracts. For purposes of legislative intent, could you explain to me how that would work in the case of a corporate owner with multi-sites?"

Schakowsky: "The intent of this legislation is that sites would have, would have to comply with this law, individually, that the violations would have to take place site by site. You could not, in fact, take away the license to operate of an entire chain of facilities. It would only be that a suspension or a termination or a contract denied facility by facility."

Black: "Thank you. Just so we are all clear, if company (A) owns 50 sites throughout Illinois, and one of their sites has continual problems with State or Federal Labor Law only that site would be run up against this law. The other 49, who have no such record of abuse would not be affected. Is that the intent?"

Schakowsky: "That is exactly the intent. And, in fact, the state does not issues contracts to chains it is site by site, and that is the intent of this legislation."

Black: "Thank you very much, Mr. Speaker. Thank you very much, Representative. Mr. Speaker and Ladies and Gentleman of the House, to the Bill. I do have a letter. There has also been a lot of information circulated about no one who has family in these homes or no one connected with the residents is in support of this Bill. Let me just briefly quote from a letter from Advocates United, Mr. Russ Collins, president, from Bradley, Illinois. And he goes on to say 'This letter is reference to House Bill 735. As the president of an advocacy organization for people with

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

45th Legislative Day

April 17, 1997

disabilities, I'm vitally interested in any legislation that affects people with said disabilities and their family. Many of the fears about this Bill appear to be unfounded, i.e. residential facilities would have to close and throw people out with disabilities, that many workers would become jobless overnight, and that service providers will lose their contracts for violations. None of this is in the Bill. What this Bill would do is to allow DMH to suspend or cancel contracts of repeat and flagrant violators of State and Federal Labor Laws.' And I think that's a interesting letter. Reference House Bill 735."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. What you have to understand with this Bill is that these facilities, many times, are 100% funded by the state. One hundred percent funded by the state. If these violations are founded, there is no chance for them to rehabilitate those problems or to work on them. They will be closed. Now, it has been alluded by the Sponsor that that won't happen. But, in fact, I have a document here that shows that the Rohmann Plaza facility did close, and 100 individuals residing there had to be transferred to other facilities. Now, let's talk about who these residents are. These are very elderly people many times. They are really at a disadvantage when they have to be moved to another facility. It is a very emotional situation. They had to be moved and transferred to other facilities, because that is what this law says. Three violations on convictions and that facility will be closed. Now, I don't know what more we can tell you. The Sponsor says that won't happen, but, in fact, it does happen. And

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

45th Legislative Day

April 17, 1997

though she may intend it not to happen, when the bureaucracy has this, they will close the facilities. Now, I'm strongly opposed to this, because this affects the most vulnerable of the people that we have. Now, sometimes in a labor dispute there are some employees, the great majority are not included in this, but some who will deliberately go out of their way to try to find wrong doing in these homes. They may be valid. They may not be valid. And all they have to do is have three convictions. Sometimes that is not real hard to have happen. Is that... are they justifiable? Perhaps. Do they put people at risk? Perhaps. But when they are closing the facility and have to relocate those citizens, that is a disaster. These facilities, again, many times are 100% funded by the state. The state has no recourse. Three convictions and they will be closed. This is a bad idea. There ought to be, instead of closing these facilities or saying that they hope they won't get closed, they will, in fact, have a problem, because they will have to take action. This is the wrong kind of legislation, Ladies and Gentlemen. These are the most vulnerable people. We should work to make sure that those homes come up to standard, to work to make sure that the violations are taken. Maybe even change the ownership of those facilities, but to relocate those people is a travesty. I say that this is not the Sponsor's intention, but this in reality can and has happened and I would say that we should vote against this Bill. And Ladies and Gentlemen, if this gets the required number of votes, Mr. Speaker, I would ask that we have a verification of the Roll Call."

Speaker Brunsvold: "Your request has been acknowledged. The Lady from Cook, Representative Howard."

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

45th Legislative Day

April 17, 1997

Howard: "Thank you, Mr. Speaker. To the Bill. I rise strongly supportive of this legislation. A few weeks ago, as a Member of the Labor and Commerce Committee, I had an opportunity to hear riveting testimony from an employee whose firing for union organizing activity resulted in near bankruptcy for her family. Yet the state continues to provide funding to her employer, Francis House in Kankakee, which has fired 10 employees for exercising their rights to organize under the National Labor Relations Act. To say the least, I was moved by this powerful testimony. And I was equally moved by statements made by a parent of a resident of that same facility in correspondence to another Member of this Chamber. That parent wrote and I quote, 'For two years, the employees who care for my son and 80 other developmentally disabled citizens have struggled for a voice on the job through union representation. I have spoken at length with these employees and know that their demands are just and their motives are pure. They wish only to deliver the highest level of care to those in group homes, and they want to be treated with respect for the difficult work they do. Unfortunately, their employer has done everything in his power to prevent them from accomplishing these modest goals. Since the employees began to organize, Francis House has fired six of the most outspoken union activists. To me these employees weren't just union activists, they were experienced and competent staff who were performing vital services for my son and the other residents. Employers who have resident care as their highest priority and respect the right of direct care workers to participate in decisions affecting their working lives have nothing to fear from this Bill. However, employers who oppose this Bill are asking for nothing less

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

45th Legislative Day

April 17, 1997

than the right to break the law.' And that ends the quote from the letter. My colleagues in the General Assembly, I hope these words have affected you in the same manner in which I have been affected. And that therefore you are inclined to be supportive of this legislation that will greatly assist a number of poorly paid workers, who are performing an extremely important function for our state. I urge you to vote 'yes' for this House Bill."

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

Rutherford: "Thank you, Mr. Speaker. To the Sponsor. Representative, I've got a real concern in regards to the question that Representative Black had asked about whether the number of violations would be pertained to one facility or whether it would be for a network. And as I'm looking at the Bill, page 2, I look at line 13, it states that 'The state shall not contract with, contract with or provide grants to private providers to provide these services if the private provider is found in violation.' I'm not sure that that is really defined enough to be interpreted to suggest that it is a facility as opposed to, for example, a network."

Schakowsky: "Well, contracts are not let to providers for all of their facilities. Contracts are let based on a facility basis. And so there is no practical application to your interpretation, because there is so no such thing as a contract for a chain."

Rutherford: "Okay. And then that goes on to page 3 talking about lines 2 through 4, and I'm assuming you use the same argument there. Where it says 'No grantee or contractor shall receive a grant'."

Schakowsky: "Well, it certainly, and I want to clarify if it is

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

45th Legislative Day

April 17, 1997

unclear for legislative intent, that we are talking about individual facilities and not a chain."

Rutherford: "One of the concerns I have, of course, is the idea you had been suggested to that something could go to receivership. And, you know, just as example of something that has happened when this did occur here in our state, the department did have this entity go into receivership. Just the act or process of going into that receivership cost the taxpayers approximately \$300 thousand, and still in doing that they still had to relocate approximately 100 persons. So I mean that, that really does concern me that that could well happen out there. Just the... talking about a minor violation, talking about a minor violation on page 4 line 16. What's the definition of a minor violation? I mean, how far can it go, could it go and the concern that we would have there?"

Schakowsky: "We gave in the Amendment, the Department of Human Services authority to examine the nature of each employer's violation and to determine whether or not they are of a technical nature. So the decision on that is left now to the department."

Rutherford: "Going ahead with the questions in regards to the NLRB. Don't they already have the ability to sanction the violators obviously going through any problems there? And then a employer would have the right to appeal such a determination?"

Schakowsky: "That is correct. There is a process at the NLRB. But the issue here is, does not the state also have an interest when it is putting out \$35 million to one facility or \$17 million to another facility, to know that these are persistent violators, persistent lawbreakers? And don't we have an interest in seeing that those facilities are run

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

45th Legislative Day

April 17, 1997

well? It would seem to me, if the issue were sexual harassment or discrimination based on race where there are other remedies also. Still the state would have an interest in those kinds of issues."

Rutherford: "You know, the concern I had, though, was that basically if this Bill became law it would effectively taketh away the appeal rights that they would have going through the NLRB process. To the Bill, Mr. Speaker. I stand in opposition to the piece of legislation. I'm concerned, particularly, about the idea of having residents that could be taken out of their place of occupancy, and particularly the cost that it would potentially have to the state in putting these facilities in a receivership. I would stand in opposition to the Bill."

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

Bradford: "Mr. Speaker, I rise in support of this Bill. Sometimes, we, as lawyers, are accused of making things too difficult or trying to make things seem not what they are. This is a very simple Bill. This Bill says, if we're going to spend Illinois tax money that those people that receive that money must abide by the law of land. That's all this Bill says. It gives the discretion to those who are concerned about the residents. It gives the discretion to the Department of Human Services to act in a timely manner to make arrangements in the event that someone is not abiding by the law. And in regard to the loyal opposition party, who has often used the phrase, 'Three strikes and you're out'. This is a three strike Bill. You are given your three strikes in regard to this circumstance. And if you violate the law three times, and it is proven, and the National Labor Relations Board, through the appeal process,

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

45th Legislative Day

April 17, 1997

finds that you are still unjustified in your actions, then the state is empowered to act in regard to its expenditure of state tax money. I urge all of you to vote in favor of this Bill. Let's not spend taxpayer money to those who violate the law."

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

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

Speaker Brunsvold: "Indicates he will, she will."

Moffitt: "Representative, you and I had visited some about this. But again, just to further and really emphasize the legislative intent. I believe the original draft said that just one violation and as this has progressed through, now it is the three violations, and it is really a conviction or a proven three violations before this would take a place. Is that correct?"

Schakowsky: "That is correct."

Moffitt: "And the penalties or the violations, one of the concerns was that certainly there is a difference in violations. Some violations are much more serious than others. And this does now have graduated degrees of seriousness, depending on the type of violation. Is that correct?"

Schakowsky: "It would have to be three or more serious violations as determined by the department itself."

Moffitt: "But, I mean there could be violations that were really not serious, that would not put the facility in jeopardy. Is that correct?"

Schakowsky: "That is exactly right. That is not our intent to have frivolous, not frivolous, but not serious violations would not be considered here."

Moffitt: "Sure. Back to the site specific, and you and I have

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

45th Legislative Day

April 17, 1997

also talked about this and it has been raised but just again to make sure on the legislative intent. That facility, and it was spelled out real good, that a corporation or company might own many facilities, but it wouldn't be collectively. It would be counting per site as far as the accumulation of three. Right?"

Schakowsky: "That is absolutely correct. The intent of this legislation is to consider each site separately."

Moffitt: "And talking with you, it is my understanding you are willing to work to have an Amendment put on in the Senate to further clarify that. Is that correct?"

Schakowsky: "I would be willing to do that. Yes."

Moffitt: "So that there is no question about...?"

Schakowsky: "No question."

Moffitt: "Okay. I have also received many calls on this. And really calls on both sides and very legitimate calls, people concerned, calls from family members that concerned if a facility closes what would they do with their family member that is in the facility. I guess would you address that? What would you see happening if the worst case scenario happened? Where would care be provided or how would that be handled? Would you address that?"

Schakowsky: "I will, Representative. But first I feel compelled to say that it should be an absolutely last resort. It would mean that someone has decided willfully, to continue to break the law and not to move to conform to the law. But let me say that there have been a number of facilities, for a variety of reasons that, in fact, have closed. We have one in... we have a number of instances in the last few years where a couple of facilities have closed down and there has been an orderly process of moving people. That's the worst that could happen. But it has happened, not

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

45th Legislative Day

April 17, 1997

because of this, obviously, since the law wasn't in effect. This was a facility that couldn't meet the quality standards, and it was shut down. But before that, there are issues of receivership, there are issues of new management being brought in, there are all kinds of ways to resolve the problem. Not to mention all of the remediation that the Department of Mental Health, that the Department of Human Services now will do in order to resolve the issue when the first serious violation occurs. So number one, this doesn't have to happen at all. Number two, if it does it should be very rare. And number three, there is at every step an orderly process to make sure these concerns that are being raised by people who are unnecessarily being frightened. These concerns are unjustified. They are. The intention of this Bill, no way is to jeopardize. To the contrary, it is to provide better quality care in these facilities."

Moffitt: "And then when you are counting these three violations that's within a two-year period. Is that correct?"

Schakowsky: "That is correct."

Moffitt: "So after a two-year period, if a facility had had two violations and then a full two years go by, then they would really be a fresh start. Is that correct?"

Schakowsky: "That is correct, although hopefully after the first there would be a remediation on the part of the facility and DHS so there wouldn't be anymore."

Moffitt: "One other question, Representative. It has been... the question has been raised to me that we are holding private care givers to a different standard than what we are other facilities or state facilities. Is that correct or is everyone held to the same standard?"

Schakowsky: "Oh no, state facilities, through their contracts

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

45th Legislative Day

April 17, 1997

with bargaining units, with the union have already agreed to these kinds of collective bargaining agreements. We are dealing with situations where there is an effort to prevent the workers from being organized. So, we don't face the same situation at all in state operated facilities."

Moffitt: "Okay. Thank you, Representative. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Moffitt: "I intend to support this Bill. I think I have probably got more calls and concerns on this. I think some of those have been addressed. The specific language to make sure that site specific still needs to be put in there. And we must keep focused that our main purpose is to protect the very people to whom we are giving care. It is always unfortunate when there is that much controversy, and I certainly have gotten calls from all sides. But the letter from the president of the... the same letter that Representative Black, the president of the advocacy organization that I had received is certainly in support of this legislation, strong support. And for that reason I will be supporting it. Thank you."

Speaker Brunsvold: "The Gentleman from Peoria, Representative Leitch."

Leitch: "With respects to the merits of the Bill, we can debate those, but I do need to tell you that the situation at Rohmann Plaza in Peoria is a very tragic situation, and it is one which should have been closed long, in my opinion, before it was. And, in addition to that, it is a situation which also reflects a very sometimes confusing and too bureaucratic process with respect to agencies being able to get authorization and to, in a timely way, plan funding for new housing units that would be available to residents of

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

45th Legislative Day

April 17, 1997

these facilities. I know in Peoria, the local park, Peoria Area Retired Citizens Program ran a capital campaign. They had the money. It was a great deal of work to get some units there authorized. I know that in other occasions these units, which are available through the Federal Government, are also very lengthy and time-consuming. I think that these closures are very complicated and often urgent events, and I think that they speak to a larger question of how we plan for the housing of these residents, and I think we all need to focus on doing a better job of that."

Speaker Brunsvold: "Representative Schakowsky to close."

Schakowsky: "Thank you, Mr. Speaker. Caring for the developmentally disabled is an immense responsibility. As the State of Illinois has increasingly shifted the responsibility for the provision of such care to private agencies, it has been slow to establish the same standards of accountability that exists for public entities. Given the competing demands for state tax dollars, it is essential that such standards assure quality of care for people with disabilities, fair treatment for workers who provide such care, and sound fiscal practices on the part of providers. It is the intent of House Bill 735 to accomplish those goals. And I urge an 'aye' vote."

Speaker Brunsvold: "The question is 'Shall House Bill 735 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 70 voting 'yes'; 40 voting 'no'; 5 voting 'present'. And Mr. Parke has requested a verification. He withdraws that request. This Bill, having received a

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

45th Legislative Day

April 17, 1997

Constitutional Majority, is hereby declared passed.

Representative Bradford, for what reason do you rise?"

Bradford: "Mr. Speaker, my light came on and then went off. And

I would like to be recorded as voting 'yes' on that."

Speaker Brunsvold: "The record will so reflect. Mr. Clerk, read House Bill 1557."

Speaker Brunsvold: "Mr. Clerk, read House Bill 1557."

Clerk Rossi: "House Bill 1557, this Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Weaver, has been 'approved for consideration'."

Speaker Brunsvold: "Representative Weaver, on the Amendment."

Weaver: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is probably one of the more emotional and one of the more volatile Bills of the Session because it deals with people's ability to defend themselves. Now we have amended the Bill. This Amendment has taken into account a lot of the comments that were made during the Committee Hearing and also comments that were made by people that we had circulated the Bill through on the House Floor. We went through eight different revisions to get to this Amendment, and I think I can wait until Third Reading to fully describe the Bill if that is the pleasure of the Body. So I'll just remain available for questions at this point, Mr. Speaker."

Speaker Brunsvold: "Questions on the Amendment? Seeing none, the Gentleman has moved for adoption of the Amendment. All in favor say 'aye', all opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read the Bill."

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

45th Legislative Day

April 17, 1997

Clerk Rossi: "House Bill 1557, a Bill for an Act in relation to firearms. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Ladies and Gentlemen, violence into our society has made many prisoners in their own homes, neighborhoods, and communities. And as effective as our police are, they can only react. And recently there's been a national trend towards allowing law-abiding citizens to protect themselves and finally Illinois has entered this discussion on whether or not we will force our most vulnerable citizens to rely on the benevolence of criminals by pleading for their lives or allow them to defend themselves and their families as guaranteed by the Constitution. By age 30, an American woman has a 50/50 chance of being criminally attacked, and one woman out of three can expect to be sexually assaulted. The chances of a rapist getting caught and convicted is one in 600, and our record in criminal control is not very good. However, there was a study done by a couple of professors in Massachusetts that interviewed over 1800 felons who were incarcerated from ten different states, and they found that most criminals are more worried about meeting an armed victim than they are about running into the police, and nearly 40% of those criminals responded that there had been at least one time when they decided not to commit a crime because they knew or believed that the victim was armed. Even law enforcement recognizes that there's a problem. The former Chief of Police of the L.A. Police Department, Ed Davis, said, 'Crime is so far out of hand we cannot protect the average citizen, he must protect himself.' According to FBI statistics, the states, the 43

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

45th Legislative Day

April 17, 1997

states that have, currently, right to carry laws have overall violent crime rates reduced by 18%. Homicide has been reduced by 21%, robbery by 32% and aggravated assault by 11%. These are reductions and one of the landmark states, Florida, the homicide, firearm homicide, and handgun homicide rates have been decreased by 36%, 37%, and 41%, respectively since its 1987 carry law went into effect. I might add that during that same period of time, the national homicide rate decreased by only .4% while the national firearm and handgun homicide rates actually increased by 15% and 24%, respectively, according to the FBI. And the Florida Department of Law Enforcement Commissioner, James Moore, stated that, 'From a law enforcement perspective the licensing process has not, not resulted in problems in the community from people with arming themselves with concealed weapons. Ladies and Gentlemen, we have the opportunity to help Illinois join the 43 states with carry laws and provide the means by which our citizens, our families and our loved ones can take responsibility for their own safety. This Bill provides a permit procedure that will allow law-abiding citizens in Illinois to apply for the right to carry a concealed weapon. It requires stringent background checks at local state and federal levels for convictions, for mental health, for alcohol abuse and for gang membership. This Bill, as amended, has some of the longest training requirements of any state in the country. We have removed the preemption. We have removed reciprocity. Basically what we dealt with in the Bill was that any individual who has a permit to carry from another state has the right to also apply for a permit in Illinois. We have also, through the Amendment, increased the locations in which you cannot

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

45th Legislative Day

April 17, 1997

carry a concealed weapon, such as schools, day care, government buildings, court houses, General Assembly, police departments, bars, airports, riverboats, stadiums, arenas, sporting events, churches, amusement parks, and we've allowed, we've added a provision so that businesses may post their location to prevent concealed carry weapons from being brought into their place of business. Mr. Speaker, rather than go on and on, I think I will prepare myself and be more than happy to answer any questions they may have."

Speaker Madigan: "Speaker Madigan in the Chair. The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I'm joined, I believe, by five of my colleagues to ask that this Bill be removed from Short Debate."

Speaker Madigan: "The Bill shall be taken off of Short Debate."

Currie: "Thank you, Speaker. I rise in strong opposition to House Bill 1557. It seems to me that there are plenty of firearms already out there on the streets. We don't need any more. The Sponsor references a study that suggests that Concealed Carry Laws are good for public safety. He may know that many serious scholars have cast serious doubts on the validity of the study that he cited, a study that I believed was commissioned by funds that involved those who manufacture the very items of that study. So we have to look pretty carefully at the statistical validity of that particular proposition. It strikes me that when thugs are picked up today, the police can at least get them on a weapons charge. If House Bill 1557 passes, the fact is, the police may no longer have that particular law enforcement tool available to them. But no, no, you'll say, 'No, no, no thugs will not be able to get the permit

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

45th Legislative Day

April 17, 1997

to carry a concealed weapon.' Right, if they're felons, convicted felons, they won't, but not all thugs have been convicted of felonies, yet. And it strikes me that the proposition here is likely, in fact, to encourage them to get convicted of even more violent felonies than they might have been without it. Why would we want to vote for something that our Department of State Police tells us will cause more mayhem and more destruction on the streets? Why would we want to oppose the Sheriffs' Association, the Police Chiefs of Illinois, and say, 'We think this will make people safer,' when they tell us that directly the opposite is true. We tell people that you'll be safer if you have this weapon. When, may I ask, are people going to use it? Will they pull it out when the car drives by before they know that the driver intended a drive-by shooting? People of this Legislature should know that handguns bought to protect yourself and your family, are six times more likely, maybe more than six times more likely, to kill a friend or family member than they are to ward off an intruder. This is not the wild west. We are working to become a civilized society, and there is no way in the world that concealing weapons on your person is going to make Illinois a safer place for our citizens and particularly for our children. This is total lunacy, Speaker and Members of the House, and I hope this Bill is resoundly defeated."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise in opposition to House Bill 1557. Let me just give you a couple of the reasons that I feel that way. From 1987 to 1990, victims used firearms to protect themselves in fewer than 1% of all violent offenses. (2). In 1995, there were only 179

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

45th Legislative Day

April 17, 1997

justifiable handgun homicides compared with the total of 11,198 handgun murders in the United States. Here's a third. Victims in spouse murders were most likely to have died from gunshot wounds compared to victims in other types of family murders. (4). A 1994 national survey found that 71% of the U.S. population feels less safe when others in the community acquire firearms. I saw what the Governor had to say about this legislation. He thought it was pretty crazy and was picturing a traffic jam on one of our expressways and what could happen if a number of those people in that traffic jam had a weapon in their car. I hate to think about it. This really is a ridiculous piece of legislation. Those who are in favor of law and order are all against it. This is not going to make our streets, our highways, our homes safer, it's going to make it worse. And I urge a 'no' vote."

Speaker Madigan: "Mr. Stephens. Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. The opponents to this legislation will say lots of things that really, I'm sure not intentionally, but are far from the facts of what this legislation allows. This is not a complicated piece of legislation. You know there are not a lot of us on the House Floor that have been victims of a gunshot wound. I happen to be one who was a victim of a gunshot wound. The area where I was when I was wounded, was an area where ownership by a civilian or possession by a civilian of any sort of firearm was punishable by death and yet that person happened to have a firearm on his person and used it aggressively against me, and I will tell you that what this is really about is not about making more guns or making life more dangerous, it's about leveling the playing field and saying to every criminal in Illinois, or potential

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

45th Legislative Day

April 17, 1997

criminal that would like to aggressively express their behavior on your life, before they consider that, they just may want to consider that you may be more dangerous to them than they are to you. Right now law-abiding citizens in Illinois are just potential victims to those people who, guess what, the criminals they don't care about registering or possessing legally a firearm. They have them already. What this Bill allows is for law-abiding citizens to have a weapon to defend themselves and the real beauty is, is that whether they have it or not, a thoughtful criminal, and they are thoughtful in their own self-preservation, would just as soon choose another victim. Choose another way to make a living instead of inflicting harm and danger on you and your family. They will be afraid that you just may be capable of defending yourself with a weapon, and that's the beauty of this law. They will avoid you because they think that now you are a danger to them rather than what it seems that the opponents would prefer is that we just continue on down this uncomfortable road which says, 'The criminals will always be a danger to us, but we will never be a danger to them.' I say we stop that trend, not only stop it, but reverse it and let the criminals in Illinois, like they are in other states, that are well-thinking in their legislative process, be in danger of the victim so that they will be adopting behavior that benefits those of us who would be a helpless victim. And I would much rather tell the criminals in my district that they are at risk instead of having to go back and tell yet another family that, 'Yes, you were abused, you were another victim and were unable to lawfully defend yourself.' Ladies and Gentlemen, this is a sane thing to do. Please rise in support of 1557."

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

45th Legislative Day

April 17, 1997

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. With all due respect to Representative Weaver, Representative Stephens, Deering, Brunsvold, Ackerman, we already have a group of citizens who carry concealed weapons. We have a group of citizens or residents in the State of Illinois who carry concealed weapons and the result of their carrying these weapons was recently shown in a cartoon in the Chicago Sun Times by Mr. Higgins. His cartoon shows some babies have been killed by someone carrying concealed weapons. These babies were lying in the street, blood coming from their head, gunshot wounds to the heads of our babies. Were they the intended victims? No. The shots were intended for someone else, but our babies happened to be in the way. Yesterday, a woman about 70 years old was entering her front porch. She turned the key in her door and she is all of a sudden shot in her stomach, in her abdomen, by someone carrying a concealed weapon. Not only should we oppose this legislation, we should seek legislation to find out who are those selling these concealed weapons to other children. Some people are selling concealed weapons to our young people who are using them to create mayhem and violence in our streets in the City of Chicago. I would be very, very fearful to know that other, at this time, law-abiding boys and girls and young people, boys and girls and people who respect the law are not interested in carrying a weapon. We would like to know who are the people, who are the groups selling the weapons that are creating this mayhem. If this Bill should receive the record number of votes, we are going to ask that we have a Roll Call. How many votes does it take to pass this, Mr. Speaker?"

Speaker Madigan: "Seventy-one votes."

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

45th Legislative Day

April 17, 1997

Davis, M.: "It takes 71 votes to pass this legislation? Well if it should meet that number, we ask for a verification, Mr. Speaker. With all due respect to the Sponsors, we must save our children. We must save those children from violent deaths that are totally unnecessary by people who have this tremendous fascination with weapons. Vote 'no'."

Speaker Madigan: "Representative Mautino."

Mautino: "Thank you, Speaker. I had a couple of questions of the Sponsor."

Speaker Madigan: "For what purpose does Mr. Weaver seek recognition?"

Weaver: "Parliamentary Inquiry, Mr. Speaker, seeing as how we remove preemption from this Bill with the Amendment, does the Chair now rule that it only requires 60 votes to pass?"

Speaker Madigan: "No, the Bill shall require 71, Mr. Weaver, and we have a written statement that the Parliamentarian will take down to you right now."

Weaver: "Has the Parliamentarian read Amendment #3 that we just adopted moments ago?"

Speaker Madigan: "The answer to your question is, yes."

Weaver: "Could the Parliamentarian please reference for me the portion of the Bill by page and line number in which they're using to determine that it requires 71 votes? We don't read the Bill that way, Mr. Speaker. Preemption is gone, it was specifically eliminated by Amendment #3."

Speaker Madigan: "Mr. Weaver, do you have the document? I believe it's right in front of you, and the Parliamentarian will take the microphone."

Parliamentarian Kasper: "The Amendment removing the specific reference to the preemption under the Constitution doesn't change the underlying purpose of the Bill, which is to preempt local regulations regarding the possession of

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

45th Legislative Day

April 17, 1997

weapons. So, simply because there's no reference to the Constitution doesn't mean that the Bill doesn't preempt the powers of local governments, thereby requiring..."

Weaver: "So you're telling me because we don't reference the facts that we preempt, you're assuming that we do preempt?"

Parliamentarian Kasper: "No, my reading of the Bill has determined that it does preempt the powers of local government."

Weaver: "Can you tell me which line and which page, please?"

Parliamentarian Kasper: "Representative Weaver, on page 11 lines 7 through 10 provide, 'a concealed firearm permit shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.' Therefore, that Bill would prohibit a local government from, from implementing a regulation regarding that, because this would say that the firearm could be legally possessed anywhere in the state. Therefore, it's my interpretation that this is a preemption of local government powers under the Constitution, which requires 71 votes."

Weaver: "Well, Mr. Speaker, I guess I understand where you're coming from and, you're obviously, the Parliamentarian may not change his mind, but I guess in that vein, that argument, every Bill we pass here preempts Home Rule, because it is effective throughout the state. I don't see the point in here that we're actually prohibiting local control on that issue. We removed, page 1 line 29, we specifically deleted the language from the prior Amendments and Bill that would raise the issue of preemption."

Speaker Madigan: "Mr. Weaver, the Parliamentarian has prepared a document, which has been made available, and he has spoken to his reasoning, and so he stands on what he has said."

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

45th Legislative Day

April 17, 1997

Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I do this with a great deal of reluctance, because I really have the highest regard for you, Mr. Speaker, and your shepherdship of this House and for the legal acumen of Mr. Kasper, the Parliamentarian, I honestly do. But this really, greatly disturbs me and I would make the Point of Order that if this ruling were to persist, if we were to set 71 as a precedent in a ruling of this nature, it would really render nugatory virtually everything we do in here. If we pass a law having to do with armed robbery, if we have a Bill that passes with respect to a speed limit, or anything else we do, virtually anything else we do that's regulatory in nature, it could be implicitly said that that law preempts local government. It also happens to be my opinion, and I defer to the Parliamentarian and would certainly not appeal that, that even if it did preempt, it's of a different nature of preemption that only requires 60 votes, but that's not the issue now, that preemption is specifically out. And I would make the further Point of Order that even if it were in it would only require 60 votes, but that notwithstanding if your ruling is allowed to be maintained, Mr. Speaker, with all due respect to you and to Mr. Kasper, what we do in here on an everyday basis and half the Bills we pass would require 71 votes. And I don't think, notwithstanding, how you feel about this issue, I happen to be in favor of the Bill and others are opposed to it, but everybody in here ought to be deeply concerned about a ruling of this nature. Because this ruling is, manages to stand the test, and I hate to make a Motion to overrule the Chair, but I'm certainly tempted to do that, then we can shelve about 95% of the things that we

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

45th Legislative Day

April 17, 1997

do in this House because they're all going to take 71 votes. And, with a great deal of reluctance, Mr. Speaker, I have to make a Motion to overrule the Chair because I think it is a totally incorrect interpretation, albeit well-intended, albeit in good faith and notwithstanding my extreme respect for you, Mr. Speaker, and for the Parliamentarian, it's just flat out wrong. So I move to overrule the Chair."

Speaker Madigan: "The Gentleman has moved to overrule the ruling of the Chair, on this question, the question is, 'Shall the Chair be sustained?' If you wish to support the position of the Chair you vote 'yes'. If you wish to support the position of the Chair you vote 'yes'; if you disagree you vote 'no'. Mr. Clerk, take the record. Once again, if you wish to support the position of the Chair you vote 'yes'. 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 59 'ayes', 55 'noes', the Motion fails. Mr. Black."

Black: "Thank you very much, Mr. Speaker, an Inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "This is a very creative ruling, to say the least, and our efforts to overrule you were deficient in the number of votes. My fear is the precedent that we are setting this evening is extremely dangerous for the orderly operation of this particular Chamber. I don't know what avenue to take, you know, I'm getting too old to jump up on my desk, but this is a particularly egregious abuse of the Rules of the House. The Gentleman has filed and an Amendment was adopted that clearly removes the Home Rule preemption. Now you've made your ruling, we don't have to agree with it,

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

45th Legislative Day

April 17, 1997

and I would submit to you before all of this started, and we didn't call you on it, with the removal of the debate, the removal of this Bill from Short Debate was done in absolute violation of House Rules. She said I'm joined by five Members, House Rule 52 says you must be joined by seven Members to remove the Bill from Short Debate. So I think there's been enough difficulty here that perhaps we could call a brief time-out and rethink this issue, because this is so creative that I don't know how you could pass any Bill that would not run afoul of this ruling. And if we persist in this then I would ask and my inquiry is, could the Parliamentarian please direct us on how we can pass anything such as a speed limit Bill, as Representative Johnson has pointed out, an obscenity statute? I just don't know how we can conduct business if this ruling is allowed to stand, and I would be most grateful if the Parliamentarian could direct us on what we can and can't do if this ruling is allowed to stand."

Speaker Madigan: "Mr. Black, I'm sure, and you know this from your experience, that the Parliamentarian would be most anxious to work with you on this question and a variety of others. And the Chair recognizes Representative Ronen."

Ronen: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Ronen: "There are certain exemptions to your Bill, I mean, where a concealed weapon is not appropriate. Can you tell me where that would be?"

Weaver: "Mr. Speaker, yeah, at this point. We had a whole list that I read off during the initial presentation of the Bill. Were you not available or...?"

Ronen: "I'm not sure I heard you. Could you just tell me where... what locations? If you don't know maybe I'll give

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

45th Legislative Day

April 17, 1997

you a chance ..."

Weaver: "I already read them once, I was kind of hoping you were paying attention at that point. Okay, the locations in which they are not allowed are schools, churches, places of businesses that are posted, units of government, arenas, let me find my list here, athletic events, day care centers, riverboat, horse racing, amusement parks, courthouses, police departments, bars, airports, and I think I said stadium sporting events and churches."

Ronen: "Now, why were those exceptions made?"

Weaver: "Because of requests made in Committee from various Members who were concerned."

Ronen: "And why do you think those requests were made? Why do we not want people carrying concealed weapons in schools, for example?"

Weaver: "Well, you'll have to ask the people who made the requests. I can't..."

Ronen: "Did you support this? Did you think we should be exempting schools?"

Weaver: "I can't make suppositions on what their request was. All I can do is act on them."

Ronen: "I think it's obvious to everybody why those exceptions were requested, because it's not safe to be carrying concealed weapons. We want to protect our children. We want to protect the people in general. We don't want people walking around with concealed weapons in those places because we know it's dangerous. We would not have exempted those locations if we didn't believe that carrying concealed weapons was a dangerous thing to do and put more people in jeopardy. Don't you think that's true?"

Weaver: "No, I don't think that's true."

Ronen: "Well, then should we put those things back in? Will

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

45th Legislative Day

April 17, 1997

those places be just as safe? Shall we put it back in?

Would you prefer this Bill if we added those?"

Weaver: "Would you support the Bill if we added those back in?"

Ronen: "I absolutely would not. I'm just trying to make a point and you know that."

Weaver: "So, we haven't lost anything then by either agreeing or disagreeing with you?"

Ronen: "The point I'm trying to make is that, people asked you to make those exceptions because they were fearful of people carrying concealed weapons in a whole host of places. I mean, why not allow people in this building, in the State Capitol, to carry concealed weapons if it is such a positive thing. I think if it were a good thing, we wouldn't be having to make these exceptions. You know, you talked about protecting vulnerable citizens."

Weaver: "Mr. Speaker."

Ronen: "To the Bill. I'll go to the Bill."

Weaver: "Mr. Speaker. Speaker."

Ronen: "May I continue to the Bill, Speaker?"

Weaver: "Would you please pull the Bill out of the record?"

Speaker Madigan: "Take this Bill out of the Record. House Bill 1356, Mr. Bost. Mr. Bost. Mr. Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1356, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bost."

Bost: "Mr. Speaker, Members of the House. Maybe this is a less controversial Bill than the last Bill we tried to work on. This Bill, but I can't guarantee that, this Bill basically allows our local sheriffs to take the weapons that they are collecting when they convict people of crimes and the weapons are stored then until after the cases are done and

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

45th Legislative Day

April 17, 1997

then the weapons have been stored in their basements and held back, and as it is right now, those weapons are melted down and destroyed. Basically, what House Bill 1356 does, is allow all counties outside the City of Chicago, if they so choose, to sell those weapons to generate revenues to provide either for other weapons, or trade those weapons for weapons that can be used in their own police department. Sell those weapons so that they can get equipment necessary to protect themselves. Sell those weapons to invest those monies into crime prevention methods like DARE and other crime prevention programs that are out there. Before this time, before, this legislation was brought to me by the Sheriffs' Association. The City of Chicago has been removed to try to answer some concerns that the mayor had, and I'd be glad to answer any questions."

Speaker Madigan: "The Gentleman has presented the Bill, and on that question the Chair recognizes Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in opposition to House Bill 1356, a Bill that completely defies logic. What the Sponsor wants to do is take these guns that come from criminals and find a way to get them back into society so the same weapons can victimize other people a second time, and a third time, and a fourth time. What is the purpose of taking these guns and selling them back into the communities? Yes, they will be sold to people with FOID cards, but all the surveys show that most of the guns used in crime come eventually from people that had FOID cards in the first place. This Bill will help gun runners, because they will be buying these guns. They'll go into these places and buy these guns and sell these guns back on the open market, and so the very same gun that may

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

45th Legislative Day

April 17, 1997

shoot your neighbor, instead of being confiscated and destroyed, is going to go back into your community and shoot your other neighbor. I'm not quite sure what logic says, 'Let's take these guns that have caused crime in our communities and send them right back to our communities.' This Bill makes no sense, whatsoever, there's no good public policy reason behind it. This General Assembly did a good thing when we passed the Safe Neighborhoods Bill. We took these guns and made sure they did not go back into the stream of commerce so that they would go back into our neighborhoods and victimize more people, and more people, and more people. If you take this argument to its logical extent, then a single gun could go back into society dozens of times, and be confiscated dozens of times, and be resold dozens of times. No logic, whatsoever. This has nothing to do with gun control or not gun control, this has to do with what makes sense. Let's not take a weapon that already caused a crime and allow that weapon to again go back into our communities and cause additional crime. This is a terrible Bill, a terrible idea, let's defeat it."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "The Sponsor yields."

Fritchey: "With all due respect to the Sponsor of this Bill, this is probably the first bad environmental Bill I've seen. All you're trying to do is recycle weapons here. What I want everybody to think about is what you doing, in effect, is putting a price tag on human lives. For the nominal amount of money that is going to be raised by sheriffs' departments throughout this state, who would make the unwise decision to sell these guns back to firearm dealers for what, a hundred dollars, a couple hundred dollars? Are

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

45th Legislative Day

April 17, 1997

you going to risk having that gun involved in another crime? A gun that's been used in a crime one time already. You are putting a price tag on people's lives, when that first person dies from a gun that's got put back into society, as opposed to destroyed, and that gun was sold to raise a couple hundred dollars for the sheriff's department, that's the price tag that you put on that person's life. It's a bad idea, it's a bad Bill, there's no rational justification for this."

Bost: "Was that a question?"

Fritchey: "That was a statement to the Bill."

Bost: "Okay, thank you."

Speaker Madigan: "Mr. Bost to close."

Bost: "To both the prior speakers, I'd like to bring some information to light here. We passed, I don't think intentionally, in 1994..."

Speaker Madigan: "Mr. Bost, Mr. Bost, I made a mistake, Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Yes, Representative, does your Bill exclude Cook County?"

Bost: "Yes, Representative, the Bill does exclude Cook County."

Black: "That obviously means it also excludes the City of Chicago?"

Bost: "That is correct."

Black: "Does your Bill specifically exclude the community of Morton Grove?"

Bost: "No, Representative, it doesn't."

Black: "An Inquiry of the Chair. An Inquiry of the Chair. This Bill fails to exclude the City of Morton Grove, or other entities in the State of Illinois that have an ordinance

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

45th Legislative Day

April 17, 1997

that would say you can't possess, nor own a firearm. Therefore, the chief of police could not legally sell a firearm that he or she confiscated. I believe this Bill would require 71 votes. And would the Chair rule on my inquiry?"

Speaker Madigan: "Would the Parliamentarian come to the podium? The Parliamentarian is on his way. The Parliamentarian will render his ruling."

Parliamentarian Kasper: "I've seen no... there's no indication in this Bill that preempts the powers of Home Rule units of local government, thereby requiring a super majority vote."

Speaker Madigan: "Mr. Black."

Black: "May I ask a further question of clarification? He's doing a good job so far. I don't agree with him, but he's doing a good job. Mr. Parliamentarian, this Bill says that any law enforcement officer, i.e. sheriff or chief of police, shall be able to sell a weapon confiscated. Now, I assume that means, as you explained to us just a little while ago, there are communities in this state that say you cannot own nor possess a firearm. We're saying that if one is picked up in that community, in violation of your Home Rule Ordinance, or your local ordinance, it doesn't make any difference, we can still sell that gun. So, I would submit to you, that to be consistent with where we're headed, we have not specifically taken them out of the Bill, so I think it would require 71 votes."

Parliamentarian Kasper: "Mr. Black, in response to your inquiry, I believe in that case that, if there were a local ordinance prohibiting ownership of guns in a particular area, there would be no local dealer to whom the gun could be sold, therefore, the local ordinance would not be violated."

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

45th Legislative Day

April 17, 1997

Black: "Well, we would assume that this Bill would allow this particular elected official, or appointed official, in the case of a chief, to sell the firearm to any licensed firearm dealer or FOID card holder, anywhere in the State of Illinois. And then I think this chief or this sheriff is going to get in trouble with this Home Rule unit."

Parliamentarian Kasper: "Well, I think the difference between the two Bills, Representative Black, is that the first Bill, 1557, had a specific provision that said that it would be permitted anywhere in the state. That the possession would be permitted anywhere in the state. This does not say that. This would say that it could be sold to any local dealer without saying that the local governments must permit local dealers. So, for that reason, I believe there's a difference."

Black: "But, Mr. Parliamentarian, it clearly would allow a gun to be sold in Morton Grove, and as I understand it that's against the law in Morton Grove. So we are preempting the law, and I think it requires 71 votes."

Speaker Madigan: "Mr. Black, the Gentleman has rendered his ruling. And we wish to be very respectful and..."

Black: "All right. I just think, we will have staff look at every Bill from henceforth, because I think we're on a very creative path, and I want to be as consistent as we can. It looks to me that we'll examine every Bill from now on for the 71 vote rule. I appreciate the indulgence of the Chair."

Speaker Madigan: "Mr. Bost, are you prepared for a Roll Call, Sir?"

Bost: "I would like to close, if I could."

Speaker Madigan: "Mr. Bost."

Bost: "There are a few things about this House Bill that I would

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

45th Legislative Day

April 17, 1997

like to explain, that have been kind of misconstrued here. In House Bill 1356, is an initiative by the Illinois Sheriffs' Association to repeal action taken in 1994, by enacting the Safe Neighborhoods Law, written for Chicago, and authored by Mayor Daley. Within this massive piece of legislation, delivered late in the evening, what happened is, this part was put in at the objection of the Illinois Sheriffs' Association, because they realized the problem that exists here. Prior to 1994, we know of no incident where these weapons were traded or sold, and then recovered for another crime. This is permissive language. The sheriff can still destroy the weapon if it fits his philosophical belief. There is also nothing in this legislation that will restrict a judge from making sure the weapon is destroyed, if he so desires. The language in House Bill 1356 is more restrictive than the prior law, because it requires the sheriff to trade or sell the weapons to a firearm dealer, who deals 50% or more with law enforcement agencies. That means he will be selling these weapons to other law enforcement agencies. There are only about five of these in the State of Illinois, and about 40 of them nationwide. There was also an Amendment that was placed on the Bill, originally it was \$100, now it is \$200.

The weapon has to be worth more than \$200 to be sold, if it is less than \$200 the weapon is to be destroyed and be considered a junk gun. This legislation is very clear. It allows for our sheriffs' departments, which we put a lot of mandates on, to sell these weapons, and then generate revenues to implement a lot of these mandates that we put on them. One other thing that needs to be mentioned, right now we are buying weapons, not directly from factory, quite often, but from the states of Indiana, Wisconsin, Ohio,

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

45th Legislative Day

April 17, 1997

Kentucky, because they can do this, because they can do this. So we're having to take our state money, go outside of state, purchase these weapons for our local police departments. This piece of legislation is a good piece of legislation, and I ask for your 'aye' votes."

Speaker Madigan: "Those in favor of the passage of the Bill, vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes', and 45 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1309, Mr. Murphy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1309, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Murphy."

Murphy: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1309 is a Bill that replaced what we did in the 89th General Assembly. As you remember, we had the Retail Rate Law in place, and this Bill goes all the way back to 1987, when the people of the State of Illinois said we were running out of landfills. And so that some incinerator builders came in and put up a facility in my community, in Robbins, Illinois. And another one came and put up a facility in Ford Heights. And as they were building these plants, and once they finished the plants the state saw fit to repeal the Retail Rate Law. Except they had never repealed the Retail Rate Law. What happened was they discriminated against my hometown and the district that I represent. Remember, they never repealed the Retail Rate Law, never did. They discriminated against the Village of Robbins and the Village of Ford Heights, that's

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

45th Legislative Day

April 17, 1997

exactly what happened. Now you know, like I know that that's not fair, that's not right. The worst thing that usually happened in this case is that those two facilities will be grandfathered in. But yet we chose to discriminate. We chose to be unfair. And all we're really asking here today with 1309 is that we restore that and treat my community as you treat all other communities. And I can tell you, landfills, we are subsidizing them to the tune of around a million dollars, a billion dollars, excuse me, around a billion dollars. So it should be clear that we never repealed the Retail Rate Law, just for those two communities. I'll be open for any questions you might have."

Speaker Madigan: "Representative Lyons. Representative Lyons."

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

Speaker Madigan: "The Sponsor yields."

Lyons, E.: "Representative, can you tell me exactly what this Bill does in reference to the Retail Rate Law?"

Murphy: "Exactly what it does, Representative, is what I stated in my opening statement. It would restore the Retail Rate Law back to those communities, those two communities, in which we discriminated against."

Lyons, E.: "And is this issue before the courts right now?"

Murphy: "I believe so."

Lyons, E.: "And why won't we let the courts decide that?"

Murphy: "Because, number one, people in my community need to be employed. They're working there and making a good salary so they can support their families, and it's about supporting the families. If we have to wait on the courts then the plant will close, these people will be unable to support their families and on welfare, which we're trying to get them off. That's why."

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

45th Legislative Day

April 17, 1997

Lyons, E.: "Why should we discriminate and allow two of the facilities to be grandfathered and not allow other facilities to be grandfathered?"

Murphy: "Well, Representative, we are the only two that were discriminated against, to the tune of a billion dollars, that's my point. That's why people could be for this Bill for just being fair. It's unfair."

Lyons, E.: "Representative, the bonds financing the incinerators were unrated, uninsured, high junk bonds with returns that mirrored the high risks involved. Why should we bail out businesses that took a risk?"

Murphy: "Because we bailed them out already. That's just it. You answered your own question. However, Representative, I do have an Amendment, I have an Amendment to abolish all of it. If this fails to pass, let's not subsidize any of them. Maybe you'll be with me on that."

Lyons, E.: "Representative, actually I would be with you on that. I agree with you that we should not be supporting with taxpayer dollars, we should not have corporate welfare. We should not have taxpayer subsidizes of these businesses. So I'd be happy to support that Amendment."

Murphy: "Remember, we have a lot of money invested in terms of building a plant. The state promised the bonds, and not only that, in the history of the world, not the United States of America, in the history of the world, there has never been people defaulted on those kinds of bonds. You know how bond rating went up to, so we're paying anyway."

Lyons, E.: "Well, I disagree with you, Representative. Do you realize, based on the numbers the incinerators themselves have used in lawsuits that Robbins would qualify for \$23 million annually, or \$460 million over 20 years? And Ford Heights would be eligible for \$12 million annually or \$240

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

45th Legislative Day

April 17, 1997

million over 20 years."

Murphy: "You're almost right. You're pretty close, but do you realize we spent \$100 billion now of the taxpayers' money, 100 billion. That's my problem."

Lyons, E.: "Can you tell me where in your Bill we are guaranteed repayment of these enormous subsidies?"

Murphy: "Well nothing was guaranteed, but we have all kinds of liens. The state can lien the property. I gave you material in terms of how, if they did not and they defaulted, what would happen to the property. And the property would go back to the State of Illinois."

Lyons, E.: "And what would the State of Illinois do? There's no interest on those bonds at all. They have no requirement for interest, and no teeth in your legislation to require them to pay back that subsidy. They could walk away."

Murphy: "If you check line 146 through 156, you'll get your answer there."

Lyons, E.: "Can you tell me what the answer is, Representative? Because according to what I've read, there is nothing to guarantee those payments."

Murphy: "It requires them to fully reimburse the fund over a period of 12 years. That's the requirement."

Lyons, E.: "But there's no penalty. There's no penalty involved."

Murphy: "Well that's enough penalty. If they pay back, I'll be happy. But, with a plant like this, of this nature, if they're able to pay their bond holders it will be in business for a long time."

Lyons, E.: "Tell me, Representative, with the potential of deregulation, you're going to set a rate for these two projects, you are going to set a retail rate and we are going to subsidize an industry that is about to be

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

45th Legislative Day

April 17, 1997

deregulated and everybody else will be paying lower rates. And you'll be paying higher rates because you have set it with the retail rate. Why is that fair? Why should we subsidize this industry with the prospect of deregulation?"

Murphy: "It's all related. Remember, we're not setting anything. It's all related up under the public utility taxes, in terms of the energy what they pay. So that's already in place."

Lyons, E.: "But that's what they're deregulating and that's..."

Murphy: "It depends on what municipalities pay for energy."

Lyons, E.: "And if the municipality gets a lower rate, other municipalities get a lower rate, yours will be set. Because yours will be set with the retail rate."

Murphy: "No, it will not be set. It depends on the municipalities, what they pay. That's what makes it fair."

Lyons, E.: "So you're saying it would go down with deregulation?"

Murphy: "That rate fluctuates you know."

Lyons, E.: "Would it be viable then? If it's going to go down, you're not going to get the subsidy. Would it be viable?"

Murphy: "Sure it would. It would be not only viable, but fair. We're dealing with the issue of fairness."

Lyons, E.: "You would not be getting the retail rate with deregulation then. You'd be getting half the retail rate."

Murphy: "Robbins is operating as we speak, with less the fee. The problem here is the bonds. We have to satisfy the bonds. So in terms of the rates, we're operating lower as we speak."

Lyons, E.: "Again, as I said, with deregulation the rates would go lower. You would not get the subsidy that you're expecting. You'd get half the subsidy. And you're claiming that you know you need this subsidy to operate."

Murphy: "We need it to satisfy the bonds that we issued."

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

45th Legislative Day

April 17, 1997

Lyons, E.: "In the prospectus it projects that with a long-term contract that Robbins would... it projects an earnings of \$15 million a year on a long-term contract. And we are giving them \$23 million more than they will get doing business. How do you justify that?"

Murphy: "Well, that's not the case at all. If you check that material you have there, and it's a 20 year deal, we will have more. And I'm telling you, we're operating fine now. We just can't retire the bonds. We're not in the hole."

Lyons, E.: "Don't you think that the courts should decide how those bonds should be retired, not the taxpayers of Illinois?"

Murphy: "Well, that was ruled before I got here, Representative. And it went into law in 1987, but it was bashed around long before that. So this is 10 years after."

Lyons, E.: "To talk about the Ford Heights incinerator. Representative, are you aware that Illinois already burns or recycles more waste tires than it generates each year? Why should we import waste tires from out of state to pollute our air, and then pay them to do it?"

Murphy: "We're not polluting the state, you understand that. They have their permits, they're okayed by the Illinois EPA, federal EPA, they have all the permits, Representative."

Lyons, E.: "I'm sorry, I didn't hear you."

Murphy: "Pardon me."

Lyons, E.: "I didn't hear you."

Murphy: "Their air emission is no worse than any other business in the State of Illinois. The Bill also, Representative, provides if they come one day or one hour short then they will not qualify to Retail Rate Law."

Lyons, E.: "But there's no penalty."

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

45th Legislative Day

April 17, 1997

Murphy: "Sure there's a penalty. If they don't get the rate, that's a penalty. We don't want to kill them."

Lyons, E.: "But there's no penalty if they do not repay."

Murphy: "Wait a minute, Representative. Are you talking about repaying, or are you talking about polluting the air? The state has a cause of action, you understand that?"

Lyons, E.: "To the Bill, Mr. Speaker."

Speaker Madigan: "Representative Lyons, please proceed. To the Bill."

Lyons, E.: "(Sic-House Bill) 1309 proposes to grandfather two projects from the repeal of the Retail Rate Law. I think this issue should be decided in the courts. I think if this Assembly, who passed the repeal of the Retail Rate Law last year with 97 votes, it was decisive that we should repeal the Retail Rate Law. And if we decide to grandfather, or have votes enough to grandfather these two projects, the General Assembly could be sued for discrimination. Why should we grandfather two projects and not grandfather others? House Bill 1309 would give these two incinerators more than twice as much money every year as Illinois spends on school lunches for poor students. Just one year's worth of subsidies under House Bill 1309, which is \$35 million, would be nearly enough to replace the license plates on every car in Illinois. It would also be enough to repair nearly 150 miles of roads or bridges. With money for schools, road repairs, and other vital programs as tight as it is, asking taxpayers to give \$700 million from the State Treasury to incinerators would be unconscionable. I would ask, Mr. Speaker, if this receives the requisite amount of votes we have a verification please? Thank you."

Speaker Madigan: "That shall be granted."

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

45th Legislative Day

April 17, 1997

Lyons, E.: "I urge your no support."

Speaker Madigan: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Bill. Well, basically, 10 years ago when we were looking at a crisis on the landfills in the State of Illinois, the state said 'let's put together a Retail Rate Law, and we will offer this incentive for people to go from trash to energy. And for this they would receive these subsidies.' Ten years later, we find out that the crisis is not what we thought it was, and that the Retail Rate Law is maybe out of pace with its time. In the course of the, while we were looking and asking businesses to come into the State of Illinois and do this, the City of Robbins went forward with a project. They had a couple of citing hearings, they had unanimous consent on it, as well as in Ford Heights. Not only did they do that, but they went to issue on the bonds. And I guess the question on this goes to the obligation of the State of Illinois. We, in fact, said 'come in and join in in this program.' And once the bonds had been sold, we voted to repeal the rate law. The Representative had a couple... had his project, which was pending and is now in a court case. There was \$100 million bond default, which was caused by the actions of the General Assembly. Additionally, the Robbins refinanced and reworked to get by during the course of their lawsuit. The outcome of the lawsuit, incidentally, could place those 20 incinerator projects back into the districts. Representative, your very own district. That could be the outcome on it. But I guess the reason that I stand in support is, we as a state set this program up and, although the Retail Rate Law's time might have passed, we have communities that got

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

45th Legislative Day

April 17, 1997

involved in this. We have people that invested in this as well, and we've said 'these bonds aren't worth anything.' Now there was a statement made that this information was in the prospectus. Well, for those of you that don't know, the Securities Exchange Commission requires that any risk, no matter how significant, be disclosed in an official statement. That is a requirement. Never in the history of this country has a governmental body knowingly acted to cause a bond default, which is exactly what we did. Maybe the Retail Rate's time has passed and this Bill does not fully reinstate the Retail Rate. If they don't come into compliance with the EPA environmental standards, they do not get paid. They don't get this rate. They also have to recycle 20% of the incoming waste, and only existing power plants will qualify for the clean air rate. That's the two that went out and issued bonds. Now I guess the question comes to the moral obligation of the State of Illinois, when we say 'come in,' we make the agreement to do this, and then we break our word. As I said, I believe the time for the law may have passed, however, we have a commitment out there, and it really shouldn't surprise anyone that the state has broken its word, it's very rare that we do anything right, fund anything properly, or keep our word. In this matter, I think that we should take the action that probably should have been in the original Bill and go ahead and grandfather these two facilities with those conditions that are in the Bill, which require repayment. Ladies and Gentlemen, I ask you for an 'aye' vote on the Bill. Stand in support. And I believe, if the Clerk will check, my name should be up on the board."

Speaker Madigan: "Mr. Black."

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

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

45th Legislative Day

April 17, 1997

yield? Representative Murphy, forgive me, I'm not familiar with that part of the state. The community of Robbins and, is it, Ford Heights, in what county are those communities located?"

Murphy: "County of Cook."

Black: "County of Cook? Is the County of Cook a Home Rule county?"

Murphy: "Yes."

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

Speaker Madigan: "Mr. Black."

Black: "The two communities are located in the County of Cook, which is a Home Rule county. County of Cook is also a nonattainment area under the Federal Clean Air Act. By virtue of this Bill, we are denying any regulatory authority to a Home Rule county over two incinerators that may become operational in their county. Since we are denying that authority to a Home Rule county, my Inquiry of the Chair is, surely this Bill requires 71 votes for passage."

Murphy: "Speaker?"

Speaker Madigan: "Mr. Black."

Black: "Yes."

Speaker Madigan: "Neither Ford Heights nor Robbins are Home Rule units."

Black: "But they are located in the County of Cook, a nonattainment area for the Clean Air Act. And we are therefore denying the County of Cook any of its powers under the Home Rule Act to regulate these incinerators that may or may not, I don't know, I'm not an expert on this, may add to the problems in that nonattainment area with air pollution. Since we are denying the County of Cook any attempt or ability to regulate these incinerators, I think

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

45th Legislative Day

April 17, 1997

we're clearly violating the rights of the County of Cook and their Home Rule status, and therefore, the ruling should be this Bill requires 71 votes."

Speaker Madigan: "Mr. Black, the Parliamentarian will respond to your inquiry."

Black: "On behalf of the Speaker, Mr. Parliamentarian."

Parliamentarian Kasper: "To the extent that you're asserting that this Bill limits the powers of Cook County to regulate, this is an area where the state provides regulation. Therefore, to the extent that power is limited, it involves exclusive regulation by the state, which, as you know, requires a simple majority vote."

Black: "Well that's what you said on the gun Bill. That we were giving the state exclusive powers to regulate permits, and yet, that required 71 votes."

Parliamentarian Kasper: "Unlike that previous Bill, here the state does regulate the waste industry in the areas affected by this Bill. Therefore, it provides for the different rulings."

Black: "Thank you, Mr. Parliamentarian. I will defer to your judgement, but I would submit to you the people in Cook County, the people who love punch 10, aren't going to be happy with no ability to monitor, nor regulate, the quality of their air. This is not very nice of you to ignore the powers of Cook County."

Speaker Madigan: "Representative Crotty."

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

Speaker Madigan: "Sponsor yields."

Crotty: "Thank you. When this Retail Rate Law was first put into effect many of us were not here, and some of you were. And in my area, which is very close to where the incinerator is, it was definitely used as a political football. In the

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

45th Legislative Day

April 17, 1997

years that the other parts of my community would come down, we always asked for funding for schools. And the previous speaker said something on the order of the obligation of Illinois is to fund these bonds. And I would have to tell you that I also feel that before those monies are delved out in subsidizing incinerators or any more landfills, that those dollars should, in fact, be put back into the community schools. So I would ask all of you to please not support this Bill, and save those dollars and use them in the community's school. Thank you."

Speaker Madigan: "Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, last year when we passed, or the wording to repeal the Retail Rate Law was passed, I was ashamed to be a Member of this Body. And it had nothing to do with the Robbins waste incinerator. I was ashamed to be a Member of this Body, because we misled the public. Yes, we misled the public, because the public, who was opposed to the Retail Rate Law and contacted many of us, said 'repeal the whole subsidy. No grandfathering. No exemptions.' So when we passed the repeal of the Retail Rate Law, many of us rushed back to our offices to have our staff send out press releases to our communities that said, 'There is no more Retail Rate Law.' Well, those of us that did that, we lied. We lied to the people who sent us down here to represent them. And the worst thing that we can do as a Legislator is to lie to the people, to lie to the people. So I say, those of you who are still opposed to this, why did you vote for a Bill that exempted methane gas landfills? Why? Why? Because the company that owns many of those landfills is one of the largest companies in this state. One of the largest companies that doles out favors

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

45th Legislative Day

April 17, 1997

to some of us. So I say, what's good for the goose ought to be good for the gander. Either we support Robbins, or then don't support the landfills. And many of you who are opposed to the landfills are in favor of Epitome Airport. Well I say to you, what will cause more pollution, a waste incinerator, or another airport? And I say to you, those who are opposed to subsidizing incinerators, then why should we subsidize airports, which are going to cost more than this landfill ever will? If we build a third airport, we're talking about a subsidy of possibly \$10 billion. What's good for the goose, ought to be good for the gander. We might even vote on legislation by the end of the year, if not this Session, but next Session, to subsidize another ballpark. So where are you going to be at on that? All I'm saying is, either we vote for House Bill 1309, or when we present language to take away the whole subsidy, I will want to see your votes on that Bill too. And I would like to hear the reasons why you could not support a Bill to take away the whole subsidy. I'm going to really want to hear how you explain that. This Bill should be taken care of. You're looking at, people have said, \$500 million or no, for the two incinerators that we're considering, about \$700 million for 20 years. Well I've heard figures from anywhere to \$500 million to a half billion dollars over 10 years for landfills. And not one uproar, and no outcry from Members of this General Assembly on that subsidy. I wonder why. I wonder why. This Bill is not about black and white. I'm not going to belittle any of the Members to put it in that framework. This Bill is about the haves and the have nots. I wish we had gotten Motorola to move one of their plants to Ford Heights, or to Robbins. I wish Sears Roebuck, who we subsidized to move from the west side

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

45th Legislative Day

April 17, 1997

to the downtown to Hoffman Estates, had moved to Ford Heights or to Robbins. I wish, when we voted on casinos, casinos that were built in areas that are not economically deprived, I wish we had afforded a license to Robbins or Ford Heights. I wish those of you that are in favor of a third airport, that we had built a third airport in Robbins or Ford Heights. And yes, if Robbins or Ford Heights wants the Bears, they can have them, and the Cubs, and the White Sox. We'll keep the Bulls. Well, the reason why we can keep the Bulls, I want to commend Reinsdorf. He built his stadium with his own money. There should be green votes on 1309. It's a matter of fairness and equity. Thank you."

Speaker Madigan: "Mr. Murphy to close."

Murphy: "Thank you very much, Mr. Speaker. We have every reason to vote for this Bill, and not a single reason to not vote for it. And I understand some of my colleagues that I went to, it seems as if they want to fight me and slap me or something. Some of the colleagues who spoke on this very Floor tonight, that I'm not surprised that I helped very hard to see that they get down here, which was a terrible mistake. I'm not surprised. I think sometimes people in this Body really don't think I'm a Representative, and that I have people that I have to answer to. Most people in this Body at one time or another came to me about their community and I have supported them. And I believe in reciprocity. Obviously, many Members in this Body don't believe in that. The real thing that I feel bad about, of course, is this is my community. I'm sent down here to support my community. And so whatever they ask me to do, that's what I do. Let me try to explain this to you. I represent about 13 cities, towns and villages. We have a form of government that's called City and Managers. We

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

45th Legislative Day

April 17, 1997

have the form of government that's known as, you have it in Chicago, but it's not active, we have trustee form of governments in some, automatic forms of governments in some, and township governments. Let me tell you, all those entities that I named support 1309. We could go to the boarder of Indiana and start with the City of Dolton, they support the incinerator. The Village of Riverdale, they support the incinerator. And by the way, we have letters on that. The Village of Phoenix, they support incinerators. The Village of Harvey, the City of Harvey, support incinerators. The Village of Dixmoor support incinerators. Robbins supports the incinerators. Markham supports the incinerators. Hazel Crest supports the incinerators. Country Club Hills supports the incinerators. Park Forest supports the incinerators. Calumet City supports the incinerators. Crete supports the incinerators... Fithian supports the incinerator. Well that's almost... Steger supports the incinerator. That's almost all of south suburbia. What is it we're talking about? We're here to do the will of the people. A good Representative is nothing but a carbon copy of those communities which they represent. In other words, they tell them what to do, and you go and try and get it done. But you know what's really bad, though, I've had any number of people come to me today. And they said, 'Murphy, you've been good and alright with us, but we just can't do it. Someone asked us not to do it, so we just can't do it.' So, I guess that has something to do with power. I guess when you have a lot of power you make people do things against their own will. But I guess sometimes we have to stand on our feet and do what's right. Whatever you feel about this Bill, however you feel about incinerators,

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

45th Legislative Day

April 17, 1997

however you feel about the clean air versus not so clean, fairness should take over. We have no reason not to support 1309. Every reason to support it. Therefore, I would ask for an 'aye' vote. And thank you very much."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 43 'ayes' and 66 'no'. The Bill fails. The next Bill will be House Bill 126, Mr. Santiago. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 126, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Santiago."

Santiago: "Thank you, Mr. Speaker and Ladies and Gentlemen of the General Assembly. House Bill 26 (sic-126) requires that the state continue to provide assistance to legal immigrants which were cut off because of the new federal regulation that was passed in December. What we're talking about here is, people that are receiving SSI here in the State of Illinois, this Bill addresses practically about 17 thousand people that are basically elderly, disabled, blind. Which means that as of August of 1997, all these individuals will lose their benefits. Therefore, I ask for your favorable consideration."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Mr. Bost."

Bost: "On the last Roll Call I would have liked to have been recorded 'aye'."

Speaker Madigan: "We'll let the record show that Mr. Bost wanted to vote 'aye' on the last Bill, which was 1309. And the

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

45th Legislative Day

April 17, 1997

Chair recognizes Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. Not on the previous Bill, but the one before that, House Bill 1356, I meant to vote 'no'. I'd like to be recorded as 'no'."

Speaker Madigan: "Let the record reflect that request. The Chair recognizes Mr. Black to state what his intent was whenever."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, when you presented this Bill in committee did you give any indication that you would hold this Bill pending negotiation with the department, the office of the Governor to see if the fiscal impact could be reduced?"

Santiago: "Representative Black, I have been meeting with the Governor's office and we have been negotiating for the last couple of weeks, and those negotiations are still going on as of today. But it is imperative that we continue moving this Bill along and keep working with all the people that are interested on this issue."

Black: "Is it your intention, you want to move this as a shell, or do you want to move it in the current form?"

Santiago: "It is my intention to move it in its current form so that we could pass it to the Senate, and we will continue our dialogue."

Black: "Let me ask you one question. I think it goes to the core of the fiscal impact. Will this Bill require the state to pick up supplemental social security income checks that the Federal Government used to provide, which now they're going to cut off?"

Santiago: "You're correct, Sir."

Black: "Well, thank you very much, Representative, because that

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

45th Legislative Day

April 17, 1997

gets to the heart of the issue. Mr. Speaker and Ladies and Gentlemen of the House, the fiscal impact of this Bill is \$197 million. And it might be money well spent. I don't rise to say that we shouldn't consider it or we can't consider it. But that's a great deal of money, and I think what we have here, Mr. Speaker, if I could make an Inquiry of the Chair? Here we have a classic case of a federal mandate signed by President Clinton, who said he was going to end welfare as we knew it, and I'll be doggone, that's one of the few promises he kept. But this is clearly a federal mandate to which we have to respond. Our rights are being violated as a sovereign State of Illinois. Would this require 71 votes?"

Santiago: "Representative Black, I would like to correct you."

Speaker Madigan: "Mr. Santiago."

Santiago: "I would like to correct your statement. This Bill will cost probably, maybe \$60 million. You're talking about the whole package, which includes medicaid, food stamps, and so on and so forth. This is just part of the people that are being affected. We started out with 22 thousand people in January, this number has been reduced greatly to about 16 thousand right now. So by the time this program is implemented, if the Federal Government doesn't come through, it will be less than maybe 50 or 60, less than \$50 million."

Black: "All right. Representative, then is it your intent to continue your dialogue with the office of the Governor?"

Santiago: "Yes, Sir."

Black: "And is it your intent not only to continue working with the office of the Governor, but also our office in Washington, D.C. to try and talk a little turkey to the people out in Washington?"

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

45th Legislative Day

April 17, 1997

Santiago: "It is my intention to continue the dialogue which I have been carrying on for the last couple of weeks. It is my intention to talk to anyone that's interested in helping us talk to Congress. The Governor has attempted to clear the problem. He's talking to Senator Lott, the Republican Leader, and we're encouraging the Governor to continue those negotiations while we negotiate here. But we cannot stop, or hold the process."

Black: "Did you get a chance to talk to Vice President Gore when he was here last Saturday?"

Santiago: "He only needs me during election day, after that he doesn't need any of us."

Black: "See, that's why we should have had him address this Body. So we could have asked him a few questions. And maybe he could have taken our message back, but since the Chair didn't answer my inquiry, I assume this doesn't take 71 votes on this particularly onerous federal mandate. But since I have your word you're continuing to work on this problem, I, Sir, will continue to work with you."

Santiago: "Thank you, Mr. Black."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise in support of this Bill. I don't think that the State of Illinois should have to take responsibility for what horrible mistake, that's probably the most kind thing I could say, was made at the federal level in, so-called, welfare reform. Five percent of people who are immigrants are on welfare, but 44% of the cuts that were made in the Welfare Reform Bill, the cuts and benefits, come out of legal immigrants, benefits to legal immigrants. The people who are most hurt by this are people who are receiving SSI and food stamps, who are elderly, who are frail, who are disabled. There was a

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

45th Legislative Day

April 17, 1997

hearing held in my community where a woman from Cambodia stood up. She had to be in her 50's, and she spoke through a translator, and held up her hand, which was mangled, and twisted. And through the translator was talking and she was banging on her head, and what she was saying was that she had been tortured by the Pol Pot Regime, had come to a country that she loved very much, where she was free, and she was unable to learn the hundred questions that it takes to become a citizen. And yet, in August she was going to lose all of her benefits, her SSI and her food stamps. One after another, in 19 languages, people at this hearing stood up, in my community, and said the tragedies that were about to befall them. This is a terrible policy that was set at the federal level. And we don't set immigration policy. And it's not our fault. But I'll tell you what, it is not the fault of the 22 thousand legal immigrants in the State of Illinois, people who have played by the rules, who have come to this country, who have done everything right, and now are being told that they will be deprived of their benefits. Now let us hope that there will be a solution at the federal level. Let's hope that more money will come, so that these people aren't going to be cut off of their benefits, probably thrown out of their subsidized housing, maybe thrown out of a nursing home. The solution may not be, in the end, the dollars that are in House Bill 126, but we need, as a Body, to make a commitment to our residents, to our seniors, to our neighbors, that we are not going to put them out on the street. We need to move this Bill along. At the same time, as we need to be asking the Congress in Washington to repeal that section of the legislation, we need to assure these people, who are right now getting what are called 'suicide letters'. People are

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

45th Legislative Day

April 17, 1997

reading these letters about their benefits being cut off, and there's actual evidence of people who are committing suicide as a result of that. We can't let that happen. I beg you, as a Body, to say to these people that we're not going to let them fall through the cracks, and I plead with you for an 'aye' vote."

Speaker Madigan: "The Chair recognizes Representative Mulligan."

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

Santiago: "Yes, Ma'am."

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Santiago, in committee when this Bill came up, I pledged to support you in this endeavor, but we also asked that you hold the Bill until we got it in a little better shape. I'm concerned that if we indicate to the Federal Government that Illinois is willing to pick up the tab for this that they will not be responsive to us. I'm hoping that you, too, will understand that rather than be 100% supportive, although I'm certainly willing to help you move the Bill, that we need to send a message to the Federal Government that the State of Illinois is not going to pick up the tab for what apparently is a really bad Bill for those of us that have large immigrant populations."

Santiago: "I thank you, Representative Mulligan, for your support, but there is a portion in the Bill which states specifically that if the Federal Government comes through that this Bill will be null and void."

Mulligan: "Representative, could you explain to me and to the Body how soon these benefits will start being cut off?"

Santiago: "The benefits will be cut off August 1, 1997."

Mulligan: "And currently we have dedicated nothing in the budget for any interim aid in case the Federal Government does not come through?"

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

45th Legislative Day

April 17, 1997

Santiago: "No, Ma'am."

Mulligan: "So in other words, if we adjourn from this Body without some word from the Federal Government, or at least some money to currently cover the citizen... or the legal immigrants that we have here that get these benefits, as of August 1, they will not have benefits?"

Santiago: "You are correct, Representative Mulligan."

Mulligan: "Representative, I think in committee we discussed, and I do not think this is either a Democrat or a Republican issue, because if you look at the population chart in the census from 1990, we will see that both Republicans and Democrats have many immigrants from many nations who are in their districts that this will impact. And it is not our intention to deprive these people of self-sustaining livelihood, or to throw them out of nursing homes. So I think that what we want to do here is, perhaps, pass your Bill out and work with the Senate to come up with some kind interim funding. We are certainly not opposed to doing that. I, personally, probably have one of the largest immigrant populations in my district that... above Chicago that's made up of multi-ethnic, and some of my schools speak 40 different languages and dialects. So, do you understand that a vote for this Bill is not a vote for an open-ended subsidy for everyone that's here and everyone that may come here?"

Santiago: "I understand that, Representative Mulligan."

Mulligan: "Because I want to be very clear. I don't want to give the impression to the people on either side of the aisle that a vote for this is, for the amount of money that we're saying that this Bill right now would currently cost."

Santiago: "My intention is to work with you, the Governor's office, and any individual that wants to work with us to

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

45th Legislative Day

April 17, 1997

try to reach an accommodation for these people, which are basically disabled, senior citizen, blind, or have other disabilities."

Mulligan: "Well, we will continue to work with you on this. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 126. I am one of the Representatives that have a good number of people in my district that would be benefitted by this Bill. You know, we talk about the diversity of America and many of us, as we saw what Congress did, silently were wondering why they did this. Particularly to legal aliens, legal people in our country. Legal immigrants are important in our country, as well as naturalized citizens are important in our country. For those who I have talked to as I have worked the House Floor helping the Sponsor over the last couple of weeks, I know many of you said to me privately, 'This is the right thing to do.' The right thing to do is not leave these people adrift. The right thing to do is take care of the mess that Washington left us here. Now, I hope that when we vote on this today the very same people, and by the way I talked to no one who said they were against this Bill, I hope the very same people will remember how they said to me privately that we cannot just leave legal immigrants aside. That's why they're legal immigrants, and for Washington to have turned their back on these folks was appalling. But it would be worse if, knowing what they did, knowing the mistake they made, and knowing what valuable input these folks can have in our state and in our country, we also turned our back on them. So here's a real opportunity for the Illinois General

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

45th Legislative Day

April 17, 1997

Assembly to step forward with some ethics, with some morality, and to say to these people, 'You are legal. You are with us. You are not citizens today, but maybe you will be. You have a valuable contribution to make, and we will not ignore you.' That's what this Bill is about, Ladies and Gentlemen. The Illinois General Assembly saying to these folks, 'We will not ignore you. You are important in our state. You are important in our country.' Now, please do the right thing here. Don't say, 'I'm a conservative. I don't want to know. It's immigrants, we can't help them.' Don't do that. Do the right thing. Help these folks. Vote 'aye'."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I join my colleague, Representative Santiago, in this Bill. And I'd like to speak to my colleagues on the Republican side of the aisle for a moment and say that I recognize that this Bill has a very, very high cost factor. And, frankly, I don't think, and I think Representative Santiago would agree with me, that this is not the answer. That this Bill is not going to be the final product. But what I think is important is that we recognize that what we're talking about are people who are legal immigrants, and we must make sure that there's a distinction between those who are legal immigrants who, as some of the other Members of the Assembly have said, have played by the rules. They came to this country, they respected this country, they respected the rules of this country, and they have become legal immigrants. We have another group of people who are illegal immigrants, and I think what's important here is that we make sure that we do not penalize those people who played by the rules, and played by the

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

45th Legislative Day

April 17, 1997

rules that have been put forth by our government. So, I would just simply say to all of you, that I think we ought to support Representative Santiago in this effort. I think that this is not the answer, but it certainly is a Bill that needs to continue forward, and we should discuss it with the Governor's office and other agencies, and bring this issue to a resolution. I urge an 'aye' vote."

Speaker Madigan: "Mr. Boland."

Boland: "Thank you, Mr. Speaker and Members of the House. I join as a Cosponsor on this piece of legislation, House Bill 126. All of us know that the Federal Government has abrogated its responsibility in this area. That's very sad, but as Thomas Jefferson, a strong proponent of strong State Governments, said that when the Federal Government abrogates its responsibilities, then the states had to take up the load. Unfortunately, this is the case. I hope that when we look at this Bill, we think of it in human terms, individual terms, rather than as a large group of people, a large lump, you might say, that we could easily cast off. Let me tell you the story, and thank God that during the last 1930's and early 1940's the Federal Government still allowed lawful immigrants, who were not yet citizens, to get public aid. Because I had a relative, a wonderful woman, whose sons went off to fight, she was from Italy, and her three sons went off to fight for the United States against their old homeland. They were good citizens, and later, of course after the great depression, they were able to get off of welfare and take their part as in the mainstream of working America. A lot of those people are very old today. They're disabled. They have the diseases and the infirmities of old age. We cannot cast off these people today. This may not, to vote 'yes' on this may not

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

45th Legislative Day

April 17, 1997

be the politically correct thing to do. I'm not an advocate of welfare in any way, shape, or form, but even though this is not politically correct, this is the correct thing for us to do. I hope that we live up to our responsibilities, and care for these people that, even though they may not have become citizens, they may have fought for us in wars, because legal immigrants have to go and serve in the armed forces. Thank you very much."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "I rise in support of this Bill and want to move it over to the Senate. And I'm sure we'll continue to work on this. The reason I do this is, this has personally affected me. Six years ago we were fortunate enough to have three generations of Russian/Ukrainian immigrants come and live with us. They've had a profound affect on us and our family. But this past year, what the feds did, unbelievable. All five of these adults, three generations, after working hard in our state, now owning businesses and owning homes, pursuing the American dream, applied for citizenship and were approved for citizenship. Two days before they were to be sworn in at Soldier Field, the two spouses of the two husbands were called and said, 'Don't come. We've lost your files.' This is after they have been here, producing, the happiest day of their life, looking forward to it. 'We lost your files.' To this day now, some eight months later, INS finally has managed to find one file, but the 70 year old Ukrainian, who came here with these dreams for her children, herself, et cetera, is now told, 'We can't find your file.' She thinks she's going back to Russia. The bottom line on all of this is the feds have so screwed this thing up. We owe it to our legal, and I stress, legal immigrants, to continue the

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

45th Legislative Day

April 17, 1997

process here. I don't believe that this is going to be the end out Bill, but I hope we at least get this to the Senate so that we can continue to work the Governor's office, Public Aid, and the rest of us, to try to find some humane solution to an absolute ridiculous problem that never should have occurred in the first place. I urge an 'aye' vote, even though it's contrary to some of the hard-line positions that we often use on our campaign brochures, et cetera."

Speaker Madigan: "Representative Younge."

Younge: "Thank you, Mr. Speaker. Very quickly, I wanted to say that I support Representative Santiago in his Bill. I think America has been a place that has said, 'Give me your tired, your weary, your people longing to be free.' And I think that it was very dispassionate to have passed this law cutting these people off. I believe that they have made a contribution, and they are entitled to be helped. And so, therefore, I think it is not representative of what America is, and therefore, I support this Bill."

Speaker Madigan: "Representative Silva."

Silva: "Thank you, Speaker. I rise in support of House Bill 126. I know that I've lobbied many of you on the whole issue of immigrants. One of the things that I do want to remind you is that there are lots and lots of immigrants from different countries who have, in fact, worked and paid their taxes, whether they were property taxes, gasoline taxes, all the taxes that you can think of, they've made that great contribution. And, in the end, in my district less than 1.4% are on some type of assistance. Some of that is the elderly, who are disabled. And I would encourage all of you to do the right thing. Vote your conscience, and vote 'yes'."

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

45th Legislative Day

April 17, 1997

Speaker Madigan: "Mr. Santiago to close."

Santiago: "Thank you, Mr. Speaker. I just want to thank each and every one of you, and ask you to please open up your hearts, open up your sentiments, and make a right vote for this issue. What we're doing here is, we're trying to save and help about 17 thousand people that are disabled, blind, and need your assistance. So, I please, and I beg you to please support this House Bill 126. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 97 'ayes', 10 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2214, Mr. Tom Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2214, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House, this Bill, as it currently stands, is a Shell Bill that I am hoping you will help me on moving on to the Senate. The purpose of this Bill is to put into any of the necessary changes that will be required because of the final agreement between Kerr-McGee, the City of West Chicago, and IDNS, as it relates to the thorium removal from my own community. Those negotiations still are not totally completed, as far as between the city and IDNS, and we just need to keep this alive so that it will continue to be worked on between the parties in the Senate. And again, I want to express my appreciation to this Body for its

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

45th Legislative Day

April 17, 1997

continued support in this very important environmental effort in the City of West Chicago."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Novak."

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

Speaker Madigan: "The Sponsor yields."

Novak: "Representative Johnson, who do you intend to Sponsor this Bill in the Senate?"

Johnson, Tom: "Senator Karpel will be sponsoring this Bill in the Senate, the City of West Chicago is in her district."

Novak: "So this is the continuing saga with Kerr-McGee?"

Johnson, Tom: "That is correct."

Novak: "And what do we hope to accomplish with this Shell Bill?"

Johnson, Tom: "Well, as I announced to the Body earlier this year, we finally reached a final agreement, a final, final agreement between the city and Kerr-McGee on the removal of the remainder of the thorium in West Chicago. And that might require some change as it relates to the storage fee Bill that this House passed previously, and that is what is being worked on between IDNS and the parties."

Novak: "Is there any consideration of a rebate on the fees that they put into a fund, since they are, I think in my last conversation with you, you indicated to me that they may clean this process up prior to their target date?"

Johnson, Tom: "That is correct. That is correct. The way it is now is, this Body passed a Bill several years ago that required Kerr-McGee to make deposits with the state, really as a security to make sure the thing would be cleaned up. Now those deposits are able to be used for the actual removal itself. And also, Kerr-McGee will be picking up the price tag of any cost incurred by the State of Illinois, and so on, in this process. Now, because of the

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

45th Legislative Day

April 17, 1997

final agreement, I believe that the, whether or not any law needs to be changed, that's still an issue. But this Bill needs to be kept alive, strictly for those purposes."

Novak: "Okay. Thank you, Representative."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 101 'ayes', 14 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2260, Mr. McAuliffe. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2260, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Members of the House. House Bill 2260 amends the Unified Code of Corrections. It provides that committing an offense against a person under 18 years of age, or that person's property, is a factor for the court to consider as a reason to impose a more severe sentence. It also provides that a defendant convicted of a felony committed against a person under 18, currently it's under 12 years of age, or that person's property, may be sentenced to an extended term sentence."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Dart."

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

Speaker Madigan: "Sponsor yields."

Dart: "Representative, how many people will be covered by this? What's the potential increase in the prison population?"

McAuliffe: "The current population impact is 157 inmates."

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

45th Legislative Day

April 17, 1997

Dart: "What's the projected cost?"

McAuliffe: "\$2.49 million per year."

Dart: "\$2.4 million a year for this?"

McAuliffe: "Yes, \$2.49 million per year."

Dart: "No further questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 258, Mr. Novak. Mr. Clerk, read the Bill. Mr. Novak. Mr. Novak."

Novak: "Yes, Mr. Speaker. I have turned this Bill over to Representative Saviano as the Chief Sponsorship. We signed those documents earlier today."

Speaker Madigan: "Mr. Clerk, have you read the Bill?"

Clerk Rossi: "House Bill 258, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. House Bill 258, Representative Novak was gracious enough to turn over to me. This is a Vehicle Bill, which represents the process that we're going through currently on House Bill 1106. 1106 is a Bill which was brought to me by the West Central Municipal Conference regarding tipping fees and surcharges on the redistribution of that, and loosening up some of the restrictions on how those monies are spent. We're currently negotiating the whole Bill. I had made a representation to the Energy and Environment Committee regarding 1106, that I would not move

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

45th Legislative Day

April 17, 1997

it unless we had an agreement. I'm going to utilize House Bill 258 as a vehicle to send over to Senate to continue the discussion. And I also make the same representation that we will not move this Bill in the Senate unless we have an agreement of all parties. And I ask for it to be passed please."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. And on that question, the Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, is it your intent, when this Bill is amended in the Senate, that it will do anything to preempt Home Rule?"

Saviano: "No."

Black: "Are you absolutely certain?"

Saviano: "Yes. This was brought to me by a group of my communities, the West Central Municipal Conference, and I don't think they would want us preempting them."

Black: "The Northwest Municipal Conference?"

Saviano: "The West Central."

Black: "Oh, the West Central. It's by the Northwest, but this is West Central. Are there any Home Rule communities in that group?"

Saviano: "Yes, there are."

Black: "Mr. Speaker, I don't know what he plans with this vehicle Bill, but there are Home Rule communities involved, would this require 71 votes?"

Speaker Madigan: "Mr. Black, I'm advised that this Bill will require 60 votes."

Black: "We're not being very consistent, but all right."

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

45th Legislative Day

April 17, 1997

Speaker Madigan: "So the Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 58 'ayes' and 54 'noes'. The Chair recognizes Mr. Saviano."

Saviano: "I'd like to put this on Postponed please."

Speaker Madigan: "The Gentleman has, Mr. Saviano, requests Postponed Consideration. The Bill shall be put on Postponed Consideration. Mr. Hannig in the Chair."

Speaker Hannig: "House Bill 201. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 201, a Bill for an Act amending the Intergovernmental Cooperation Act. Third Reading of this House Bill."

Moore, A.: "Thank you, Mr. Speaker. This is also a Vehicle Bill that is to be used for the treasurer, who is developing a policy for... a financial policy for funds in the State of Illinois. She is scheduled to have meetings on Monday. We had hoped to have those finished by the time the House was completing its business, but we probably will not. And we would like to send it over to the Senate to be used for that purpose."

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

Bugielski: "Thank you, Mr. Speaker, Members of the House. I rise in support of this. This is an ongoing arrangement that we have going with the State Treasurer's office. We have meetings going on. There will be other meetings, and we just want to send this Bill over to the Senate to get the proper wording in. And once we arrive at this, everyone will be in agreement to it. So I ask for everyone's support. Thank you."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 98 voting 'aye', 12 voting 'no', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 533."

Clerk Bolin: "House Bill 533, a Bill for an Act to amend the Service Use Tax Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. This is also a Vehicle Bill that has no specific purpose as yet, but it seems like it's always a good idea to have a Vehicle Bill. And if people are willing to vote on that, on that basis, I'll take it. Thank you."

Speaker Hannig: "Is there any discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 voting 'yes', 40 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1205."

Clerk Bolin: "House Bill 1205, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

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

Silva: "Thank you, Chair. I'd like to tell you a story about my district and many of the districts throughout the city and the suburbs. In my district, I have four retail, four

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

45th Legislative Day

April 17, 1997

retail business strips. At those business strips, the one that I live not more than half a block from, I can tell you that it generates the second highest sales tax dollars in the City of Chicago, next to Michigan Avenue. And there you will find people from Mexico and Latin America. In my district, it also, the other one that it includes is Archer Avenue. Those businessmen tend to be Poles, Lithuanians, Czechs, and Mexicans. And, again, that's another strip that's very viable. The reason that I'm telling you this is that immigrants throughout the history of the United States have made great contributions to this country. It is one of the greatest countries on earth. People feel, oftentimes, why do people want to come here? They want the freedom, they want the freedom to be here. They want to be able to express whatever their thoughts are, or whatever their political ideologies are. I think that the other thing that I want to tell you is that House Bill 1205 speaks to addressing the cuts that were made to legal, permanent residents with medicaid, as well as food stamps. The program would create that type of equivalent so that, in fact, the State of Illinois could live up to its responsibility, because I think that, in part, we also have a responsibility to take care of our immigrant population. In many cases, immigrants who have gotten cut off already, or will be in the near future, have worked. They've worked in this country as your dishwashers, they may have been your cooks. And they have contributed their taxes, and now are unable to work. The program is a transitional program. I belong to a national network of people throughout the country who are elected officials, who are trying to make the Federal Government responsible for this predicament that we're in today. I can tell you that we are committed,

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

45th Legislative Day

April 17, 1997

I am committed, to continuing to work with legal immigrants to become citizens in this country. I have worked with other elected officials over the last two and a half years, and we've been able to process 80 thousand applications. I can tell you that today, I know of senior citizens who will be getting cut off in their food stamps, and they have already taken the oath to swear allegiance to this country, but the immigration service has lost their applications, or they haven't been able to give them their certificate. They can't prove that they, in fact, are now U.S. citizens. And I would ask you, and urge you, and encourage you, and thank you for voting 'yes' on House Bill 1205."

Speaker Hannig: "The Lady has moved for passage of House Bill 1205. 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, we just heard debate a few moments ago on Representative Santiago's Bill that passed out of here, I think, with over 90 votes. I assume you were in here for that Bill?"

Silva: "Pardon. I didn't hear you."

Cross: "We just passed a Bill a few moments ago for Representative Santiago. Were you in here when we did that Bill?"

Silva: "Yes."

Cross: "All right. I think it had over 90 votes. My understanding is that Bill, as well as this Bill, are part of a package to address this issue. Is that your understanding?"

Silva: "Correct."

Cross: "Is there a need for both Bills?"

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

45th Legislative Day

April 17, 1997

Silva: "House Bill 126 deals with cash assistance. My particular Bill only deals with the Medicaid or the health portion, and food stamps."

Cross: "My understanding, though, is that the Governor's Office, at this point, is opposed to your Bill. Is that your understanding?"

Silva: "No, it's not."

Cross: "Well, it's our understanding. Maybe just so... In case you're not aware, our understanding is the Governor's Office is opposed to your Bill. And it's my further understanding that the Governor's Office wants to work with Representative Santiago, and I'm sure, you. But through Representative Santiago's Bill. Are you opposed to working with the Governor's Office and Representative Santiago?"

Silva: "No, I'm not."

Cross: "All right."

Silva: "But I can give you the fiscal numbers on my particular Bill, that is only transitional for the Food Stamp Program. It would cost us approximately \$35 million until the next fiscal year. And \$10 million for the food stamps. No, I'm sorry, I got it reversed."

Cross: "If I'm reading the Illinois Department of Public Aid Fiscal Note accurately, House Bill 1205 would result in a cost of approximately \$70 million. Am I reading that correctly?"

Silva: "That's what it says, but let me explain. The figures that were used to compile this by the Illinois Department of Public Aid, used old numbers. One of the things that you have to remember is that there are swearing in ceremonies, and some of those people have, who are able to, have already gone through the citizenship process."

Cross: "Representative, will legal immigrants still receive

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

45th Legislative Day

April 17, 1997

Medicaid benefits?"

Silva: "The way the current law is on the federal level, no."

Cross: "Well, perhaps we differ on that. My understanding is that the answer is, yes."

Silva: "And some will."

Cross: "Let me ask you just a couple other questions. The Department of Public Aid's Fiscal Note shows that, or indicates that the \$70 million cost will have to come out of the General Revenue Fund. Do you know anything different from that statement?"

Silva: "We are hopeful that U.S. Congress will see the error of their ways when all that anti-immigrant bashing started. We expect, as I said I work with with a national group, we are working at the national level, as well, to remedy that situation. The State of California, Texas, New Jersey, Florida, and Illinois, as well as New York, who has a Republican Governor, has never taken that kind of position. In California, they are now backtracking because they know that it's the Federal Government's responsibility."

Cross: "All right. To the Bill. I would just caution Members on our side, as well as the other side of the aisle. Representative Santiago's Bill is out, it's over in the Senate. The Governor's Office, at this point, is opposed to House Bill 1205. There's no reason we can't use Representative Santiago's Bill to negotiate this issue further and address some of the concerns addressed in this Bill. We would urge a 'no' vote at this time. Thank you."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "She will."

Mulligan: "Representative Silva, were you in committee when I asked Director Peters if he would give us the figures by

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

45th Legislative Day

April 17, 1997

the end of the day yesterday, that Representative Cross seems to be addressing in the Fiscal Note?"

Silva: "Yes."

Mulligan: "Did he tell us that he did not have those figures?"

Silva: "I've never seen them."

Mulligan: "Correct, neither have I. So I think it's hard to tell since the numbers have been revised downward, what the actual figures are, even they put a Fiscal Note on this Bill. When you originally brought this Bill to committee, did I not say to you that we would have a hard time supporting the total amount of money for this for the length of time that you wanted?"

Silva: "Yes, you did."

Mulligan: "Did I say that we would work with you?"

Silva: "Yes."

Mulligan: "I understand, also, the position on this is that the State of Illinois does not want to obligate themselves to something that the Federal Government should be doing, so that the Governor and the departments are very leery of supporting your Bill for the simple reason that they want the Federal Government to act. Do you understand that?"

Silva: "I think, in part, on both sides of the aisle, in Congress there is talk about doing some restoration. But I think that we also need to be prepared in case there's not full restoration of those dollars."

Mulligan: "When we discussed this in Appropriations, I think the amount of money that we discussed with Director Peters, or soon to be Secretary Peters, was the amount that it would cover us when these benefits were cut off at the end of our fiscal year until the end of October. And those were the figures he was supposed to get us?"

Silva: "Yes."

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

45th Legislative Day

April 17, 1997

Mulligan: "Do you see a shortfall for the people that get those benefits, because of the time when our budget ends and the federal budget starts?"

Silva: "I believe that there will be. Again, and some of that could be offset by some of the people who are still in the process of waiting to take the oath for citizenship."

Mulligan: "So that's why the numbers on both Representative Santiago's Bill and your Bill are kind of skewed..."

Silva: "Correct."

Mulligan: "... because people are becoming naturalized and we don't have the exact numbers yet?"

Silva: "Correct."

Mulligan: "Is it your understanding that the townships will be obligated to provide some of these services and pick up the shortfall, should the state not be willing to pick up some of these benefits?"

Silva: "I would agree, because if people don't have medical coverage and they're ill, they may wait until they're very, very ill. And then the next thing they will be doing is going to the public hospitals and public clinics. One way or the other we're going to have to pay. I think in the long run it's probably more cost efficient to do that now."

Mulligan: "Do the community health centers in committee, Appropriations the other morning, testified to the fact that they would be obligated to provide these services whether they were covered or not?"

Silva: "Correct."

Mulligan: "And that they were liable to go out of business over this particular issue?"

Silva: "Yes."

Mulligan: "Representative, I know this is your first Bill. It's a tough first Bill. And I feel for you on this. I think

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

45th Legislative Day

April 17, 1997

that Representatives on both sides of the aisle are not willing to commit to the total amount of money that this would cost for this Bill. But I personally feel that this is not an issue that is either a Republican issue or a Democrat issue. And since we've already passed out of committee onto the House Floor, a Vehicle Bill for \$1 in Appropriations for immigration, we are certainly willing to take a look at this and try to support you, although not to the extent that your Bill is. So, I'm more than willing to support you in getting this Bill out. But I want you to fully understand that we are not committing to the total number of dollars that it currently addresses."

Silva: "Yeah. Representative Mulligan, one of the things that I did want to say is that you have to take this Bill into the context of what actually is in this Bill. What it deals with is the Medicaid equivalent for health care and for food stamps."

Mulligan: "I understand that. My local township, because we have a high immigrant population, and many of the townships for the collar county people, particularly those that, abut Chicago, and selected districts across the state, will have to come up with some way of helping people, particularly in the food area, if this does not pass, so that the townships and local government will have a burden if we don't figure out how to cover this. So, I certainly am willing to support your Bill."

Silva: "Thank you."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Durkin: "Representative, as I look through the Bill I see some, particularly on page 2, I see classifications. One is,

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

45th Legislative Day

April 17, 1997

noncitizens who are legal permanent residents and noncitizens. Could you explain to me the distinction between these two groups of people?"

Silva: "This refers to people, or children who are disabled, for the most part."

Durkin: "Well, how does it do that under this law?"

Silva: "In some cases, their parents may be citizens."

Durkin: "All right. Representative, specifically if we look at page 2 where it states, 'Noncitizens under the age of 21, regardless of their immigration status.' Would that mean an illegal alien?"

Silva: "Could you repeat the question?"

Durkin: "Sure. The question is, could you explain to me what this sentence means? 'Noncitizens under the age of 21, regardless of their immigration status.' My question is, are those illegal aliens that you seek to have covered under this program?"

Silva: "What it means is that we're going to cover children regardless of their status."

Durkin: "So, it is people who are illegally in the State of Illinois, in the United States, or under the age of 21. Correct? So, it is illegal aliens under the..."

Silva: "Children only."

Durkin: "It is illegal aliens under the age of 21. Correct?"

Silva: "Yes."

Durkin: "Okay. Could you tell me what the residency... If this Bill was to become law, what would be the residency requirements for individuals to participate in this type of program?"

Silva: "It would be the same eligibility that exists at the federal level."

Durkin: "What is that? How long do they have to live in Illinois

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

45th Legislative Day

April 17, 1997

before they can qualify into this program?"

Silva: "There is no residency requirement."

Durkin: "Representative, do you know of any states in the midwest, or any states which border Illinois, which currently have the same or similar type of provisions in their law?"

Silva: "There are states that are proposing that."

Durkin: "Well, what was the fiscal impact on the State of Illinois. Someone had previously asked you that question. What was the response you gave to that question?"

Silva: "For my particular Bill, it's approximately \$35 million for food stamps, and about \$10 million for Medicaid."

Durkin: "Is that 35 billion or million for food stamps?"

Silva: "Million not billion."

Durkin: "Okay. Is there any type of sanction, or anything which would prohibit people from outside the State of Illinois from coming into the State of Illinois, because there is no residency requirement for them to participate in this program, if this Bill does become law?"

Silva: "Our experience has been that that has not happened in any of the states."

Durkin: "Well, are there any other states that you know that have this... You previously said there are no states that have, in the midwest, that have this type of law in their books. Correct?"

Silva: "It's too early in the process, but many of them are working on it."

Durkin: "My only concern is that I think those numbers are a bit deceiving. Because if this Bill does become law, I think that the numbers that we were originally tendered are going to be astronomically higher. Because this will be a state which will allow people... there is no residency

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

45th Legislative Day

April 17, 1997

requirement. We're allowing illegal aliens in the State of Illinois. Let me ask this question, do you have any, a ballpark figure of approximately how many illegal aliens are residing in the City of Chicago?"

Silva: "Legal?"

Durkin: "Illegal."

Silva: "I have no idea. It prohibits them from getting anything, anyway."

Durkin: "Well, that's, I think, another problem. I know you mean well with this legislation. But we have no idea of how many illegal aliens are in the State of Illinois, particularly in Chicago. And when we have no residency requirements are we're opening up this type of program to all illegal aliens under the age of 21, we're going to be talking about figures which are going to be much higher than you had tendered. Mr. Speaker, if this Bill does reach the 60 vote requirement I would seek a verification. No further questions."

Speaker Hannig: "And, Representative Durkin, you're within your rights, and we acknowledge your request for a verification. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Some people are trying to make this Bill more difficult than it needs to be. If you voted for Representative Santiago's Bill, you really have to vote for this Bill too. I find it interesting that some of these questions are coming up again. The answers are no different. We're trying to take care of legal immigrants, people that live in this country, to make sure they can eat. So, if you think it was okay to give them a few bucks, which was the last Bill, so they can live, maybe now we should consider finding them a way for them to eat. It seems to me that

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

45th Legislative Day

April 17, 1997

voting 'no' against this says, you're not all that interested in them having something for them to eat. This Bill will not expand any eligibility for medical assistance beyond people who are already getting it in Illinois. This is adding no one. This is adding no dollars in my opinion, because we were already providing assistance to these people. So you can talk about millions of dollars of Fiscal Notes, you can talk about who's opposed, but the bottom line is, we're already paying for these people. Now, if you want to starve these people to save whatever the Fiscal Note dollars are, be my guest, go ahead and do that. If Mr. Cross is correct that the Governor's Office is opposed to this Bill, I find that to be quite difficult to swallow, frankly. I find it very difficult to think that we have a Governor in this state who believes it's okay to starve legal immigrants who are in our country. I cannot believe the Governor's Office would be opposed. So, I must assume Mr. Cross was incorrect. He can't have been correct when he said the Governor wants to starve legal immigrants in the United States of America and in the State of Illinois. This program is also transitional. It says that once these people become naturalized, they can get federal assistance, and they no longer need our help. So, let's make the Bill what it is, a very simple Bill. It's an extension of the other Bill. It says, let's not starve legal immigrants who live in the State of Illinois, people who were, up until a given date, getting state assistance. This is not... We are not adding new people to the welfare rolls, we're not adding unregistered aliens to the welfare rolls. We're feeding people who have lived in the State of Illinois for a good period of time, who have already been getting assistance from the State of Illinois. I sincerely

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

45th Legislative Day

April 17, 1997

hope someone from the Governor's Office is going to breathlessly run down here and tell us that what we heard was wrong, that we couldn't possibly have a Governor who is interested in starving legal immigrants that live in our state. Vote for this Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you. My name was used in debate. Apparently we have a hearing problem on this Floor. I did not say, nor have I said that the Governor did not want to feed immigrants. I didn't say that, I didn't suggest that, I didn't imply that, whatsoever. The other Bill, if you read the other Bill, take any time to read it, provides for food stamps. What I also said was the Governor was willing to work with Representative Santiago, as are all the people on this side of the aisle, that Bill has passed out. And we will continue to work with Representative Santiago, as will the Governor's Office. This Bill deserves a 'no' vote. It's a \$70 million budget item out of the General Revenue Fund. Thank you."

Speaker Hannig: "The Lady from Cook, Representative Silva, to close."

Silva: "Thank you. I just want to tell you one thing, that this is a transitional program, it's part of a package. And I would encourage you to vote for it. You don't want to leave 22 thousand elderly, disabled residents, out in the cold, out sick and tired, when they have made great contributions to this country. And I will submit to you that all of us are immigrants in this room. Support 1205."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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

45th Legislative Day

April 17, 1997

question, there are 47 voting 'yes', and 63 voting 'no'. Does the Lady requests postponed? The Lady requests Postponed Consideration. Mr. Clerk, postponed. Mr. Clerk, announcements."

Clerk Bolin: "The Rules Committee will meet at 8:15 p.m. in the Speaker's Conference Room. The Rules Committee will meet at 8:15 p.m. in the Speaker's Conference Room."

Speaker Hannig: "Mr. Clerk, read House Bill 725."

Clerk Bolin: "House Bill 725, a Bill for an Act to amend the Right of Conscience Act. Third Reading of this House Bill."

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

Burke: "Thank you, Speaker. House Bill 725. In 1977, the Right of Conscience Act was passed to protect health care providers from being forced to perform medical procedures contrary to their deeply held religious and moral beliefs. In the nearly 20 years since the passage of the Right of Conscience Act, the world of health has changed dramatically. Where in the past there were clear distinctions among various entities involved in health care, today the lines are becoming more blurred. This Bill will begin to resolve some of the confusion. The Bill extends protections to entities which pay for health care services when their organizational documents indicate their religious foundations. The Bill changes the name of the Act to the Health Care Right of Conscience. The legislation was proposed by the Catholic Conference on behalf of the six diocese in the state, as well as the 51 hospitals, 36 nursing homes, and Catholic charities agencies sponsored by religious congregations and the diocese. It is needed to insure that these agencies and organizations will be able to continue providing care to

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

45th Legislative Day

April 17, 1997

all in need without compromising their religious beliefs. The Illinois Medical Society has proposed some language which has been incorporated in the Bill. I would ask for your favorable consideration, and I'm happy to answer any questions you may have at this time."

Speaker Hannig: "Is there any discussion? There being 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 113 voting 'yes', 1 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 152."

Clerk Bolin: "House Bill 152, 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 152 is what most people have come to know as the Internet Solicitation Bill. It creates a new and separate offense of a Class IV Felony for any individual that uses a computer with the intent to commit a sexual crime involving a minor. There were some questions raised in committee as far as whether or not this was needed, and why solicitation of a minor by a computer should be any different. In case, those of you who aren't aware, more and more homes everyday are having computers in them. And people using these computers is a virtual key to come into a child's room, to take advantage of a child when they're at their most vulnerable. Their parents can be in the next room watching television or having dinner, they're in their room, they're on the computer, they're on America

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

45th Legislative Day

April 17, 1997

On Line, and they're being taken advantage of. You don't think it happens, look in the papers. Look at the 13 year-old girl from Madison who met a 30 year-old man from Philadelphia over the Internet, who came into town, arranged to pick her up when her parents were gone, took her to a hotel less than a mile from her house, and proceeded to rape her. Talk to the nine year-old boy from the northwest suburbs who was abducted by a man from Florida, who he met on the Internet. I got an article today from Representative Smith, from yesterday's Peoria Journal Star about another man charged with trading pornography over the Internet, and trading child pornography. This is a serious problem. It needs to be dealt with. In addition, this Bill also changes the age in Indecent Solicitation of a Child Statute, from 13 to 17, to give the same protection to the 14, 15 and 16 year-olds involved in these crimes. Thank you."

Speaker Hannig: "Is there any discussion? Seeing none, the question is... The Gentleman from Vermilion, Representative Black, with a late light."

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

Speaker Hannig: "He will."

Black: "Representative, one of the towns in my district is a Home Rule community. And they have an ordinance, I can't tell you right now what it's about, because we haven't had computers that long. But I know they have an ordinance on, wait a minute, what's the language in your Bill? A criminal offense of a solicitation of a minor by computer. Now, does that mean, the solicitation of an offense of a minor by computer, does that mean we go after the computer? Is he taking the Bill out of the record or writing his

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

45th Legislative Day

April 17, 1997

memoirs?"

Speaker Hannig: "Representative Fritchey, did you hear the Gentleman's question?"

Fritchey: "I did not, I apologize. I was speaking to Representative Kosel."

Speaker Hannig: "Could you repeat that question, Representative Black?"

Fritchey: "Is it a pre-emption question.?"

Black: "Okay. Let me rephrase the question, because I can't remember what it was. If my Home Rule community of Danville has already put an ordinance on the book on how to regulate solicitation of a minor, by the way, in my analysis it's spelled 'm-i-n-e-r', and I don't think that's the way it should be spelled, solicitation of a minor by computer. Does your Bill make that ordinance null and void, or nonenforceable?"

Fritchey: "I would have to turn that question over from the preemption standpoint to the Parliamentarian."

Black: "That's right. Where is the Parliamentarian? Inquiry of the Chair, Mr. Speaker."

Speaker Hannig: "Yes, Representative, state your point."

Black: "My understanding of this Bill means that anywhere in the state, if you commit the offense of solicitation of a minor by a computer, state law will take precedent. Now, there are a number of Home Rule communities, and here we go again. This says, the state says, you cannot do this. And so, if a Home Rule community already has an ordinance on the books, you are superseding their authority. I would ask the Parliamentarian, does this take 71 votes?"

Speaker Hannig: "Representative Black, this does not preempt Home Rule, and this takes 60 votes."

Black: "I thought you were the Speaker, not the Parliamentarian."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "The Parliamentarian had already advised me, as you asked the question the first time."

Black: "All right. All right."

Speaker Hannig: "To the Bill?"

Black: "Well, Mr. Speaker, I don't know how we can pass any law that tells the residents of every community of this state what they can and can't do, without it taking 71 votes. I'll accept your ruling. I'm not sure I agree with it."

Speaker Hannig: "The Gentleman from Kendall, Representative Cross. Yes, state your inquiry, Representative."

Cross: "If we don't ask any questions on this Bill can we get out 20 minutes early?"

Speaker Hannig: "Representative, we'll do our best, but no promises."

Cross: "Will the Parliamentarian care to comment? All right. Well then, we'll ask some questions. Will the Sponsor yield?"

Speaker Hannig: "The Gentleman will yield."

Cross: "Representative, is the Attorney General still opposed to this?"

Fritchey: "I'm not aware that the Attorney General was ever opposed to it. As a matter of fact, the Attorney General's Office called me for a copy of the statute because they were investigating it, and they wanted to see how best to deal with the situation."

Cross: "I'm sorry, Mr. Speaker, we couldn't hear a single thing he said."

Speaker Hannig: "Mr. Fritchey, could you repeat the explanation?"

Fritchey: "I'm not aware that the Attorney General's Office ever did oppose it. And, in fact, they called me to get a copy of what my proposed legislation was, because they were going to use it in a task force, or something along those

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

45th Legislative Day

April 17, 1997

lines that they were putting together to study the issue."

Cross: "Well, we have, apparently have just a slight disagreement. Our analysis shows that it was opposed in committee. Let me ask you a question, Representative. I know there were several Amendments, and I know you worked a good bit of time on this and I know you've done a good job trying to clean up the opposition. What did you end up doing with respect to venue and jurisdiction?"

Fritchey: "After discussions with Representative Durkin, I took the jurisdiction provision out of the statute."

Cross: "That might have been a mistake using his name in debate, Representative. So where, if I'm on a computer in the State of Nevada and a minor's on a computer in the State of Illinois, and the offense that you're trying to address, takes place on the computer, where is venue?"

Fritchey: "It's an interesting question, actually. Part of the reason I originally put a jurisdiction provision in there was I believed that it would be enforceable to put jurisdiction in Illinois if the offender was in Illinois or if the child involved was in Illinois. There was a recent article about two months ago in the Illinois Bar Journal, saying that most states have not yet ruled on this, but that the trend is to give jurisdiction to either the point of origin or the point of recipient of computer messages. That having been said, the issue of whether jurisdiction would lie in Illinois in that case, right now jurisdiction would lie in Illinois. But it's something that every state's going to have to deal with from this point forward."

Cross: "And I'm not asking you any of this to give you a hard time, and actually none of the questions are. Is there, if my memory is correct, from the committee, isn't there

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

45th Legislative Day

April 17, 1997

federal legislation that attempts to address this?"

Fritchey: "Computer solicitation of a minor is dealt with in the Federal Telecommunications Act. However, as you're well aware, oftentimes federal authorities may not want to get involved in purely interstate issues, or if this was simply dealing with an Illinois child and an Illinois offender, even though the federal phone lines were used, the Federal Government may not want to get involved with that. This would give a mechanism for State Government and Local Government to prosecute that offense."

Cross: "We're not talking about Local Government as in municipalities, are we Representative?"

Fritchey: "No, Sir."

Cross: "All right. One of the concerns, also, that was addressed in committee, and if you can clarify it for us. One of the real big issues was, how are you going to prove, once again go back to that example of the individual in Nevada and the child or minor in Illinois, and the conversation is taking place via computer, and the minor on the computer says I'm 25, I'm a student at the University of Illinois, dah dah dah? When in reality we're talking about a 12 year-old who goes to Fanger High School on the south side of Chicago. How do you address that issue, just so people are aware of that?"

Fritchey: "It's a good question, and it's one that we wrestled with for awhile in hashing out the Amendments to this Bill. What we've dealt with now, the language now says that there has to be an intent to commit any of a certain number of enumerated offenses. If an offender believes that he is talking to a 25 year-old person the intent to commit a sexual crime with a minor isn't there, therefore, there be no liability under the Act."

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

45th Legislative Day

April 17, 1997

Cross: "I guess the final area that I just, and Representative, as we all said, and I hate to over use a phrase, I know that you have good intentions, but I guess one of the final problems is that of identification. And I'm to go back to the Nevada example, and you've got a computer at home with six other people. How do you prove as a prosecutor that the defendant did it, without an admission?"

Fritchey: "Without an admission you may be able to get it through the transcripts of the messages, and through circumstantial evidence, as well. What's been happening with a lot of these cases there have been sting operations with police officers posing as minors on the computer, and engaging these individuals in conversations and arranging for meetings, and prosecuting them at that point. There was just one, as a matter of fact, this is, again, the Peoria article from yesterday involved a man that was caught in a sting operation. There was another case about two months ago, this one in Naperville and Addison, where the same type of operation happened, and they ultimately got a confession because they had the computer records. The case involving the Madison girl with the man from Philadelphia, again, they confronted him with the computer records, he ultimately confessed. More often than not, you'll get the confession, but you'll have enough usually to get the conviction without that."

Cross: "Well, John, I have no doubt that this Bill will pass. And I know you've worked hard on it, I know you've responded to a great deal of concerns that Representative Durkin had. I want just to caution and urge all of us to keep an eye on this over the next few years and talk to prosecutors. There may be ways we can improve this. They may say it's working wonderfully. And, as I said, I'm sure

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

45th Legislative Day

April 17, 1997

you'll get the requisite number of votes tonight. Thank you."

Speaker Brunsvold: "Any further discussion? The Gentleman from Cook, Representative Fritchey to close."

Fritchey: "Thank you. Thank you for your comments. This Bill, through the committee process, and through the help of Legislators on both sides, is a much better Bill than it was initially. And he's right, we will keep an eye on this because it is going to be a growing problem. If there's ways that we can fine tune the Bill along the way as it becomes the law, we'll be sure to do that. It's a very important issue. It's a very, very timely issue. It's the right thing to do, once again. And I urge your favorable consideration."

Speaker Brunsvold: "The question is, 'Shall House Bill 152 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On that question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 724?"

Clerk Bolin: "House Bill 724 is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Mr. Clerk, please put that Bill back on Second Reading. Move that Bill to Second Reading. Mr. Clerk, what's the status of House Bill 1455?"

Clerk Bolin: "House Bill 1455 is on the Order of House Bills - Second Reading."

Speaker Brunsvold: "Are there any Amendments?"

Clerk Bolin: "No Amendments have been approved for

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

45th Legislative Day

April 17, 1997

consideration."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read that Bill."

Clerk Bolin: "House Bill 1455, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Clerk, what's the status of 1454?"

Clerk Bolin: "House Bill 1454 is on the Order of House Bills - Second Reading."

Speaker Brunsvold: "Any Amendments? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1454, 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 Brunsvold: "Third Reading. Mr. Clerk, what's the status of House Bill 76?"

Clerk Bolin: "House Bill 76 is on the Order of House Bills - Second Reading."

Speaker Brunsvold: "Read the Bill."

Clerk Bolin: "House Bill 76, a Bill for an Act concerning gifts to state officers and employees. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Clerk, what's the status of House Bill 77?"

Clerk Bolin: "House Bill 77 is on the Order of House Bills - Second Reading."

Speaker Brunsvold: "Read the Bill."

Clerk Bolin: "House Bill 77, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

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

45th Legislative Day

April 17, 1997

filed."

Speaker Brunsvold: "Third Reading. Mr. Hannig in the Chair."

Speaker Hannig: "House Bill 571. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 571, a Bill for an Act in relation to truth in taxation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 630."

Clerk Bolin: "House Bill 630, a Bill for an Act to amend the Children and Family Services Act. Third Reading of this House Bill."

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

Ronen: "Thank you, Speaker, Members of the House. This is a Bill I'm very proud of. I'm proud to be joined by so many Cosponsors, almost 40, from both sides of the aisle, addressing what is a very serious problem in this state, the need to expand and improve the quality of child care. And that's what House Bill 630 does."

Speaker Hannig: "Can we give the Lady some order, please? Let's give the Lady some order. Representative Ronen to continue."

Ronen: "This Bill comes out of much work of the Illinois Day Care Action Council, and is supported by all youth advocates. It's a way to address the problem of making sure that children who are in child care are going to be in quality settings. And that we're expanding the amount of child care to meet the needs that are going to be required by welfare reform. So if we're serious about welfare reform working, let's remember that for every woman on welfare there's a least two children. And this is a way to make sure that the program can really work. As I said before, I'm proud to be joined by so many Sponsors (sic-Cosponsors)

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

45th Legislative Day

April 17, 1997

on both sides of the aisle, and from all parts of the state. I urge my colleagues to support this very important Bill. And I would be happy to answer any questions."

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

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

Speaker Hannig: "She'll yield."

Turner, J.: "Is there a Fiscal Note on this, Representative?"

Speaker Hannig: "Representative Ronen, did you hear the question?"

Ronen: "No, I didn't. I'm sorry."

Speaker Hannig: "I'm sorry. Let's give the... Let's have a little order in the Chamber."

Turner, J.: "Is there a Fiscal Note?"

Ronen: "Yes, there is."

Speaker Hannig: "Please a little order in the chamber."

Turner, J.: "Could you tell me what is says?"

Ronen: "Well, I'm just trying to answer your questions, Representative."

Turner, J.: "Certainly."

Ronen: "The Fiscal Note, I believe, says that the cost for the first year, or the next year, would be around \$93 million more. I should say that I'm not sure that those are correct figures. In committee when we adopted this Amendment, which became the Bill, the department represented a lower number. And I would say that our estimates really are, that this would be in the neighborhood of maybe 30 to \$50 million more than the Governor's budget. The reason we don't know, the reason we can't be precise is, this program requires a co-pay, everybody pays something to receive this subsidy. Those figures haven't been set yet, so we don't know what they

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

45th Legislative Day

April 17, 1997

are. As people earn more money, they will be paying more money, and that will generate more money in. So it's hard to say precisely what the cost will be. I would guess about 30 to 40 million more than the Governor's budget."

Turner, J.: "All right, your estimate is 30 to 40 million. And the Fiscal Note, as I understand your answer, was 93 million."

Ronen: "Right, that's correct."

Turner, J.: "Is that 93 million in addition to the \$350 million that the Governor has already budgeted?"

Ronen: "Yes, for a total of 442, which we would save, it might be a little lower than that, around 400 million."

Turner, J.: "How does this change our current child care program, Representative?"

Ronen: "This makes the program, and thank you for asking that, this makes it strictly an income-based program. Everybody gets in one line, and based on the amount of money you make, then you're eligible for child care. So it's totally need-based, those most in need are in the front of the line, so to speak."

Turner, J.: "Will it be incorporated in the Governor's TANF proposal?"

Ronen: "It's my understanding that there's a separate child care block grant that the department submits to the Federal Government."

Turner, J.: "I couldn't hear you. I'm sorry. Could you repeat that?"

Ronen: "I'm sorry. It's my understanding that there's a separate child care grant, block grant, that the department and the state submits to the Federal Government, and that it's separate from TANF."

Turner, J.: "You've listed median income. What do you mean by

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

45th Legislative Day

April 17, 1997

that?"

Ronen: "The median income is whatever the median income, based on census data in the State of Illinois. What we're proposing in this program is, that by the year 2000, that we provide a child care subsidy to families that make at least 60% of the median family income, which for a family of three would be about \$26 thousand. Right now the Governor is proposing that percentage for people coming off of welfare. We think the goal should be, by the year 2000, that working families are allowed to receive subsidies up until the time they reach 60% of the median income."

Turner, J.: "Is the mandated increase for reimbursement still in the Bill?"

Ronen: "I'm sorry, is what? I didn't hear you, Sir."

Turner, J.: "Is the mandated increase for reimbursement still in the Bill?"

Ronen: "No, it's not. No, it's not. What we're asking is that in this fiscal year a market rate survey be done. And then in future fiscal years, the reimbursement rates be at least 75% of what is market rate. And we think that's a fair rate."

Turner, J.: "And who would administer this?"

Ronen: "The Department of Human Services would administer this."

Turner, J.: "Yeah, and in what capacity?"

Ronen: "Pardon me?"

Turner, J.: "What's the position of the Department of Public Aid?"

Ronen: "Pardon me? What's their position? I believe they signed a slip in opposition. I believe they signed a slip in opposition."

Turner, J.: "Is their opposition due to the cost of the program?"

Ronen: "Yes, Sir. But I might add that nothing in this Bill that

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

45th Legislative Day

April 17, 1997

we're going to pass today requires that cost. The cost will be determined as we pass a budget."

Turner, J.: "Do you know, or have you spoken with anyone from the Governor's Office, and whether they've indicated to you if they oppose this, or indeed are supportive of this measure?"

Ronen: "I haven't had any conversations with the Governor's Office."

Turner, J.: "It's fair to say then they haven't contacted you."

Ronen: "No, the Governor hasn't contacted me."

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

Ronen: "Thank you for your questions."

Speaker Hannig: "Representative Lindner, is recognized."

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

Speaker Hannig: "The Lady will yield."

Lindner: "Yes, is it true, Representative Ronen, that right now there are as many as 30 thousand families waiting for child care in the State of Illinois?"

Ronen: "Yes, there are. Yes."

Lindner: "I know that your program has been characterized by the people who are interested in day care, and by the Chicago Tribune, also, as a ground-breaking program that would fundamentally change the way this state does child care. And is there anything else that you can tell us about that, that you haven't already told us in answer to Representative Turner's questions?"

Ronen: "Well, I think you've said it all. And I appreciate those remarks. But I think this does put us on the path of really addressing the needs of children across the state. As you correctly point out, right now we have 30 thousand children on the waiting list. The demands of welfare

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

45th Legislative Day

April 17, 1997

reform will increase that to the need for, maybe, 70 thousand children. So this Bill is an important one. It will address the question of children's care, and will address the issue of increasing the quality of the care that these children get. So, I'm very pleased and I'm very proud of this Bill. And I think we worked very hard in the Children and Youth Committee where you've been the able spokesperson, and we've talked much about this issue and the problem. And I think this Bill addresses so many of the problems that we've identified through the hearings in that committee. So, I thank you for your support."

Lindner: "Thank you. And just to, to reiterate again, this is just not a total government program. There will also be a sliding scale of fees that the parents will pay. Is that correct?"

Ronen: "That's exactly correct. Thank you for mentioning that."

Lindner: "I would join with Representative Ronen, and ask for support for this Bill."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "She will."

Johnson, Tom: "Representative, I notice just from the analysis here, and I haven't had chance to study the actual Bill, but this also provides for reimbursement for state assisted child care, and establishes a reimbursement rate set at no lower than 75% market rate for licensed providers. Is that correct?"

Ronen: "Yes, Sir."

Johnson, Tom: "Okay. And then you go on and say that for unlicensed providers, the department will establish a lesser rate by rule. Now, I guess, why do you set one for licensed, and we're not willing to set one for unlicensed?"

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

45th Legislative Day

April 17, 1997

Ronen: "I'm not sure that that's what we're saying in there. And there is no... We might be talking about license-exempt. I mean, there is no unlicensed care that we really acknowledge."

Johnson, Tom: "Well, license-exempt. I'm sorry. I misstated that."

Ronen: "Right, right. That's a big difference. That's a big difference."

Johnson, Tom: "Right."

Ronen: "I think our goal here is to have the market rates related to all, Sir."

Johnson, Tom: "Well, it doesn't say that, at least in my analysis. I haven't studied the Bill. But it does say that the license-exempt will be a lesser rate, and it is set by rule."

Ronen: "No, it won't be. That's not our intent."

Speaker Hannig: "Representative Wirsing."

Johnson, Tom: "I'm not finished."

Speaker Hannig: "I'm sorry, Representative, continue."

Johnson, Tom: "Can you tell me where, Representative Ronen, can you tell me where in your Bill it says that the license-exempt will be set at a percentile or market rate, just as...?"

Ronen: "I don't think we're making a distinction. Let me just find it in the Bill, and I'll read it to you."

Johnson, Tom: "Representative, I'm looking on page 5, at line 193, or line #32."

Ronen: "Here's what we're, we're really not... The issue of license-exempt, we're talking about programs that are folded in with other entities like preschool programs and Head Start. So it's kind of a misnomer to talk about it in those terms. That's the terminology."

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

45th Legislative Day

April 17, 1997

Johnson, Tom: "Well, I recall being at the committee meeting last summer when this particular issue came up, and we raised it at that point. And there really wasn't a difference there, in terms of what you're talking about, except one is licensed, and their going to provide, quote, 'quality child care'. But so do license-exempt facilities in my neighborhood. And I guess I'm just worried they're going to get the shaft, because they'll get whatever money is left. And it seems to me that they are providing, basically, the same and equal service or whatever, maybe not according to your view, as the licensed day care provider is. And why would we leave that just to be set by rule? I think that leaves them wide open for getting the shaft."

Ronen: "It's not wide open, first of all, set by rule. Let's be clear, the license-exempt are programs that are operated by schools and park districts that have a whole host of regulations. What we're getting at here, and what we're trying to address is the issue of improved quality. And we think those programs that are licensed are meeting a higher standard, and have..."

Johnson, Tom: "Well, as I said, that's your opinion. But out in the suburbs..."

Ronen: "No, it's not my opinion. It's the nature of the program."

Johnson, Tom: "Okay. But what I'm saying is, Representative, what I'm saying is, out in the suburbs we have a lot of providers that are license-exempt, because they're only handling only three, up to four children. Okay? But they're very important to us. And it seems to me that what you are doing here is you are giving preference to your, quote, 'licensed facilities'. Okay? And I'm very

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

45th Legislative Day

April 17, 1997

concerned about that."

Ronen: "What we're speaking to here is not the value of the service, but the cost of the service. Programs that are licensed are meeting higher standards, have lower staff ratios, and cost more. That's all we're saying here. We're not diminishing the value of those programs. Those programs, if you look at them, just cost less. And we're trying to be reasonable here about the rates that we're paying the providers."

Johnson, Tom: "But you see, bottom line, what you're saying, and this is why I have difficulty understanding, we're trying to help parents get the care for their children. Okay? And then, we're also trying to let them pick and choose where they want to get that care. And the money is going for the care, not to favor one provider over the next, unless you believe that exempt is not quality care, or can't give the same thing. And all I'm asking you is, why don't you set that by market and a percentage as you do for the licensed provider?"

Ronen: "Because I'm saying we're doing it based on what the costs are of those programs. And the facts are, and the data indicate that the costs of those licensed ones are more. It's not to say that by rule we're going to be short changing those programs and not providing them an adequate reimbursement rate. That's not what's going to happen. That's not our goal"

Johnson, Tom: "It's pretty hard to beat a ratio of one to a maximum of four. And I would challenge you that in most of the licensed facilities, you don't have that kind of a ratio of care. And that is pretty top notch care. So, anyway, thank you for answering the questions."

Speaker Hannig: "Representative Wirsing."

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

45th Legislative Day

April 17, 1997

Wirsing: "Thank you, Mr. Speaker."

Speaker Hannig: "The Lady will yield."

Wirsing: "I just want to speak to the Bill. I looked at this Bill and looked at the different avenues of..."

Speaker Hannig: "Representative, would you take Representative Winkel's microphone? Proceed."

Wirsing: "I just thought it was the late hour. That's normally how I sound."

Ronen: "You sound wonderful now."

Wirsing: "To the Bill. As I've looked at the child care issue, and I think even from a personal note, even more so today, from the fact that I now have grandchildren, who our children are looking to child care providers, and the cost of those factors, and looking for child care providers who are quality and who are trustworthy. And that's extremely important today for couples or single family situations where they're going to obligate their hard-earned dollars to a child care facility. So we have to recognize that these kind of programs have to promote to ensure that there is quality care programs out there. There are some that are not. As I've looked at this and tried to understand the cost factor relative to child care, this Bill seems to fit the pattern. It fits with the Governor of this state has set forth. It fits a lot of other parameters that changed in the federal level, as well. Even with the price tag that is on it, when we look at the kind of dollars that we are spending in a total budget in this state, that this is a pretty small price tag to create a positive and quality situation for the children whose parents need that kind of quality child care. I think if we're going to really support and understand the importance of child care in this state, we talk about, when we say that the children

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

45th Legislative Day

April 17, 1997

are our future, this is only one area, but it's a very important area. If we do not address it, take it seriously, put the dollars where they need to be, then our future does not look so bright, because we're not creating a positive and nurturing situation for children across the State of Illinois. That's why I stand in strong support for this legislation, and would ask for your support, as well."

Speaker Hannig: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I think that Representative Ronen has done a great job in working on this issue, and has found a great approach where it allows working families to qualify for subsidized child care, just as those mothers who are coming off the welfare rolls. And I would urge an 'aye' vote."

Speaker Hannig: "Representative Clayton."

Clayton: "Thank you, Speaker. I rise in support of this Bill. It's extremely important. This Bill would serve about 70 thousand more families than are currently served presently. And about... And it would also, could eliminate the long waiting lists that our working families have here in the state, for child care assistance. It's my understanding there's around 30 thousand families on that waiting list at the present time. It would eliminate the cliff caused by cutting people out of the system when they have too low of an income. It will serve special populations, including children with special needs, and families that have extended day work schedules, having difficulty finding child care. And the state also needs to increase the availability of high-quality care provided by accredited programs, in order to prepare children to succeed in

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

45th Legislative Day

April 17, 1997

school. It's very important, recent studies have shown, that zero to three years is extremely important in developing the child's brain so that, in fact, they will be able to lead productive lives in the future. This is an important Bill. I urge a 'yes' vote."

Speaker Hannig: "Representative Skinner."

Skinner: "I've read Dr. Burton White's book, The First Three Years of Life, and I absolutely concur that we need to get to kids when they're young, but I'm a little disappointed in the Sponsor's formulation of this Bill. It appears that if you're a church-based day care center, that you get a lower rate of imbursement, reimbursement. Is that correct?"

Ronen: "Is your question about church-based, or license-exempt?"

Skinner: "I'm not sure I'm smart enough to know the difference."

Ronen: "Pardon me? I'm sorry, Representative, what did you say?"

Skinner: "I was admitting that I didn't know the difference."

Ronen: "And, what was your question was... If those that are license-exempt don't comply with certain state standards, and regulations."

Skinner: "Does that mean that the biggest day care center in Representative Beaubien's district would be ineligible because it's not licensed?"

Ronen: "No. It's licensed. It's license-exempt, potentially, but it might not be, it could even be a licensed center. It doesn't..."

Skinner: "And this is probably the biggest one in Lake County, and they would be at the end of the line, here."

Ronen: "No, they wouldn't."

Skinner: "Well, why wouldn't they be? They're going to get a lower reimbursement. It's going to be set by rule, right?"

Ronen: "Well, we're talking about the subsidies that are provided

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

45th Legislative Day

April 17, 1997

to working families whose income is below 60% of the median income. In the subsidy provided to them."

Skinner: "They're lots of Christians that have income below that level."

Ronen: "Right, but I'm not sure that they're being shortchanged in that program."

Skinner: "Well, it says here on our analysis, that somebody is going to establish a lesser rate for license-exempt care. Now, lesser rate means, you get paid less, as I understand the common use of the word. Which means..."

Ronen: "But as I explained, I'm sorry to cut you off, but as I explained before, the reimbursements are based on what the costs are. And the costs in those centers are less than the cost in the licensed, because of the, because of certain rules and regulations that they meet. I'd be glad to continue this conversation with the department, and make sure that that center in Representative Beaubien's district is not shortchanged."

Skinner: "Well, I've been to this day care center. And do all the licensed day care centers have video cameras in every hall and every classroom to make sure that none of the kids are, if any of the kids are sexually or physically abused, they can be caught on tape?"

Ronen: "Are you suggesting that we not have license-exempt facilities, that we license everything? Would you like to do that?"

Skinner: "No. What I'm suggesting is that you not discriminate against superior day care, which this Bill, I think does."

Ronen: "I promise you we won't, and we don't."

Skinner: "I mean, this Bill sounds as if it is a... It appears that the Parliamentarian wishes to have us adjourned, the way the rest of us does, because he's interrupting my

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

45th Legislative Day

April 17, 1997

train of thought with his shouting."

Ronen: "Maybe they're giving you a subtle message, Representative."

Speaker Hannig: "Representative Skinner, have you concluded your remarks? Representative Skinner."

Skinner: "No, I haven't."

Speaker Hannig: "To the Bill, please."

Skinner: "I will conclude my remarks. And I'd be happy to take my key and go home. And if 59 other people would have guts enough to do the same thing, we could go to bed. The problem with this Bill is that it is deliberately designed to subsidize..."

Speaker Hannig: "Let's give the Gentleman some order, please."

Skinner: "...corporate day care centers. And only corporate day care centers. If you have a day care home, if you're a welfare mother and you want to get off welfare by taking care of four kids and, therefore, be exempt from a license, the state's not going to subsidize your customers. Now, that strikes me as going in the wrong direction. If we're really trying to get women off welfare, one of the ways women can get off welfare is by starting a day care home. They can start slow. If they have, they can start at four or under people and not be licensed. Therefore, they will be license-exempt. Therefore, they will not be getting the same type of subsidy as Service Masters Day care Center does. That doesn't strike me as fair, Representative. And, frankly, I'm surprised that a Representative from the City of Chicago would want to discriminate against welfare mothers, who would want to get started in the day care home business."

Ronen: "This Bill provides for day care homes."

Speaker Hannig: "Representative Biggins."

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

45th Legislative Day

April 17, 1997

Biggins: "Thank you, Mr. Speaker. I rise in support of House Bill 630. This Bill has been detailed tremendously by the Sponsors, the Chief Sponsor, Cosponsors. The editorials have urged us to vote and support this Bill. So, I would urge everyone to give an 'aye' vote."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. I Move the Previous Question."

Speaker Hannig: "The Gentleman Moves the Previous Question. All in favor of Moving the Previous Question say 'aye'; all opposed 'nay'. The 'ayes' have it. And the Previous Question is Moved. Representative Ronen to close."

Ronen: "Thank you very much. We all understand the problem. I think that's why so many of my colleagues are Sponsors of this Bill. This is a message that says that we care about children. And we're going to make sure that they're in quality settings. I urge all my colleagues to vote 'aye'."

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 109 voting 'yes', 2 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1456."

Clerk Bolin: "House Bill 1456, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of this House Bill."

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

Moore, E.: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I present to you House Bill 1456, which amends the Metropolitan Water Reclamation District Act to provide that the Board of Trustees shall provide for the collection of

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

45th Legislative Day

April 17, 1997

taxes sufficient to pay the discharge of principle of any indebtedness within 30 years, as opposed to 20 years, as it is now. So, that's basically the Bill. The assumption is that House Bill 1456 amends the Metropolitan Water Reclamation District Act to allow districts to issue bonds, which mature 30 years, as opposed to the 20 years. So all we're doing is we're changing that from 20 years to 30 years. And there's basically not a fiscal impact in regard to this particular Bill. I recommend a 'aye' vote."

Speaker Hannig: "And on that question, the Gentleman from Knox, Representative Moffitt, is recognized."

Moffitt: "Thank you, Mr. Speaker. I rise for the prior Bill. I would like the record to reflect that I had intended to vote 'yes' had been called off the Floor."

Speaker Hannig: "Thank you. And the record will so reflect. Representative Skinner."

Skinner: "Well, Mr. Speaker, this is the time of night that you can pass any Bill, no matter how bad. This is a Bill that is going to come back to haunt everybody in Cook County that's in the Metropolitan Sanitary District. This is a Bill that is kin to Senate Bill 368, the Bill that I stood on the House Floor and said would gut the tax cap, and have been proven to be correct. So far \$868.8 million of taxes are owed by property taxpayers in the six-county area because of the passage of Senate Bill 368, which wasn't going to do anything. It was just going to allow flexibility. Well, in my research on Senate Bill 368 in which districts have the most bonding authority under the, so called, refunding authority, or limited bond authority, or as I put it, the revolving checking account authority, the biggest bond holder, the district with the most number of hundreds of millions of dollars outstanding, which can

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

45th Legislative Day

April 17, 1997

be reissued under this Bill, I believe, is the Metropolitan Sanitary District, or whatever name they change the districts to protect the guilty. If you vote for this, it's going to come back to haunt you. Now, let me tell you what happened to the people that voted for Senate Bill 368. There are a lot of them still on the House Floor, but every incumbent Legislator, whether House Member or Senate Member, who lost this past year, voted for Senate Bill 368, to allow nonreferendum bonds to be issued in contravention of the Tax Cap Bill. And I would like to suggest that if I understand this Bill correctly, this is going to be a Roll Call that's really going to be looked at, especially if you happen to be in the Metropolitan Sanitary District service area, where your taxpayers will, if this Bill does not pass, see their tax bill go down. If you pass this Bill, their tax bills will remain approximately constant or go up within the limits of the tax cap. But if you vote against it your tax bill is going to go down. Now that's the choice. Do you want your tax bill in Cook County to go down? Or do you want it to go up? If you want it to go up, vote for this Bill, and accept the consequences."

Speaker Hannig: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. On House Bill 630, I wish the record to reflect that I voted 'aye'."

Speaker Hannig: "Thank you. And the record will so reflect. Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. On that last Bill, (sic-House Bill) 630, I'd like the record to reflect that I would have voted 'aye'. I think there's something wrong with this switch here. We were both here, we both thought we voted, but we're not recorded."

Speaker Hannig: "Thank you. Representative Phelps."

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

45th Legislative Day

April 17, 1997

Representative Phelps. Representative Phelps."

Phelps: "Thank you, Mr. Speaker. I want to join the others in voting for (sic-House Bill) 630. I hit my switch and it didn't light up on the board for some reason."

Speaker Hannig: "The record will so reflect. Representative Eugene Moore to close."

Moore, E.: "Yes, this particular Bill, as I understand it, all it does basically is just, you know, extends the bonding just from 20 years to 30 years. There's no basically other impact other than that. And that's basically the genesis of this particular Bill. And I just hope that at this present time that we can all get some 118 votes upon there, please, and say 'green' all the way. Thank you very much for this opportunity again, to present House Bill. Thank you Ladies and Gentlemen."

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? Representative Cross, did you wish recognition from the Chair?"

Cross: "Not any more."

Speaker Hannig: "Thank you. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 55 voting 'yes' and 59 voting 'no'. And the Sponsor requests Postponed Consideration."

Moore, E.: "Yes."

Speaker Hannig: "House Bill 1459. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 1459, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Monique Davis, has been approved for consideration."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Excuse me. (sic - House Bill) 1459 requires the Department of Children and Family Services to establish in a committee to develop a collaborative plan to provide and pay for medical and mental health evaluation for all children suspected of being abused or neglected. The Amendment #1 merely states that the department shall develop a plan for children who are abused and neglected for medical and mental health screenings. And the department report... they shall report to the General Assembly by March 15, 1998."

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 183."

Clerk Bolin: "House Bill 183, a Bill for an Act to amend the Senior Citizens' and Disabled Persons' Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Moore. Mr. Clerk, has the sponsorship been changed on this Bill? Yes, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. Actually, Representative Lang has generously offered me the sponsorship of this Bill, which expands the pharmaceutical component of the circuit breaker and Pharmaceutical Assistance Program to prescription drugs used for the treatment of Parkinson's disease. I would be happy to answer any questions and ask you to vote 'aye'."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

45th Legislative Day

April 17, 1997

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

Speaker Hannig: "She will."

Black: "Representative, does this preempt Home Rule?"

Moore, A.: "Pardon?"

Black: "What? I asked you first."

Moore, A.: "I'm sorry. Could you please repeat the question?"

Black: "Yes. Does this preempt Home Rule?"

Moore, A.: "Oh, let me see. I guess we'd have to ask the Parliamentarian for a ruling."

Black: "No, not really. Everybody has to abide by this, right?"

Moore, A.: "Only if they qualify."

Black: "Okay. What is the Fiscal Note on the Bill?"

Moore, A.: "The fiscal impact would be approximately, a little over \$3 million annually."

Black: "What did the Department of Revenue say about what it would cost in the lost tax stream?"

Moore, A.: "The Department of Revenue originally had 9.5 million as the fiscal impact, but once we started working with the pharmaceutical company on the issue, I think that they were more inclined to agree that it was closer to 3 million, 3.5 million."

Black: "Representative, what revenue stream is affected by raising the eligibility for this Bill?"

Moore, A.: "I really don't know."

Black: "Is there a Department of Revenue staffer in the House? Representative, let me go through the file here. Okay. Representative."

Moore, A.: "Yes."

Black: "Representative Moore, could you take this out of the record for a few minutes? If you don't want to that's fine. So we could ask the Department of Revenue. I mean,

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

45th Legislative Day

April 17, 1997

you've got your staffer there telling me no, but I didn't know Representative Lang worked for the Department of Revenue."

Moore, A.: "Actually, he has the file with the most detail, and he has informed me that it would be the Department of Public Aid."

Black: "Well I would submit to you, it's probably nowhere near as detailed as ours. But let me check with the Department of Revenue staffer here."

Moore, A.: "We did say it was the Department of Public Aid."

Black: "Okay. Representative, do we... does Illinois have a Pharmaceutical Assistance Program, currently, for the elderly poor?"

Moore, A.: "Yes, we do."

Black: "All right. And, you're increasing the eligibility by increasing the threshold of yearly income for those..."

Moore, A.: "No, no, no, that isn't it. All we're doing is adding Parkinson's disease to qualify for the pharmaceutical benefit. Actually, this will, in fact, in the big picture we'll be saving the taxpayers money. Because, if the therapy is given at the proper time, people can stay in their homes and not require institutional care, stay working and not require some kind of subsidy of that way."

Black: "I'm sorry. Our file is so thorough that we had Representative Lang's other Bill in here that did increase the income exemption. But, that's how thorough our staff is. But so all you're doing is adding eligibility to the Pharmaceutical Assistance Program to those people in Illinois that have Parkinson's?"

Moore, A.: "Correct."

Black: "Okay. And how many thousands of people would that be?"

Moore, A.: "That is proposed to affect approximately 67 hundred

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

45th Legislative Day

April 17, 1997

patients."

Black: "Okay, but 45 thousand people in Illinois that we know of have Parkinson's disease."

Moore, A.: "Not all those people would qualify for this benefit, however."

Black: "Oh, I understand that. I understand that. But, by prorating the percentage of that, the department estimates that 19 thousand will meet the income qualification of \$14 thousand. So if we add 19 thousand new claimants, what would the benefit, or the pharmaceutical benefit be?"

Moore, A.: "I think the department did not take into account those that would qualify as, those that would already be qualifying with Medicaid, and those that would not."

Black: "That would be difficult, I think, for the department to access some of those figures. Thank you..."

Moore, A.: "Well, that's why we have a more detailed breakout."

Black: "I'm sorry, what? You say you checked with the Democrat..."

Moore, A.: "I said, that's why we have a more detailed breakout of the impact."

Black: "The Democrat technical review staff gave you a more detailed breakout. I'd like to see that. Do you have that with you? Well, here comes one of the techies now. Could you play the Jeopardy theme song while we're waiting?"

Moore, A.: "Actually, Representative, we need to check on this preemption issue on this Bill. And, so, we ought to take this Bill out of the record, please, Mr. Speaker."

Speaker Hannig: "Out of the record."

Black: "Thank you very much."

Speaker Hannig: "Mr. Clerk, read House Bill 519."

Clerk Bolin: "House Bill 519, a Bill for an Act to amend the Illinois Food, Drug and Cosmetic Act. Third Reading of

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

45th Legislative Day

April 17, 1997

this House Bill."

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

Pugh: "Thank you. Thank you, Mr. Speaker. House Bill 519 had thorough debate on yesterday. Based on the debate we've offered an Amendment, taking the Bill back to Second, placed the Amendment on, brought it back to Third. In the process we have also secured some Cosponsors. We have the Illinois Retail Manufacturers' Association has agreed. They are neutral on the Bill. So there's no formal opposition to this piece of legislation. And I'm prepared to answer any questions."

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

Parke: "Mr. Speaker, Ladies and Gentlemen of the House. Representative Pugh has spent a lot of time over the course in the last couple years trying to figure out a way to make this Bill acceptable. I give him a lot of credit. He worked hard, he's got an Amendment on here, the Illinois Retail Merchants have removed their objection. He has made it in a way that he's compromised on it and, in fact, a lot of the things that he has said that are problems, especially in his community, are legitimate. And I rise in support, and I would ask the Body to send this Bill to the Senate. And I believe that this is worthy of our vote, and I would ask the Body to pass this over to the Senate."

Speaker Hannig: "Representative Bost."

Bost: "Mr. Speaker, I just need to... this is a potential conflict of interest. I'll be voting, 'present'."

Speaker Hannig: "Thank you, Representative Bost. Representative Skinner."

Skinner: "Representative, Mr. Speaker, Women of the Caucus. I do, my wife buys hair care products, I do not. I have no

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

45th Legislative Day

April 17, 1997

hair to worry about. But here I am asking for the advice of the Women's Caucus. Give me advice women."

Speaker Hannig: "Representative Mulligan. Could we have a little order in the Chamber, please? A little order."

Mulligan: "Thank you, Mr. Speaker. Before I ask the Sponsor of the Bill, I'd like to offer Representative Skinner some advice. Rogaine is now sold over the counter. Before it was only by prescription. And if we did things like Representative Pugh is suggesting, all the men in this... I mean look at Representative Scully, look at his head. Rogaine, I mean Rogaine. We have drug lobbyists here that you could talk to about this. They will explain to you how wonderful it is that now you can walk in, in the privacy of your pharmacy and buy it over the counter in such wonderful retail stores whose names I'd better not mention on the House Floor."

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

Lang: "Well, thank you. I just wanted to let Representative Mulligan know that I've been drinking that Rogaine stuff for years now, I haven't grown any hair at all."

Mulligan: "You know, after that you might have to go with Representative Pugh, because I hate to tell Representative Lang, you apply it to the top of your head now, you don't drink it. But I would like to know from Representative Pugh, what the Amendment does to the Bill."

Pugh: "The Amendment tells you exactly where to apply the Rogaine."

Mulligan: "Representative, it's only that I fear for my legislative life that I do not respond to that."

Pugh: "No, in all sincerity, the Amendment narrows the focus of the Bill to get at the intended root of the problem. And

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

45th Legislative Day

April 17, 1997

that is that ... we're attempting to focus on any article that's intended to alter the shape or the appearance of the hair."

Mulligan: "Representative, much as I don't want to be part of hair anonymous with some of the other Members such as Representative Pankau, there are many of us who, certainly, can do this on our own at home after having it done once or twice at the beauty shop. And to be able to apply those products or to purchase them, particularly, if you're stuck down here in hours where you can't even get to a beauty shop while your hair is growing. What are we supposed to do?"

Pugh: "This does not restrict, this does not restrict any sales that are currently taking place in any of the wholesale shops that are selling the specialty items. This does not restrict the sale of those things that were not particularly intended. The culprits we're attempting to address are the businesses in the communities that are selling articles that are intended for licensed, for individuals that we have licensed by the State of Illinois, licensed barbers and cosmetologists. It does not deal with the Jerry ... whoever some of the cosmetologist..."

Mulligan: "Representative Pankau and I put together a list of shops where you can buy professional products to make yourself look like a natural beauty, on your own, in the privacy of your home. Some of which do say, 'for professional sale only', and I know probably what your trying to do is limit people that might do products or sell products that they don't know how to use, to people that don't know how to use them and their hair would fall out and maybe limit the ability of someone who makes their living like that from doing that. But you know, there are

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

45th Legislative Day

April 17, 1997

a lot of women that first of all, can't afford to go to a beauty shop all the time, and they do walk into stores where you can buy professional products. You just don't get the same price as, say a beautician would do and they rely on that to make themselves look good. So I'm a little concerned that you'd be limiting that, the sale of those products, to those of us that would like to buy them over the counter and do it ourselves."

Pugh: "Well, it depends on what you're talking about doing, Representative. And if you're talking about merely conditioning your hair or relaxing your hair, this does not apply to you."

Mulligan: "No, I would say, coloring, stripping your hair, you know, giving yourself a permanent or relaxing your hair, any one of those products I would think would fall under hair care products. And so, many women save, probably, you know you can buy the products and do it yourself for \$10, where you might spend \$80 at the beauty shop or \$150 depending on what you are doing to your hair. So, Representative Skinner reminds me about a tip. We're not trying to limit what beauticians can make. If you're trying to limit someone doing something that maybe would make your hair fall out because they don't know how to use it right, I would understand that."

Pugh: "We're merely attempting to protect consumers who have been victimized by unscrupulous merchandisers in our community."

Mulligan: "Well, I can understand part of that. But I really would not want to limit the ability of someone to walk in and save a little money and make themselves look better. And I don't know if you've clarified that. So, I don't know if I can support your Bill, although I'm sure it's well-intentioned on your part. I'd like to be able to

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

45th Legislative Day

April 17, 1997

color my hair if I want to buy it over the counter in a professional-type store that sells professional-type products."

Speaker Hannig: "Representative Deering. Representative Deering."

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

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

Pugh: "I just request a favorable vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there 86 voting 'yes'; 27 voting 'no'; 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr.. Clerk, read House Bill 2081."

Clerk Bolin: "House Bill 2081, a Bill for an Act concerning job training services. Third Reading of this House Bill."

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

Pugh: "Thank you, Mr. Speaker. House Bill 2081 is designed to develop a Welfare Employment Plan. The current TANF plan, Temporary Assistance to Needy Families, does not have a component in there to place individuals that's transferring off of welfare to work. And, Representative Black will deal with the specificity of this particular piece of legislation. So, I defer to Representative Black."

Speaker Hannig: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker. My analysis will be

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

45th Legislative Day

April 17, 1997

for professional use only. Ladies and Gentlemen, when we passed welfare reform, and I supported that and I do now, but I also said, and was quoted accurately, that to move us off the welfare state is going to require an investment of, not only time, but money in order to do that. Under Federal Welfare Reform, the State of Illinois must move more than 130 thousand people from welfare to work, and we don't have a great deal of time left in which to accomplish that. Over half of the current recipients do not have a high school diploma or a GED. And I would submit, in all due respect to that population, they are not ready to find their place in the world of work. Many face additional barriers to employment. Now we budget more than \$740 million annually for adult education and job training in this state. But the primary job training program for the welfare poor is JTPA. That's run by the Department of Commerce and Community Affairs. I think they do a good job. I have a JTPA training program in my district. But in the last year only about 15 hundred welfare recipients were moved off welfare into jobs. All this Bill does, as amended, is to say that state agencies that provide adult education and training must develop a plan for welfare-to-work education and training. Now, we're going to expand those provisions to include those soft skills, such as job readiness, job retention counseling, or mentoring and reemployment services. We will require the establishment of performance measures and annual reports. I think this Bill addresses the needs of those with the greatest barriers to employment. We're calling for maximum use of community based organizations for job training. I'll be glad to answer any questions you have. I urge your favorable consideration of House Bill 2081."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 1 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 494."

Clerk Bolin: "House Bill 494, the Bill has been read a second time, previously. Floor Amendment #2, offered by Representative Art Turner, has been approved for consideration."

Speaker Hannig: "Representative Turner, on the Amendment."

Turner, A.: "Withdraw Amendment #2."

Speaker Hannig: "Amendment #2 is withdrawn. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Art Turner, has been approved for consideration."

Turner, A.: "Withdraw Amendment #3."

Speaker Hannig: "Amendment #3 is withdrawn. Mr. Clerk, any further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Art Turner, has been approved for consideration."

Speaker Hannig: "And on that question, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #4 becomes the Bill. And what we're trying to do in House Bill 494 is create a program very similar to what we currently do for people in the private sector, regarding displaced worker program that currently exists here in the state. And what I'm trying to do with Amendment #4 is make the same program available to state employees."

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

45th Legislative Day

April 17, 1997

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

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 494, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross, for what purpose do you rise?"

Cross: "Thank you, Mr. Speaker. Apparently this... We had a little trouble finding the Amendment on the computer."

Speaker Hannig: "Mr. Cross, why don't we let the Sponsor explain the Amendment and then we'll..."

Cross: "Why don't we do that. Thank you."

Speaker Hannig: "Yes. Representative Turner, on the Bill."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Again, this legislation, in summation, this legislation would require each state agency and constitutional officer to make assessments before instituting layoffs. This Bill allows the Department of Human Rights to develop certain guidelines in terms of assessing those layoffs. And once those guidelines have been established, it would then require the department or the executive office to then notify each state employee of the Dislocated Workers' Program that currently would be administered by the Department of Commerce and Community Affairs. So it let's workers who have been laid off know what's available to them in terms of job training, job retraining, and/or relocation."

Speaker Hannig: "Representative Black."

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

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

45th Legislative Day

April 17, 1997

yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, are you aware of any opposition of the Bill as amended?"

Turner, A.: "Representative, there was someone that came by my desk from CMS that said they think they have opposition to the Bill."

Black: "What?"

Turner, A.: "CMS says that they think they have opposition to this Bill."

Black: "When did they last talk to you?"

Turner, A.: "Probably about an hour ago. They just came over and said that they still have some concerns."

Black: "About an hour ago?"

Turner, A.: "About that."

Black: "I have before me an 8 1/2 X 11 sheet of paper with several questions and cogent points that I'd like to make on this Bill. Quite frankly, Representative, I was prepared to rip into you, tear you limb from limb, hang you from the yardarm, or the toe board. But that would be a preemption of Home Rule and I didn't have 71 votes to do it."

Turner, A.: "Did you take the Roll?"

Black: "Yes, I did."

Turner, A.: "Okay."

Black: "You might be surprised how many votes I had, but I won't get into that. But, Representative, less than five minutes ago, everything I wanted to know about how to try to kill this Bill was on this paper, and I've now been told it's inoperative, and the opposition has been withdrawn to the Bill. I don't know why. But if I come over and talk to you and we can get this worked out, we can run this Bill

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

45th Legislative Day

April 17, 1997

out of here with a unanimous vote. Perhaps you could join with me in a Motion to Adjourn. This is a ridiculous week. We need to go home."

Speaker Hannig: "Is there any further discussion? Hearing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Currie, Chairman from the Committee on Rules, to which the following Amendments were referred, action taken on April 17, 1997, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #3 to House Bill 504, Floor Amendment #2 to House Bill 621, Floor Amendment #2 to House Bill 1092, Floor Amendment #4 to House Bill 1302, Floor Amendment #2 to House Bill 1670 and Floor Amendment #2 to House Bill 1699."

Speaker Hannig: "Ladies and Gentlemen of the House, Representative Skinner has informed me that he misspoke on a Bill that was debated previously, House Bill 1456, which is on the Order of Postponed Consideration. So, under those circumstances we're going to return to the Order of Postponed Consideration and recognize Representative Gene Moore on House Bill 1456. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1456, the Bill has been read a third time, previously, is on the Order of Postponed Consideration."

Speaker Hannig: "Representative Moore."

Moore, E.: "Yes, again, I present to you House Bill 1456, which

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

45th Legislative Day

April 17, 1997

amends the Metropolitan Water Reclamation District Act. Provides that the Board of Trustees shall provide for the collection of taxes sufficient to pay and discharge the principle of any indebtedness within 30 years, which is now 20 years. I just ask for a favorable vote on that particular Bill. Representative Skinner, I think he'd like to make a statement."

Speaker Hannig: "Representative Skinner."

Skinner: "I've been drinking too much Rogaine. I gave the arguments against House Bill 1456, which is truly a bad Bill, 1454 is not that bad Bill. And I'm going to vote..."

Moore, E.: "You're wrong again, Representative Skinner. You did it again, Skinner."

Skinner: "I apologize for not being able to read this time of night. I gave the argument against House Bill 1454, where we were instead on House Bill 1456. I was looking at the wrong analysis. I apologize. And I'm going to vote for the Bill."

Moore, E.: "Thank you very much. I appreciate that. Representative Johnson."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. In the event this Bill gets the requisite number of votes, we request a verification."

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

Moore, E.: "Yes, I would just ask for a favorable vote. I humbly ask for a favorable vote on this particular Bill, House Bill 1456."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1456. And on that question, 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

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

45th Legislative Day

April 17, 1997

wish? Have all voted who wish? Have all vote who wish?
Mr. Clerk, take the record. On this question, there are 58
voting 'yes', 59 voting 'no'. And this Bill, having failed
to receive a Constitutional Majority, is hereby declared
lost. House Bill 1080. Mr. Clerk, read the Bill. House
Bill 1080."

Clerk Bolin: "House Bill 1080, a Bill for an Act to amend the
Illinois Public Aid Code. Third Reading of this House
Bill."

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

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 1080 is trying to address the problem
that happened a couple years ago in the City of Chicago
with the Keystone kids. We removed language in House Bill
1080 that required people to submit to a drug testing. We
adopted Amendment #1, which basically stated in areas of
the state where clinically appropriate, substance abuse
treatment capacity is available, that a person that is
going through a substance abuse problem with children would
have first priority in getting treatment. The local office
shall refer to the caretaker relative to a licensed
treatment provider for assessment. If the assessment
indicates that the caretaker relative is going through
substance abuse, the local office shall require the
caretaker to comply with all treatment recommended by the
assessment. If the caretaker refuses without good cause,
as determined by the rules of the Illinois Department of
Public Aid, to submit to the assessment or treatment, the
caretaker shall be ineligible for assistance. And the
local office shall take one or more of the following
actions, which would mean that the children would get a
protective payee. I'd be glad to answer any questions on

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

45th Legislative Day

April 17, 1997

House Bill 1080."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1080. And on that, the Gentleman from Vermilion, Representative Black is recognized."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The Department of Public Aid has worked with the Sponsor, they've removed their opposition. This is a treatment program. I can't imagine that there's any opposition to the Bill. There is no Fiscal Note either."

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 115 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Biggins, for what reason do you rise? Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I have a question of the Chair. Because there's been a lot of discussion about the time of adjournment tonight and today."

Speaker Hannig: "The Cubs were off today so they didn't lose, I might add."

Biggins: "Well, that's great. Good. I'm very glad to hear that. But, I wondered if, and the Chair's been very good at adjourning very close to the appointed hour, but I wondered whose clock or watch that they're using to decide which is the appointed hour. Can you tell me which you use as a source for the time?"

Speaker Hannig: "We have the official clock in the Speaker's Office. And he will inform us when it's time to adjourn."

Biggins: "Well, I was hoping that maybe we'd use the

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

45th Legislative Day

April 17, 1997

Parliamentarian's watch and we'd get out 11 minutes earlier. Because if it's got 11 minutes more on it then you need, maybe we could leave at 9:49."

Speaker Hannig: "We'll do the best we can, Representative."

Biggins: "Thank you very much."

Speaker Hannig: "Mr. Clerk, read House Bill 622. Representative Flowers, we're reading House Bill 622."

Clerk Bolin: "House Bill 622, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

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

Flowers: "Mr. Speaker, this is a... this Bill is... would you take this Bill out of the record, please?"

Speaker Hannig: "Out of the record."

Flowers: "Thank you."

Speaker Hannig: "Mr. Clerk, read House Bill 1490. Representative Ryder on 1490."

Clerk Bolin: "House Bill 1490, a Bill for an Act to amend the Health Maintenance Organization Act. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill would require HMOs to be accredited. The State of Florida and also the State of Texas has already accomplished this. We have modified the Bill to meet some of the objections of the HMOs. But I'm sorry to indicate to you that they do not support the Bill as it currently exists. Some of the items that the accreditations would consider would be management of information, improving network services, leadership education and communication. We have extended the time limits. And I'd be happy to answer any questions."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Hannig: "Indicates he will."

Brady: "Representative, I didn't hear a word you said."

Ryder: "That was intentional."

Brady: "I had figured so. Can you tell me again what this Bill does?"

Ryder: "Yes. This requires HMOs, in order to operate within the State of Illinois and receive funds from the state, to be accredited by a third party. There are currently two accreditation agencies. One is called the Joint Committee on Accreditation of Health Care Organizations. There's a second accreditation organization, which initials I don't recall. But the purpose is for them to meet industry standards set by, not the state, not by HMOs, but by a third party, in this case the commission that I just explained to you. Some are already doing this. Some are already qualified and accredited, some are working on it. Those that are working on it expressed to us that it's going to take longer to become accredited than they wish, and as a result we have extended the time to apply for accreditation and the time to obtain accreditation."

Brady: "Are the HMOs opposed to this?"

Ryder: "Yes."

Brady: "HMOs currently are regulated by the Department of Insurance. Is that correct?"

Ryder: "And they will continue to be."

Brady: "Why do they need to be regulated by more than one entity?"

Ryder: "No. We asked them to be accredited in order to operate within the State of Illinois and receive state funds. That's because the standards are more stringent, we

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

45th Legislative Day

April 17, 1997

believe. And it also applies a third party. In this case, we hope it to be an impartial third party who would then be able to indicate meeting certain minimal standards."

Brady: "How many other states have done this?"

Ryder: "Two. The State of Florida, the State of Texas. There are others that are considering it this spring."

Brady: "And the purpose for this again, is?"

Ryder: "Well, the purpose is to be accredited. The purpose is to meet industry standards. You and I have heard testimonies from HMOs indicating that they wish to be good citizens, they wish to be good corporate citizens, and that they wish to be able to provide a quality service to those who are their members. The network, if you will, wishes to meet those standards. I'm simply taking them at their word and asking them to be meeting those standards, not my standards or your standards, but the standards of an industry standard, and giving them three years in order to accomplish that."

Brady: "Is there any other opposition to this Bill?"

Ryder: "I think I've admitted to you on more than one occasion that, despite the accommodations that we've made to the HMO industry, they've continued to oppose seeking accreditation."

Brady: "Anyone other than the HMOs?"

Ryder: "None to my knowledge."

Brady: "Thank you."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He will."

Parke: "Thank you. Representative Ryder, why are you going to require this? What has happened in which you believe that this is necessary for them to go through this accreditation

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

45th Legislative Day

April 17, 1997

program?"

Ryder: "Representative, many HMOs are just beginning within the State of Illinois. And, in fact, it's relative easy, and we intentionally make it easy for HMOs to start within this state. Rather than having the state spend its time and resources, we would suggest by that this Bill that we privatize that process so that we know the HMOs, with which we deal, meet a standard. Not a standard that I've set, or even a standard that you've set, or a standard set by the state, but rather a standard that's set by an independent third party accreditation agency. And I've mentioned one of those. Those HMOs that have testified before us indicate that they wish to do this. In fact, several of them are now doing it, attempting to get that accreditation."

Parke: "You know, it says here that the Association of HMOs and the Department of Insurance are opposed to this. Do you know that that's still true?"

Ryder: "I believe that the HMOs are opposed to it. The Department of Insurance has not expressed their opposition to me, but I'll take that, I'll take your word on that."

Parke: "So, you're going to require... Do we require anybody else to have this accreditation? Well, wait a minute, you said that HMOs are relatively new coming into the state. But, as the Co-chair Economic of Fiscal, we've had seven to 10 HMOs in this state that have been here for quite a while, and have been operating without... and have been accredited, well, approved by the State of Illinois to serve state employees. And we have not had tremendous amount of objections from state employees on this. Why is that the case? I mean, are we talking about new HMOs that are coming in or all HMOs?"

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

45th Legislative Day

April 17, 1997

Ryder: "No. Many of the HMOs that are long standing, such as the ones that you described, are now attempting to obtain that accreditation voluntarily. And I give them my compliments for that, because I think they are attempting to set standards within their industry that are enviable. When I said 'new', I meant that we are attracting the formation of new organizations, new HMOs."

Brady: "Does this apply to PPOs also?"

Ryder: "No."

Brady: "Why?"

Ryder: "Because it's the HMO industry that we're starting with. And that's the... Those are the ones that accreditation would apply."

Brady: "Why does the Med Society support this? Is this their legislation?"

Ryder: "No, it is not their legislation."

Brady: "Why do they support it?"

Ryder: "I believe that they would like to have HMOs be accredited within the organization, just like physicians are licensed, just like they meet standards within, voluntarily within their organization of the State Medical Society."

Brady: "Are you going to do... When this goes over to the Senate, is it your intention that this would be passed as it's presented? Or, do you plan on negotiating further? Or, what is your intention with the Senate Sponsor?"

Ryder: "My intention to negotiate further. Because the Department of Public Health has brought to me some questions about the Bill just in the last 24 hours, and I think they need to be accommodated. And I will instruct the Senate Sponsor to negotiate with them, as well as others, to move this piece of legislation along. We'd like to improve it. If there's a better way of doing it, we're

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

45th Legislative Day

April 17, 1997

happy to do that, Representative."

Parke: "Thank you, Representative Ryder."

Ryder: "Your welcome."

Parke: "To the Bill, Ladies and Gentlemen. It sort of looks to me like we have two powerful groups that are dealing in the health care industry. One, the Association of HMOs, who's opposed to this, the other, another powerful group, the Med Society in support of it. I'll let you decide what's best for you and public policy that you will vote on."

Speaker Hannig: "Representative Mautino. Representative Mautino."

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

Speaker Hannig: "He'll yield."

Mautino: "Representative, just a couple of questions on this. Now, we're setting up the accreditation process. Will this Bill actually set up that process?"

Ryder: "No, Representative, this Bill simply requires the HMO to become accredited. The accreditation process is already established. And, in fact, Representative, many of the HMOs in this state are now applying themselves to become accredited. And to that, I offer my compliments."

Mautino: "I understand what the Bill is, what you're trying to do with this. I'm just wondering that, we've got a couple of Bills coming up here, 626 and 1042, which may change the way that we deal with the entire industry of Managed Care and HMO, and how they operate within the State of Illinois. I guess, wouldn't it be... shouldn't we see how we are going to address these industries before we set the standards, or allow for an independent group to try and enforce, or do the accrediting for these groups. I mean, right now we are kind of in a little bit of turmoil as to how we're going to deal with these entities as it is."

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

45th Legislative Day

April 17, 1997

Ryder: "Representative, I understand the point. And while I understand that which you are saying, I think that regardless of what we do on those other two Bills that this stands on its own. It's not meant to compliment or detract from those other two Bills. This Bill, it's purpose is to say, not you, not me, but a third party in the industry is setting the standards for accreditation. And the accreditation is meant to say, how does the network operate? How does it treat certain questions? How does it treat members when they're outside the geographic area? How does it educate their members? It sets industry standards for that, which frankly, neither you nor I wish to, but a voluntary group, or in this case the Accreditation Commission is able to do as an industry standard."

Mautino: "How would the, pardon me. How would the board or commission that's going to do this be selected?"

Ryder: "Representative, my research has indicated that there are two. One is called the Joint Commission on Accreditation of Health Care Organizations. There is another one who's initials are NCQA. But these are already established. Their criteria I hold in my hand, to a certain extent, and the standards are already set for that accreditation process. HMOs that contacted me concerning this Bill, and some individual HMOs are already applying. They simply said, 'Look, it is a time consuming process, a good process, but time consuming. So give us more time.' And we did. They have up to 36 months now to qualify, when we originally set it at 12. But those standards are established. And we believe that all it does is simply set a standard of operation in the State of Illinois, which we think would be to the best interest of the HMOs, and also

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

45th Legislative Day

April 17, 1997

to the people they serve."

Mautino: "Can you tell me, do you know why the Illinois Chamber of Commerce, the Illinois Manufacturers' Association, and the Employment Law Council of Illinois would be opposing this legislation?"

Ryder: "Representative, I can't tell you why they'd be opposed to it, because they've not told me that they are."

Mautino: "Okay. It's my understanding that their concern might be that the small HMOs that are trying to get into the market might have a problem getting in there with the competition with the bigger HMOs."

Ryder: "Representative, the competition angle is one that, anytime a smaller organization enters into the marketplace in which large an organization which currently exists, will always be there. However, this is setting a standard for all of them to meet. And we extended the time period for some of those smaller ones to do so. We think that in order for an HMO to operate within this state, being accredited is a good thing. And, I would suggest to you, that in some cases a smaller one may be able to meet the standards a little bit quicker. And, as a result, we hope that we can allow them to compete better."

Mautino: "I guess the concern is that some of the smaller HMOs, that you referred to early on, that are just starting out in the State of Illinois, do have some concerns. And that brings on the concerns of the employers who want to make sure that they have a choice in health care for those who are going to be covered."

Ryder: "Representative, I wish for them to have choice too. And that's why we allowed three years for those that are starting, and in fact, three years from their entry into the marketplace."

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

45th Legislative Day

April 17, 1997

Speaker Hannig: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Bill. Mr. Ryder is correct. We are trying to instill competition for health care. This will do that. At the request of various businesses, the time period for them to become accredited has been lengthened to 36 months, instead of six months. That allows everyone to reach the market. That is more than ample time. But what we're seeing is, if you're going to hold yourself out to employees for their health care, to protect them, provide that needed health care to them, you should be financially accredited, much like hospitals, much like other aspects of the health industry. It is only safe. It is only natural. It is good prudent policy. If you're going to hold yourself out that they will be taken care of, that you'll provide them with their health care, you should be financially accredited to do that. This is an independent third party that will do that. They currently do it now for other aspects of the industry. Why not be consistent? Why not do this? This instills competition into the industry. It protects our employees. It's a good sound Bill. It's good sound policy. And I would ask you to support it."

Speaker Hannig: "Representative Woolard."

Woolard: "Thank you, Mr. Chairman (sic - Speaker). I Move the Previous Question."

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

Ryder: "Thank you for your attention. We'd ask for a positive vote."

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

45th Legislative Day

April 17, 1997

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 77 voting 'yes', 36 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 927."

Clerk Rossi: "House Bill 927, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Feigenholtz."

Speaker Hannig: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 927 is a... has turned into a real work of art. With the help of Representatives Durkin and Cross, and a few other Members, I was able to clarify some language that will actually amend language around harassment of jurors, and expand that definition to family members. And I would ask everybody for support on this measure."

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

Clerk Rossi: "No further Amendments, Sir."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 1141."

Rossi: "House Bill 1141, this Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lopez, has been approved for consideration."

Speaker Hannig: "Representative Lopez on the Amendment."

Lopez: "Thank you, Mr. Speaker. What the Amendment does, there is a \$3 thousand limit on what the person owes on child

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

45th Legislative Day

April 17, 1997

support. There were some concerns brought by the Illinois State Board, State Bar Association. So we came to an agreement. They are not in support of the Bill, but they are neutral on the Bill. It raises the limit to \$10 thousand before their names get published."

Speaker Hannig: "Okay. On the Amendment, Representative Cross."

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

Speaker Hannig: "Yes, he indicates he will."

Cross: "Representative, does this take away the Bar Association's opposition, completely?"

Lopez: "They are neutral on the Bill now."

Cross: "Is there any opposition at this point?"

Lopez: "I have not heard any."

Cross: "All right. Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. House Bill 234. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 234, a Bill for an Act amending the Illinois Underground Utility Facilities Damage Prevention 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 1041."

Clerk Rossi: "House Bill 1041, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lopez, has been approved for consideration."

Speaker Hannig: "Representative Lopez, on the Amendment. Representative Lopez, on the Amendment. The Gentleman

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

45th Legislative Day

April 17, 1997

moves adoption of the Amendment. All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Third Reading. Read House Bill 1168."

Clerk Rossi: "House Bill 1168, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 61."

Clerk Rossi: "House Bill 61, the Bill's been read a second time, previously. Committee Amendment #1 and Floor Amendment #2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Capparelli, has been approved for consideration."

Speaker Hannig: "Representative Capparelli. The Gentleman moves for the adoption... Representative Dart moves for the adoption of the Amendment. Representative Cross. We just want to adopt these Amendments, move the Bill to Third and adjourn. But if you want to stay here a little bit longer, that's okay with us."

Cross: "Well, Mr. Speaker, with all due respect, I think we have some opposition to this Bill. We would at least like to know what the Amendment does. Can we get an explanation? We've been here all day, as well, and like to go home also."

Speaker Hannig: "Okay, Representative, we will do that. Representative Dart."

Cross: "Let's go then."

Speaker Hannig: "Representative Dart on the Amendment."

Dart: "Thank you, Representative Cross. Amendment #3 is the

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

45th Legislative Day

April 17, 1997

agreed language that removes the locksmiths and private detectives from the Bill."

Cross: "Thank you."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Announcements. Representative Flowers is recognized."

Flowers: "Thank you, Mr. Speaker. Health Care and Human Services will resume the meeting that we started this morning, in 114. Also, COWL will be meeting tomorrow morning at 8:30. Excuse me. You're not invited, Sir. COWL will be meeting tomorrow morning in Room 1-A, at 8:30. Only COWL Members are invited. Thank you. Only COWL Members."

Speaker Hannig: "Returning to House Bill 61. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Dart."

Dart: "Thank you. House Amendment #4 is a cleanup of #3 to narrow the scope for the locksmiths and private detective. That's agreed to also."

Speaker Hannig: "Representative Cross."

Cross: "If we could take this off Short Debate."

Speaker Hannig: "This in an Amendment. We're just adopting Amendments, Representative."

Cross: "I'm just kidding. Thank you."

Speaker Hannig: "Okay. Thank you. 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 #5, offered by Representative Dart."

Dart: "Thank you, Mr. Speaker. Amendment #5 is IRMA's Amendment to remove them from the Bill. And this is agreed also."

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

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

45th Legislative Day

April 17, 1997

Representative Black."

Cross: "I defer to Representative Black."

Speaker Hannig: "Representative Black on the Amendment."

Black: "Representative, does 5 become the Bill?"

Dart: "No. Five is just another exemption to remove IRMA from the Bill."

Black: "All right. All right. Okay."

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, but a Fiscal Note has been requested on the Bill, as amended, and has not been filed."

Speaker Hannig: "So the Bill will remain on Second Reading. The Chair would like to... Representative Morrow, for what reason do you rise?"

Morrow: "Yes, I would like to inform the Members of the Public Utilities Committee, it's been posted that there will be a Public Utilities meeting tomorrow, it has been canceled. The Public Utilities meeting scheduled tomorrow at 8:30 has been canceled."

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

Turner, A.: "Thank you, Mr. Speaker. I'd like to announce that the Conference of BOLLS, that's the Brotherhood of Legislative Leaders, will be meeting at Boone's immediately upon adjournment."

Speaker Hannig: "Representative Burke."

Burke: "Thank you, Speaker. For purpose of announcement. The Executive Committee will meet this evening at 10:15 in Room 118."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Since the Public Utility Committee has been canceled,

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

45th Legislative Day

April 17, 1997

I don't have to be replaced in Public Education. So, my replacements should be aware that they don't have to replace me in Public Education. I'll be there myself."

Speaker Hannig: "Representative Pugh."

Pugh: "And finally, the Human Services Committee will be meeting at 10:15 in Room 114."

Speaker Hannig: "Human Services. Let the Chair... The Speaker's Office has distributed a memo to all the Members, outlining the hearings that will be held tonight or early tomorrow. And, just to remind you that at 10:05 tonight Consumer Protection will meet in 122B, Health Care Availability in 114, Transportation in 118. We've heard about Exec. and Human Services at 10:15 tonight. Personnel and Pensions will meet at 10:15 in 122B. Tomorrow morning, Friday, April 8, at 8:00, the General Services Appropriation Committee will meet in Room 118, Public Safety Appropriation in 114. Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Just want to remind those in the Elementary Education Committee, 8:30 sharp. Do the milkin' real early and get there, because we just need a few minutes."

Speaker Hannig: "Elementary and Secondary Education in D-1, Judiciary Committee at 8:30 in Room 122B, and at 8:15 tomorrow morning, Children and Youth will meet in C-1. Representative Currie now moves that, allowing Perfunctory time for the Clerk, that the House stand adjourned until tomorrow, Friday, April 18, at the hour of 9:00 a.m. Representative Rutherford, on that question."

Rutherford: "No, not on that question. I had my light on earlier. I just... Point of question. Representative Flowers has suggested there's a meeting tomorrow morning in which there are certain Members that are invited and not

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

45th Legislative Day

April 17, 1997

others. But for a point of Representative Flowers, I think that Representative Turner's invitation would be open to her. And she's more than welcome to join them at Boone's."

Speaker Hannig: "Representative Currie now renews her Motion that the House stand adjourned until tomorrow at 9:00 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction and First Reading of Resolutions. House Resolution 113, offered by Representative Holbrook. Rules Committee."

Clerk Rossi: "The House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session tomorrow at 9:00 a.m."