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Speaker Madigan: "The House shall come to order. Members shall be in their chairs. We shall be led in prayer today by the Reverend Scott Barrett Smith, of the Spring Grove Bible Fellowship, in Spring Grove. Reverend Barrett Smith is the guest of Representative Franks. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Barrett Smith: "First of all, I'd like to take this opportunity to thank all of you for the privilege to be here this morning with you. I begin the invocation... I think it's important that you understand what I'm about to pray may not be politically correct, but I can assure you that it will be biblically correct. I address you in such a way as I would my own congregation in Spring Grove, Illinois. Shall we pray. Dear Heavenly Father, we come again to worship You in the wonder of who You are. We approach You in the merit and worthiness of our Lord, Jesus Christ. We open our lives to the controlling work of Your Holy Spirit. We yield to You, Heavenly Father, all of our gifts and talents that You have placed within us to be used for Your glory. We open our minds, our wills, and emotions to You, that You might share with us Your burden for the church and for the lost around us. Cleanse us from all the coldness and indifference that keeps us from shedding tears for our rebellious sin of today. Allow us to feel the presence of Your Holy Spirit, groaning for our broken world. Grant us Your divine intervention enabling us to be willing to fast and to pray on a regular basis. We confess our sins to You, dear Heavenly Father, wash us clean in our Saviour's precious blood from all that offends You. In Your word, You tell us that righteousness exalts a nation, but sin is a disgrace to any people. We recognize within

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our person, a fleshly nature that can be rebellious in Your sight. We affirm that our union with Christ in His death, we are dead to the rule of that fleshly nature. May Your Holy Spirit enable us to manifest before You and others, the fruit of His control. We bring to You, Heavenly Father, the sins of our families, our church, and the world that we live in. What great wickedness takes place in our homes. Thank You, that it is not hidden from You. We repent of it and ask that You would continue to cleanse our homes. You establish the family and make the home Your dearest treasure. We thank You and we praise You Lord, that You hear our prayer. Forgive us for the way we too often talk to each other in anger and unkindness. How broken You must be over the physical, verbal, and sexual abuse that is too much a part of our families and culture. We ask that You would change this by Your mighty power. Show us our sins and grant us the grace to repent. In Your word, You tell us, if My people who are called by My name, will humble themselves and pray and seek My face, and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land. We recognize the sins of our nation and culture and state, and they're an abomination in Your eyes. We repent for our nation of the terrible abuse of our sexuality. The misuse of this God-given gift, is a curse upon our times. We repent for the abomination of pornography and the wide audience that makes it profitable. Turn our hearts from this perversion. You intended our sexual desires that they would glorify Your name within the bonds of marriage. May this take place in our church and in our nation. We repent for the violence against innocent people. Our hearts grieve as Yours surely does for millions of babies that have been

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murdered and destroyed by legalized abortions. We repent for our Legislators and courts and judges and for the people who let it go on and condone it. Forgive and change the violence displayed in the entertainment industry. We repent for the drugs and alcohol that continue to plague our society and destroy those around us. Our hearts grieve for the cursing and the vile talk that streams forth from people's mouths. We repent for the people who are involved with the occult and satan worship and the things that deceive and destroy people's lives and families. We ask that You will bring a revival awakening so intense that these things will be crushed by Your Holy Spirit power. Forgive us for all the wickedness, O God, the sin of our nation and our state is so great, religious sins, unbelief, legalism, and self-righteous pride around us. Greed and covetousness, gluttony, gossip, and spiritual indifference are always and almost common to believers as to the lost. We desperately need a holy revival from You to confront our sins and bring us to a humble repentance and spiritual renewal. Our hope, Heavenly Father, is in the promises of Your word. Thank You for Your compassion for us in our sinful ways. In our arrogance, we say to You, 'I am rich and I have acquired wealth and do not need a thing.' We repent of that. We confess as believers we show our wretched, pitiful, blind, poor and naked condition. Thank You, that Jesus, has invited us to come and buy from Him, gold refined in His disciplining fires. We want that gold for us and for Your church and knowing our eyes, what the eyes said that enables us to see things as the Lord, Jesus Christ, sees them. May this revival for which we pray this morning and so desperately need, bring saving faith to multitudes who are not yet saved. Dear Heavenly Father, we

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move everything and everybody out of the way that hinders revival. Cause revival to affect churches, Legislators, courts, business, education and government, and all that is before You. We lay all of this before You, Heavenly Father, basing every request on the merit and worthiness of our Lord, Jesus Christ. Build a faith within us that is growing and contagious and rests totally upon Your will and plan for our lives and our nation, and this state. And may the foundation of that faith be Your word and the finished work of Your son, and it's in Jesus' name that we pray. Amen."

Speaker Madigan: "Ladies and Gentlemen we're ver... Hello. We're very pleased to tell you that we'll be led in the Pledge of Allegiance today by Representative Brent Hassert."

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, all the Republicans are present today."

Speaker Madigan: "Mr. Clerk, take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Attention Members. If the Members could take their seats, we're gonna do the group portrait. If all the Members could clear off their desk. If you could clear off your desk. And let me know if anybody is missing beside you that we may not see. Committee Reports.

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Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #2 to House Bill 3007; Floor Amendment #2 to House Bill 4165. Representative Mary K. O'Brien, Chairperson from the Committee on Child Support Enforcement, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendations: recommends 'be adopted' Floor Amendment #1 to House Bill 3649. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 3986 and Floor Amendment #1 to House Bill 4072. Representative Jay Hoffman, Chairperson from the Committee on Transportation, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 4253. Representative Frank Mautino, Chairperson from the Committee on Insurance, to which the following measure was referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #3 to House Bill 2980. Representative Sara Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure was referred, action taken on March 1, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #3 to House Bill 298. Representative Connie Howard, Chairperson from the Committee on Children and

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Youth, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 4336. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure was referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #2 to House Bill 2991. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure was referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 3131. Representative Lou Lang, Chairperson from the Committee on Mental Health and Patient Abuse, to which the following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 3681."

Speaker Madigan: "On the Order of House Bills-Second Reading, there appears House Bill 2924. Mr. Fritchey. Is Mr. Fritchey in the chamber? Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 2924 has been read a second time, previously. Floor Amendment #1 was adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3049, Representative O'Brien. Representative O'Brien. Representative O'Brien. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3049 has been read a second time, previously. Amendments 1, 2 and 3 have been adopted to the Bill. No Motions have been filed. No further Floor

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Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3221, Mr. Osterman. You wish to call the Bill? 3221. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3221 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Osterman, there's House Bill 4369. Do you wish to call the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 4369, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Osterman, has been approved for consideration."

Speaker Madigan: "Mr. Osterman on the Amendment."

Osterman: "Thank you, Mr. Speaker. The underlying Bill would ban the sale of 'bidi cigarettes'. The Amendment is a technical in nature and would close any loopholes. 'Bidi cigarettes' are cigarettes that are hand rolled and flavored and have a growing use amongst our young constituents. So, that is the Amendment, and I'd look for approval on the Amendment."

Speaker Madigan: "On the Amendment, Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Yes, Representative, in committee, did anybody oppose this Amendment?"

Osterman: "Nobody opposed this Amendment."

Parke: "So, as far as you know, there is no... there's no opposition to this and this will go on the underlying Bill without any problems?"

Osterman: "There's no opposition to this."

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Parke: "Thank you."

Speaker Madigan: "Mr. Osterman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Is Representative Garrett in the chamber? Representative Garrett, do you wish to call House Bill 3535? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 3535 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Garrett, do you wish to call House Bill 2958? Representative Garrett. Mr. Clerk, what is the status of House Bill 2958?"

Clerk Rossi: "House Bill 2958 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Garrett, has been approved for consideration."

Speaker Madigan: "Representative Garrett on the Amendment."

Garrett: "I'd like to make a Motion to adopt Floor Amendment #2 to House Bill 2958."

Speaker Madigan: "Did you wish to explain the Amendment?"

Garrett: "The Amendment just is a technical Amendment that allows the municipalities to adopt an ordinance to provide signs along state roads at residential intersections, to restrict the use of 'jake brakes'."

Speaker Madigan: "On the Amendment, Mr. Cross."

Cross: "Mr. Speaker, just a house cleaning or house keeping matter. If we could have maybe a few moments, we're trying



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to get computers running. We didn't have Bills up here because of the photographs, so, we're kind of empty-handed right now. If we... and I'd like... there may even be an opportunity to ask her some questions on this Bill, but we don't even have files here. If we could have just a few moments."

Speaker Madigan: "On the Amendment, Representative Garrett has moved for the adoption of the Amendment. The Chair recognizes Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Representative... Representative, I need to know... and I understand your situation in your districts, but do you understand exactly how a 'jake brake' works, and can you explain that to me, please?"

Garrett: "Representative, as best I can explain, a 'jake brake' is a... it allows the truck to rely on the air compression system of their truck. It's a separate piece of equipment, generally speaking, and it allows the truck to slow down, to retard their speed, and it's used and specifically was designed to be used in mountainous areas in the United States."

Bost: "Okay, Representative, you're... you're partially... partially correct on that. What it does is, it's a system that's set up to use back pressure on the existing cylinders and you can adjust that by using two cylinders, four cylinders or six cylinders, to provide the necessary back pressure through the transmission... through the transmission and the drivetrain, directly to the wheels that way and you're not depending on a secondary system. And the secondary system is the brakes themselves, which are more prone to failure. If a 'jake brake' system fails,

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the truck stops, because it locks up so tight that it cannot be moved except when they come in and remove the driveshaft and have to actually haul it away. It is a safety factor that allows, when 80,000 pound loads plus, and there also times that we in this state, permit what are called super loads, which are 150,000 pounds, 200,000 pounds, and without a 'jake brake' system, you cannot slow those trucks or depend on your existing brake system. I would argue that the 'jake brake' is a safety factor, a safety factor, that removing it is something that we've really got to consider before we allow this to go forward. Do you know how much of an increase of stopping ability a truck has with a 'jake brake'?"

Garrett: "I'm sorry, I can't hear you, Representative."

Bost: "Okay. Mr. Speaker, could we get some... Mr. Speaker, she can't hear the question. I'm sorry."

Speaker Madigan: "Ladies and Gentlemen, if we could give our attentions to Representative Bost and Representative Garrett. Please."

Bost: "Thank you, Mr. Speaker. Representative, do you have any idea what the ability of the equipment... the ability of the truck is to stop with the use of a 'jake brake'? How much percentagewise does that increase?"

Garrett: "Representative, what I've heard is that, a truck can slow down. 'Jake brakes', as you know, do not stop a truck. But, they allow the truck to slow down rapidly and 'jake brakes' from what I've heard just in testimony, anywhere between 20 to 30% faster, slowing down."

Bost: "Actually, the numbers show that it's about 50%. They can actually shut it down about 50% if they throw all six cylinders onto shutdown and not only in a emergency situation, but just in a slowing situation where they can

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save their actual brakes for when they get that load slowed down. It's about 50%."

Garrett: "Representative, I have spent several months researching this. I have never seen that 50%. In fact, I've never seen 40%. I am really relying on testimony from the trucking industry, which I accept wholeheartedly, but if you have anything in writing that shows that 50%, I would like to see it."

Bost: "We'll see if we can't get that to you then."

Garrett: "I would appreciate that."

Bost: "Okay, do you know the federal noise requirements for tractor-trailers?"

Garrett: "Pardon me?"

Bost: "Do you know what the federal noise requirements are for tractor-trailers?"

Garrett: "No, I don't, Representative."

Bost: "Well, the Federal EPA has required all vehicles manufactured and Ladies and Gentlemen, listen to this, please. The Federal EPA has required all vehicles manufactured since 1978, to meet noise requirements when delivering to customers. Today's trucks are required to emit less than 80 DBA of noise when they drive by a measurement of at least 50 feet. The improper muffler vehicles, especially for those that are on straight stacks on trucks, are not operating in compliance right now. Now, if you have those violations, and if it's a noise problem to that level, then you can deal with that through existing law. We don't need to create something special here. We don't need to do something special. We don't need to all of a sudden say, when you enter into a certain area, that all of a sudden you can no longer use a huge safety factor."

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Speaker Madigan: "Mr. Hartke in the Chair."

Garrett: "Representative, can I just... I really haven't had a chance to introduce my Bill, officially. I would like to say that we are not asking or requiring that 'jake brakes' are prohibited. What we are asking for, Representative, is a statewide standard. Because, whether... what we need to understand is, that the surrounding states in the Midwest, have provisions in place that allow for local control of municipalities that allow them to place these signs up in residential areas, to restrict the use of 'jake brakes'. I will also add to that, Representative, that in our own State of Illinois, these signs are already posted in two areas. The Illinois Tollway Authority has several signs, at least two to three signs that say, 'Quiet Zone: No Jake Braking'. So, what we're trying to do is, to provide consistency in some sort of a standard so municipalities who would like to have local control on this issue who are concerned about possibly the unnecessary use of these 'jake brakes' in residential areas, have the option or the opportunity to post these signs. We are not prohibiting the use of 'jake brakes', we are asking that it makes truckers aware of the fact that municipalities have concerns over the overuse of these 'jake brakes'."

Bost: "Then Representative, what you just said is, we are already doing it. What's the reason for your legislation?"

Garrett: "Well, you know, here's my reason for the legislation. I have worked very closely with IDOT, as well as the Midwest Truckers, over the last six months on this, and there is a statute that allows for municipalities to post these kinds of signs, but there currently is no mechanism that grants them that right. And so, you know, this Bill is being supported and endorsed by the Illinois Municipal

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League. When I originally introduced this legislation, Representative, I was specific to Lake County. They came to me and asked me to change it so the entire state could have this opportunity because this is a statewide issue."

Bost: "So..."

Garrett: "And I have worked with IDOT and asked them to allow for... you know, to support this legislation because we are not prohibiting the use, we are just giving municipalities local control."

Bost: "So, you think in this case, and what we've already said is, that they already have the ability to post. So, that we really don't need the language, but we're gonna put the language out there. However..."

Garrett: "Wait..."

Bost: "... you're making a choice..."

Garrett: "Representative, they have the ability..."

Bost: "... you're gonna give them a choice..."

Garrett: "Representative, let me..."

Bost: "Let me finish."

Garrett: "All right."

Bost: "You're gonna give them a choice and say, 'Okay, you can go ahead and remove the safety.' A safety that it looks like by the time is all said and done, that the Federal Government is gonna require all trucks to have, as a safety requirement, to go ahead and allow that to be shut off in our communities, at their request, so that when a truck comes in hauling a 120,000, 200,000, special overweighted loads, that we're gonna remove that safety requirement for the sake of noise. So, that maybe somebody might not be inconvenienced by a truck being too loud while slowing down. But, that person that's sitting there at the stop sign when that truck slams into 'em, shoves them into

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the next intersection and people are killed because of this piece of legislation..."

Garrett: "Representative, now please."

Bost: "So, you're gonna put safety above noise."

Garrett: "I think you..."

Bost: "Or noise above safety."

Garrett: "We are talking about safety and we're talking about municipalities having the opportunity to post a sign to deter trucks. But, let me explain something to you about the safety. Many would argue the fact that the trucks tend to be speeding on these state roads, which is why, in fact, they are using these 'jake brakes'. Let me go back to my original statement, and I know that you understand 'jake brakes' very clearly. 'Jake brakes' were specifically designed, I think actually in the 1920s, for truckers to use as they were going down mountains. It's like downshifting. And, when they downshift or engage their 'jake brakes', it is a loud screeching noise. There is nobody in this chamber who has worked harder than me, to ensure that there are safety measures on our state roads. We are not prohibiting the use of 'jake brakes'. We are not prohibiting the use. We want truckers to drive more safely."

Bost: "Can you please tell me, because in our discussion earlier, what is the loudest decibel level that a 'jake brake' can emit?"

Garrett: "I don't have that information."

Bost: "Federal standards says 80 DBA. That's what I said earlier. So, that loud screeching noise, and I would say it's more low grumbling noise, but that's all right, whichever way you wanna go with it. The reality is, that the 'jake brake' is still a safety factor. Now, you've

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already said that existing cities can put signs up now and make rules and put that sign out there. My concern to these existing cities, first off, if... and that is true from what I've understood, from what I understand, they can do that now. But, my concern is, that when we're dealing with state highways traveling through certain cities, all of a sudden we have... we're talking about trucks that are traveling all 48 states, Canada and Mexico, where they're able to use these brakes, and now all of a sudden today, we don't want our safety factor in our city. So, let's put a sign out there because it might make a little noise. And as far as whenever you say these trucks are probably speeding, then law enforcement officials need to get them for speeding and then, cure it that way. Not by trying to cure it by removing a significant safety factor."

Garrett: "Representative, I appreciate your concern. I just need to clarify with you two points. One, if you have checked with IDOT, they do not allow municipalities to post these signs. That is a fact. I have letters from different communities who are very frustrated by the fact that IDOT supposedly says they can do it, but when they try to do it, IDOT says no. That's point number one I wanna to make. Point number two is, this is a safety issue. I am not ever denying that and that is why 'jake brakes'... we are not saying that 'jake brakes' should be prohibited. What we are saying, Representative, is that the use of 'jake brakes' should be limited. And, there is no fine associated with this at all. It is really sending a message to truckers, who for whatever reason, may be using 'jake brakes' unnecessarily, that municipalities have a concern over this. If there was a way in which to do this where I didn't have to introduce legislation, I would. But

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in fact, it's very confusing for municipalities. It is very confusing for municipalities in this state because, in fact, the state statute says they can do it, but when they try to do it, they can't, and then residents around the state keep seeing the signs that are posted on the Illinois tollway, as well as surrounding states. It is very confusing. All I'm asking for is a statewide standard that we recognize this and that we are going to do something about it."

Bost: "You know, Representative, sometimes... I'm a fire fighter, and people are offended by that screaming siren. It's an offensive noise. It's an offensive noise, but it's a safety factor. Now, I've already explained that the Federal Government sets noise levels to protect our..."

Garrett: "I can't hear you because I can't hear you."

Bost: "I'm... Mr. Speaker."

Speaker Hartke: "Mr. Bost."

Garrett: "The noise level is too high."

Bost: "The noise level's..."

Speaker Hartke: "Ladies and Gentlemen, let's... let's tone down our voices a little bit."

Bost: "I think it's going over 80 DBA, I'm not sure."

Garrett: "Turn off your brakes."

Speaker Hartke: "Please."

Bost: "In our communities... Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Bost: "Ladies and Gentlemen, this is a safety case. It is noisy, the 'jake brakes' are noisy, but they are not so noisy that it violates federal law. Sometimes, safety is noisy. Our communities, whether you like it in your community or you don't, because you'd like to have a lot of products delivered to your grocery stores and you like to have all



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of these and we want to bad mouth the truck drivers because they're in there, they're making all the noise with their big trucks and they're trying to move down these little streets. But, the reality in this case is, this is a sensible safety feature that exists on trucks today. So sensible, that the federal government is almost going to require all new trucks to be sure and have 'jake brakes' in place. It does not stop the truck, but it slows this mass amount of weight down so our communities will be safe. Is there a noise factor? Yes, there is. So, do we remove the safety for the noise? I don't think so. The 'jake brake' has saved many a life. And it was originally set up to be used in mountains, but like many other things, whenever they're designed, and you have one use for them, you realize that as trucks have got heavier, the 'jake brake' is an opportunity to help slow these large vehicles down. The former speakers... the Sponsor of this Bill says that, 'Well, these trucks are speeding.' We have laws against speeding. Then we enforce those laws. But, Ladies and Gentlemen, as I said awhile ago, what'll we now, because ambulances and fire trucks make too much noise, do we want to take their sirens off of them? They make an awful lot of noise. It might be very good thing that that noise is being made. That you know that that truck is trying to slow down that big load. Folks, we don't need in every community, to all of a sudden say, 'Okay today, you're gonna have your safety feature on, but when you come through our community, you're gonna shut that safety feature off.' I am here to tell you that this a safety factor. This is a safety issue. Just because a constituent is bothered by a little noise, I think a mother or a father or a sister or a brother is going to be more

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upset when they lose a loved one because a vehicle couldn't slow down because the brakes failed, but a 'jake brake' would have saved 'em. I don't think this is good legislation. I think it might be good politically for their comm... for the community, make a statement, 'That I tried to stop this.' But folks, we've gotta look at what's best for the State of Illinois and best for the citizens. And this is not a safe Bill. I ask you to vote 'no'."

Speaker Hartke: "Further discussion on the Amendment? The Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Hartke: "She indicates she will."

Durkin: "Representative, does this Amendment or Bill apply strictly to instate trucks who travel in state?"

Garrett: "Representative, this Bill has a tremendous amount of flexibility. Let me just explain that it is not a statewide mandate, that it is entirely up to each municipality to adopt an ordinance that would allow for the signs to be posted. Secondly, it is for each community just to put up this sign, whether the truck comes from out of state or instate, shouldn't make any difference at all. And again, let me reiterate that all other Midwestern states have this provision in place and these signs are already posted at the tollway. To say that this is not a safety issue, is... it's really unfair because we have done everything we possibly can to ensure the truckers that they should be able to engage their 'jake brakes'. We want them to do that, especially in emergency situations. But in some areas of the state, there is a heavy amount of traffic, and one truck after another is unfortunately, relying on these brakes. And these areas where there are homes and schools, it becomes very, very frightening."

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Durkin: "Well, that's a great response, but how about answering the question. Real simple. Does this apply to instate trucks? Only instate trucks or does it apply to interstate trucks who travel through the interstate? Are you saying it applies to both?"

Garrett: "I would say that it would apply to both."

Durkin: "How does this fly in the face of the Commerce Clause, when it is strictly... our Constitution strictly prohibits a state from imposing any type of impairment upon commerce? And, this is one example which we are doing it while you're saying that this is strictly... we're giving the authority to local government, but we are tacitly approving the impairment of interstate commerce. If we're applying it to trucks that are going to be traveling through the State of Illinois and through these local counties and municipalities which will have this ordinance. How do you get around that question?"

Garrett: "I don't see that this would have any impact on interstate commerce. All we're doing... it's like a recommendation to trucks that are traveling to not... to restrict the use of 'jake brakes'. I think you're... I think this is a well-intentioned question, but I don't think it'll have any impact on commerce."

Durkin: "Well, I don't think so. The way I read your Amendment, it says, 'Any municipality or county may adopt an ordinance restricting the use'. This is just not an advisory sign which you're gonna put on the streets."

Garrett: "I think it says, 'They may'..."

Durkin: "You're allowing them to put a restriction on the use which along is gonna come with some type of penalty some type of local sanction."

Garrett: "No."

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Durkin: "And that is..."

Garrett: "That's not true. There is no penalty, and you know what, that's the ..."

Durkin: "Where's it say in the Amendment that there's... you cannot have... the county government or the local ordinance cannot impose a penalty for... if they do pass an ordinance restricting the use of this truck going through that area?"

Garrett: "We specifically made it clear that it was local control and that there were no penalties or violations or fines associated with this. Again, it... the State of Illinois is the only state in this area that has not done something like this. It's a deterrent. It is a way in which to make the truck drivers aware. You know, the truck drivers... I mean I have to admit they may be a little confused because when they go to Indiana, Nebraska, or Kansas these kinds of signs are posted. When they're in our own state, they're posted. And all we're saying is, let's make it consistent. We're not going to... we don't wanna harm the truck drivers, we don't wanna have any situation that's unsafe, but we want to make sure that our communities are also protected from some of these loud noises and that trucks are not speeding through these communities. It is happening..."

Durkin: "So, well..."

Garrett: "... quite frequently."

Durkin: "... let me just envision this. So, there's a truck that's traveling through, let's say on Route 41, and the Highland Park Police Department pulls over a truck, and he says, 'You know what, you got a 'jake brake' on this truck and we have an ordinance against that, but I want you just to know about that.' You're saying that there's no sanction which the local government's going to put on a person who

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is in violation of this local ordinance? I disagree with you and I think that you realize that that's not... that is so unrealistic that they're not going to fine them or have some type of municipal ordinance against them which is gonna penalize these truckers. And you know that."

Garrett: "Let me respond to that. As we've already said, the Illinois Tollway Authority has these signs up. I don't think that they are imposing fines or violations for these truckers. And I actually spoke to the Tollway Authority and asked them why they put these signs up and they said they had so many complaints from businesses, speaking of commerce, and residents in the area, that they felt they needed to do it. And it has remedied the situation."

Durkin: "Well, to the Amendment. I strongly disagree with your interpretation of the Amendment. We're given... the State of Illinois has given the approv... we're signing off and giving the approval to local government to restrict the use of these types of... as we call it, compression brakes, and to me, what we're doing is, that we are... have not distinguished between interstate and instate commerce. And this is a clear violation of our Constitution. And we're settin' this up for a challenge and I'm afraid that this is gonna fail. And I would ask my fellow colleagues to vote 'no'."

Speaker Hartke: "Further discussion to the Amendment? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Mitchell: "I just want to remind the House that we have not been very favorable in this state to the trucking industry anyway. We've got a lower speed limit than every district

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around us and that's for safety. We have a higher gas tax than most of 'em. And now we've raised license fees. You know, we don't want to drive the trucking industry out of the State of Illinois and a one size fits all Bill, that further restricts the trucking industry, is not gonna be something that's even acceptable. The trucking firms in my district are highly opposed to this Bill. They'd say, 'Finally you do have brakes that are a safety factor and you want to restrict safety, but that's the very reason we use for a lower speed limit.' Now, let's play fair for the trucking industry. This is not a good Bill. It was not well crafted. We don't need a statewide standard for the trucking industry. I urge a 'no' vote. Thank you."

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

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

Speaker Hartke: "She indicates she will."

Mulligan: "Representative, I was trying to make up my mind what to do about this, and so I called one of my city managers from one of the villages that I represent, just to have a brief discussion because I have several state roads that come through. He said that he thought with home rule you just couldn't put a sign up now on right-of-way and that you could petition IDOT to put up a sign if you wanted. Why would that be wrong?"

Garrett: "I can actually... Representative Mulligan, that's a really good question. It's... I have correspondence that I could show you actually from different communities and I'm not sure if they're home rule. Currently, the way I understand it, that statute is in place, but IDOT will not allow for it. They just will not allow for any of those

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signs. So, it appears as if home... I can't say for sure, but that's the way we're understanding it. That it does not apply to home rule."

Mulligan: "I further asked him because I had personal concerns. In two different areas, one area I have a state highway that comes out of a manufacturing area that suddenly comes on to residential with a church and two schools on one side, and I would not want a trucker to think that he couldn't apply that in that area because there are kids that dart back and forth across that street all the time, I've seen them. In another area in one of my other villages, where the residents do complain about the truck noise, it's the same situation. They're coming through a town with residential, but there's also a senior center on one side and several schools. And when I talked to the city manager, what he told me is, he felt that the city council would definitely not vote to put up a sign like that even though the residents complained because they felt that safety was more important than the noise. And, so, he did not feel that this was a particularly good vote for me when I counseled him because he felt that it would be going for noise over safety and that safety would be the most important consideration here."

Garrett: "And, Representative, let me just say..."

Mulligan: "And that he felt they did have an opportunity, if it was the case, to do that."

Garrett: "Well, it's his choice. I mean, we're not, as I said, this is definitely not a mandate. It's a very flexible provision that allows communities that opportunity. It certainly is a very democratic provision because for communities who don't want it and don't feel it's necessary, they wouldn't have to do it, but it just allows

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that mechanism to be applied. And really, it's unfortunate, because our state statutes say that we can put up warning signs, but when communities go to IDOT and ask for that opportunity, they are denied. And, so all I'm saying is, there may be one or two cases in the State of Illinois, but they should be allowed that opportunity, and again, we're not prohibiting the use and there is nobody that cares... I mean, I care just about... I care a lot about safety, just as everybody else in this chamber does. But, in some areas, the noise is very much out of control, and I will reiterate again, and Rosemary, you probably will agree with me, that once in awhile, truckers do speed in these areas. And I have had phone calls from areas where there are school buses that cross these state highways and the parents are very worried because the truckers, to get through the green light or yellow light, are, you know, increasing their speed and then maybe, in some cases, applying those 'jake brakes'. It is a deterrent more than it is anything else. And it also is very confusing to people that some areas of the state have these signs and some areas can't have them."

Mulligan: "How would this affect the toll road? I have two instances in my area where people call and complain, residential areas right below the toll road because of the noise, but yet, if they were to post a sign on the toll road, one of them, when you're driving and trying to go onto the Kennedy, by O'Hare, where there... and one when you go onto 55 where there's a crossover where trucks are coming on and cars are crossing over in front of them to get off. Well, I, on a number of occasions, have seen people just barely missed because they underestimate the speed of a truck, being hit by that truck and the trucker



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has to apply some kind of brake in order not to hit them. How would this apply to the toll road, and would I find myself suddenly driving through an area where they put up these signs that would maybe put me in a jeopardy or the other drivers in jeopardy because of where they're going on the toll road?"

Garrett: "I can't speak for the tollway. But the way I understand it, Representative Mulligan, is that these signs are posted, I think, before the toll booths, but it may be after the toll booths. Somewhere near the toll booths when the trucks are coming to a, I would say, a screeching halt. And so these signs were posted to eliminate that noise, that disruption that has affected so many people. And it has worked. They have... I think two to three signs and they have no problem with this whatsoever, as far as safety's concerned. But again, I mean, we have to recognize the fact that the truckers are a very strong industry in the state. I'm not working against the truckers. We have talked, you know, quite a few times with them. This is just an opportunity for municipalities in a few isolated cases, maybe, to have the right to put up a sign, to exercise what the state statute says they can do when necessary, and it doesn't prohibit the use. It is really... you could even make the argument that it applies more for safety than some people would say here against it. And I would support that premise."

Mulligan: "You ought to just be a little concerned over the fact that it might tempt them not to use the brake at the jeopardy of people. Thank you."

Garrett: "But truckers would use that brake. They know to use the brake."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Jefferson, Representative Jones. To the Amendment."

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

Speaker Hartke: "She indicates she will."

Jones, J.: "Representative, in committee I asked you a question of... if this became a law and these signs were put up all over the State of Illinois, who would enforce 'em?"

Garrett: "It... they could be enforced by each municipality. But again, you know, I hope you're not reading too much into this. I think it's a baby step in a deterrent. It's a protection for communities, to let the trucking industry know that they shouldn't really be applying those 'jake brakes', unless there is an emergency, and because those 'jake brakes' were designed specifically for downhill stopping. There isn't any violation. There is not a mandate. There is no real enforcement plans in place. I think communities simply want the opportunity to be able to make truckers aware of the fact that this is a concern of theirs. And they also would say, the way I understand it, if we're able to get this passed, is that these 'jake brakes' can be used in emergencies. The signs would say that. So, it's working with the truckers. If anything, I think it's a way in which to have a working partnership with the trucking industry because there is a tremendous amount of confusion. I'm sure both from the trucking companies, the municipalities and the residents."

Jones, J.: "So, what you're really saying is, this is just an advisory referendum?"

Garrett: "In a way, yes. It's the best way in which to provide some sort of a standard, some flexibility for communities and for residents. There's an outcry from residents. They want to make sure that the truckers are driving as safely

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as possible and that those 'jake brakes' are only applied in emergencies. And everybody is in agreement with that. Everybody wants to make sure that happens, but communities right now, Representative, don't have the opportunity or the right to even post a sign to deter the truckers. But, you're right, it's more of an advisory. It's not a mandate."

Jones, J.: "Then what you're saying is, we really don't need this Bill then. You know..."

Garrett: "We need this Bill and I think that's why the Illinois Municipal League is extremely supportive of it. They have heard from many municipalities. In my district, I hear from the ones I represent, but they are statewide as you know."

Jones, J.: "In your Amendment it says, 'residential area means any area within 300 yards of at least three single or multifamily residential structures'. So, what you're telling me... I live out on a country road and we have three houses within 300 yards on that rural country road. What you're telling me then, is I live in a residential area and 'jake brakes' cannot be used there, right?"

Garrett: "No, I'm not telling you that. I am..."

Jones, J.: "That's what your Amendment says."

Garrett: "No, no. I am saying that if your municipality, I don't know where you live, decides to put a sign up because there is a reason for that sign, then they would have the right to put that sign. Most likely, unless it's a heavy residential area, those signs wouldn't even be considered."

Jones, J.: "Well..."

Garrett: "It certainly wouldn't apply to rural areas, that is for certain."

Jones, J.: "What you're saying is, that... you know... would you

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agree or disagree that the State of Illinois is a very diverse state from Cairo to Chicago and from Indiana to Iowa lines and would you not agree that it's a very diverse state?"

Garrett: "Not only do I agree, that's the whole point of this Bill. It provides that kind of flexibility."

Jones, J.: "Then why would you want to adopt this Amendment and make it a law for the entire state with us having such a diverse state as we do?"

Garrett: "Because the diversity... that's a perfect case why we should have it and why it should not be a mandate. It simply provides flexibility or opportunity for individual municipalities. It is not a mandate. This is something that should be allowed. The statute says we can do it, but when it comes time for one or two municipalities to request the signage, they're denied."

Jones, J.: "Mr. Speaker, to the Amendment. You know..."

Speaker Hartke: "To the Amendment."

Jones, J.: "... the Lady said numerous times with everyone that has questioned her on this Amendment, that it's just an advisory. This isn't really needed in this State of Illinois. As the Representative from Whiteside stated, you know, we're doing everything we humanly can in this state to drive the trucking industry out of the State of Illinois. It's one of the largest industries we have in this state, yet, we are trying to do, over the last two or three years, we've tried to do everything we can to drive every trucking business out of this State of Illinois. We have the highest fuel tax of anywhere in the Midwest. We just raised license fees tremendously on 'em, over \$500 a truck. And the Lady makes the statement that they make a loud whistling sound. If they are, they're breaking the

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law because they're doing it with straight pipes on their trucks which is against the Federal Law. They should have a muffler system on 'em and law enforcement can write tickets on those vehicles if they don't have mufflers on 'em. They're running straight pipes, they're running illegal to begin with. I would recommend a strong 'no' vote on this Amendment. You know, this Amendment is not needed. This Bill is not needed. Representative, I would suggest that you go back and reevaluate your three Bills and pick out something else that might be a little more suitable."

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

Garrett: "Can I say something? This is... Amendment is not the Bill."

Speaker Hartke: "You can close. That's what I said, close."

Garrett: "Okay, thank you."

Speaker Hartke: "Would you like to close on this Amendment?"

Garrett: "Yeah, I have nothing further to say on this Amendment. If there is anything else you would like to add. I would hope that you would adopt it."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #2 to House Bill 2958?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Third Reading. House Bill 4017, Representative Giles. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4017, the Bill has been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. No further Amendments approved for consideration."

Speaker Hartke: "Third Reading. On page 17 of the Calendar,

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appears House Bill... on Second Reading, appears House Bill 4407. Representative Feigenholtz. Take that Bill out of the record. On Second Reading, appears House Bill 3053. Representative Kosel. Representative Kosel. Out of the record. On page 4 of the Calendar, on Second Reading, appears House Bill 3120. Representative Biggins. Out of the record. On page 4 of the Calendar, on Second Reading, appears House Bill 3173. Representative Hoeft. Out of the record. On page 5 of the Calendar, appears House Bill 3233. Representative Mathias. Representative Mathias. Out of the record. House Bill 3324, Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3324 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No further Amendments approved for consideration."

Speaker Hartke: "Third Reading. On page 6 of the Calendar, on Second Reading, appears House Bill 3467. Representative Wait. Ron Wait. Out of the record. On page 21 of the Calendar, appears House Bill 4626. Representative O'Connor. Representative O'Connor. Out of the record. House Bill 4336, Representative Howard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4336 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Howard, has been approved for consideration."

Speaker Hartke: "Representative Howard. Would you like to present your Amendment?"

Howard: "Thank you, Mr. Speaker. House Amendment #1 to House Bill 4336. This is the Amendment that eliminates any kind of opposition that had been expressed previously by the

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Department of Children and Family Services. It removes the provision that regard the administration and review process and creates an advocacy office for children and families. It also remedies the conflict that initially was stated with the Federal Law, IEPA. I'll stop there and ask if there are any questions?"

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I'm on the Children and Youth Committee with Representative Howard and I just wanted to commend her for her work on this Bill, this very important issue. She worked very closely with DCFS and also the Federal Civil Rights Department to be certain that all their concerns were met. I think this is a very good Bill and I hope it gets strong support."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Sponsor indicates she'll yield."

Cross: "Representative, I just wanna make sure we're clear. DCFS no longer has any opposition to this Bill? Is that correct?"

Howard: "That is correct and they testified as such this morning in the committee."

Cross: "Our understanding was, at one time, there was the concern that DCFS could lose federal funds under this Bill. Does the Amendment take away that concern, as well?"

Howard: "That's correct. It does take away that concern and in fact, as my colleague, Representative Klingler, mentioned, the Office of Human Rights, in fact, helped us to draft the language so that we would no longer have that kind of concern."

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Cross: "There was one other group opposed to your Bill, the Illinois Foster Parents Association. Are you aware as to their position now with your Amendment?"

Howard: "Well, it's my understanding that they were present in the committee, but there was no registering of opposition at all."

Cross: "Okay. Thank you."

Howard: "You're welcome."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4336?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A fiscal note and a balanced budget note have been requested on the Bill, as amended and those notes have not been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the filing of the notes. On page 3 of the Calendar, appears House Bill 2980. Representative Mautino. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2980, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Mautino, has been approved for consideration."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 3 becomes the Bill. It's a clarification of the existing Workers' Compensation Law and it clarifies that lump sum agreements can contain a clause providing that the lump sum settlement shall be prorated over the injured worker's life expectancy. And what this



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is doing is trying to take care of a problem which has occurred when the permanent/partial disability payment is over the weekly maximum wage. What happens then is it reduces that person's Social Security and so this will clarify it in the existing law. The insurance companies have taken a look at this, they're fine with it. The labor unions, Trial Lawyers, and this will affect... the basic effect of it is that it's gonna help some of the injured workers keep more money. And I'd be happy to answer any questions."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, the Amendment, if I understand it, and you and I... I know we've seen ads on television, particularly in the last year or two, there are companies that say, 'If you have received an award, come to us, we'll give you cash and then we'll take the award.' I don't know what all that is, but I've often been skeptical of those companies. It seems to me what your Amendment says, is that if you choose to accept a lump sum settlement in a workers' compensation case, it will not jeopardize any other stipend or benefit you may be receiving from a government entity."

Mautino: "Correct."

Black: "Now, let's assume that the workers' compensation monthly claim was at a level at which the injured party qualified for some kind of economic assistance, either food stamps or..."

Mautino: "Social Security disability."

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Black: " ... cash assistance or what have you. Your Amendment would then say to the Department of Human Services, 'You cannot count this lump sum payment as an asset that might endanger any other governmental benefit the party's entitled to.' Is that your actual intent?"

Mautino: "What it does is, it allows the... Representative Black, it allows the payment to be prorated over the expected life of the person receiving it."

Black: "I'm sorry, Representative, could you repeat your answer?"

Mautino: "It allows the payment to be prorated over the life of the person who is receiving it. And what this is trying to address is, if the compensation exceeds the maximum statutory weekly rate, then let's say they're getting Social Security or disability, that amount is then reduced by the amount. So, if you're receiving \$300 in compensation, your Social Security disability would be reduced at the federal level by that \$300. So, this allows 'em to keep more of the dollars by prorating it over the lifetime expectancy. Without..."

Black: "But I thought... that's what confuses me, Representative. I thought Federal Law was clear that there must be a coordination of benefits. So, that if someone received and decided to take a \$50 thousand lump sum payment, that money's in the bank, that there then has to be a corresponding coordination of benefits..."

Mautino: "Okay, that..."

Black: " ... and that there's no way around that."

Mautino: "The case law... the federal case law that you're describing is Rodlin v. Secretary of Health and Human Services and what they said is that a state has to have, basically, this language in its structure otherwise the offset amount is much greater. That's what we're trying to

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address and it's in direct response to that federal case is why this has been drafted."

Black: "Okay. If there a retrospective... does this make... does this go backward and let somebody pick up... If this law is passed, does this allow somebody who took a settlement five years ago, now to take advantage of this change in law?"

Mautino: "It would take... It would have the effect of... That person will be able to go back and recalculate the amount of benefits they're getting. So, if they're being hurt by the current law, this would fix that. They could recalculate those benefits due to the proration over a lifetime."

Black: "Well, couldn't that be a substantial risk to an insurance company or result in a substantial payment of past Social Security benefits..."

Mautino: "It wouldn't affect the insurance company. It's a Social Security offset."

Black: "Did the National Council of Compensation Insurers weigh in on this Bill, at all?"

Mautino: "No, they haven't, but all of the state insurance associations were given copies of the Amendment and have..."

Black: "Okay."

Mautino: "... have said there's no problem with it."

Black: "What... Is there a... Do you envision a scenario, and you come from a small business background, I see this as being an incentive to take a lump sum payment, depending upon the severity of the injury, et cetera, et cetera. But, I see it being an incentive to take a lump sum agreement which is an immediate cash payout, if I understand what your Amendment does. To my way of thinking, to a small business owner, that may have an impact on their workers'

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compensation rates. Because rather than a payment extended over a period of time, suddenly their insurance company is laying out fifty, seventy-five, a hundred thousand dollars in one chunk. I'd be... I don't know, I'll defer to your judgement. It would just seem to me that that might have a dramatically adverse affect on your workers' compensation rates. Where your insurance company would say, 'My God, last year you had a settlement of a hundred thousand dollars, therefore, your rates are gonna have to be maxed out in the next year.'

Mautino: "If you would follow me on this. I don't see how it would affect the rates at all. Let me show you how this would exactly work. The parties, with the approval of an arbitrator of the commission, may agree to prorate a lump sum settlement over the life expectancy of the injured worker. So, it has to be an agreement by employer and the injured worker on this. In cases of permanent total or permanent partial disability, when that agreement is approved, neither the weekly compensation rate paid throughout the case or the maximum statutory weekly rates applicable to the injury, would apply. The amounts paid incurred are to be incurred by the injured person for medical, legal, or related expenses, related to the claim or the injury on the settlement is based... are then excluded from the lump sum in computing the prorated settlement over life. So, basically, both sides have to agree to the amount of settlement before they would spread this out over the lifetime of the injured worker. So, it really wouldn't have an affect on rates."

Black: "Okay. And I don't know that I'm opposed to the Amendment or the underlying Bill, but there's something about this that is very difficult to grasp. Is this an initiative of

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the Trial Lawyers to straighten out some confusion on contracts..."

Mautino: "No, it's actually..."

Black: " ... that may have not..."

Mautino: "This is a local Bill which came up, the situation being that the gentleman was injured, his maximum weekly rate was up above the level, and so when it came time to get his Social Security benefit, it was reduced..."

Black: "Reduced, under..."

Mautino: " ... by that amount..."

Black: " ... under the... under the federal coordination rule though, wasn't it? I mean, it wasn't..."

Mautino: "Correct. And in order to correct that, the federals... the case law has said the state would have to have this in place..."

Black: "All right."

Mautino: " ... in order..."

Black: "Okay."

Mautino: " ... for our workers to benefit..."

Black: "So..."

Mautino: " ... and be able to retain more of that dollar."

Black: "All right. So, the Amendment would specifically address, that's the issue that has me confused, the federal case law that's been clear for years about a coordination of benefits. So, the only way to get around and that's a poor choice of words. The only way to address the coordination of benefits issue is to pass this Amendment or, i.e. the underlying Bill."

Mautino: "Exactly."

Black: "All right. Okay. I still think somebody may have miswritten a contract somewhere down the road, but I'll defer to your judgement. I appreciate your answering the

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questions."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to House Bill 2980?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but a fiscal note has been requested on the Bill, as amended by Floor Amendment #3 and that note has not been filed."

Speaker Hartke: "The Bill will remain on Second pending the notes. On page 3 on the Calendar, appears House Bill 2991. Representative Meyer. Out of the record. On page 8 of the Calendar, appears House Bill 3649. Representative Kenner. Out of the record. On page 3 of the Calendar, appears House Bill 3007. Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3007 has been a read a second time, previously. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Representative Burke, has been approved for consideration."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. For those that had heard discussion on this in the Committee, the Bill literally in first introduction was in entirely different form. It deals with the mortgage broking (sic-broking) industry and the issue of predatory lending. Amendment #2, I believe, will address the subject from a different angle. We're talking about increased regulations, something that is probably no different than any other entity that is licensed by our state. Some cleanup language with respect to the Mortgage Broking (sic-Broking) Licensure Act, and I would ask for

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the Body's favorable consideration."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "He indicates he will."

Cross: "Representative, does Amendment #2 gut the Bill and become the Bill?"

Burke: "It becomes the Bill."

Cross: "There... the opposition..."

Burke: "So, all the original language in the previous version has been stricken."

Cross: "Did Floor Amendment #2 go through committee at all?"

Burke: "I beg your pardon?"

Cross: "Did this Amendment go through committee?"

Burke: "Yes, it did, this morning."

Cross: "I know at one point, there was a good deal of opposition on the underlying Bill. Has that opposition all gone away?"

Burke: "Yes."

Cross: "So, is there..."

Burke: "With one exception, there's the Mortgage Bankers Association, I believe, at this time are the only identified opponent."

Cross: "All right. Are you... Did they testify in committee?"

Burke: "They did not."

Cross: "All right. Do you know... My understanding is Household Finance is still opposed to it. And I wasn't trying to put you in a trick bag. Are you aware... other than the Illinois Mortgage Bankers Association and Household Finance, they remain opposed to it even in its present form. Is..."

Burke: "I spoke with their representative after the committee

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hearing this morning and he, indeed, has some concern. He did file a witness statement in opposition, I'm advised now. And I did, again, speak with him and I believe that we have an understanding at this time that the Bill will continue to be discussed at the Senate level. It was rather a minor concern he had indicated with respect to the naming of two entities that would be on the License Review Board. So, I'm in agreement with what he is recommending at this time and I would certainly encourage the further amending at the Senate level to remove what was minorly offensive to him."

Cross: "What... with respect to Amendment #2, are there still... are there provisions in Amendment #2 that deal with the issue of credit or consumer counseling, Dan?"

Burke: "No."

Cross: "None whatsoever?"

Burke: "None whatsoever, unfortunately. Well, maybe with respect now, too, Representative Cross, as you asked about the opposition. Those entities that were previously in support of House Bill 3007 now are neutral on it. It doesn't address what my original groups such as the National Training and Information Center were interested in or the Woodstock Institute. This is not the meat that they were actually trying to address in our original language."

Cross: "All right. Well, maybe we could discuss some of these on Third Reading. But... all right. I'll hold off my questions. Thanks a lot. I don't have any other questions."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to House Bill 3007?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of



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the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments, but a fiscal note and a housing affordability impact note have been requested on the Bill that have not been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the notes. Mr Clerk, what is the status of House Bill 2980? Representative Mautino."

Clerk Rossi: "House Bill 2980 has been read a second time, previously. Amendments 2 and 3 were adopted to the Bill. The Bill was held on the Order of Second Reading pending the filing of a fiscal note."

Speaker Hartke: "There's been a request for the removal of the fiscal notes have been withdrawn."

Clerk Rossi: "That note has now been withdrawn."

Speaker Hartke: "Anything further on the Bill? Third Reading. Mr. Clerk, what is the status of House Bill 3254, Representative Gash's Bill?"

Clerk Rossi: "House Bill 3254 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill... move that Bill on Second... to Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 12 of the Calendar, appears House Bill 4165. Representative Cross. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4165 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Biggins, has been approved for consideration."

Speaker Hartke: "Representative Biggins. Mr. Cross, would you like to handle the Amendment?"

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Cross: "Yeah. Yes. Thank you. Mr. Speaker, I appreciate that. I believe this Bill was heard in Exec this morning with the Amendment with no opposition. What this Bill does with the Amendment... what the Amendment did was in essence, gut the Bill. There has been talk... or there's... of moving this over to the Senate and letting it sit there with number... with Amendment #2. There is the need to discuss the issue of a Thoroughbred Breeders Program task force, which is supposed to make recommendations to the General Assembly on improving breeding quality in the next months. This is an initiative of the Racing Board. This is not in any way expand gambling. It does not have anything to do with racing dates. It purely deals with this task force that we have an obligation under a previous Bill to initiate. So, I'm not aware of any opposition at this time."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to House Bill 4165?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 11 of the Calendar, appears House Bill 3986. Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3986, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. Amendment 1 adds to the Bill of 3986. It will add to the Forfeiture Law regarding

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keeping a place of juvenile prostitution, exploitation of a child and child pornography. What it will allow will... that under that provision, computers would also be forfeited to the state. The second provision of the Amendment amends the Sexual Offender Registration Act. It includes the definition of 'sexual predator'. And the third provision, it would be unlawful for any person to disseminate on the Internet any images of another person in a restroom without that person's consent."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 3986?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4072. Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4072 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schmitz, has been approved for consideration."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you again, Mr. Speaker. Amendment 1 to 4072, actually, becomes the Bill now. It would amend the existing Statewide Grand Jury Act to allow the Grand Jury to convene and investigate sex offenses... any sex offense on the Internet. There was some confusion in committee this morning. I agreed to hold this Bill on Second Reading until the opposition was removed. The opposition, this morning, was removed so, therefore, I would ask for its passage."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4072?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Third... Mr... anything further?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 4 of the Calendar, appears House Bill 3131. Representative Lawfer. Out of the record. House Bill 4253, John Jones. Representative Jones, would you like to call that Bill? Out of the record. House Bill 3681. Shirley Jones. Representative Jones, would you like to... Mr. Clerk, read the Bill. Out of the record. House Bill 2991, Representative Meyer. Representative Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2991 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Meyer, has been approved for consideration."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 was heard in committee this morning. It passed with no dissenting votes. It becomes the Bill and it reflects an agreement that I reached with the Retail Merchants Association, the Floral Association, Trial Lawyers, GTE, and Ameritech on the specific language of the Bill. The Bill had passed with no dissenting votes, originally and I agreed to work out a couple of questions through this Amendment. And so we've just gutted it and made the Amendment the Bill."

Speaker Hartke: "Is there any discussion? The question is... seeing no one is seeking recognition, the question is,

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'Shall the House adopt Amendment #2 to House Bill 2991?'  
All those in favor signify by saying 'aye'; opposed 'no'.  
In the opinion of the Chair, the 'ayes' have it. And the  
Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 6 of the Calendar,  
appears House Bill 3467. Representative Wait. Ron Wait.  
Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3467 has been read a second time,  
previously. Amendment #1 was adopted in committee. No  
Motions have been filed. No Floor Amendments approved for  
consideration."

Speaker Hartke: "Third Reading. House Bill 4097, Representative  
Wait. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4097, the Bill has been read a second  
time, previously. No Committee Amendments. No Floor  
Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4626, Representative  
O'Connor. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4626 has been read a second time,  
previously. No Committee Amendments. No Floor Amendments.  
No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3131, Representative  
Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3131, the Bill has been read a second  
time, previously. No Committee Amendments. Floor  
Amendment #1, offered by Representative Lawfer, has been  
approved for consideration."

Speaker Hartke: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. This Bill expands the ability  
of townships to have a Plan Commission. At the present  
time, townships below the population of 500 cannot have a

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Plan Commission. This removes that stipulation and allows all townships in counties of less than 600,000 to have a Plan Commission. And that's... it is an initiative of the Township Officials Organization."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 3131?' All those in favor signify by saying 'aye'; opposed 'no. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, appears House Bill 4253. Representative Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4253 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bost, has been approved for consideration."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker. The Amendment #1 becomes the Bill. All it does is, it allows an existing... transportation districts are allowed. If they are a newly established district, it removes a 10% cap increase per year so that they can have the same of the existing transportation districts that are out there. It also extends the amount of funding to 75% which is... was originally Representative Granberg's legislation. It came out of committee with a very positive vote. And I'd just appreciate the support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4253?' All those in

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favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 3681, Shirley Jones. Out of the record. On page 6 of the Calendar, appears House Bill 3576. Representative Erwin. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3576 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. No further Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 4017, Representative Giles. Okay. Take that out of the record. House Bill 4407, Representative Feigenholtz. Out of the record. On page 14 of the Calendar, appears House Bill 4263. Representative Silva. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4263 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Silva, has been approved for consideration."

Speaker Hartke: "Representative Silva."

Silva: "Basically, this is a very simple Bill. Nearly 100,000 people in the City of Chicago, not counting Cook County Suburban Area, line up at 4:30 every morning to go to day labor jobs where, perhaps, they are paid minimum wage with no benefits and in fact, they are transported in vans. Sometimes with 20 people in a van. The Amendment, basically, deletes line 18, which essentially will put the onus on transportation issues on the day labor agency itself. And will take it away from any other work site entity. One of the messages that we want to send to day

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labor agencies is that, in fact, when they transport people that they will indeed be insured and that they will indeed take responsibility for coverage in case there are injuries. And I would urge you to vote 'aye'."

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

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

Speaker Hartke: "She indicates she will."

Durkin: "Let me get this straight, were you saying a person shows up at a day labor office and he's transported to a job and there's an accident, in like in this whatever, during the transportation, what does your Amendment do and who's liable?"

Silva: "Currently, Representative Durkin, the law if, in fact, a day labor agency may put in 20 to 25 people in a van. And they may have multiple work site locations where these workers are going to work. And in that case when they are injured, the onus has also been placed on the work site or the employer. This Bill would essentially put the onus on the day labor service."

Durkin: "You know, why don't we just sue the person who's transporting them? The... either the driver or who he's employed by, or sue on that insurance policy, which we can do right now? What prohibits them from doing that right now?"

Silva: "What's happened is that right now a work site can indeed... they have no way of proving that that day laborer was being transported to his factory. And oftentimes what's happened is that these vehicles are not insured and I could tell you that this Amendment is supported by the Employment Law Council of Illinois. And they're also concerned about those same issues."



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Durkin: "So, basically, what we're saying is that we're going to hold the day labor corporation liable for the tort of another, you know, the negligence of another individual who's driving a person to a designated work site, correct?"

Silva: "No. Oftentimes the day labor agencies have their vans and they're the ones that transport people."

Durkin: "Well, who's covered under the... are these individuals covered under any type of work comp? Are the day laborers covered under work comp?"

Silva: "No, they're not covered because they're on their way to or from a work site."

Durkin: "But, technically, the driver of that van or whoever employs them is going to be liable under the current law."

Silva: "I think that, Representative Durkin, what we want to do is that... for example, when taxis as a business are transporting people, they're regulated. If you get on a bus, a public bus, they're regulated. If you go on the Greyhound, it's regulated."

Durkin: "The fact is..."

Silva: "And in this industry..."

Durkin: "... the day laborer who hires..."

Silva: "... they are not."

Durkin: "The day laborer who hires out someone to transport these individuals to work site is hiring out these trans... people are transporting are agents of that day laborer. And, currently, under the law, day laborer is liable for the torts of that agent."

Silva: "I'm not sure if it's a question or... could you repeat it, please?"

Durkin: "Sure. When the day laborer hires out, whether it's an employee or if it's someone they hire out, they are still under the guise, they are an agent for the day laborer."

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Under the current law, which has been around for years, that the day laborer is liable for whatever negligence which is caused by that person who's transporting that person from the day laborer office to a work site. So, they... I mean, what I'm getting at is I'm not quite sure why we need this. 'Cause I think that liability clearly says and I mean, the common law goes back on the theory of principal and agent, holds the person who's transporting these individuals liable for the negligence caused for this person who's transporting them. So I... you know, we have sometimes we get into problems where we just stack things on top of each other when we already have existing law, but we need to go a little bit further. But it's not going to change anything, this is the current law and I'm not quite sure why it's necessary. I have no further questions."

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

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

Speaker Hartke: "She indicates she will."

Parke: "Yes. Representative, when you brought this Amendment, this concept to the committee you made an agreement to work with the Employment Law Council and their representative to try and draft this Amendment in a way that would make it more acceptable. Isn't that true?"

Silva: "Correct."

Parke: "Okay, thank you. Mr. Speaker, to the Amendment."

Speaker Hartke: "To the Amendment."

Parke: "I rise in support of her Amendment. She is trying to accommodate some problems with the underlying Bill. We think that this Amendment does a better job. The underlying Bill is a Bill we'll discuss later on Third Reading. But this Amendment is an accommodation that she's

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given to people who objected to it and I think it makes it better. So I will support her Amendment."

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

Silva: "I would urge an 'aye' vote. I think that day laborers who are being transported in vans or pickup trucks, 20 to 25 in one van or truck, are clearly taking their life at risk. And we just want to ensure that workers who are working to support their families are protected. And I would encourage an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4263?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Floor Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 4 of the Calendar, appears House Bill 3053. Representative Kosel. Are you ready to call your Bill, Representative Kosel? Out of the record. House Bill 3120, Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3120, a Bill for an Act amending the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. On page 5 of the Calendar, appears House Bill 3233. Representative Mathias. Representative Mathias, in the chamber? Out of the record. House Bill 3173, Representative Hoeft. Representative Hoeft, would you like to call 31... out of the record. House Bill 3649, Representative Kenner. Out of the record."

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Mr. Clerk, what is the status of House Bill 3535?"

Clerk Rossi: "House Bill 3535 has been moved to the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. On page 23 of the Calendar, appears House Bill 3292. Representative Hultgren. Mr. Clerk, read the Bill."

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

Speaker Hartke: "Take that Bill out of the record. On page 24 of the Calendar, appears House Bill 3559. Representative Lawfer. Out of the record. On page 25 of the Calendar, appears House Bill 4433. Mr. Sommer. Representative Sommer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4433, a Bill for an Act amending the Comprehensive Health Insurance Plan Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4433 amends the Illinois CHIP Act. What this does, it changes the coverage on preexisting conditions. This only brings it in line with federal regulations and this has to be accomplished this year to bring the Illinois plan within the scope of the federal regulations. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 4433 pass?' This is final action. All those in favor will signify by voting 'yes'; those 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

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record. On House Bill 4433, there were 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hultgren, are you ready now? On page 23 of the Calendar, appears House Bill 3239. Representative Brosnahan. Mr. Clerk... out of the record. On page 25 of the Calendar, appears House Bill 4349. Representative Slone. Out of the record. On Second Reading, on page 5, appears House Bill 3233. Representative Mathias. Out of the record. On page 23 of the Calendar... is Representative Novak in the chamber? Mr. Clerk, what is the status of House Bill 3482? Representative Hamos."

Clerk Rossi: "House Bill 3482 is on the Order of House Bills-Third Reading."

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

Clerk Rossi: "House Bill 3482, a Bill for an Act amending the Illinois Procurement Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker. This is called the Illinois First Job Opportunities Act because it really looks at some of the jobs that we are now creating under Illinois First that are in many ways the best jobs in Illinois for people with not as much education and that is, construction jobs. What the Bill does is to require the State of Illinois to post information about job opportunities for the larger contracts, contracts over \$1 million, that are funded in whole or part with Illinois First Funds. The State would post the job information on the Internet on a website, a State of Illinois website and especially and importantly make them available to employment and training offices and our Job Service Program. This is a time when we are

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creating a world class, statewide comprehensive job workforce development system and these jobs, construction jobs under Illinois First, should be a part of that whole system, so that people can access them, apply for them, and hopefully get them. And with that, I ask for your favorable roll call."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, under your Bill any contract of \$1 million or more funded by Illinois First must provide certain job opportunity information to applicants at the work site and to IDES. What information are they to provide?"

Hamos: "It's spelled out in the Bill, Representative Black, that the information would be about the kinds of jobs; in other words, hours or number of jobs for each skill trade, where the project is, when it's going to start, and where to go apply."

Black: "Would it be reasonable to assume that most of these jobs of over \$1 million, particularly where public money is involved, would most likely be done by union contractors? Would that be a reasonable assumption?"

Hamos: "Yes."

Black: "Would it not therefore stand to reason that the only people that could be hired on such sites would be those members of the construction trades unions?"

Hamos: "This does not disrupt those relationships or those responsibilities in any way. It just gives information to people who aren't already tied into the construction

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industry some access to those jobs. I'm holding in my hand, Representative Black, a table of 30 different job... jobs that we called. An intern called to say, 'Hello. I'm looking for a job in the construction industry, where do I go to apply?' And this is a person who might be interested in a construction job and all but two... none of them but two of them were able to give information to a person about how to access jobs that are already part of the state's construction and capitol program."

Black: "Well, might that not be because you... I can't show up on a construction site and say, 'Here I am, I want to go to work.' And I used to be a pretty good pipe fitter, believe it or not, 40 years ago when I worked for my father. And I could probably still use a cutting tool and a pipe threader and probably would at least be somewhat productive on the job, but there's no use of me going because I don't have a journeyman's card, I'm not a member of the union. I... they're not going to hire me on that job site. So, the information, while it might be beneficial, unless you want to change underlying prevailing wage, i.e. public contracts, union prerogative... I'm searching for the new contract that's become very popular. I can't remember what it's called... a precontract or a prior contract notification form... whatever. The... if you're... if you don't hold a card, you're not going to be employed. You can't. So of what value is the information? And if you do hold a card, obviously, the labor hall is going to let you know of any and all construction sites within your commuting distance."

Hamos: "Well, I didn't really understand the last part of your statement, Representative Black, about the union hall knows about any and all places. I mean, what I'm suggesting here

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is that people need information to be able to apply for good jobs. That's all this Bill does. You're suggesting that people already know this and I'm suggesting that when we made these phone calls, 30 of them to 30 different job opportunities, nobody could give us information about where to go. Now the Capitol Development Board is an example, has a construction project going on right not too far from here. And they do make it a business on the job site to give an address and a phone number for where people could go to apply or learn more about those jobs. That's all we're trying to do here is to open up these jobs so that people can apply for them. Some people are doing it and some people aren't. This creates at a time when we are creating a world class workforce development system, all this does is to include construction jobs as part of that."

Black: "I didn't understand one thing you said. Did you talk to 30 people who had tried to find jobs or..."

Hamos: "No. We called..."

Black: "Called 30 sites or..."

Hamos: "Well, we did this in a couple of different ways, Representative Black. First of all, we took some press releases that the Governor had issued about Illinois First projects that were already let. And we called those statewide, some of them. So, this wasn't just a problem in Chicago or a problem in this community. We would call publicly funded Illinois First funded projects and they had no idea of where people could go to get these jobs."

Black: "Okay."

Hamos: "In addition, the Capitol Development Board does include some information on their website, if you can find it. We called those as well. And again those jobs sites were not able to give us good information about where to go."



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Black: "Okay. Who did you call when you saw information on Illinois First? Did you call the unit of government that had been awarded the contract or did you call the general contractor or did you call the Mayor or the..."

Hamos: "Well, we tried to do this in a couple of different ways, again. In some cases, again, how would average everyday people know about these jobs? They might read in the paper. The ad, for example, Rock Valley College is building a new building. So they might call Rock Valley College. That's what we did. We treated it just like an average everyday person might and of course, we couldn't reach it that way. Then Capitol Development Board goes a step further, they give us the names of contractors, so we called them. Again, we could not get adequate information to be able to apply for a job."

Black: "Okay. Well, Representative, you just answered my question. And that's my whole point. If you called Rock Valley College about an Illinois First Construction project on their campus, Rock Valley College isn't going to know anything about that until there's a general contractor who has been awarded the contract. Now, since Rock Valley College is tax supported that job, 99 times out of 100, will be a union job or at the very least it will be prevailing wage. My guess is it will be a union job. A union contractor and probably all union subs. Now, even when the contract has been awarded, Rock Valley College isn't going to know anything about who's going to be hired on that job. The general contractor will. And it will be so many union carpenters, so many union cement finishers, so many laborers, so many bricklayers, so many steel workers, so many plumbers, so many heating ventilating... heating ventilation and air conditioning tradesmen. So, I

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don't know what your Bill will do. Because it... you could back and call the contractor after it's been awarded and he's going to say, 'I hire out of the union hall. And every union hall within a commuting distance of this job is aware of this contract.' So, of what use is the Bill? If you don't have a union card or a journeyman's card or an apprentice card, you can't just walk up to a construction site and say, 'Hey I'm 25 years old'... I wish I was, 'I'm 6'3"... I wish I was that, too, 'and I'm physically able to do the work. I... here I am. I want to go to work.' The job superintendent is going say, 'Hey, that's wonderful, but when you go get your apprenticeship card come back and see me. We don't hire off the street. No way.'"

Hamos: "The Bill provides that what is included in this information is the specific procedures that must be followed to apply for any employment opportunities arising from the contract or subcontract, including location and hours of any union or other offices. It is not too much to ask prime contractors who are receiving \$1 million or more of public monies to help out potential applicants with solid information about where people can go to apply for these jobs and to have that information posted in an easily accessible centralized way as a part of our state's workforce development system."

Black: "I... and I don't disagree with what you just said, but I've lived long enough to know I have to live in the real world. If I thought your Bill was something to increase the notification and participation of minority-owned business, I'd probably be very supportive. Obviously, recent newspaper stories have clearly shown that that law is not being followed and in fact, is being subverted. Not only in the... in a northern city, but my guess is probably

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all around the state. Your job doesn't do anything to help a minority-owned business get a piece of state contracts. Which I... and I don't have any problem with that, I'd favor that. I appreciate your... as always Representative, you're very kind to answer questions forthrightly. I... Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Again, I have no quarrel with the intent. I kind of wish the Bill was aimed at making it very clear that participation of MBE, minority-owned business enterprises, should be not only encouraged but incubated. But this Bill deals with individuals being able to call or get information about various jobs that may take place on a government contract of more than \$1 million, specifically funded under Illinois First. And that information may very well be available or maybe the Bill will make it available. I don't know where the AFL-CIO is on this legislation. I should have asked, I forgot to do so. Most of these contracts are clearly in the domain of organized labor. They have developed over the years a system of apprentice cards, journeymen classifications and hiring out of the union hall where the job is being done. Now, the general contractor may be out of Chicago, may be doing work in Danville. Now, the union has various rules about how many tradesmen or women they will hire out of the locals in Danville, Illinois or the surrounding area and how many of their union tradespeople they can bring with them to a site out of their jurisdiction. But I can't, in good conscience, vote for something that sets up a program that will let somebody access the job titles or the kinds of construction jobs that are available when, 99 times out of 100, the information is absolutely not useful to an

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individual unless they have an apprentice card or a journeyman's card or they have a card from one of the craft unions. They aren't going to be able to show up at the job site armed with the information and God forbid somebody would drive 100 miles to go to the job site or to make long distance calls saying, 'I want to work on this project.' Of course they would want to work on the project. As the Representative says, these generally are well-paid jobs. But if you don't have a union card and the job is a union contract, the information is not much use to you, in fact, may be very frustrating to you. So, it's for that reason that I intend to vote 'no'. If the Representative comes back with an MBE Notification Law and put a little teeth in that, that's been clearly shown to have been abused on many public contracts. But notification to people who can't get the job is just simply not fair to those people to build expectations and then to be told, 'You don't have a journeyman's card, you can't work on this project.' So I intend to vote 'no'."

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

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

Speaker Hartke: "She indicates she will."

Giglio: "Representative Hamos, where'd the... what was the impetus of this Bill... where'd it come from?"

Hamos: "Where what, please?"

Giglio: "The idea for this Bill, where did it come from?"

Hamos: "The Governor's Commission on the Status of Women in sitting with other groups and organizations that have tried to get into the construction industry, sat and looked at the Illinois First Program and said, 'This is a wonderful opportunity for people without a lot of education to access

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some really excellent jobs and to move ahead in the construction industry.' And what we realized is that people who aren't already in the construction industry, indeed, have a very hard time finding out about it. So, our focus was not on affirmative action, it's not quotas, it's not set asides..."

Giglio: "Okay."

Hamos: " ... it's not MBE contracts, it's information."

Giglio: "Your words were, 'people without a lot of knowledge could access jobs that make a lot of money.'"

Hamos: "To apply for them and become apprentices..."

Giglio: "Apply for them..."

Hamos: " ... and then become journeymen of course."

Giglio: "Wait, you skipped over those steps and said..."

Hamos: "No, no. Absolutely not."

Giglio: " ... make a lot of money."

Hamos: "No."

Giglio: "You said that you called a number of places for one or two individuals or more, is that right? Can you run through that again, to find out where these jobs come from?"

Hamos: "Well, yeah. I have a whole table I'd be glad to share with you Representative Giglio. We had an intern who called and said, 'Hello, I'm interest... '"

Giglio: "An intern, is that what you said?"

Hamos: "Yes."

Giglio: "An intern where? What do you mean an intern?"

Hamos: "A person who was using this as a test to call around to see how she might learn about job opportunities, just to see if we were right. Maybe it was easier to access these jobs than we thought. But, alas, we found out..."

Giglio: "Okay, now at this..."

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Hamos: " ... that it wasn't."

Giglio: "Was she... First off, how many places did she call?"

Hamos: "Thirty."

Giglio: "Okay. She called 30 projects, Illinois First projects, in excess of \$1 million?"

Hamos: "No. I mean, to be fair about this, Illinois First money is not quite out the door yet, in many cases. We had two ways of doing this as I suggested. One was, we did take some press releases about new projects let. Secondly, Capitol Development Board came to the committee hearing and showed me on their website how to access some information about already existing state jobs where they claim they want to be open to people. So, we called those jobs, as well, two ways that we did this."

Giglio: "All right. So, they weren't... Were any of them Illinois First projects?"

Hamos: "Yeah, I think so. I'm not sure."

Giglio: "Any idea of the dollar amounts of those projects? All encompassing, what were the dollar amounts of the projects?"

Hamos: "Well, I don't really know, but I think a new building probably is \$1 million or more."

Giglio: "You don't know if they were 5 thousand, 10 thousand, 500 thousand, 5 million, 10 million?"

Hamos: "This is..."

Giglio: "They're just... they were public projects, correct?"

Hamos: "Yeah, this is really just a small sampling of availa... potentially available jobs. It's not intended to be an exhaustive research project."

Giglio: "Well, we're... This is going to... The intent of the Bill though is to enact law that will affect large projects."

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Hamos: "Right."

Giglio: "You think that research that was done on jobs with who knows how much value, with who knows where the money was coming from, not Illinois First, you think that's a fair yardstick to measure this against? I would think that you would have gone and contacted projects that were funded by the state through revenues or bonds and studied those projects instead of any public project with any varying amount of money."

Hamos: "Well... is it... What's your point?"

Giglio: "Because..."

Hamos: "I mean, again..."

Giglio: "... I think..."

Hamos: "... I would work..."

Giglio: "... I think that these jobs that you're talking about, they are public knowledge and the jobs that your intern did they're not so as widely advertised as these projects are going to be. So, the problem that you're trying to address isn't going to be addressed."

Hamos: "Well, you asked me where the initiative from this came. I was working with organizations who for many, many years have been trying to open the doors to new people, minorities and women among them, for construction jobs and have had a very difficult time. We don't really have opportunities to access privately funded jobs, but certainly, with Illinois First, a \$12 billion program, there were going to be new opportunities in Illinois. So this Bill..."

Giglio: "I understand that and..."

Hamos: "... makes sense in the context of..."

Giglio: "... and I understand your intent. And I understand your intent to bring people into the workforce and that

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it's state money and here's a great opportunity to do it. I understand all that. First off, I don't believe the Bill's necessary because the information is already public knowledge, before the bidding procedure and after the bidding procedure. Did... Are you familiar with what the Dodge Report is?"

Hamos: "The what, please?"

Giglio: "The Dodge Report."

Hamos: "I don't know what that is."

Giglio: "That's a construction work digest that lists all projects public. It also lists numerous private projects. Have you heard of any of those, the Construction Marketing Data Report, or Dodge Report?"

Hamos: "Well..."

Giglio: "I'm sorry, I didn't hear your answer."

Hamos: "I think I might say that if I don't know about it, nobody's ever alerted me to it, so how would an average everyday person looking for a construction job know about it?"

Giglio: "It... Well, that goes back to earlier with the remark about uneducated people getting high-paying jobs. Do you think uneducated people should be doing complicated electrical wiring?"

Hamos: "Representative Giglio, I'm on the State Workforce Investment Board and we spend a lot of time and so is Representative Mulligan, we spend a lot of time on that board thinking about the high tech jobs of the future, a way to take people from flipping hamburgers into higher paid good jobs. This is an opportunity for a lot of people. This is not to suggest one bit that people don't need training, apprenticeships, all of those things. This just suggests..."



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Giglio: "But those were your remarks."

Hamos: " ... that this should be information..."

Giglio: "Those were your remarks..."

Hamos: " ... about where to apply."

Giglio: " ... earlier, not mine. Those were your remarks. Okay.  
What is the penalty for noncompliance?"

Hamos: "There is none."

Giglio: "So, we're going to enact a law that requires people  
to... requires specifically the general contractor,  
correct, not subcontractors? Or is subcontractors, also?"

Hamos: "The prime contractor would be responsible for getting the  
information in."

Giglio: "Okay. So, so we're going to enact a law that has no  
penalty for noncompliance?"

Hamos: "Representative Giglio..."

Giglio: "Why not pass a Resolution then..."

Hamos: "Representative..."

Giglio: " ... instead of enacting the law?"

Hamos: "Well, I am not taking the... I'm not presuming that  
people will not comply or will make this information  
available. What we are setting up with this Bill is a  
mechanism within the state to get information out to  
contractors as the contracts are signed and information  
back from them. And it seems to me that the state is  
willing to do this. The state is willing to become... the  
Illinois Department of Employment Security is willing to  
become the Workforce Development Agency and I'd like to  
think that when they call up the prime and ask for the  
information, they'll get it. I didn't feel the need to  
include..."

Giglio: "So it's the state's responsibility to contact the prime,  
it's not the prime's responsibility?"

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Hamos: "That's right."

Giglio: "And why should... wait, is that... that's the way your Bill reads, that the state will be contacting the contractor or is the responsibility on the contractor to notify the state? Or which ever office the Governor's Office sets up?"

Hamos: "What we say in here is that..."

Giglio: "You want to take this Bill out of the record..."

Hamos: "No."

Giglio: "... and study it a little more?"

Hamos: "No, I know this pretty well..."

Giglio: "Okay."

Hamos: "... by heart. Thank you, Representative. This says, 'that for these larger contracts, within 30 days of the date that the prime contract is awarded by the state, the Department of Employment Security will send a form to the prime and will ask for the specified information.'"

Giglio: "So, it is the state's responsibility to contact the prime contractor?"

Hamos: "Yes, it is."

Giglio: "And that is going to be from which office? Where is that, by the way, in the Bill? Is that in an Amendment or in the Bill?"

Hamos: "It says... it puts it together in a couple of different ways. It says that 'any prime contractor receiving this construction contract will provide the information and then the...'"

Giglio: "Whoa, wait right there, 'will provide this information'. That doesn't sound like the Department of Employment Security's contacting the prime. That sounds like the responsibility's on the prime contractor. Your words earlier were that the IDES was going to send the form to

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the contractor."

Hamos: "All employment opportunities shall be submitted by prime contractor to the Department of Employment Security utilizing forms and procedures developed and made available by the Department."

Giglio: "Who's responsibility is it to notify?"

Hamos: "The Department."

Giglio: "Does it... so it's... well, that's not what your Bill says though, unless it was on an Amendment that I don't have. Your Bill says, 'Any prime contractor receiving any construction contract with the value of 1 million or more funded in whole or part by Illinois First Funds shall within 30 days supply the Department.'"

Hamos: "I mean I think... again, the contract..."

Giglio: "Well no, who's responsibility is it to notify?"

Hamos: "It's... it is..."

Giglio: "The IDES to notify the contractor or the contractor to notify IDES?"

Hamos: "The way that I believe... the way that I believe this will work and let me read to you a couple of different parts of the Bill that do this, is that the contract will include the requirement for the prime contractor to supply the information."

Giglio: "I'm sorry, I can't hear your answer."

Hamos: "The contract will include the requirement for the contractor to supply the information within the time frames. The Department of Employment Security will make available forms and procedures to the prime. So that's... there is going to be an ongoing communication between the Department of Employment Security and the prime contractor."

Giglio: "How is that supposed to be written into the contract?"

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Hamos: "Like any other provision in a contract that asks prime contractors to supply information to the state and they do right now, lots of information about their contracts."

Giglio: "For instance?"

Hamos: "For instance, your workforce utilization. They already provide for forms. After they're awarded the contract that showed the Department exactly what skill trades they're using and who their workforce is. They already do that."

Giglio: "And so if the contract is already awarded, this is post contract award, correct?"

Hamos: "Yes."

Giglio: "Within how many days after awarding the contract?"

Hamos: "I can't hear your question, Representative."

Giglio: "Within how many days after awarding the contract?"

Hamos: "Within 30 days."

Giglio: "And again, there's no penalty for noncompliance?"

Hamos: "There is not."

Giglio: "For not filling out any of the forms, not sending them back to IDES, for not coming forth with any information?"

Hamos: "There is not a penalty written into this Bill."

Giglio: "Why didn't you put a penalty in?"

Hamos: "I mean, I'd like to think that the State of Illinois in developing this workforce development system will want the contractors to cooperate with this law and therefore will work with them to get the information and get it posted. I'm assuming the best."

Giglio: "You're assuming that..."

Hamos: "That people will do this."

Giglio: "... that the contractors are just going to say, 'Oh boy, goody, more paperwork from the state. Oh here... here let's pay somebody on our staff to look through the bid, to go through each trade, to go through each part of the

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project, find out how many hours that it's going to take, apprenticeship hours, how many hours it's going to take journeymen hours. Not days, but actual hours for each task on that job.' And then that individual he's going to pay to compile that information, to put it into the computer or to type it up and fill out this packet of information and then send it, how, back to DES? How is it to be sent back?"

Hamos: "You know... we say in here that electronically or by paper."

Giglio: "Okay. Let's pick a project, let's say a \$10 million project. Okay. Do you have any idea how many hours it would take to do that project, to do the construction work of a project? Or maybe pick one of your 30 jobs that you polled. Did you do any research like that as to how many journeymen hours and apprenticeship hours and unskilled labor hours it would take to do any one of those 30 projects you polled? Did you do that?"

Hamos: "And why would I have done that?"

Giglio: "Did you do that?"

Hamos: "Why... I don't understand that. I'm not in the construction business."

Giglio: "Well, yeah, but see this is the mandate that you're putting on the construction business. I would assume that before you would put the mandate on the business, on the businesses in Illinois, you would have some kind of an idea of what a burden you're putting on them. So, again, I ask you, did you do that on any of the 30 projects?"

Hamos: "Representative Giglio, every contractor who is seeking a contract from the State of Illinois for a \$1 million or more, or in your case \$10 million or more, has spent many hours calculating their bid based on exactly this

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information. Transcribing it..."

Giglio: "Well no... no I..."

Hamos: " ... transcribing it..."

Giglio: " ... I would disagree with you..."

Hamos: " ... transcribing it..."

Giglio: " ... because a prime contractor..."

Hamos: " ... transcribing it to a form to send to the Illinois Department of Employment Security should take 10 minutes. The big work was in calculating the bid. They were not asking them to do any original research, this work has been done. All we're asking for is the information to be made available to job applicants."

Giglio: "Are you done?"

Hamos: "That was an answer to your question."

Giglio: "Okay, so, again I ask you. Did you do this on any of the 30 projects you polled?"

Hamos: "No."

Giglio: "You said... you used the words 10 minutes in your previous remarks, correct? Should only take about 10 minutes."

Hamos: "Half an hour."

Giglio: "Half an hour. Where do you come up with that? Where do... what work is entailed in that 10 minutes, 30 minutes?"

Hamos: "There are only 4 requirements under this Bill. One is, to take from the bid document itself the number of hours for each skilled and unskilled trade. Number two..."

Giglio: "Representative Hamos, that's exactly it. You're asking the prime contractor to submit that information. Oftentimes... oftentimes the prime contractor has an office of maybe 5 people and their bid comes from numerous subcontractors, as many as 150. Representative Black

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earlier in debate listed 8 or 12 that came off the top of his head. We could go all day about all the different trades there are and about all the different subcontracts that would come into compliance to make up a full prime contract. Now, each subcontractor has to submit that information to the prime contractor. You disagree or you agree?"

Hamos: "Of course."

Giglio: "The prime contractor, if he's..."

Hamos: "Of course."

Giglio: "... if he's the one who's bidding the job, he has no idea the man hours to do the project."

Hamos: "I... absolutely. The prime contractor has already demanded this information from the subs to be able to bid on the project. All they have to do is..."

Giglio: "Wait..."

Hamos: "... transcribe it to a new form."

Giglio: "... demanded that information... wait... he demanded that information from the subs for what?"

Hamos: "To be able to bid on the contract."

Giglio: "Why is that?"

Hamos: "Because they just don't pull bid numbers out of the thin air. I'm told that they do a fairly extensive analysis for large projects of the number of hours of workforce it's going to take and other..."

Giglio: "Who does that?"

Hamos: "The prime contractors."

Giglio: "I would tend to disagree with you on that. I would disagree strongly on that, that the prime contractor has any idea how many hours it would... it's going to require an apprentice to set the hangers for the sprinkler lines and the heads and how many hours that it's going to take

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the insulator to do the insulating on the piping. You're telling me that the prime contractor has that information?"

Hamos: "There are contracting bodies around this capitol and no one has ever said that to me, that they do not actually calculate the number of hours or jobs..."

Giglio: "Why would the prime calculate that?"

Hamos: "... that are going to be needed under the contract."

Giglio: "The prime's setting up a project and pick any Illinois First project or pick one of the 30 projects with the unknown value amounts that you polled. And I'd be very surprised if the prime had anything better than a 30% idea of how many hours were actually on that. You think a prime contractor's going to have how many... have an idea of how many hours to insulate a sprinkler line?"

Hamos: "Yes, I do because that's the basis..."

Giglio: "What makes you think that?"

Hamos: "That's the basis..."

Giglio: "That may be the first... this may be the first project that prime's bidding. He may have not bid any road work. He may have not bid in any dam work. He may not bid any college additions work. Why should he know? And again, is that what you're looking for out of this, are the prime's estimates? Or are you looking for the actual bid hours by each trade?"

Hamos: "We're... we are looking for information about job opportunities that are available in the construction industry. And I think that's..."

Giglio: "I heard that, but what do you want..."

Hamos:; "... what contracts..."

Giglio: "... reported on? Do you want the prime's..."

Hamos: "... that's for contracts..."

Giglio: "What do you want reported on? Do you want the prime's



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estimated times or do you want the actual trade's times?"

Speaker Hartke: "Excuse me, Mr. Giglio, there's been a request to put the timer on."

Giglio: "Could we put this on... Did we take it off Short Debate, yet?"

Speaker Hartke: "Yes, we're on Short Debate."

Giglio: "Pardon me?"

Speaker Hartke: "We're on Short Debate."

Giglio: "Can we take this off of Short Debate?"

Speaker Hartke: "I'm sure we could."

Giglio: "Thank you. She don't want to take it out of the record. Okay. If you'd answer my question, please. Whose time do you want? Do you want the prime contractor's estimated times or do you want the actual bid hours from each trade?"

Hamos: "This says, 'the approximate number of apprenticeship and journeymen hours that will be required for each skilled and unskilled trade.'"

Giglio: "What is an unskilled trade?"

Hamos: "As I understand it, the laborers have had unskilled trades and positions within the construction industry."

Giglio: "The laborers are unskilled trades? You don't mean to say that, right?"

Hamos: "I think the laborers offer some unskilled opportunities for unskilled trades people."

Giglio: "Pardon me. You got me off guard with that one, Representative. You're a fellow Democrat, we're not going to go there anymore."

Speaker Hartke: "Excuse me, Mr. Giglio. Representative Bellock, for what reason do you seek recognition?"

Bellock: "Point of personal privilege."

Speaker Hartke: "State your point."

Bellock: "We'd like to ask everyone to join in with us on wishing

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Randy Hultgren, our seatmate, happy birthday at the ripe old age of 34."

Speaker Hartke: "Proceed, Mr. Giglio."

Giglio: "Can I have that time back from..."

Speaker Hartke: "Took it off."

Giglio: "Okay. Again, who's responsibility... or excuse me, what hours do you want? Do you want them for the estimated from the prime or are you expecting them from each trade?"

Hamos: "For each trade."

Giglio: "So the prime contractor is going to contact each individual of trade?"

Hamos: "The prime contractor should have done that in submitting his bid."

Giglio: "Why?"

Hamos: "Because to submit a bid he needs to know all the different trades that will be required for that project."

Giglio: "Okay. Do me a favor, run through me the processes, as you understand it, for getting that bid together."

Hamos: "Representative Giglio, I'm sure I don't know..."

Giglio: "Well, no, you said that... you said that you..."

Hamos: "I don't know if..."

Giglio: "... you said that he would get that through the ordinary course of getting the bid... of getting his bid together, correct? So, run through that with me."

Hamos: "Representative Giglio, I'm sure I don't know as much about this process as you do. But it does seem to me that if we give out \$1 million or more in public funds then the contractors who are getting that funding from us, state funding, do know about who they're going to utilize, how many they're going to need and what they're going to pay them."

Giglio: "All right. Well, let's pick one trade and talk about

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just one trade. Okay. Let's pick the roof for the college that Representative Black talked about. There's a prime contractor... they're going to award a prime contract for this addition and it's estimated that the total cost is going to be \$5 million and the funds were appropriated from Illinois First. Now, the prime contractor is going to get bids for the entire project, correct? The site development, the masonry, the roofing, the plumbing, everything. Correct?"

Hamos: "Okay."

Giglio: "He... who does he call for the roofing work? A bid, he needs a number now for the roofing. He tells... he may tell his guy, his roofers, the plans are available from this architect. If you want to bid this college job, go to this architect or engineer and get a copy of the plans and specs, this is when it's due. I need your number 24 hours before it's due. He may call a half dozen roofers, maybe a half dozen roofers have already picked up plans on the project because they saw it in the Dodge Report or they saw it in Construction Market Data Report or they saw it somewhere else. So they've already seen the plans and they bid the project and they come up with a number and they send that number to the prime contractor, the day before the bid. Now, it's 6 o'clock the next day, the bids are being opened up. They open up and the prime we've been talking about is low bid. How does he have those hours from his trades people at that point?"

Hamos: "He either will have gotten them before or he will ask them at that point. They are his subcontractors."

Giglio: "Wait. No you said he already has those. Why... why would a roofing contractor tell the architect or the engineer or excuse me, the prime contractor... why would he

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tell him how many hours he's got for journeymen roofers, how many hours he's got for apprenticeship roofers and how many hours he has for, as you said, unskilled labor work? Why would he say that?"

Hamos: "Representative Giglio..."

Giglio: "Why would he put that into his bid? It's not there."

Hamos: "You know, I have been part of very large projects that are publicly funded projects where every penny is really valued. I mean, the numbers are put together in such a careful and concise way because they're really bidding on a very important piece of work for that firm. And they're very careful about every number and they evaluate and understand every number and they look at where the jobs are and how many they need because of course, labor is the biggest part of that contract cost. And they try to ratchet it down because they're trying to under bid somebody else. I believe that that's done in a much more methodical way than sort of the slap dash way that you're suggesting. That's what I had really assumed for these larger projects."

Giglio: "Slap dash, is that what you said? I don't think that that private bidding process, that private end of it, I don't think there's anything slap dash about it."

Hamos: "Right."

Giglio: "And I don't think that the prime contractors bidding the projects have... I don't think they have any idea whatsoever as to the number of hours for skilled, unskilled or apprenticeship when they submit that bid. And the fact of the matter is... I'll be as bold to say as they don't. I'm confident that in 90% of the public projects that are bid, they don't have any idea. And that burden of getting that information in the 30 days time, in which it's unclear

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as to how, you know, that your words were that transaction would fall into place. Is that what you said?"

Hamos: "That the what, please?"

Giglio: "That transaction of getting the forms is part of the contract and knowing who to send them to is... would be written... that will fall into place."

Hamos: "I just can't hear you, Representative."

Giglio: "Mr.... thank you. You say that that process of putting this into place, it will fall into place through the contract process, is that right?"

Hamos: "Well, the Illinois Department of Transportation, the Capitol Development Board, who are the owners of these projects, and the General Contractors Association have all reviewed this Bill and none of them have ever said to me that they don't know about the number of skilled trades that are utilized for a project of \$1 million or more."

Giglio: "What did you say... which groups again did you say, please?"

Hamos: "I said the Illinois Department of Transportation, Capitol Development Board, we're the owners. We the state are the owners of these publicly funded projects and the General Contractors Association. None of them have said that to me."

Giglio: "The General Contractors Association. So, they're in favor of this?"

Hamos: "I would not say that."

Giglio: "Are they opposed to this?"

Hamos: "No. As far as I know, they are not opposed to it."

Giglio: "Have you asked them?"

Hamos: "Yes, I have."

Giglio: "And their position was what?"

Hamos: "Neutral."

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Giglio: "Why... do you think it had anything to do with the fact that there are no penalties for noncompliance?"

Hamos: "I hope not because I trust that they're going to do what a law requires them to do."

Giglio: "So, there's no penalty for noncompliance, correct? Is that correct?"

Hamos: "Asked and answered."

Giglio: "What if the numbers are wrong?"

Hamos: "It says, the approximate number."

Giglio: "So, if they're way off, is there any penalty for that?"

Hamos: "Not in this Bill."

Giglio: "What about the additional costs? What about the additional costs to come into compliance with this Bill?"

Hamos: "I don't know what costs there are."

Giglio: "Pardon me? What about the additional costs to the contractor? To the prime contractor to come in compliance with this?"

Hamos: "Representative Giglio, I think we already said that my take on this was that a lot of very careful methodical work goes on in developing the bid document and the actual cost of transcribing..."

Giglio: "Representative Hamos, there's a tremendous amount of time. That's what we started talking about earlier."

Hamos: "And Representative..."

Giglio: "There is a tremendous amount of time. There's a tremendous amount of time on behalf of the prime contractor and each specific trade. There's a tremendous cost here. And I understand the well intentions. I truly do. In a multimillion dollar project, you are going to have literally hours and hours of time to put this information together. You're going to have a tremendous amount of time. Hours and hours. Not a little bit. And that

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information is not readily available."

Speaker Hartke: "Mr. Giglio, your time has expired. Please bring your remarks to a close."

Giglio: "Representative Mautino, yield my time? Yield his time?"

Speaker Hartke: "Representative Wojcik, for what reason do you seek recognition?"

Wojcik: "Yes, Mr. Speaker, because there's other Bills that must be heard today, I move the previous question."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from St. Clair, Representative Younge."

Younge: "Thank you very much. I want to say that I think this is a good Bill because it opens up information to the general public. The information in reference to construction jobs is very closely held. And I believe that any contractor that does not make the analysis that Representative Hamos has talked about is going straight into bankruptcy. You have to know how many bricklayers and how many this, that, and the other you'll need on a particular job. So, I think that it's a matter of giving information to the Illinois Employment Service. The people are over there looking for jobs and so, we ought to provide them with the information. So, I think this is a good Bill."

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

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Hopefully, my comments will bring the focus on what this Bill really is and that some of my colleagues who have been talking a bunch of nonsense about this Bill. I had a lot to do with the Governor's First Program of last year. And many people are unaware that to complete every project that's in that \$12 billion public works projects for Illinois jobs is they're short 1 million laborers. One

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million. That's a lot of people that can be hired from our districts. I don't want to see people from Indiana and Wisconsin and Michigan working on Illinois First projects. I want to see Illinois residents working on Illinois First projects. Second, someone says that you have to have an apprenticeship card. Well, I'm from the inner city. All of the apprenticeship programs are in the suburbs. Why? There's a reason why, because they don't want to hire minorities and women and refer them to jobs. Let's take the... put the record straight. Second... third, thank you John. Third, third, there are a lot of people that have union cards that live in your districts they're not being referred to job sites by their union because of gender and race. Let's be real. Let's be real. I've been here 14 years and I have fought 14 years for minority and female participation in the unions. So, now, to say that this isn't a contractor's problem, it's the union's problem... don't bring that to me. We need to put the unions and the contractors in the same room and solve this problem of the lack of minority participation in Illinois Public Works projects. Last year you wanted every Black Caucus vote, you wanted every Black Caucus vote. You got a lot of female votes on the Illinois First project. All we're saying is, we want the jobs that you normally have gotten and we sure don't want jobs that we should get going to out-of-state companies. There should be 'green' votes on House Bill 3482."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. In the spirit of bipartisanship, I yield my time to Representative Giglio."

Speaker Hartke: "Representative Giglio, you have 5 minutes."



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Giglio: "Thank you, Mr. Speaker and Representative Cross. Okay, Representative Hamos, what do you anticipate the cost to the contractor is, should this Bill become law?"

Hamos: "Okay. Representative Giglio, my answer is, essentially, what I tried to say a few times, which is that I believe there is work that... a lot of work that goes on in preparing the bid document, but the actual work of transcribing it to another form to submit to the state is very, very minimal."

Giglio: "What... how much time do you figure that is for a project with, perhaps, 250 trades on that project?"

Hamos: "I mean, before I said half an hour, it's not very much."

Giglio: "So, you appreciate that through the bidding scenario we went through earlier, it could be much more than 10 minutes, much more than a half an hour, where the prime contractor does not have that information prior to bidding the job. Let's assume for a minute that the prime contractor does not have that information with him at the time he bids the project. Okay? You... are you with me?"

Hamos: "Yes."

Giglio: "So, he needs to contact each of those 250 trades, correct?"

Hamos: "Yes, he does."

Giglio: "And each of those 250 trades needs to do the work?"

Hamos: "Yeah, Representative..."

Giglio: "Is all of this information supposed to be on one page or numerous pages or one page per trade, or how is it supposed to be?"

Hamos: "I haven't designed the form yet, but really if you're talking about 250 trades, then this contract is not \$1 million, it's \$25 million. And you know what, for \$25 million of public money we should be asking something back

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from contractors and subcontractors."

Giglio: "No, no, I would disagree with you."

Hamos: "And this is not too much to ask."

Giglio: "I appreciate you trying to burn up my time, but please. I disagree when you say that that's a \$25 million project. How many trades would it take to put up a \$2 million addition at a college? Do you have any idea?"

Hamos: "No."

Giglio: "Do you have any idea the hours?"

Hamos: "No. But I know that the contractor knows."

Giglio: "The road builders, by the way I was just informed, are opposed to your Bill, the Road Builders Association."

Hamos: "Well, they did not have the courtesy to tell me that."

Giglio: "They... I think they were under the impression that this Bill was widely supported. And the road builders... I don't think they had any idea of the far reaching effect of passing this legislation. And I certainly don't think that other contractors had any idea either. You think the subcontractors have any idea? Do you think the Subcontractors Association has any opinion on your Bill?"

Hamos: "Representative Giglio, you know, this came up in our committee twice."

Giglio: "Which committee?"

Hamos: "State Government Procurement Committee. We had an opportunity to be there, they had an opportunity to talk to me. They hadn't talked to me. And again, we are not asking for very much in this Bill, to post information."

Giglio: "That's where you and I disagree, Representative. That I think you're asking for a tremendous amount of information. You're talking... in a project where there's 150 or 200 trades on it, that's a tremendous amount of work. I think you're very much down playing the amount of work that's in

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the Bill. You disagree that you're down playing it? First it was 10 minutes..."

Hamos: "No."

Giglio: " ... then it was maybe 30 minutes. But yet, when we go into it on a \$5 million project, where there's in excess of 150, 250 trades, well, then you start to think well, maybe, yeah. Maybe there is a lot of time involved in this. And again, you won't offer up any idea how long that's going to take?"

Hamos: "Representative Giglio, I'm not in the construction industry, I'm a policymaker like the rest of us here. We have \$12 billion on the street right now. It is not unreasonable to expect something back from the contractors and subcontractors who really have some very important jobs that they're going to fill."

Giglio: "To the Bill."

Speaker Hartke: "To the Bill."

Giglio: "I'm going to need a little bit more time, still."

Speaker Hartke: "We'll give you another minute."

Giglio: "I don't think... I... let me start again. I appreciate Representative Hamos'... her interest and her concern and what the commission is trying to do. I truly appreciate that, that we want to make sure that those who aren't normally in tune and on track to get into the construction industry and to get into fields where there's an opportunity to better yourself and better your families. And some unions have been tough to break into for minorities and for women. I understand that. But the fact of the matter is, this Bill is not going to help those people that the Representative would like to help. The fact of the matter is, that it's going to be a tremendous burden, tremendous burden on the construction industry."

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That it... they're... any numbers they give the DES I guarantee you are going to be flawed because there's no penalty for doing them wrong, if they even submit those numbers. Nobody's going to spend time..."

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

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

Speaker Hartke: "To the Bill."

Pankau: "With all due respect to previous speakers, I think more is being made out of this Bill than what it is. There is no known opposition to the Bill. It's simply disseminating information, public information, yes; information you can get from other places, yes; but it's giving you one more opportunity, one more bite at the apple of finding out the information. I think it's a good Bill. I urge an 'aye' vote."

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

Currie: "Thank you, Speaker, Members of the House. I'll be about as brief as the prior speaker. I don't see any onerous paperwork requirements here. I do see an opportunity for us as a State to make good on our pledge to be an equal opportunity employer. It isn't just members of minority groups and women who own businesses that we ought to be concerned make sure have a fair share and a fair shake at state contracts, it's also people who work for a living, who work with their hands and their brains. That's what this Bill is about. Making sure that women and members of minority groups have a chance to share in the largess of Illinois First. I applaud Representative Hamos. This is a good Bill, let's not talk it to death, let's just vote it out of this House."

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

Davis, M.: "Thank you, Mr. Speaker. I, too, will be extremely brief. I commend Representative Hamos for having this legislation. Some of the proponents I don't think that were mentioned are the American Association of University Women, the National Organization of Women, the Center of Poverty Law, Federation of Women Contractors. There's a large number of organizations that do support this information and it's merely a reporting process. And hopefully, we will make more Illinoisans work because of this small piece of report that has to take place. It's an excellent piece of legislation and I agree with Representative Pankau, I agree with Representative Hamos, I agree with Representative Currie. Let's just vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I yield my time to Representative Giglio."

Speaker Hartke: "Representative Giglio."

Giglio: "I'll be brief, Ladies and Gentlemen of the House. I'd like to just finish my closing remarks. I understand the intent. The intent is good-natured. To bring more people who don't usually have an opportunity into this type of work, I understand that. The problem is this Bill doesn't address it. This Bill won't do a thing to help the people we're talking about, not a thing. All this is going to do is put a tremendous burden on the contractor. Now, regrettably, there's only a couple of contractors down here in Springfield to give the House some insight from that industry. We got a lot of lawyers, we got a lot of real estate people, we got a lot of insurance people. But we

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don't have a lot of contractors. And regrettably, this industry is going to be affected tremendously. And there's a tremendous amount of cost involved in doing it... doing it the way Representative Hamos would like it to be done. And I'd be more than happy to work with Representative Hamos to come up with language that would address the issues she's talking about, that would not be an undue burden on the industry. But in fact, instead this is putting an undue burden on the industry. And I would respectfully ask for your 'no' vote. Thank you."

Speaker Hartke: "Representative Hamos to close."

Hamos: "I think a lot has been said. I would like to repeat what Representative Pankau said, which is that, we are making a lot of... what this is really trying to do... this is trying to present information to the public in the best possible way, the most proactive and creative way, using the employment and training centers, using a website. And I do ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3482?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, where there are 69 Members voting 'yes', 47 Members voting 'no', 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm rising on a point of personal privilege."

Speaker Hartke: "State your point."

Slone: "I'd like to welcome to Springfield, the Peoria Area

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Chamber of Commerce Community Leadership School up in the gallery. Please welcome them to Springfield."

Speaker Hartke: "Welcome to Springfield. On page 2 of the Calendar, appears House Bill 2880. Representative Mitchell. Out of the record. The Chair recognizes the Lady from Lake, Representative Garrett. Out of the record, on House Bill 2880. Representative Garrett."

Garrett: "Thank you very much, Mr. Speaker. I'd also like to rise on a point of personal privilege..."

Speaker Hartke: "State your point."

Garrett: "... and let everybody know that today is Prostate and Testicular Cancer Awareness Day. The Illinois Department of Public Health is asking that you join them in the rotunda at 2 p.m. today for a special education forum to increase awareness of prostate and testicular cancer. The special guest will be NFL Hall of Fame Quarterback, Len Dawson of the Kansas City Chiefs. Len is a prostate cancer survivor who brings a powerful message of awareness and hope as he travels across our country speaking on Prostate Cancer Awareness. Also, today for the very first time, there will be a Prostate Cancer Screening available at no charge in Room 122A and Room 305 of the Capitol. Following the forum, a reception honoring prostate cancer survivors will be held beginning at 5 p.m. tonight at the Illinois State Library. Thank you."

Speaker Hartke: "On page 18 on the Calendar, on Third Reading, appears House Bill 4182. Representative Winkel. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 4182, a Bill for an Act to amend the University of Illinois Trustees Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Winkel."

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Winkel: "Thank you, Mr. Speaker. House Bill 4182, would affect each of the nine university campuses in Illinois. 4182 would remove the sunset provision for the student trustee. It would... in the university's part... University of Illinois' part, would clarify conflicts of interest and also clarify some discrepancies in the voting powers and clean up the Bill that we enacted three years ago. If we take no action, this Bill would sunset next year, so, I'm asking for your favorable consideration of this Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Skinner: "I see on our analysis that the University of Illinois is opposed to this Bill. Was that decision reached at a public meeting?"

Winkel: "Representative, I'm not aware of exactly how that was done. The University of Illinois has consistently expressed their opposition to having the student trustee authorized with a binding vote. They've objected from the beginning, they still object, they've been consistent in their position. I would note, however, and Representative, I don't know the answer precisely to your question, but I would note that the other eight universities are either neutral or in favor of this Bill."

Skinner: "Well, Representative, I see no evidence on any public record that the University of Illinois Board of Trustees, took a public vote on whether to kick one of their members off..."

Winkel: "Representative, excuse me. If I could... Representative, when I added the... and I wasn't updated on this until this very moment. When I added the Amendment



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that was adopted previously, Floor Amendment #2, the University of Illinois went neutral on the Bill."

Skinner: "Did you weaken the Bill that much?"

Winkel: "No, Sir."

Skinner: "What does this Amendment..."

Winkel: "Actually, what I did..."

Skinner: "Tell us what that Amendment does."

Winkel: "Sure, glad to. In the Bill, in the University of Illinois Section, in the conflict Section, we attempt to clarify the student trustee's vote. The student trustee, in the original Bill, was limited in that he or she could not vote on faculty promotion or tenure. That was the original Bill language. In this Bill, 4182, that we are considering today, originally, I had put in a qualifier that that conflict would only kick in if there were an existing or preexisting student/teacher relationship. I talked to the University of Illinois, I talked to the Board of Trustees, they preferred that that qualifier be removed, putting it back to as it was originally. And I agreed to that, and thus, Floor Amendment #2, and thus the removal of their opposition. They are now neutral."

Skinner: "Well, I think you've got a good Bill, Representative, but I do wish the University of Illinois Board of Trustees would make decisions at a public meeting in which all the trustees would be invited and be able to participate, that is including the student trustee if they're trying to get rid of the student trustee. Thank you."

Winkel: "I appreciate your comments, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Winkel: "Yes, I'd be glad to."

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Novak: "Yes, Mr. Winkel, I just want to confirm this. There is an Amendment..."

Winkel: "I'm sorry, Representative."

Novak: "I just wanted to confirm this in our previous conversations. There's an Amendment in this Bill... or some language in this Bill that allows part-time students, as well, to be a student trustee. Is that correct?"

Winkel: "That's my understanding, yes."

Novak: "Okay. Well, Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong support of this Bill. Representative Scully and I represent the Governors State University area in eastern Illinois. And as you know, Governors State University is probably the only state-funded university that is a two-year institution, usually juniors and seniors. And those graduate students only attend Governors State, so it only seems fair that that school that serves a large metropolitan area, the south suburban Cook County and Will County and western suburban Cook County, should be eligible to have one of its students as a trustee on their respective board. So, I would ask my colleagues to please support this legislation. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

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

Speaker Hartke: "He indicates he will."

Wirsing: "Representative, in the Bill, at one point in there, it talks about the faculty, using the word 'faculty' as a member of the faculty of the universities. Could you kind of expand or explain what... where that fits into the Bill and why it's there?"

Winkel: "Yes. There is the limitation on the student trustee."

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The student trustee would not be able to vote on issues involving faculty member promotion or tenure. And it's the intent of this legislation that faculty member within the meaning of the context of this Bill, would include only those faculty members who have actual teaching assignments in the classroom. There are some that are technically designated faculty but who are purely administrative, and it would not affect them per se. So, in other words, faculty member only applies to those faculty who, the intention of the Bill would be, who has actual in-classroom teaching responsibilities."

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

Speaker Hartke: "To the Bill."

Wirsing: "Certainly looking at the board, it's apparent that I support this Bill. And I fully support, I think it's the initiative of Representative Winkel to step forward now with these different issues and deal with it, I think, shows his leadership in this area. And I would ask that everyone here would please support it."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from... Mr. Bost."

Bost: "Thank you, Mr. Speaker. I rise in strong support of this Bill. All this does is remove the sunset plus the Amendments that then clarify the language and this procedure has been going on... these student trustees have been good voting members, so much so, that SIU University has endorsed this and thinks that it would be a wonderful thing to go ahead and make it a permanent part. The only negative that it was originally said is, what is the concern that someone would be elected that is not the quality that we have right now. The reality is, we face that with any elected office and I don't feel that's a good

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argument. I think the Bill as a whole is a good Bill and it's a definite step forward in our higher education systems. Thank you."

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

Winkel: "Thank you. I appreciate the remarks of colleagues in support of the legislation. Over a quarter of a century ago, the student trustees were given an advisory position on the board. Over the years, I think that they've earned the distinction to have a binding vote. In the last couple of years, I think they've demonstrated very high quality work on the board. They've shown that they can do the job effectively and they deserve to have this be a permanent feature of being a student trustee, that they have a binding vote. And I ask for your 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4182?' All those in favor will signify by voting 'yes'; those 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 House Bill 4182, there are 117 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 23 of the Calendar, appears House Bill 3239. Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3239, a Bill for Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. House Bill 3239 amends the Code of Civil Procedure. Under this legislation, it would prevent a court from entering orders that conceal a public

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hazard or information about one. It also invalidates any settlement agreement or contract intending to conceal a public hazard. It gives citizens and the media a stand to contest such orders. There's also a provision in this Bill that allows judges to determine the validity of trade secret concerns and allow disclosure of only that portion of the information or materials necessary useful to the public, regarding the public hazard. I think this is a very important piece of legislation. Other states in our country have already taken similar action. Texas, Florida, New York, Delaware, Oregon, Connecticut, North Carolina and Virginia have all adopted laws that take away this cloak of secrecy around these public hazards. I think this is the direction this state should be heading in. I think it's good legislation. I'd be happy to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, are there any opponents to this Bill that you know of?"

Brosnahan: "Yes, in committee, the Illinois Chamber of Commerce testified against it, the Manufacturers Association are against the Bill and I believe the Med Society. I'm not sure if they filed a slip or not, but I've heard they're also opposed to the Bill."

Cross: "One of the... Jim, one of the concerns is how you defined 'public hazard'."

Brosnahan: "I'm sorry, Tom. I couldn't hear you."

Cross: "What?"

Brosnahan: "I couldn't hear that question."

Cross: "How do you define 'public hazard' in your Bill? What's a

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'public hazard'?"

Brosnahan: "'Public hazard' is defined as 'any instrumentality including, but not limited to a device, an instrument, a person, a procedure, a product, or a condition of a device, an instrument, a person, a procedure, or a product that has caused and is likely to cause injury'."

Cross: "And I have some concerns about this Bill, Jim. I'm not trying to be nitpicky. When you talk about... what do you mean... give me the context in which you're... when you talk about an 'instrumentality'. What are you talking about?"

Brosnahan: "Well, an example would be possibly, maybe a products liability case. I mean, that would qualify as 'instrumentality' or a device, if it's a lunchroom table."

Cross: "A what?"

Brosnahan: "There's been cases in the past where these secrecy agreements pertain to cases involving school lunch tables that have collapsed. So, to me, that would qualify as an 'instrumentality'."

Cross: "So, it would also... so, a lunch table, a products liability case. It says 'a product, a condition of a device, a person'. Why would we... why would you list 'person' under a public hazard? Or why would the Bill... Well, give me the context in which a person would be involved."

Speaker Hartke: "Mr. Cross, have you finished your..."

Cross: "No."

Brosnahan: "Tom..."

Cross: "No."

Speaker Hartke: "Okay."

Brosnahan: "I believe an example of that... We're just trying to cover all the bases on the Bill. If one of the situations

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would be, possibly if it's a medical malpractice case, and a court finds that maybe a number of cases occur with the same doctor, that he could pose a public hazard and that would be a situation where it would apply to a person. That's up for the court to decide whether that would constitute a public hazard."

Cross: "So, you couldn't conceal if there was a medical malpractice case? Under your Bill, you could not have a sealed document... the judgement wouldn't be sealed... could not be sealed, is that correct?"

Brosnahan: "No, the court would first have to find that it's a public hazard. So, that is the first step the court has to make, so it doesn't automatically say that it can never be sealed."

Cross: "All right. Assuming there's the belief that the physician, for instance, is a public hazard. Then the... then, the document would be... could not be sealed."

Brosnahan: "That's correct, and the opposing side that would wish that it would remain private or confidential, has an opportunity to ask the judge for relief and then an in camera, an inspection could take place and maybe the judge would side with them at that point, as well."

Cross: "Isn't there... Jim, isn't there a concern in that scenario... there may be a valid reason to protect the secrecy or the identity of a person who's the victim of that crime? Maybe you run into the risk of some pretty delicate information about a woman, for instance, who maybe has been involved in a malpractice case here... or a man, he or she might not want their medical records revealed. There may be a valid reason to keep those records concealed, but under this Bill, you run the risk of exposing the medical records of a man or a woman, in

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essence, to the world. And I don't know that we want to go down that road."

Brosnahan: "But, I think the individuals can still make that argument to the judge or the court that it's in front of, and argue that it not be disclosed for those reasons. If they can show to the judge that there's extenuating circumstances, that it shouldn't be released, then maybe the judge would go along with that. So, they do have an option here that the judge may keep it disclosed."

Cross: "But, you would agree that there is that risk of opening up individuals' medical records in a pretty broad... potentially, a pretty broad scenario?"

Brosnahan: "It could be, but again, I think there's safeguards in this Bill that they can go to the judge and ask that it remain confidential. And so, I think there is avenues where those people, if they do have... if it's an undue burden on them, they can ask the judge to keep it concealed and maybe he would do that."

Cross: "There's also the... I think that the argument..."

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

Durkin: "Thank you, Mr. Speaker. Will the Sponsor yield? Jim, can you go over again..."

Speaker Hartke: "Indicates he will."

Durkin: "... who are the parties who would have legal standing to get access to this information?"

Brosnahan: "It's any citizen or even members of the media would also have standing to contest this."

Durkin: "And, so, we're talking about a substantially... the way I'm reading it, it says 'a substantially affected person', right? I mean, I've supported this in the past, but I just get questioned you know, want to clarify... is this going



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to be allowed for somebody from Carbondale, Illinois to say that I just philosophically have... I feel affected by, you know..."

Brosnahan: "Sure, if it's a... if it poses a public hazard, maybe it can involve someone from southern Illinois that wants to try to, you know, get this information from being unsealed. So, it does affect a lot of people, sure."

Durkin: "Kind of... my only concern is that, does it really go along with the case in controversy requirement which... technically we allow people to have standing. And I think we're expanding the definition of 'standing' to get access. Now, would they have to file... they would have to go into court, they couldn't do it as a citizen, they would have to hire an attorney to go into to get this information from the courthouse, correct?"

Brosnahan: "That's probably the most likely scenario, yes."

Durkin: "All right. Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 3239. Let's take a look at what this Bill does. What it does is say that when a plaintiff and a defendant are settling an action that involves a public hazard, it involves an automobile that blows up when you tap it in the rear. It involves a drug that could endanger thousands and millions of people. When it involves a faulty product, that you can't conceal that risk just because you're settling the case. There are those that may say that this inhibits the right of the plaintiff because the plaintiff has a right to settle their case, that may be true. But when we're talking about dangerous products, and dangerous conditions, and dangerous

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services, we're talking about a situation where the general public might be harmed. For many years, we have been aware as all of you have, even those that will vote 'no' today, of situations where public hazards have been concealed because the defendants have made a choice that it's cheaper for them to settle the case than to let the general public know that they've created a public hazard. This should not be what we're about. We should be about saving public lives, saving citizens' lives, protecting them from harm. Allowing court files to be sealed in the name of one plaintiff's case, is the wrong way to go. Public policy demands that we make sure the court files are open, so that all can visit what's in those court files. Most court files, as you know, are open to the general public. If you sue your neighbor because he bumped into your car, that's an open court file. That would never be closed. There's no reason why these cases should be closed. Access to the court system, access to court records is part of the court system. It's part of civil practice. It's part of what we should be all about. So, the calling of this Bill 'sunshine in litigation', which was the title of the Bill also when I handled this Bill, is exactly the right thing. We need to make sure that the general public can access court documents that are involved in a case that might give them information about a dangerous product, so that people are in a position to save themselves from injury, people are in a position to avoid harm to themselves. This is an excellent piece of legislation. The general public policy of not concealing court (sic-public) hazards, dramatically outweighs one plaintiff's right in a single lawsuit. Please vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Logan, Representative Turner."

Turner, J.: "Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Turner, J.: "Representative, I thought I understood the Bill. I'm not sure. The last speaker indicated that if your neighbor is driving his or her car and runs into your car, that that file is not sealed. Your Bill would prohibit if the plaintiff and defendant in the scenario, if there were a plaintiff and a defendant scenario I just indicated, it would prohibit the court from sealing that file? It's a question."

Brosnahan: "If the court finds that there's an agreement where a public hazard is involved. The court still has to find that a public hazard is involved."

Turner, J.: "Well, assume there was no public hazard involved, could that plaintiff and that defendant have their files sealed in order to reach a settlement agreement?"

Brosnahan: "John, the way I read the statute, I think that's true. I think they could."

Turner, J.: "They could seal, correctly?"

Brosnahan: "Yes."

Turner, J.: "And would you agree that the reason that cases sometimes get settled is because one of the conditions in the settlement agreement, is that certain facts are sealed and the court goes along with the agreement and seals the same?"

Brosnahan: "I would definitely agree. That is a factor in some settlement cases, but when you..."

Turner, J.: "Well, if you agree that is a factor, then don't you also have to logically agree that if your Bill becomes law, this will serve as a chilling affect on getting cases settled, which is the preferred method for handling

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disputes, as compared to taking them all to trial?"

Brosnahan: "Absolutely not. And for a couple of reasons."

Turner, J.: "Well, why not?"

Brosnahan: "Well, number one, to say it has a chilling affect, then you look at the options an attorney will have. If he decides not to settle it, then the only other thing they can do is go to trial. And if they go to trial, that is going to be a matter of public record. So, it's either they settle the case or they go to trial."

Turner, J.: "Well, maybe the plaintiff wants to settle. Maybe the plaintiff wants to settle because he or she has brought their case, they feel like they've been wronged. They realize that there's a problem with the evidence. So they certainly don't know what a jury might give them, and so, to take all the guesswork out, they decide that they want to settle their case for their claim when they're injured, and because you want to seal the records, you're depriving them from settling their own particular matter for their own particular injury."

Brosnahan: "I think there's..."

Turner, J.: "Don't you agree?"

Brosnahan: "No..."

Turner, J.: "That that would be the..."

Brosnahan: "I think there's..."

Turner, J.: "Well, why not?"

Brosnahan: "There's an overriding public policy concern here if it involves a public hazard. So, I don't agree with that."

Turner, J.: "All right. Why don't you agree with that? If the plaintiff wants to settle, and the only way the plaintiff can get his or her case settled, is to get an agreement, in a settlement agreement that is, which the court would confirm and seal the file, how does that not deprive the

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plaintiff from doing what he or she wants to do with his or her own case?"

Brosnahan: "Well, I think there's an overriding public policy concern here, and if it involves a public hazard... maybe it's not going to benefit that plaintiff that wants it sealed, but it's going to benefit more citizens in our state and prevent injuries."

Turner, J.: "Well, Representative, I'm not sure that you answered my question. Seems like to me that... what... I understand your intentions. I have no problem with what you're trying to accomplish here, but it certainly seems like to me that this can have a chilling affect on settlements and clearly, it can deprive a plaintiff from settling a case which he or she otherwise may have been able to settle because we're going to pass this into law and keep cases from being sealed. And moreover, it may indeed have a chilling affect on a plaintiff even bringing a case."

Brosnahan: "But, John, when you say it's going to have a chilling affect on settlements, I disagree with you. This legislation's been enacted in, I think, seven other states. The opponents testified in committee. We have not heard of any evidence whatsoever, that this had a chilling affect on settlements in those other states. And if you look at it, if they're worried about publicity that this may bring to them, that this public hazard's going to be exposed, I would think that they're going to get a lot more publicity if it actually goes to trial and a jury finds out that there's a public hazard. If they settle it, it's probably going to be less publicity for the plaintiff. So, in a way, there's an incentive to agree to a settlement because they're going to get more publicity after a trial, I would think."

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Turner, J.: "Well, I don't know how you can make that argument.

I don't know how you can say that when there are two parties to a lawsuit, the defendant and the plaintiff, and they want to make an agreement and they want to settle their case, it seems to me that in our system of justice, they have a right to do so. Mr. Speaker, I'm about out of time, I would ask if this..."

Speaker Hartke: "Bring your remarks to a close."

Turner, J.: "I'm bringing my remarks to a close. Roll call and verification. I guess we have the..."

Speaker Hartke: "Yes, your request for a roll call verification is being acknowledged. The Chair recognizes the Lady from Cook, Representative Coulson. Beth Coulson."

Coulson: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Coulson: "If there is a settlement that does not find one party guilty or the other, how do we know if a public hazard is truly there?"

Brosnahan: "Well, that would be up for the court to decide that. You'd bring it in front of a court and the judge would decide whether it involves a public hazard."

Coulson: "But if there's a settlement, how does the court decide that if there's never been any hearings?"

Brosnahan: "Well, if your point is... in state courts anyway in Illinois, a lot of the settlements don't have to have court approval. So, the attorneys would make the agreements and the settlements, and the judge doesn't even have to be involved in it. Under this legislation, it's illegal for them to enter into a settlement agreement which prevents the disclosure of a public hazard. So, I mean..."

Coulson: "I understand it and I think I'm in favor of the concept, but my concern is, when you have a settlement,

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there's not an agreement of one party being at fault here. So, how can anyone decide whether that device was at fault and therefore, be a public hazard?"

Brosnahan: "Well, Beth, as you probably know, a lot of that's semantics. When you reach a settlement and you say, 'Well, it really didn't admit any fault, we reached a settlement.' Well, in a lot of cases, obviously there is fault. But, that's just part of the... you know, the process that... the legal process that we have. And it's up to the court to decide if it's going to be a public hazard. So, I think there is an overriding concern here that the judge can decide that."

Coulson: "See, I disagree. In the settlement... To the Bill. In a settlement agreement, there is not necessarily fault. And I would say that that's a concern here if we don't know if the device actually caused the injury, because there's never been a court case. How would we know that this is a public hazard? I'd be happy to continue working on this Bill to make sure that's part of it, but who is the judge here? And I guess I have a problem with the way that's set up. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Jim, I don't want to go over all the territory that's been covered, but I have just a couple of questions. You know, if we have a case of controversy, I'm trying to understand how this works and maybe you can enlighten me in terms of how it works in Florida and stuff. But I have a plaintiff and a defendant, and we reach a settlement. And at that time, who raises the issue so that we can

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determine whether something should be disclosed or not at that point, in terms of public hazard?"

Brosnahan: "Well..."

Johnson, Tom: "Which party raises that? The court raises it. Tell me that procedure. What happens there?"

Brosnahan: "Well, I think in most situations, it would probably be the plaintiff in the case. I believe he would be, in most situations, probably be raising that to the judge."

Johnson, Tom: "Is that the way it's worked in Florida? The plaintiff would raise that?"

Brosnahan: "That is my understanding. This is what's been happening down there."

Johnson, Tom: "Okay. Would it be required that it be part of the pleadings initially that... you know, this product or whatever, is inherently dangerous and constitutes a public hazard or... I mean, I'm just wondering how you ever get it to that point. Because obviously, if I'm a defendant and I want to settle with you as a plaintiff and I'll settle with you, but don't raise the issue that this could be a public hazard. Now, what happens? And what has been the experience in Florida on these?"

Brosnahan: "Well, that's why there's other provisions in the Bill that allows, you know, 'a substantially affected person' or members of the media to raise it. So, if they have maybe a good faith belief that there is a public hazard, that it has been..."

Johnson, Tom: "But, how would they even know? Because where... You know how these court cases work, I mean, how does the media even know?"

Brosnahan: "Well, from my understanding the way it's been working in Florida, some people do know and sometimes it is the members of the media that get wind of possibly a faulty



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equipment or a products liability cases and media or sometimes just members of the public will go there. So, they've told me it's not just the lawyers involved, sometimes it other members of the public that get involved."

Johnson, Tom: "And see, I think, everybody in here would like to support this concept and so on, and I do have problems with that. But the second thing, have you ever thought of adding an option to this, that where a court finds, say between the parties, that a public hazard exists, that it could be cured one of two ways, either it's open disclosure or in the alternative, the defendant could submit a plan to alleviate the public hazard and keep the files closed and carry out that plan. Isn't that ultimately what we're after, is to eliminate the public hazard as opposed to triggering sales of newspapers..."

Brosnahan: "Tom, I..."

Johnson, Tom: "... or multiple pieces of litigation?"

Brosnahan: "... I agree with you. I agree with you on that and I don't think that situation's precluded by this legislation. Because you can still go in front of the judge and he'll have kind of a... he makes an independent finding of the settlement and I think you can present all those facts to the judge. It's up to the judge whether he's going to seal it or not. So, I..."

Johnson, Tom: "Well, this says..."

Brosnahan: "... think the situation you described, they can do that still."

Johnson, Tom: "Well, you know, my reading of the statute it says, 'that where he finds there is a public hazard it shall be disclosed'. You know, at that point... or that it cannot be sealed. So, I don't read it that way. You know, it

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seems to me that you would first have a hearing on whether a public hazard exists or not, and the judge makes that determination. And then secondly, instead of immediately jumping to an automatic opening of the files, why wouldn't you give the defendant an opportunity to present, say a plan of relieving the public hazard in the interest of keeping the files closed? I don't see that that's provided for in here at all."

Brosnahan: "I'm not sure if I understood the question, but Tom, from my reading of the statute, that's not precluded, in this statute at all. I think they can still do that."

Johnson, Tom: "Okay, well, I don't want to take much time. I don't read it that way, so, I do have that concern."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross. You've already spoken in a debate. For what reason do you seek recognition?"

Cross: "Just an inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "State your inquiry."

Cross: "We've gone along here for several weeks where we've had no time limits, then all of a sudden you've decided to put on a time limit. Is there going to be a pattern here or is this just going to be selective, based on what the Chair decides? Just so we know."

Speaker Hartke: "Today, we went extremely long on a Bill and it... so, we've decided to use the timer today. I think everyone's aware of that."

Cross: "Are we going to make that... is that going to be the standard or the norm for the rest of the week, so we know so we can make some decisions, just so we know?"

Speaker Hartke: "It could be."

Cross: "Well, when can we get some guidance so... and we're now

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starting to get some Bills that actually mean something. I know we've been dealing with other Bills over the last few weeks that maybe have had some... not been as controversial, but we'd at least like to know what the Chair intends to do with respect to this clock. One way or the other, Chuck, just so we have some idea."

Speaker Hartke: "Mr. Cross, I'll take that under advisement, and we'll get back with you today."

Cross: "All right."

Speaker Hartke: "As soon as possible."

Cross: "All right. Thank you."

Speaker Hartke: "No one else is seeking recognition, Representative Brosnahan to close."

Brosnahan: "Thank you, Mr. Speaker. This Bill, I believe, is a very narrowly defined measure designed to protect the public interest. We're not intending to invade the privacy or compromise any trade secrets. I think this is the direction the State of Illinois should be heading in regard to public policy. And I would respectfully request an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3239?' All those in favor will signify by voting 'yes'; those 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 House Bill 3239, there were 64 Members voting 'yes', 51 Members voting 'no', and there has been a request for verification. Mr. Clerk, read the Affirmative Roll. Would the staff please retire to the back of the chamber. There has been a request for a verification. Members should be in their chairs, please. Mr. Clerk."

Clerk Rossi: "Poll of those voting in the affirmative."

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Representatives: Acevedo. Boland. Bradley. Brosnahan.  
Brunsvold. Bugielski. Burke. Capparelli. Crotty.  
Currie, Barbara. Curry, Julie. Dart. Davis, Monique.  
Davis, Steve. Delgado. Durkin. Erwin. Feigenholtz.  
Flowers. Fowler. Franks. Fritchey. Garrett. Gash.  
Giglio. Giles. Granberg. Hamos. Hannig. Hartke.  
Hoffman. Holbrook. Howard. Johnson, Tim. Jones, Lou.  
Jones, Shirley. Kenner. Lang. Lopez. Lyons, Eileen.  
Lyons, Joe. Mautino. McCarthy. McGuire. McKeon.  
Morrow. Murphy, Harold. Novak. O'Brien. Osterman.  
Pugh. Reitz. Schoenberg. Scott. Scully. Sharp. Silva.  
Slone. Smith. Stroger. Turner, Art. Woolard. Younge.  
And Mr. Speaker."

Speaker Hartke: "Mr. Turner, you have questions of the  
affirmative? Representative Fritchey would like leave.  
Leave. Mr. Turner."

Turner, J.: "Representative Burke?"

Speaker Hartke "Representative Burke. Representative Dan Burke.  
Is Representative Burke in the chamber? Mr. Clerk, remove  
Mr. Burke from the roll. Mr. Brunsvold asks leave. Leave.  
Further questions?"

Turner, J.: "Representative Reitz?"

Speaker Hartke: "Representative Reitz. Representative Dan Reitz.  
Is Representative Reitz in the chamber? Representative Dan  
Reitz. Remove Representative Reitz from the roll.  
Representative Boland and Delgado asks leave. Leave.  
Acevedo. Leave. Further questions?"

Turner, J.: "Representative Capparelli?"

Speaker Hartke: "Representative Capparelli. Representative  
Capparelli is in the center aisle. Mr. Reitz has returned.  
Put Representative Reitz back on the roll. Mr. Burke has  
arrived. Would you put Mr. Burke back on the roll.

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Further questions?"

Turner, J.: "Representative Sharp?"

Speaker Hartke: "Representative Sharp is in her chair."

Turner, J.: "Representative Barbara Currie?"

Speaker Hartke: "Representative Barb Currie. Representative Barb Currie. She's in Rules Committee."

Turner, J.: "All right, I'll accept that. How about Representative Julie Curry?"

Speaker Hartke: "Representative Julie Curry is in her chair. Representative Novak requests leave. Julie Curry's in her chair. Barb Currie is right in the center aisle."

Turner, J.: "Representative Slone?"

Speaker Hartke: "Representative Slone is over by Representative Garrett's chair."

Turner, J.: "Representative Holbrook?"

Speaker Hartke: "Representative Tom Holbrook. Eating a piece of cake in the back of the chamber."

Turner, J.: "I'm sorry, I didn't hear you, Mr. Speaker."

Speaker Hartke: "He's in the back of the chamber."

Turner, J.: "I see Representative Mautino. I was just getting ready to ask about Representative Mautino. Hope he's doing all right. Representative O'Brien?"

Speaker Hartke: "Representative Mary Kay O'Brien. Representative Young asks leave. Leave. Representative Mary Kay O'Brien. Mr. Clerk, remove Representative Mary Kay O'Brien from the Affirmative Roll."

Turner, J.: "Representative Novak?"

Speaker Hartke: "Representative Phil Novak. He's standing..."

Turner, J.: "I gave leave..."

Speaker Hartke: "... in the back of the chamber."

Turner, J.: "I apologize, Representative."

Speaker Hartke: "Representative Granberg asks leave. Leave."

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Turner, J.: "Representative Harris?"

Speaker Hartke: "Representative Willard (sic-Willis) Harris.  
He's in his chair."

Turner, J.: "Oh, I apologize. Looks like he voted 'present'."

Speaker Hartke: "Excuse me?"

Turner, J.: "Apparently, Representative Harris voted 'present'  
so, I withdraw the question. Representative Monique  
Davis?"

Speaker Hartke: "Representative Monique Davis is on the Democrat  
side, back by Representative Murphy, in the red dress.  
Representative Silva asks leave. Leave."

Turner, J.: "Representative Lou Jones?"

Speaker Hartke: "Representative Lou Jones. Representative Lou  
Jones is in her chair. Any further questions,  
Representative Turner?"

Turner, J.: "All right, I'm studying on it. Representative  
Shirley Jones?"

Speaker Hartke: "Shirley Jones, in the green dress in the back of  
the chamber. Anything further, Mr. Turner?"

Turner, J.: "There's gotta be somebody missing over there. I  
think, Mr. Chairman... Mr. Speaker, that I have no further  
questions."

Speaker Hartke: "Thank you. On House Bill 3239, with 63 Members  
voting 'yes', 51 Members voting 'no', and 3 Members voting  
'present'. This Bill, having received a Constitutional  
Majority, is hereby declared passed. House Bill 3324,  
Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3324, a Bill for an Act amending the  
Illinois Optometric Practice Act of 1987. Third Reading of  
this House Bill."

Speaker Hartke: "Representative Moffitt."

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

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House. House Bill 3324, amends the Illinois Optometric Practice Act. It makes influencing or attempting to influence patient care decisions by a nonlicensed individual or entity, who has control over the optometrist, a violation of this Act. It also clarifies the statute to reflect the current interpretation in practice, which allows optometrists and licensed health care facilities to enter into employee agreements, as currently allowed in the Professional Services Corporation Act. This Bill was presented in committee. I initially looked at our analysis, and there was... it listed no opposition. I'd heard that there was a slip put in. It was the Illinois Association of HMOs. I talked to their lobbyist, Jack Shaffer. He said they're very close to having an agreement, but not to hold the Bill, that they thought they might have an agreement and they would take care of that in the Senate. And if that happens then, there would be no opposition. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 33... I'm sorry, I didn't see you, Representative Black. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I'm sorry I was a little late on the switch. That was my fault. Although you were a little late looking at the board, as well. So, we both share the blame. And you don't have your glasses on so, I'm worried you can even see the board. But be that as it may, I digress."

Speaker Hartke: "The Sponsor will yield for questions."

Black: "Well, I can't remember. What am I up for? Oh yes, will the Sponsor yield for questions? Of course."

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Speaker Hartke: "The Sponsor will yield."

Black: "Yes, thank you. Representative, I've looked at this Bill on more than one occasion, and I'm not sure that I fully understand this Bill. Now, let me ask you... I want to make sure that I know what it does not do. If I'm an optometrist and I am practicing in a group hospital practice, does this Bill say that the hospital administrator or the medical director of the group practice cannot tell me what to do or give me direction on what I am to do, I guess is the better question?"

Moffitt: "If they're not... any individual who's not licensed is not to influence you as far as patient care. You're the licensed optometrist. You know what's in the best interest of that person's eye care and a nonlicensed person is not to influence your decision."

Black: "Okay. Now, what if the medical director of the group practice is a medical doctor, but in a general speciality, not ophthalmology?"

Moffitt: "If they're licensed under all the branches to practice medicine, then yes, they could have some input."

Black: "Okay. One of the concerns I have... I sponsored three, four or five years ago, the Optometric Therapeutic Practice Bill, because in my district, I only have two ophthalmologists in my entire district. Now, both of them employ optometrists in their practice. Now, there's nothing in your Bill that says the ophthalmologist, who employs the optometrist, cannot give the optometrist medical direction in the course of his or her employment. That's not what you're attempting to do, is it? Since I'm employed by an ophthalmologist in a practice setting."

Moffitt: "Which would be a licensed..."

Black: "Sure."



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Moffitt: "Right. You are correct in your statement as you characterized it, there's nothing in there that would prevent that licensed ophthalmologist..."

Black: "Okay."

Moffitt: "... from working with, giving direction to, the optometrist. And I'm impressed at how well you're doing without your glasses that have been fitted by an optometrist, I assume. I didn't know if you want to put those on to..."

Black: "I could tell you the truth, if I didn't know where you sat, I wouldn't be looking at you because I can't see you. But, I know where you sit. Let me continue. Then, what is the Bill aimed at? Is the Bill aimed at a group practice where the administrator of the practice maybe is a businessman or woman, and so the director or the administrator of the practice would go to the optometrist and say, 'You are prescribing too many therapeutic drugs. You're costing us money. I don't think it's necessary. Henceforth, you check with me before you issue a prescription for the following three categories.' Then that would say... your Bill as I understand it, would say, 'You are not a licensed medical practitioner. You cannot control my practice as a optometrist.'"

Moffitt: "That's correct what you said and the Illinois Association of Optometrists wanted this Bill because they wanted to be sure that their focus could be care for peoples' eyes and their eyesight, and that they would not be directed some other way by someone that was not licensed to give health care."

Black: "Okay. But, we're not changing basically the Therapeutic Practice Act at all?"

Moffitt: "No."

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Black: "The ophthalmologist can still employ and direct an optometrist in his or her employ?"

Moffitt: "You are correct."

Black: "All right. Have... did the HMOs express any concerns about the Bill that an optometrist in their group practice may not be answerable to the administrator of the HMO if the administrator was not a doctor?"

Moffitt: "That could be a concern, but the HMOs are pretty confident... their association's pretty confident that they're going to have agreed language. Maybe yet today."

Black: "Okay. All right."

Moffitt: "But, they said their lobbyist said not to hold it up, that they felt that they were very close..."

Black: "Okay."

Moffitt: "... to having agreed language..."

Black: "All right."

Moffitt: "... to take care of their concerns."

Black: "Fine. Thank you very much. Mr. Speaker, I appreciate the Gentleman's indulgence in answering the questions. And if the Members of the floor who got a piece of birthday cake earlier would take a look before you bite into that cake, see if my glasses are stuck in that piece of cake somewhere, because they were here 30 minutes ago and now they're gone. So, if you find my glasses, I'd be most grateful for their return. Thank you very much."

Speaker Hartke: "We'll look into your request. Further discussion? Seeing that no one is seeking recognition, Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. This is strictly a Bill looking at what's best for patient care, allowing the optometrist to focus or... concentrate on the right attention, the right care, and not be influenced by someone

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that's not licensed. Appreciate your vote. 'Yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3324?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? There's still 2 people... Mr. Clerk, take the record. On House Bill 3324, there are 118 Members voting 'yes, 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, appears House Bill 3036. Representative Franks. Mr. Clerk, read the Bill. Ladies and Gentlemen in the gallery, the House Rules prohibit demonstrations. Ladies and Gentlemen, the House Rules prohibit demonstrations from the gallery, so, I would ask you to please be kind and sit back and listen to the debate. Thank you."

Clerk Rossi: "House Bill..."

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

Clerk Rossi: "House Bill 3036 has been read a second time, previously. Amendments 1 and 3 have been adopted to the Bill. No Motions have been filed. No further Floor Amendments have been approved for consideration. The notes that have been requested on the Bill have been filed."

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

Clerk Rossi: "Senate Bill 3036, a Bill for... House Bill 3036, a Bill for an Act concerning discount prescription drugs for senior citizens. Third Reading of this House Bill."

Speaker Hartke: "Representative Franks."

Franks: "Thank you, Mr. Speaker. Throughout Illinois, senior citizens are not following doctor's orders. It's because they can't afford to buy their prescription drugs anymore."

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Seniors in Illinois and around the nation must, too often, choose between food and their prescribed medication. Statistically, more than one in eight seniors have been forced into these conditions. I regularly get calls from seniors on fixed incomes who have to make these choices. This is a shameful situation and we're committed to changing it. And I'd like to give you some real-life scenarios and today I heard more. If you'll look up into the galleries, we have hundreds of senior citizens who are prepared to tell you their stories. Let me tell you about some people in my district. There's Grace, she lives on just \$1,150 a month, but her prescription drugs cost her \$1,365 a month which totals \$16,380 a year. Now, with an additional \$900 a month in housing, utilities, and other expenses and her husband recently placed in a nursing home, Grace says she fears her life as her savings drain away. Then there's Loretta, she's 71 and she suffers from multiple medical problems. The only coverage she has is \$500 a year for prescription drugs, yet, her drug costs approach \$14,000 a year. That's just money she doesn't have. And then there's Jean, who's 70. She needs prescription drugs that cost \$4,100 a year, about half of her income. Jean tells me she's afraid of losing her home. It's clear that one of the side effects of medication for our seniors is bankruptcy. These people are scared. These seniors and the thousands more like them across Illinois need our help. We must protect Grace, Loretta, Jean and all the senior citizens of Illinois now before it's too late. For many seniors, the proper medications taken at home can spell the difference between maintaining an active and independent life-style or being homebound or hospitalized. But prescriptions are becoming harder and

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harder to fill for thousands of Illinois seniors. Prescription drug costs have skyrocketed over the past several years. For the typical senior who uses several prescriptions to fight off such diseases as arthritis, hypertension, heart disease, the long-term costs of the pharmacy visits can be devastating. While senior citizens make up only 12% of our population, they use 37% of the drugs prescribed. Unlike large corporations and institutional customers, like HMOs and federal agencies, with the market power to buy drugs at discount prices, individual customers, our seniors, are left paying the highest prices. Prescription drug prices in the United States are the world's highest, averaging 32% higher than Canada, 40% higher than Mexico, and 60% higher than in England. These are the same drugs, made in the same factory, shipped in the same boxes as the drugs that are stocked here in the United States pharmacies. Seniors in Illinois pay for their own drugs often 50% more than the amount paid by large insurance companies, HMOs, and federal agencies for the same drugs. At a minimum, seniors should be provided with prescription drugs at comparable prices that are available to most federally funded health programs like Medicaid, the Veterans Health Administration, the Public Health Service and the Indian Health Service. So what's the bottom line? The most profitable industry in the country is charging the highest prices in the world to our most vulnerable citizens. This is bad medicine, it's bad economics and it's bad public policy. It's time to end the price discrimination and insure fairness for all seniors. We must protect our seniors before they lose their homes, their liberty, and their health. Illinois seniors shouldn't have to pay more than everyone else for

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prescription drugs and Illinois seniors shouldn't have to subsidize the rest of the world's prescription drugs by paying higher prices than seniors in every other country. Our plan is called the Senior Citizen Prescription Drug Discount Program and it would provide prescription drugs to all Illinois seniors at fair reasonable prices. It has four major components. It establishes a prescription drug discount program which will be administered by the Department of Revenue that would allow seniors to purchase prescription drugs at cost comparable to those drug manufacturers give to their preferred customers. This price would be based on the current price for prescription drugs as listed in the Federal Supply Schedule, which is the government's pricing guide. Persons who are residents of the State of Illinois and are over 65 would be eligible for the program and if they chose to join, would pay an annual fee of \$25 which would provide them with a customer identification card and cover all administrative expenses. There is no deductible, there is no copay, and there is no paperwork. Seniors and disabled citizens already covered under the existing Pharmaceutical Assistance Program could purchase prescription drugs not covered by the Act at discounted prices. Currently, only three areas are covered by the Pharmaceutical Assistance Act: cardiovascular, arthritis, and diabetes. Our Bill applies to all medicine. And finally, it requires drug manufacturers who market covered drugs to enter into rebate agreements with the Department of Revenue to cover the cost of drug benefits. The state would then use these proceeds to reimburse pharmacies for the savings received by seniors participating in the program. The bottom line is, what we're really doing here, is we are organizing our seniors

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into a buying co-op, the largest in the state. We aren't seeking... we aren't asking for special treatment just equal treatment. What we're asking..."

Speaker Hartke: "Bring your opening remarks to a close, please."

Franks: "Okay. We're asking for fundamental fairness. We're talking about fairness and nondiscrimination. The days of charging consumers a different price based on their vulnerability in the marketplace has to end. Although they have the greatest need and the least ability to pay, senior citizens without prescription drug coverage, pay far more for their prescriptions than favored buyers. This is not a way to honor people after a lifetime of hard work and good citizenship. By making prescription drugs more affordable, health care will be less costly, more effective, and less worrisome for seniors and will provide our families with greater peace of mind. Healthier seniors mean fewer surgeries, shorter hospital stays, and less long-term care. We must, now, commit to offering those prescription drug prices that are fair and reasonable. That's the least that we can do. Thank you and I'll answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman... Ladies and Gentlemen, please. Is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative Biggins."

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

Speaker Hartke: "He indicates he will."

Biggins: "And Mr. Franks, you've indicated, in the past, that this Bill has no cost to the taxpayers. Am I correct that the Department of Revenue has filed a fiscal note stating that there would be the need to hire an additional 210 staff members?"

Franks: "There'd be no cost. I'm glad you brought that up, Mr."

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Biggins, 'cause that is really a good point. The Department of Revenue in its fiscal note correctly points out this will not cost the state any money because the \$25 administrative fee that the seniors pay will cover the entire cost of the program and by Department of Revenue's own analysis, indicate that it would have an extra \$23 million in excess, thereby insuring that the \$27 million loan that we're taking for start-up costs will be paid back timely and with interest. So there will be absolutely no cost to the state. And what's interesting, in our Bill, if you'll look at on the Amendment on page 5, we make it crystal clear that the rebates have to equal the discounts and the pharmacies will only be reimbursed through that drug fund, thereby not having any liability at all for the state and the whole program is self-funded."

Biggins: "Thank you. So we've gone from no cost to the state... Did you happen to mention the total cost of the program as mentioned in the fiscal note?"

Franks: "Well, that's another good point. What the fiscal note shows and I want to say that you need to know that the Department of Revenue didn't want to have this... doesn't want to have this program for whatever reasons, though they already handle the Pharmaceutical Assistance Act. But what they said and if you read the note like I do, is that this repayment schedule will not result in a cost to the state as long as the initial \$27 million transfer and the subsequent manufacturer rebates keep pace with the claims for payment from member pharmacies, which is exactly what we've spelled out in our Bill. So by their on testimony, there is absolutely no cost to the state. And I think what you might be... well, go ahead. I don't want to put words in your mouth."



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Biggins: "Well, thank you. I'd like you to put some of my words in your mouth because I asked you a question what it would cost. Well, let me answer my question for you. According to the fiscal note, it's gonna cost \$13 million, annually. These people, these 210 people, will require desks, chairs, pens and a space to work, and so we've gone from costing nothing to the taxpayers to \$13 million, hiring 210 additional employees, but... To the Bill, Mr. Speaker, if I may."

Speaker Hartke: "To the Bill."

Biggins: "In previous testimony, Mr. Franks has referred to the State Disbursement Unit, currently handling child support payments or attempting to handle them, a big, new government bureaucracy created by the Bill Clinton-Gore administration and the State Disbursement Unit has simply not worked. So, now, what we're attempting to replace it with is, perhaps, the Hillary Clinton-Franks mandate, another mandate on the citizens of the State of Illinois. Deferring to the State Disbursement Unit, there is not one state in this country that has made that work efficiently like it... we'd like it to be. It's affecting over 207,000 children in Illinois unable to get the child support that they are entitled to by law and that payments are being made timely. Well, now there's a Bill presented by Mr. Franks that purports to take care of a million and a half seniors. Now, a brand new government bureaucracy, taking care of a million and a half seniors. Compare that to the State Disbursement Unit which takes care of over 207,000 children and is a failure in our state. It's a failure nationally, a federal mandate that just doesn't work. So, now, Mr. Franks is proposing a new mandate. Well, let me just suggest something to those, to go back into their

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districts and find out about the single parents that are there that are trying to get their child support payments made, trying to receive them and they're not getting them. Well, why would we create a brand new mandate, a brand new bureaucracy where we already have a system that works in Illinois? And I remember, many in the gallery are quite familiar, I'm sure, with our senior Circuit Breaker Program, testified as being, perhaps, the best in the United States. And I appreciate the sentiment in the gallery, but just think of what would happen if you in the gallery were replaced by the single mothers who haven't been able to get their checks. Your noise would be muted compared to the outrage we would hear from those parents, but they're not here. But we're here to offer a better program, a program better than Mr. Franks' mandate, to take care of the single parents and the children they are supposed to be served in the State Disbursement Unit, we don't want that to happen to the seniors of this state. We want to get them the prescription drugs that they're entitled to, so let's pass a Bill that works."

Speaker Hartke: "I might admonish the gallery again, please. There are no demonstrations. You will please listen to the debate. The Chair recognizes the Lady from Cook, Representative Crotty."

Crotty: "Thank you, Mr. Chairman. I also would ask that the gallery please give their attention to the floor and I certainly do know how angry some of these senior citizens are to hear some of us, down here on the floor that represent them, take a different side than their constituency. Yesterday, I heard some debate and some discussion about those six-digit-figured retirees. And I don't know if I represent the six digit group, but I know

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that I represent some retirees that are fairly well-to-do. And as I listened to the discussion yesterday, I went home and I started thinking about all of the seniors, whether they be in my advisory group or whether it be those that I've knocked on their doors and stood on their front porches, and I remembered a couple in one of my wealthier areas that said, 'I have never called a politician in my life. I've never asked for anything. And I thought my wife and I had planned for our retirement, but young lady', that's why I liked him, 'cause he called me a young lady, 'there is no way that anyone can, today, as I couldn't do years ago, plan on one pill of my wife's being \$37.75. So no matter how well I have planned, I had no idea that my prescription costs would be close to \$1,000 a month.' I, also, thought of another couple that when I was on their porch, in a middle-classed area, that started out the same way as that they've never asked for anything, but they had raised ten children and they thought that they would not have nothing but a modest retirement. The couple had \$753 worth of medications alone a month. That's not counting, they said, when we go to the doctor to see whether or not our level of blood thinner should be reduced or if that Coumadin should be increased. Three weeks ago, I went to the wife of that particular couple's funeral and I had such... it was such an impact, at the funeral mass, to hear in that homily, the priest say, that I'm sure when she got to heaven she said to God, 'If You were gonna pick me today, why didn't You pick me a year... one hour earlier? I had just bought my prescriptions', which she did and she died of an aneurysm in her driveway coming back. So I tell you and I ask you, I implore my colleagues on the House Floor to do what's right. We had testimony in committee

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that actually was said by the Department of Revenue that this would cost no dollars to the taxpayers, that in fact, that administrative cost would pick up the entire amount for this program. I want to commend the Sponsors. I want to commend all of the Sponsors that sat down in the hours that we discussed this Bill, ourselves, and asked the very same questions that we heard yesterday. And I ask today that we do what we've been elected to do and that's to remember all of our 'Fred and Ethels', that I call 'em, our taxpayers that ask us to do one thing, not to give 'em anything for nothin', but just give them the same benefits that many of us enjoy and that's reduced prescriptions. And I ask for your 'yes' vote."

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

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

Speaker Hartke: "Sponsor indicates she'll yield... he will yield."

Mulligan: "Representative Franks, in the discussion of this Bill yesterday, the main question that we asked, repeatedly, was, does this program cost the state any money?"

Franks: "No. This program does not cost the state any money, nor does it expose the state to any liability. As you'll see, the \$25 administrative cost is more than sufficient to cover the administrative cost. By Department of Revenue's own reckoning, there should be approximately \$23 million overage through that administrative cost that would also insure the timely repayment of the loan. So there is no cost to the State of Illinois."

Mulligan: "We questioned that, repeatedly. If the State of Illinois has to front \$27 million for this program, how can you say there is no cost to the State of Illinois?"

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Franks: "As you know, Representative, this is a short-term loan that will be repaid at above-market interest at 7.5%, so the state will get all the money back and there will be no cost to the state."

Mulligan: "You're predicating that on the assumption that that will be paid back and there are some question as to whether that will be paid back. And originally, \$27 million and that is, I think, a very low estimate, has to come out of the state budget from somewhere. Where would you propose that we take that money? There are many of us who realize that the seniors here are having problems with paying prescription drugs and a number of us have looked at alternative plans, some of which we think, are much better and much less costly to the state, particularly seniors, where their programs may be cut in other areas. I think that you have not really answered this truthfully when you say this will not cost the state any money because if it's gonna cost a minimum of \$27 million up front, with no absolute guarantee that we will not be tied up for years in lawsuits or that this money will be paid back, that money will have to come out of the state budget this year from somewhere in the General Revenue Fund."

Franks: "As you know, Representative, there has been nothing been appropriated this year, so we're not taking from anyone. I can't understand why you can't see this as an investment for our seniors, everyone who deserves it and it's a short-term loan. You know how many times we waste money here?"

Speaker Hartke: "Ladies and gentlemen, please. Please."

Franks: "When you give sweetheart deals to developers to buy hotels for \$28 million in loans, which we have never seen."

Speaker Hartke: "Ladies and Gentlemen, please."

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Franks: "When you give big gambling concerns huge tax breaks, money we're never gonna see."

Mulligan: "Representative..."

Franks: "When you vote for a Wirtz Bill..."

Mulligan: "I think..."

Franks: " ... that costs our seniors 20..."

Mulligan: " ... that we are not play acting here..."

Franks: "Let's talk about this."

Mulligan: " ... to the gallery."

Franks: "You want to talk about money."

Mulligan: "We're talkin' about the money. You will not address where the money is coming from."

Franks: "You voted for the license plate increase."

Mulligan: "We are working on a..."

Franks: "Every senior's gonna pay a lot more..."

Mulligan: " ... proposed budget."

Franks: " ... in license plate fees."

Mulligan: "You are wrong."

Franks: "You vote for the Wirtz Bill..."

Speaker Hartke: "Excuse me, Mr. Franks."

Franks: " ... that's gonna cost us \$27 million a month."

Speaker Hartke: "Excuse me, Mr. Franks. Ladies and Gentlemen, the rules of the House say that there'll be no demonstration during the presentation of Bills. If you continue this, the gallery will have to be cleared. Mr. Franks..."

Mulligan: "Mr. Speaker?"

Speaker Hartke: " ... continue."

Mulligan: "I would ask that since this... since the proponent of this Bill has not been responsive, I would like time added to my time that was removed while we were speaking this and I will speak to the Bill, now."

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Speaker Hartke: "You'll get one additional minute."

Mulligan: "Thank you. Ladies and Gentlemen. This has been proposed and really, I think, demonstrated the fact that we have a Bill here that appears to be something that seniors would like to have. We understand that. We have repeatedly pointed out the fallacies. The proponent of this Bill has been in this Body for 13 months, less than one Session. I've worked in Human Services, in the appropriations capacity, for eight years in the Illinois General Assembly. There is a proposed budget that will appropriate money that we are working on right now, \$27 million of GRF has to come from some way. General Revenue Funds money comes from the taxpayers. It is my assumption, that in order to fund this Bill, we will have to cut other services. Since the Human Service budget is one of the largest budgets in the state, approximately 45% of the General Revenue Funds, that is always the budget that is looked to to be cut. A program that will fail will not have money paid back from it, will substantially take from services in all areas of Human Services that is a proponent. To put forth this Bill on such a false premise, that it will cost the taxpayers nothing, is a bad assumption on the part of the Sponsor of this Bill. The fact that he will not compromise and that he brings down people and doesn't tell them the truth about what's happening here, is unconscionable. From someone who has tried for the last eight years to find solutions to Human Service problems and issues here, to come up with a program that significantly reduces the amount of proposed General Revenue Funds for this year's budget, is a mistake that we cannot afford to make. There are better plans out there. There are better plans that will help seniors. I propose

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that they take a look at it and that we discard this Bill and get on with the work of the state to provide a good solution for this that will not substantially take from other areas of the state budget. This is a false premise. I'm sorry. I can certainly not support something that does this."

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

Sharp: "Thank you, Mr. Speaker. I spoke on this Bill yesterday and I'll speak again on this Bill. What difference does it make if we have to hire 200 plus employees? What difference does it make whatever the cost is? We have a budget of over 46 billion. We're talkin' about senior citizens that have served their time, senior citizens that deserve this and much more. I spoke on an issue yesterday regardin' in my own personal insight on this. I'll speak again on it. Maybe this time, it'll touch some of your hearts. My own grandmother was put into the hospital weekly because she was at her caps and could not afford anymore of her medication that cost her over a hundred something dollars a month, but she had too much pride to tell anyone. How many more seniors do we have out there that they cannot afford the medication, but keep goin' on day by day doin' what they know how to do so that they can live. It 's time out to look over our seniors. If it wasn't for our seniors, we wouldn't be here. They paved the path for us. When I first came down here, this was the only thing on my heart, to do something for the pharmaceuticals to help our seniors. But yet and still we sit up here and talk about how much it's gonna cost and it's gonna do this and it's gonna do that. When do we look after our seniors? When do we look after our youth? We



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can vote on liquor. We can vote on everything else, but when it comes to our seniors, we gotta talk upon it. There shouldn't be no one talking against it. Whatever it costs, we need to pay it. They have paid into the taxes for years and years. They are on a set income. They don't get raises like we do. They don't get raises like other people do. They have to live on their set income. They cannot afford these price increases on medication, but yet and still we question it. What is there to question? They need our help. They need our support, but yet and still, we sit up there and question about what they need. In a few more years, a lot of you are gonna be glad this Bill was paid. It's time out. It's time out for us to be doin' this kind of stuff to people who deserve more than this. Can't you even think about your own parents? Where would you be without 'em? Yes, some of them can afford it and some... most of them can't. There's millions that this Bill will help. Millions of seniors that will help them live longer, so that they can instill what they've instilled in us. They've taught us. They've taught us ever since we were children how to stand up for what we believe and I'll stand up on this issue until I die, because they deserve more than what we're givin' 'em. Everyone in this building needs to vote 'yes' for this Bill. And there shouldn't be anymore questions asked about what it costs. What do you care? They deserve it."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I've been a member of AARP for many years, so I'm fast approaching retirement age. Lookin' forward to it, quite frankly. I live the problems of seniors

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everyday. My father is 82 years old. My mother died 30 years ago of emphysema and lung cancer, result of a three pack-a-day cigarette habit, as I recall. My mother-in-law is 87 years old, has had several mini strokes, is not in good health, has many prescription drugs that she takes. So I would hope that we stop pandering to the gallery. I would hope that we stop... You know, that's one of the... that's one of the reasons, I think, many people are so cynical of government today. To my seniors in the gallery, most of you were around when Franklin Delano Roosevelt started Social Security. Thank goodness he did. But you remember, you remember how little it was gonna cost and how much it was gonna do? What happened? All of the promises made were not promises kept. Medicare, medicare was gonna solve this problem 30 years ago. Promises made; promises not kept. Today, you pay Social Security contributions on your income, ad infinitum. When I started to work as a young teenager, your Social Security taxes stopped after you made so much money. You don't get to do that anymore. All of the various government programs that were designed to help those who need the help have generally been oversold, underfunded, overpromised and under delivered. You all know that, as well as I do. My 82 year old father knows it. My 87 year old mother-in-law knows it. So here we go again with a promise of a government program that's going to somehow solve all the difficulties on the prescription drug crisis, though so many of our seniors do indeed face. I commend the Sponsor. I don't have any quarrel with the Sponsor. I commend him for raising the issue, but I want to tell you one thing and I mean this most sincerely. If we're to make any progress on this or any other issue, I'd be much more sympathetic to the

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Sponsor had he been more worried about working out the details, forming the coalitions, and working with our friends on the other side of the rotunda, on how we can enact this Bill into law. What I heard was his concern to the video camera as to whether or not they got good shots during the committee presentation. Well, you boo and ahhh all you want to, but that's on the record. That's what he said and that's on the record. And I think today is just a coincidence isn't it, Ladies and Gentlemen? Just a coincidence that this Bill is called today and played to a gallery full of people who should support the Bill and who, obviously, do support the Bill. But everybody in this chamber, on both sides of the aisle, and most people, I dare say, in the gallery know this isn't the Bill that's going to be finally passed into law. The real work will be done by those in the trenches, who don't seek the publicity, who don't play to the camera, who don't play to the press, they'll do the hard work, they'll do the compromising, they'll do the work with our friends on the other side of the aisle and eventually, we will come up with a program that will hopefully address a portion... a goodly portion of the program and will be fair to all concerned. That's what the process does and that's how it works and I'm constantly amazed at how brilliant our forefathers were to give us a system that we've had and sometimes abused, for well over 200 years. There are checks and balances, there's this chamber and the other chamber, there's the executive office and the judicial branch. There are serious questions about this Bill and the Sponsor knows that. As long as we're in a free-enterprise system, there are problems the way this Bill is drafted, with telling a company, you will do this or you will not sell

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your product in our state, that will be eventually decided in a court of law. So when all is said and done and all of the sizzle is sold, some of us who will work behind the scenes are ready to work with the Sponsor and people, men and women of good will on both sides of the aisle and throughout this diverse state. My district is a graying district. I'm 58 years old. That's probably the average age in my district. So when all is said and done and everybody goes home and all the press releases go out, there'll be men and women of good will around the state and in both chambers who will do the work in the trenches and come up with something that will work."

Speaker Hartke: "Representative Black, bring your remarks to a close, please."

Black: "Thank you, Mr. Speaker, I appreciate your indulgence. So the comments from the gallery notwithstanding, there comes a time, Ladies and Gentlemen, when you can't exist in this business as long as I have or as long as some of you may want to, you can sell the sizzle all you want, but at some point you have to deliver the substance. And for my friends in the gallery, who I soon hope to join, I've never seen a government program yet that didn't promise more than they delivered and that didn't cost more than they said it would. So sell the sizzle, get out the press releases and then when we come back, next week, let's get to work, jointly, on a program to address a legitimate, pressing need. My 87-year-old mother-in-law wants me to do that. My 82-year-old father, who just finished 35 radiation treatments, wants me to do that. And when all... that's what we'll do."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

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Hoffman: "Yes, Mr. Speaker, Ladies and Gentlemen... Ladies and Gentlemen of the House. So I've sat through the Aging Committee when we talked about this Bill. I sat through the Amendment, we sat through Second Reading on this Bill. I want to tell you about a gentleman by the name of Steve Logue. He's a nurse from Glen Carbon, Illinois in my district. He came up to the Aging Committee for one reason and one reason only, because he's on the firing lines in the emergency room. And he has seen seniors not get their prescription and being brought into the emergency room because they couldn't afford their prescription drugs. He's seen seniors self-diagnose and only take one pill a day when they should be taking three and end up in the emergency room. He cared so much about this Bill that he came from Glen Carbon on his own, not in buses, not in groups, but to come and support this Bill when it was in front of the Aging Committee. I think we have to listen to the people who truly are on the front line, the people who are in the gallery here. And we talk about smoke screens, let's talk about smoke screens. The smoke screens that's being put out by the other side of the aisle is abysmal. You know, this is being handed out and I guess you all got it in the gallery. There's not one shred, not one iota of truth to this which is being handed out by the other side of the aisle. The bottom line is this Bill is elegant in its simplicity. It does one thing. It does one thing only. We can argue all day about how we're gonna do it, but it says we're gonna treat seniors and allow them to be a co-op of buying power and treat 'em the same way that we treat large corporations in the state. That's it. We're saying that seniors are going to be able to buy prescription drugs at the same rate that large

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corporations, rich corporations, buy prescription drugs in this state. Sounds simple to me. Now, you can throw up the smoke screen, you can hand out all these types of things you want, but that's the bottom line. Because prescription drug issues... it's not about... seniors are Republicans, they're Democrats, they're Independents. The bottom line though is, they're hurtin' and this is a simple, simple solution to a very, very complex problem. Today, today, we'll look back on this day, I guarantee ya, five, six years from now, much as the Congress has looked back on medicare, much as the Congress has looked back on Social Security and they've said it was the right thing to do. I will go with ya. If you want to talk about the Circuit Breaker Program, I'm for increasing the eligibility for circuit breaker. But we all know that the Circuit Breaker Program only deals with three categories of drugs. It deals with arthritis, it deals with cardiovascular and it deals with diabetes. I will go hand-in-hand with anybody who wants to, to the Governor's Office and say, 'we want to pass this Bill and we want to increase the eligibility on the circuit breaker.' I want both of 'em. We deserve both of 'em and we'll stand with you on it in a bipartisan fashion. Stand with us on this. Let me tell you something, it's wrong, it's wrong when we hear about seniors who get in a bus and go to Mexico... go to Mexico to get the prescription drugs, the same prescription drug they buy here in Illinois made at the same factory, made by the same people. You know what, in Mexico you can get it for? Forty percent less. They're gettin' in buses and buying prescription drugs in Mexico. It's wrong. They go to Canada, across the border to our north. You know why? It's 30% less in Canada. How can you stand here and say

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that is right? It's not right. And we keep asking from that side of the aisle, well, when are you gonna get to the truth? When are you gonna get to the truth? The truth is, you can't handle the truth. You can't handle the truth. I'm sick and tired of us scaring seniors and sayin', 'oh, it's gonna be this big, huge program.' Baloney. We're talkin' about one... it's... loan... one loan of \$27 million that's gonna be paid back. It's gonna be paid back within a year. You know what, you know what, do you think that the pharmacists and the retail merchants wouldn't be against this Bill if they weren't gonna get their money? We're gonna be able to allow seniors to get the same cost that big corporations get, that HMOs get and they'll be able to go to every pharmacy in their neighborhood and get that cost. That's what this Bill would do. And as far as this handout, Ladies and Gentlemen in the gallery, here's what I'm doin' with the handout. Join me. Join me."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Sponsor indicates he'll yield."

Cross: "Representative Franks, I want to ask a couple of questions as to the eligibility requirements of this Bill. Your Bill, if I'm not mistaken, has absolutely no income or eligibility test, other than age. Is that correct?"

Franks: "Correct."

Cross: "So, if I have an income... as long as I'm over age 65 and have an income of \$500 thousand a year, I would be eligible to participate in your program. Is that correct?"

Franks: "Mr. Cross, this is not a welfare program. There is no cost to taxpayers. And I don't believe that any seniors should be price gouged. If it's your opinion that seniors

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should be price gouged because they have more money, then you should make that Bill. Social Security and medicare are not means based. Why are you trying to limit this to people of only lower incomes? It doesn't make any sense when there's absolutely no cost to the taxpayers, first of all, and second of all, why do you want to create class warfare? Everybody should be part of this."

Cross: "So, if I own the Hawks, the Chicago Blackhawks or another professional sporting goods team in the State of Illinois, I can participate in your program free of charge. That 'yes' or 'no'. Can you answer a question 'yes' or 'no'?"

Franks: "There's a \$25 fee and if you choose..."

Cross: "'Yes' or 'no', Representative?"

Franks: "... to join, everyone who is eligible, if they choose, can join."

Cross: "So, the person who's living on a \$15 thousand a year income is treated the same as the owner of the Blackhawks or the Bears or the Cubs. Is that correct?"

Franks: "Everyone..."

Cross: "Yes."

Franks: "Everyone who is eligible can join if..."

Cross: "Okay."

Franks: "... they so choose."

Cross: "I want to make sure that just... since we are talking about trying to pass something that works, Representative, and as Representative Black said and pointed out accurately, we do need to go over to the other side of the rotunda and talk to someone in the Senate and see if we can pass... we're gonna pass the Bill out, I suspect, today. You have all your Members over there they're all gonna vote 'yes'..."

Franks: "You should vote for it, too."



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Cross: " ... but realistically, Representative Franks, you know this Bill's not gonna pass in the Senate. Shouldn't..."

Franks: "You're absolutely wrong."

Cross: "Shouldn't we be..."

Franks: "After six hours of in the... in committees, only one group is opposed. The pharmaceutical manufacturers that made over a hundred billion dollars in profits on our seniors' back are the only group that's opposed. There was 83 witness slips in, 80 of 'em positive, 2 are now neutral, and 1 opposed. If you want to protect those pharmaceutical companies, if that's what you're trying to do at the expense of our seniors, then do it. But it's the wrong thing to do."

Cross: "I would ask everybody in the gallery to call Representative Franks one month from now and ask him what happens to this Bill and find out whether or not it passes. The realistic question is, 'what Bill will pass and what Bill will benefit the people who need it most in the State of Illinois?' And that Bill is an expansion of the current Circuit Breaker Program and Representative Franks, if he's honest, if he's honest with all of you in the gallery, will tell you that an expansion of the Circuit Breaker Program is the best way to go. There is an eligibility requirement with respect to income, as there should be."

Franks: "The Circuit Breaker Program..."

Cross: "It would also..."

Franks: " ... even if it's expanded would..."

Cross: "Why don't you let me finish, Representative Franks?"

Franks: "You wanted me to be honest. I'm tryin' to set you straight."

Cross: "Why don't you let me finish?"

Speaker Hartke: "Representative Franks."

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Franks: "You wanna be honest. I'll set you straight."

Speaker Hartke: "Representative Franks. Representative Franks, let the..."

Franks: "I'll yield some of my time to him."

Speaker Hartke: "... let the Gentleman continue. You'll have your time to close."

Franks: "He asked me to keep him honest, that's all."

Speaker Hartke: "Excuse me."

Cross: "If you would let me finish, Representative Franks, and we have an honest debate and an honest dialogue, you'll let me finish. The Circuit Breaker Program, for those of you that don't know, covers certain drugs, as Representative Hoffman pointed out. The expansion of the Circuit Breaker Program that many people in this statehouse, both in the House and the Senate and some Democrats are talking about, would include not only the drugs that Representative Hoffman pointed out, but also it would include disease drugs... drugs for diseases related to smoking, Alzheimer's, cancer, glaucoma and Parkinson. Many drugs that are needed for all of those diseases and we realize need to be addressed and need to be met, but most important and most important of all, we are talking about providing for those people that need it most. Those people on a fixed income, those people that are having a hard time buying food, those people that are having a hard time paying their rent, those people that are having a hard time taking care of basic living needs. We don't need to take care of the owner of the Bulls, the owner of the Blackhawks, the owner of the Cubs. We need to take care of people like you and us in this gallery. And I would urge a strong 'no' on..."

Speaker Hartke: "Further discussion? The Chair will recognize the Lady from Cook, Representative Flowers."

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Flowers: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support House Bill 3036. And if I may, I would like to just take a moment and tell you the reason why. You know, there was a recent report, Ladies and Gentlemen, that some veterinarians were able to get the same prescription drugs, in which we're talkin' about, for human beings. The veterinarians were able to get the drugs cheaper for their animals. So surely, Ladies and Gentlemen, surely, we should be in support of this legislation, which is not a mandate. Because if the veterinarian can get it cheaper for their animal, surely these seniors here, who have paid their dues, who are... this is not a mandate, Ladies and Gentlemen, they've paid their dues and if they so choose to want to join this program, they too, will pay another \$25. Because if the veterinarians can get it cheaper for their animals, Ladies and Gentlemen, I'm sure, I'm sure we don't want to send the wrong message out of here today that the seniors, our mothers, our grandmothers are not worthy to have their lives saved like an animal, like a wild, stray animal on the street that a veterinarian just kind of picked up and brought in and he was able to get the same medicine, same medicine, real cheap. And I just want to say, Ladies and Gentlemen, that we have lied to our senior citizens. They've worked very hard that we may stand here today and be as prosperous as we are and we didn't have to pave the road because they paved it for us. And they didn't even have minimum wage. They just worked for whatever somebody gave them. And not all of them were privileged enough, Ladies and Gentlemen, to have Social Security taken out of their check. And speaking of Social Security, let me just tell you a little secret about Social Security. See Social

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Security, Ladies and Gentlemen, will pay for the seniors medicine as long as they are in the hospital, but don't you dare come home and need that same medicine that they gave you in the hospital 'cause you can't afford to get it once you at home. And I'm gonna tell you something else, Ladies and Gentlemen, I'm not gonna tell you how many senior citizens have died because they could not afford the increase in which the pharmaceutical company has raised the dollars up so they can make a profit. They can make a profit off the death of those senior citizens, Ladies and Gentlemen, I'm not gonna tell you that. I'm not gonna tell you, Ladies and Gentlemen, about how, once again, the senior citizens have to take their medicine, not at the proper dosage because they can't afford it all. I don't think that's what we want them to do. We want to make this affordable. We want Social Security to work for everybody. We want these senior citizens to live the rest of their lives in dignity as they have provided for us. Let us send the right message out here, Ladies and Gentlemen. Let us send House Bill 3036, for all the seniors who may want to participate. Let's say to them, 'we respect you at least as much as we respect the animals.' Thank you."

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

Turner, J.: "Thank you, Mr. Speaker. You know, it's generally my custom to ask a few questions of the Sponsor before I give my position on a Bill. I'm not gonna do that today, though, because I have found that this Sponsor will not answer any questions put to him and let me tell you why."

Speaker Hartke: "To the Bill."

Turner, J.: "I've been through the committee process. One of the Representatives over there said I couldn't handle the truth

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and I'll tell you what, I resent that. I'm gonna demonstrate something to the people in the gallery and the people on this floor before I'm finished here, but this does have a checkered past. It came through the committee process and the first thing they did was cut us off from debate and cut the witnesses off from testifying. And we raised holy Cain on the floor and were able to take it back in the committee. We went back to committee. We had another hearing. We brought it back to the floor. What happened? We had a note filed by the Department of Corrections that made absolutely no sense and we had to raise Cain again to get a real note from the Department of Revenue. Well, we asked yesterday on the floor whether or not this Bill was constitutional, whether anybody had looked into it, because if it's not constitutional, as the witness in committee said, we are doing and playing a cruel hoax on all these people. I'm not gonna ask him what he said because I got a transcript of what he said. I was in the committee. I know what he said. I've got it here. He said, yesterday, 'we had a chance to speak with Professor Rotunda from the University of Illinois, who is considered an expert in constitutional law, and he indicated that there was no problem here, constitutionally.' Yesterday on the House Floor what did he say, he said, 'we have spoken...' I'm quoting, 'We have spoken to Professor Rotunda at the University of Illinois Law School, who is one of the leading scholars on constitutional law, and he did not see any interstate commerce problems at all or any constitutional problems at all with this Bill.' Well, I had a hard time believing that, so I called up Professor Rotunda from the University of Illinois. I talked to him on the phone yesterday. I talked to him on the phone five

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minutes after the debate was finished here, yesterday and what did he say, Ladies and Gentlemen? He's never talked to Representative Franks. What did he say, Ladies and Gentlemen? He said he had received one phone call for about a minute and a half from a staffer and the staffer asked him a general question about whether or not a Bill could be constitutional if it in some way limited business and that was the only question posed to him. And he told me, 'Representative Turner, I have never given an opinion on this Bill. I have not seen this Bill. I have not read this Bill. And I will not give an opinion on this Bill. I don't even have time to consider this Bill.' Well, I thought well maybe I was wrong when I called his number. I looked it up and called him and talked to him on the phone. Perhaps, I was mistaken. Perhaps, there was a fraud being played on me and I was talking to somebody in his office, so we confirmed it with a letter today. I'm not gonna read it all because I'm running out of time as always happens in a debate like this. What did he say? Professor Rotunda from the University of Illinois who is respected constitutionally, no question about it. I'm quoting from a letter he sent today, received by fax, 'as to whether this Bill involves an unconstitutional taking of property or is preempted by Federal Law or violates another state or federal constitutional right is a question on which I could not opine unless I read the Bill.' Now, you tell us we can't handle the truth over here and you interrupt Representative Cross to keep him honest. Well, who's being dishonest? Who said in committee, I checked out the constitutionality of this? Who said yesterday on the floor, in front of all the press, in front of all your colleagues, in front of every single person up in the

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gallery, that you had checked the constitutionality? When you're presenting a Bill for seniors in the State of Illinois and when you're challenged on the constitutionality of it and when you're told you're playing a cruel hoax, you'd better check the facts. And you'd better not come to this House Floor and say that you've checked constitutionality with a law professor when you haven't even spoken with him. And when you're asked to run it by the Attorney General and give a response, instead, that you've checked with the professor you never spoke with and never showed the Bill and never let him read the Bill, then you're being less than genuous and I'm being very gracious in what I'm saying. Ladies and Gentlemen, this is a cruel hoax on you because he has not represented the facts."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I usually don't get up and speak too often, but I feel compelled and moreover, I'm coming down as to represent my constituent, my neighbor, my friend, a senior citizen. A senior citizen by the name of Tansy Watson who stays at 4903 West Ohio, who I met early Tuesday morning. I cannot go back to that senior citizen's house. I cannot go back to Mrs. Watson's house and begin to express to her that something is unconstitutional or constitutional, when I hold here today a Bill from last year which her prescription drugs cost over \$800 and her coverage is only \$600 a year. Each and every time that she goes to give a... get a prescription, she has to pay \$10, a \$10 copayment, and she expressed to me that she may go two times a month, three times a month, four times a month. If

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she goes four times a month, of course, that's \$40 that she pays in copayment and let's keep in mind, that, of course, she's on a fixed income. She called Monday night and I came over Tuesday morning and she began to talk to me about she cannot afford to pay for her prescription medicine. And I said to her, that is such a coincidence because we're debating some legislation. We're talkin' about a Bill that can help you, right now. And I began to think, once again, and I think one of our Members on this House Floor began to speak again by saying, you know, we always sponsor legislation that's underfunded or overfunded or... then I began to remember that, you know, the argument has been each and every time when we have to fund prisons in this state. Each and every time that we have to build more prison beds, each and every time there's a depressed community that needs a prison in their community, we find the money here. We float over \$200 billion in bonds, money that we say we do not have in this state, to build prison beds and we cannot find the money to fund something that is so precious and so dear, that so many people can benefit from in this state, so many people that have paid dues to have a little relief. And we stand here today and we debate whether we should or we shouldn't. I just want to let Mrs. Watson know that your Representative, that your friend, that your neighbor is going to try to help you because that's what she asked me. And I'm gonna try to help her by voting for this legislation. I'm gonna try to help her by influencing my colleagues in the Senate to vote for this legislation. I'm going to try to help her by compelling the Governor that he should sign this Bill into law, if we pass it out of both Houses. And I think, we can do that if we can just express and have compassionate



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(sic-compassion) ... See, there are times when you just have to have some compassionate (sic-compassion) towards your fellow man. And I can't see any great compassionate (sic-compassion) towards, other than towards, the senior citizens who have paid the price in this country, of course, in this state. And I just urge my colleagues to dig deep down inside and let's do the right thing and the righteous thing and to help human beings and to help someone who have truly paved the way, who have truly participated in every facet of this government, who have participated in many of your campaign, who have participated in everything that we deal with. Let's show some love, let's show some compassionate (sic-compassion) and let's support them and let's give them a break. And let's support this legislation. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative O'Connor."

O'Connor: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

O'Connor: "I believe that every Member of this chamber cares very, very deeply about one of our most precious natural resources of this state, our seniors. And I believe that every Member in this chamber is struggling with the way to take care of this precious population. And I believe in the good faith of each and every one of the Members of this chamber and I know, in the last year and a half that I've been here, that we've taken on some pretty tough issues. And I know that we're capable of coming up with a solution which is fair and which works and I'd like to be part of that solution. And I admire the people in this chamber that have worked for that goal, including the Sponsor of this legislation. That being said, it is sincerely and

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deeply felt from my perspective, that a vote in favor of this legislation gives people making a large amount of money who do not need this benefit, a benefit, and it does not focus needs where they need to go, where our resources need to go. I know that we can get together. I believe that we can get together. And I hope that for the sake of all of our seniors that we can get together on House Bill 4215 and help those the most, who are suffering the most. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Saline, Representative Fowler."

Fowler: "The Speaker yield? Sponsor yield?"

Speaker Hartke: "Speaker (sic-Sponsor) will yield."

Fowler: "Thank you. Much has been said here today and the days past regarding this Bill and the needs for it. And I'm sure each and every one of us, regardless of what side of the aisle we come from, have heard some of the horror stories from our senior citizens regarding their drug cost. Just last week I was in one of my counties, in the very southern part of the district, and a couple came up to me, shared a story with me that... this gentleman was a double lung transplant recipient. One of the very few that had made it through that type of surgery and for that they were glad. But they also shared with me that he is currently taking medication and will have to the rest of his life, it's an antirejection type medication, that costs \$1200 a month. He will be provided the cost of this medication for six more months. At that point in time, they will be on their own. He said, 'We don't have it. We don't know where we're gonna get it.' I talked to another couple who had a total income between 'em of \$700 a month. They told me that their drug cost was \$500 a month. I

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don't know how they do it. My own family doctor told me that he said, 'Jim, I'm thankful that you're supporting this type of legislation.' He said, 'I write prescriptions everyday to my patients knowing that they cannot afford to have 'em filled and we know the impact that that can have on their health.' We've heard the stories yesterday and today about how this Bill will benefit those people in the six-figure income brackets. Unfortunately, down in my part of the state, we don't have too many of those people. I wish we did have more of 'em. You know, when Social Security came into effect, people who did not need the coverage were covered by it. The same thing with medicare, Medicaid, as it's been pointed out here, in the last couple of days. Still, yet, I think those people in that category who will take advantage of that, are in a very small minority. The people that we hope to protect and cover with this piece of legislation are those that are in the majority... in the majority. I have petitions that have been turned in to my district office that have almost 800 names on 'em of our senior citizens who are in full support of this piece of legislation."

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

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

Speaker Hartke: "To the Bill."

Coulson: "As you know, I'm a physical therapist and I've been a senior advocate for over 20 years. I've worked to make sure that all the people of this state have access to quality health care. I've walked precincts, also. I've had the same conversations with my constituents as all of the examples that have been cited today. I've been able to find ways for every one of my constituents, who has come to

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me, to make it so that they have access to the medications and other health care products that they might need. I believe every person in this Assembly is here to help seniors. That is what we want to do. But I would like to point out a few of the differences in the Bill that we're speaking of now and a Bill that, I think, would make a better difference for seniors. The House Republican Bill streamlines senior programs under the Department of Aging. This Bill creates a new bureaucracy under the Department of Revenue. The House Republican Bill concentrates the help most where it's needed most, the poor and middle-class seniors. This Bill helps the wealthy at the expense of the poor and more importantly, it may shift cost to those seniors' children and grandchildren instead of having it be less expensive. The House Republican Bill eliminates the food or medicine dilemma for an additional 25... 250,000, excuse me, seniors by providing free medications. The Bill we're speaking of today, 3036, gives discounts of 15 to 35%, but many of those poor seniors, that each of our Representatives have spoken about, would still be unable to afford their medications with those discounts. The House Republican Bill expands the number of prescription drugs available under circuit breaker. It includes all major diseases related to aging. 3036 provides a subsidy for even life-style drugs. The House Republican Bill provides property tax relief and financial assistance in renewing vehicle registrations. This is not included in the Bill we're speaking of. I guess, my final comment is, I really want to work on a good package out of this House that has a chance in the Senate, that can help the seniors who really need help, as I know all of you do. Please, allow us to work on a package that has a chance to be able to become

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law and good public policy in this state. Thank you."

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

Davis, M.: "Thank you so much, Mr. Speaker. I rise in support of House Bill 3036 based upon the fact that the cost of prescription drugs has become almost prohibitive. Many times, if a senior citizen cannot afford to purchase the drug that is needed, they end up in a hospital or they end up in a nursing home and then we really have to put forth some dollars. As the Chairperson of Human Services, the Human Service Appropriation Committee, we know that most of those who come before our committee are seeking some dollars from our budget. We also know that of a \$46 billion budget in the State of Illinois we have a huge surplus. This Bill, the 27 million that will be used, will be made up shortly as people join this particular service. Let's take a look at what the cost of some of those drugs are and what happens if one does not take them. Let's look at the drug Zocor, it lowers cholesterol. What happens if your cholesterol is not lowered? What happens is, perhaps, a heart attack or a stroke. That is much more expensive to care for a hospitalized or nursing home patient who did not have the medicine to keep one's cholesterol lowered. Let's look at another one. Well, this medicine in Canada is \$46, in Mexico it's \$68 and in the State of Illinois it's \$106. Let's look at another one, Prilosec. It's a medication that helps those who have stomach ulcers. If an ulcer is not treated, it can become cancerous; \$55 in Canada, \$32 in Mexico, \$117 in the State of Illinois. Let's look at another one, Procardia, high blood pressure. If that medication is not taken, one is assured to have a stroke or a heart attack and what often happens is, if a person

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cannot afford the medication, they skip a day. And you cannot skip medication when you have high blood pressure because it will certainly lead to further and more stricken illness. This medication is \$74 in Canada, it's \$77 in Mexico, and \$129 in the State of Illinois. Let's look at another medication. It's for depression, it's called Zoloft. Depression in senior citizens can take place if one has lost a mate or all the children are gone or perhaps that job you had, that meant so much to you in your life, is no longer there. And depression can take place or you can no longer get about and walk around like you used to. So, that medication for depression in Canada is \$46, in Mexico it's \$219, Illinois it's \$217. And the final medication we'll talk about is Norvasc. It's for angina. It too is for high blood pressure. The point, Ladies and Gentlemen, is of all the things we do in the General Assembly, of all the Bills we pass in the General Assembly, there are very, very few that assist, that help, that provide for senior citizen needs. Surely, the owner of the Bulls, if he pays his fee, can take advantage of this prescription support from the State of Illinois, but then again, he may really need it. I think it's so important when we look at the things we do and we measure and prioritize. For once Ladies and Gentlemen, for once let's make our senior citizens number one in our priority list and pass this legislation and pass it quickly. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Coles, Representative Righter."

Righter: "Thank you, Mr. Speaker. Mr. Speaker, yesterday we had a lengthy debate on this legislation and during that debate, several times I asked the Sponsor what the

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comparison was in the dollar discount that a senior citizen was going to get if they made \$16,500 a year or \$60,500 a year. He said, eventually, that there was no difference. I repeatedly asked the Sponsor also to change his Bill which could have been done without delay. All we had to do was attach an Amendment to it. How would it have changed the Bill? It would have changed the percent discount on the prescription drugs. How would it have done that? For those seniors who are moderate income or low income, they wouldn't have received a 20% discount or a 30% discount or 40 or even 52, it'd been a hundred percent, for drugs like Alzheimer's and cancer and Parkinson's and diseases related to smoking. In other words, it would have made it a far better Bill. Sponsor refused to do that. Sponsor pledged a lot of cooperation with us in case we want to move that kind of package forward, but his promise of cooperation fell short of holding his Bill, to put that kind of language on it. The only reason people don't do something in this chamber, to truly make something a better piece of legislation is to demagogue the issue, is to play politics with it, is to play on the emotions of one constituency or another and that is what we have seen here. Now, an earlier speaker got up and talked about constituents in his district, named them by name, told them what their problems were and what kind of a help would be afforded them under the Sponsor's Bill and I listened to that. Ladies and Gentlemen, every one of those examples he gave would have been better served by this legislation if the Sponsor would have allowed that Amendment to go on there yesterday and he knows that, Mr. Speaker. And by refusing, now of course, demagoguery goes on on both sides of the aisles and we've certainly seen it here today by the Sponsor of this

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legislation. That's not the most important issue that we should get up and be talking about here. What we should be talking about is that his refusal to make the Bill a better Bill hurts some seniors. Who does it hurt? It hurts the senior who's got to make the decision between buying her heart medicine or buying food. It hurts the senior who wants to either get her car fixed so she can go visit her grandkids or buy the Alzheimer's medication for her husband. That's who gets hurt when the Sponsor of the Bill refuses to make it a better Bill and that's what this Sponsor has done. I'm voting 'no' on this Bill. I'm voting 'no' on this Bill for a number of reasons. He says it's free; we know it's not free. He's misled people in committee about what problems this Bill may have. But I'm voting 'no' because there is a better Bill out there that helps more people in better ways, that is a better use of this state's resources and this state's time. And I hope that when this vote's taken, we see more cooperation and more effort to truly pass legislation that will really help people. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Speaker Hartke: "He indicates he will."

Novak: "Representative Franks, first of all, I just want to congratulate you on how much work you've put into this issue and as we know, this is not only a state issue, this is a nationwide issue. So I'm not even, for the benefit of our visitors here today, I'm not gonna engage in any acrimony with anyone on the floor here today. I want to ask you a few questions. And I'm just gonna make a comment 'cause I'm gonna support this Bill. In looking on my



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analysis, I noticed that all of the Sponsors, the cosponsors, including yourself, they all seem to be Members of one party. Can I ask you this question? A number of weeks ago, weren't there a lot of Members from the party on the other side of the aisle as cosponsors?"

Franks: "Yes, there was and that's very distressing to me."

Novak: "Could you... I cannot hear you."

Franks: "That's very distressing to me that many of them pulled off."

Novak: "It was what, Sir?"

Franks: "That many of the... it is distressing to me that many of the cosponsors, all of one party, pulled off."

Novak: "Okay. Could you tell the audience here how many... Do you have an idea on how many Republican Sponsors were on the Bill?"

Franks: "I believe there were 13."

Novak: "There were 13. Do you have any idea why they expunged themselves from the support of your Bill?"

Franks: "I can only surmise that."

Novak: "Okay. Well, I don't have any answer either, but I just want to speak to this Bill. And once again, I think you've done a fine job and it's taken a lot of energy on your part. You are aware, and I think everybody in this Body is aware and I think the general public is aware that our Attorney General of this state has agreed with the tobacco companies for a settlement that will benefit the State Treasury of this state to the sum of roughly \$325 million over a 25-year period, Ladies and Gentlemen. That's \$9 billion that's gonna go into the State Treasury. Now, it's been brought up in the past by some of the individuals that are not gonna support this Bill that \$27 million it seemed is gonna be breaking the bank. Well, \$27 million out of

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a... is a mere pittance out of some of this tobacco settlement money that could be used to get this program off the ground. And I think when this Bill passes the House and I think most of us expect it's going to, I think we should work from that perspective, Representative Franks. Do you agree?"

Franks: "Yes."

Novak: "Okay. Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Novak: "You know, in 1999 we had a very, very active Session. We did a lot of things. We helped a lot of people. We put more money in our schools. We provided a program to repair and improve our infrastructure. When you know, we have a constituency in our state that helped build this state and build this country and they're here today. And we should help them in every way we can. Before we vote on this Bill, I just want to remind everybody, in the Body and remind our visitors, who we helped last year. We helped the riverboat owners; hundreds of million of dollars. We helped a few racetrack owners; millions and millions of dollars. We helped some soft drink bottlers; millions and millions of dollars. And we helped the liquor baron; millions and millions of dollars and guess what, somebody mentioned on the other side of the aisle that liquor baron would be eligible for this program. He'll have enough money to buy a pharmaceutical company after this Bill was passed. We helped the bond contractors. We helped the bond attorneys. We helped the bridge builders, the asphalt makers, the concrete makers and all those other parties. We did a lot for those, Gentlemen and Ladies of this Body, we did a lot for them, billions and billions of dollars. The last thing we can do or the least thing we can do is

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help our constituents that put us in office, that helped build this great State of Illinois and to keep its future bright and vital and vibrant and help their health for the future. I ask you to vote 'yes'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker and Ladies and Gentlemen of the House. I want to start this discussion by acknowledging the fact that I am a proud member of the AARP, dues-paying member and have been now for eight years. So when I speak in opposition to this Bill, unlike the Sponsor, I am a member of the association that has a great concern over this legislation. And I'm proud to say that AARP is now endorsing the Republican approach to this legislation dealing with an expansion of the circuit breaker, as well as, an increase in the aid to the disabled, blind and disabled. Now, the previous speaker asked some questions and I'm happy to address those as the Republican Leader of the House. He asked, why no Republicans on this Bill? It's very simple, Ladies and Gentlemen, we were lied to. When we were asked to sponsor this Bill, there were misrepresentations made about this Bill. We were told, when we were asked to sponsor the Bill, that there wouldn't be any real cost to this and of course, that's prior to the Director of the Department of Revenue filing an Amendment and a fiscal note that now points out the cost to this Bill to be \$700 million to the people of the State of Illinois with an initial cost of 27 million. The other interesting fact that we should note, is that unlike the other side of the aisle, Republicans have caucused on this issue several times since it first come out in order to prepare a plan that will work and will become law. And we have filed our

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Bill, our Amendment, which today I'm asking the Speaker of the House to join me in sponsoring, a Bill dealing with the circuit breaker expansion and the creation of the AABD program, as a bipartisan effort to make sure that this Bill becomes law. Because the Bill that's before us right now, there's not a Member in this House that doesn't know isn't gonna become law. First, it will not pass the Senate. I've had numerous conversations with the President of the Senate, he doesn't like this Bill. He knows what this Bill will cost the taxpayers of Illinois. I have also spoken to the Governor who is very concerned about the approach taking place. The Governor said to me quite rapidly, 'Well excuse me. Let me understand this now. If I turn in a bill to a pharmacy to fill out my prescription and they then fill my prescription and the pharmacy bills the Department of Revenue, and the Department of Revenue reimburses the pharmacy and then the Department of Revenue bills the pharmaceutical manufacturers and the pharmaceutical manufacturers very happily, Patty, they say, 'Oh well we're happy to pay this and do business in Illinois that's going to cost us close to a billion dollars a year.' The Governor said, 'If this works, why don't we apply it to everything? Why don't we apply it to clothes, to shoes and other necessary items. Because we'll just bill the manufacturers. Or why don't we include every resident of the State of Illinois from cradle to grave, if this will work?' Well Ladies and Gentlemen, the answer is simple, Republicans will not be part of legislation that is already been shown will not work, is unconstitutional, and will not function and only create an additional state bureaucracy that in the final analysis will be destructive to Illinois' Government. So, what we did in analyzing this

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and when we removed our cosponsorship of the Sponsor's Bill that's before you now, is we came forth with a plan that we know will work. Because Ladies and Gentlemen, as the committee testimony that was held stated, the best program in the United States of America today is right here in Illinois under the Circuit Breaker Program. It is the best known, the best working and the more efficient. So, I would say to somebody, if I am a senior and if I'm 65 years old and I happen to make less than \$28,480, why would I not want to be part of a program that is already proven to work and will work and has been shown to be very effective? Why wouldn't I want all my major drugs covered, up to \$2,000 and then 80% thereafter, after \$2,000? Why wouldn't I want to take advantage of this program that would also afford me relief on my license plate fees and also afford me relief for my property taxes, because it expands the Circuit Breaker Program? The answer is simple, of course I would want to do that in a proven program, proven to work and rated as the best in the United States of America today. So, I commend those people that are working on this issue. And yes, I say to the Sponsor, I'm glad you brought this issue before us because never before has there been a clearer difference in your philosophy on the operation of government, your philosophy being, you don't care about multimillionaires being first in line to qualify for your Bill that'll cost Illinois citizens hundreds of millions of dollars. But the Republicans on the other hand, care about need-based legislation and those people that need it more. So, if there's anyone that's listening to this that is a senior citizen in Illinois today that makes less than \$28,480 a year as a couple, they know that under the program that I'm asking the Speaker to join with me as

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Sponsor and pass to the Senate, they know that they will benefit under that program. A program that's working and in law today. That's a pretty good piece of legislation. But if you don't want to open up your minds, if you want to close your mind and you want to be saying there and you want to walk lockstep with people that believe that this new bureaucracy will work, just think about is this really the free lunch that you think it is? That is correct. The one thing she said today that is accurate. That is absolutely correct. There is no free lunch in this country and this Bill that promises a pig in every poke, a chicken in every pot, a car in every garage, will not work. So, Ladies and Gentlemen, I want to just say this Bill that's being presented to you is the cruelest of cruel hoax. It promises something that will not be delivered. It promises just like the days of old when politicians stood up and demagogued issues and said, 'We're going to give you relief in life that this will not... we bring forth this great happiness in your life that the people on the other side of the aisle aren't doing.' So, Mr. Franks, as the Sponsor of this Bill, I proudly tell you that I'm not in favor of your legislation, it won't work, it won't become law. Now everybody that's listening to this, listen carefully to this. If you think that this Bill will become law, you are grossly mistaken. You will find out by April 15th that what I'm telling you today is true. But if you then find out that the Circuit Breaker Law, the expansion of which is going to go to a couple with \$28,000 a year and cover your \$2,000 in prescriptions and 80% thereafter, will become law you are correct. Ladies and Gentlemen, I proudly stand in opposition to this mighthought, miscalculated and cruel hoax of a legislation."

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Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Will, Representative McGuire."

McGuire: "Thank you, Mr. Speaker. I appreciate you recognizing me. And I am anxious to speak on this Bill. As you know, most of you know I'm Chairman of the Aging Committee. And I've heard the arguments three times in the last eight days or so. So, I could repeat most of the arguments, most of the answers almost in my sleep. But I do want to commend Representative Franks and the other cosponsors on this Bill and also the staff that worked so diligently on this Bill. I think what Representative Franks kept going back to whenever I would hear him being questioned, sometimes badgered, maybe not, questioned in committee and again on the floor the other day for the Amendment that he had. He kept going back to the same theme all the time which I think shows good character and good intelligence of Representative Franks. The fairness of this program. The fairness for seniors. We're already seeing people buy drugs in large quantities, as someone else mentioned, for animals but for large groups paying about half price. Why in the world can't seniors of the State of Illinois who are taking primarily maintenance drugs to keep themselves alive? Approximately 10% of the population of the state, give or take, about 40% of the prescription drugs, give or take a percentage and we can't give them a break on their drug bills. Now, I can understand questions and objections, but my bottom line question is, why not? Can someone really tell me why not? What is wrong with giving our seniors a discount on their drugs, when the drug manufacturers are doing the same thing for other large groups. Now, if they weren't doing it for other large groups I'd say Franks is charting new water. But, he's not.

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It's something that's already been done, is being done and he's asking that it be done for the people not only in our gallery, but all over the State of Illinois, my people, my age group, the seniors. So, please consider what you're doing here. You're not giving away the store. I won't even talk about whether the state can afford it, I think the state can, but we're not talking about that. It will not cost the state anything, that's the beauty of the program. But the real thing that I liked about Representative Franks, he just stayed to his steam, fairness. And if there's anyone that can dispute fairness, I want you to raise your hand. Please vote 'aye' for this Bill. Now, if you want to change the circuit breaker, Maggie Crotty has got a letter out where anybody can sign this letter to try and get her Circuit Breaker Bill going. So if you are really interested in circuit breakers, Maggie Crotty's got the answer for you. And of course, I agree the circuit breaker's a great program. But once again, I agree, it only pertains to two or three pharmaceutical drugs, two or three conditions. This Bill doesn't ask what your problem is, what your condition is, what your salary is. It helps you pay for your drug bill. And many of those people don't own the Cubs, the Sox, the Hawks or whatever. If they did they'd sell them anyhow. They wanna be able to pay for their drugs and go home and buy groceries, too. And too many of these seniors have to do one or the other. And I don't think that's fair either. So, I don't want to take anymore of your time, but I want to be very insistent. Please vote for this Bill. Thank you."

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



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Durkin: "Thank you, Mr. Speaker. I just merely rise if this Bill should get the requisite amount of votes, I would seek a verification."

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

Lang: "Thank you, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 3036. I am a lucky Legislator, Ladies and Gentlemen. The last census indicated that I had more seniors living in my district, the 16th Representative District, than any district in the State of Illinois. So, I'm blessed to have senior citizens in my district. People who care about politics. People who care about government. People who care about what's right in the State of Illinois. And people who don't hesitate to tell me what's wrong in the State of Illinois. And most recently, they've been telling me what's wrong in the State of Illinois is the General Assembly that often times politicizes issues to death. And I've been listening to the other side of the aisle today and I've been hearing a lot of politics coming from the other side of the aisle. Now, they may tell you they've heard some from our side of the aisle, but we've been talking about senior citizens and their rights. They're talking about all sorts of things that have nothing to do with taking care of senior citizens. I heard one Member talk about the failure of Social Security, the failure of medicare, the failure of Medicaid. Is there anyone in the gallery that would like to do without any of these programs? I don't think so. There's certainly no one in my district that would like to do without these programs. I've heard a lot about press releases. How people are gonna go out and do press releases. But what about this press release with the

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smiling face of the Minority Leader in the Illinois House of Representatives who says today's debate is not about who wants to help seniors, but about fairness. Give me a break. He's not concerned about fairness. He's concerned about protecting pharmaceutical companies that pay for the campaigns of the people on that side of the aisle. That is his one and only concern. When we had Bills on this side of the aisle to have add drug after drug after drug for Alzheimer's, for Parkinson's, for other diseases to the Pharmacalaceutical (sic-Pharmaceutical) Assistance Act or the circuit breaker, that side of the aisle was no in lockstep. And we want to talk about lockstep; 13 Republicans were on this Bill and in lockstep they marched back to their Leader when they were ordered to do so. Ladies and Gentlemen, I Chair the House Elder Abuse Committee. I chose that committee, I created that committee and I did so because senior citizens deserve the right to live in dignity and to be taken care of by those of us in Springfield who are supposed to take care of them. We ignore seniors, we ignore children, we ignore people in need everyday in this chamber. This side of the aisle is not gonna ignore the people in this gallery or thousands of people who need our help. We are here to help you with a program that will cost the state nothing and take care of senior citizens' health care needs. Someone on that side of the aisle suggested that when this Bill does not pass the Senate, you call Representative Franks and ask him why. I have a better idea for you. Seniors, take out a pen, write down this number, 217-782-3840. That is the number of Senator 'Pate' Philip. When this Bill passes this chamber this afternoon, Senator 'Pate' Philip and only Senator 'Pate' Philip, will decide if this Bill becomes the

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law of the State of Illinois. You call Senator 'Pate' Philip and demand that this General Assembly address the health care of the senior citizens of the State of Illinois. This side of the aisle will stand with you today and always. We will vote for you. I don't know what they're gonna do. We're gonna vote for senior citizens."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, thank you, Mr. Speaker. Let's be very honest, Ladies and Gentlemen. This is a great Bill. We have one and a half million senior citizens who can benefit from discounts on their prescription drugs due to this Bill. This is a great Bill. We have 700,000 senior citizens who have no insurance for prescription drugs in the State of Illinois. Ladies and Gentlemen, let's be honest, this is a great Bill because it's of no cost to the taxpayers. We saw that it explained, it's a short-term loan. It will all be paid back and Ladies and Gentlemen, let's be honest, this is a great Bill because this is cost effective for the taxpayers of the State of Illinois. It's going to save them money because it will help to keep senior citizens independent, it will help to keep them in their homes, it will help to keep them out of nursing homes, it will keep them from having additional hospital bills which they might have if they can't get their prescription drugs. Let's be honest, Ladies and Gentlemen, this is a great Bill because this takes a concept very old in America, the idea of negotiation, the idea of buying clubs, the idea of cooperatives, the idea that labor unions have adopted, working together to work together to help each other. This is a great Bill, Ladies and Gentlemen. One speaker compared this Bill to Social Security and

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medicare and said that they're not perfect. Social Security and medicare are not perfect. Yes, that's right. They're not perfect. They're not... many government programs are not perfect, but I would say to you, ask any senior citizen, do you want to give back your Social Security and medicare? No. Ladies and Gentlemen, this is a great Bill. Some people have said, 'Well, the circuit breaker is better. The circuit breaker is better.' Well, Ladies and Gentlemen, three years ago we passed out of this chamber my Bill, House Bill 314, which greatly expanded the circuit breaker to \$30,000 income level, it lowered the age to 62, it put a cost of living adjustment onto it, and I don't remember any of the speakers today, from that side of the aisle, who are shedding crocodile tears today for the circuit breaker who went over across the rotunda and talked to President Philip and told him to release that Bill that they were for expansion of the circuit breaker. Ladies and Gentlemen, let's be honest about this. If Representative Franks was not the number one target in the State of Illinois for the statehouse, would we have this commotion, would we have this prolonged debate? No, we wouldn't. No, we wouldn't. And let's be honest, Ladies and Gentlemen, some have threatened that if we pass this Bill, it won't go anywhere. It will be blocked by President Philip in the State Senate or it might be blocked by Governor Ryan. Well, let me tell you this, if those characters want to play politics with our senior citizens, let me just say this, beware because our senior citizens no how to play politics right back."

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

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

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Speaker Hartke: "She indica... he indicates he will."

Silva: "I don't know if I really have a question, but I'm part of that committee that heard hours and hours of debate. We heard hours and hours of questions and answers. But I also want to stand up and commend you for the hard work that you've done for the senior citizens of Illinois. I represent the working class district where senior citizens are not rich, by far they're not rich. In fact, many of 'em every day have to make a choice between whether they're going to pay the gas bill, the light bill or whether they're going to have enough money to eat, let alone have money to buy their medications. And I can tell you that I speak from personal experience when we talk about these charts. I want you to know that I have an 80-year-old mother who will soon be 81-year... have full-time in the State of Illinois and I want to tell you why she does it. My stepfather has cancer. He's taking chemotherapy and every month when my mother gets her \$525 Social Security check and my stepfather's \$500 plus Social Security check, this lady gets in her car and drives nearly four and a half hours from San Antonio, Texas to Laredo, Mexico. I have made that trip with her and I can tell you that there are hundreds and hundreds of senior citizens who live in the State of Texas who take that drive on a monthly basis. I think that we've heard enough about all of the profits of pharmaceutical companies. We've heard about the struggles of seniors. We've also heard about the price gouging that occurs to seniors because one of these drugs that's on here, in fact I drink, Prilosec. And I know that I earn a whole lot more money than our senior citizens who are on fixed income. And I tell you that it's difficult to raise a family and buy that medication, but I know that I'm

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paying a fourth of what senior citizens are paying. I think it's about time that we do think about the most vulnerable citizens in the State of Illinois. So I want to commend you and I want to encourage all of you to look at your conscience. Think about all of those people, perhaps, they may not be in your district, but they may wind up in my district or in districts where poverty is rampant."

Speaker Hartke: "Further discussion?"

Silva: "Be sure that you vote..."

Speaker Hartke: "The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I got to sit through all three Aging meetings, as well as the debate here yesterday, and the debate today. And I heard one argument at the outset that I'll tell ya, I don't agree with, but I understand the argument. And that's the argument that they don't think that we should impose this kind of price demands on any business, whether it's pharmaceuticals or cars or anything else. I don't agree with that particular argument, but I understand it. Everything else I heard, in the last two weeks on this, have been some of the lamest arguments I think I've ever heard in my life on any of the Bills since I've been here. What we heard at first the circuit breaker's a great program. They're right. There's nothing wrong with the Circuit Breaker Program except that the Circuit Breaker Program covers less than 4% of the seniors in the State of Illinois. It covers 50,000 out of a million and a half seniors in the State of Illinois. Even if you took the income limits to what's been suggested here in the circuit breaker, which I'm in favor of, and I don't know anybody over here who's not in favor of that, you're gonna cover

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about 10% of the seniors in the State of Illinois. Last year, I carried the Bill that we're trying to add Parkinson's disease to the circuit breaker and we were told by the Governor's Office, who was quoted earlier talking about this Bill, well, I'll tell you what the Governor's Office said about that Bill last year, 'Well, we can't do that, Representative 'cause it's gonna cost \$3 million.' So we can't provide Parkinson's drug assistance to the neediest seniors in our state 'cause it's gonna cost \$3 million. So talk to me about the level of caring and commitment on that. I don't know about your district, I keep hearing that your districts are filled with all these multimillionaires, even though one of the gentlemen that you're talking about actually lives in Representative Schoenberg's district. But what we're talk... I don't know about your district, but in mine every single day I see seniors come into my office, who aren't eligible for the Circuit Breaker Program, but who live on a very, very limited income and many times their pharmaceutical costs meet or exceed, if they were to take everything that they were diagnosed and prescribed, meet or exceed the actual amount of income that they have and so they make those decisions that everybody's been talking about. I heard somebody in committee last week, say that, 'if you... seniors really need pharmaceutical assistance, if they really need drugs, they can get 'em.' Bunk. That's simply not true and any of you that work with seniors on a regular basis, know that's not true. We kept talking about the very wealthy here. Well, the reality is that because these drugs are already offered to the best customers of the pharmaceutical companies at the prices that we're trying to get for all seniors, those people probably already get

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those drugs at the prices that we're talking about. We're talking about helping the people who aren't part of that class already, that aren't part of that buying class and that don't qualify for the Circuit Breaker Program. We heard about generic drugs. Somebody actually used the argument in committee, that if we do this the cost of generic drugs might drop below the cost of name-brand drugs. So what? That's an argument not to vote for this particular legislation? How about the constitutionality? We heard a great speech about the constitutionality of this particular Bill except that they didn't talk about the constitutionality they talked about whether or not somebody actually talked to a professor at the University of Illinois. But the reality is, we mandate this kind of pricing and this kind of structure for lots of businesses, or did you forget that the Federal Government mandates that when you guys go to buy ads for your TV commercials, that you're granted the best available rate that they charge for their best customers? So, you're telling me it's okay for you and me to get the benefit of that when we go to buy ads at the time for elections, but it's not okay for our seniors to take advantage of a similar benefit. That's hogwash, too. We do it for HMOs, as well. We did it for a contract in the liquor industry that one of the people who's speaking against this Bill sponsored last year and now he's talking against that. We all realize there's a lot of things that we can do for seniors. I think you're finding people who want to stand here with Circuit Breaker Program and help improve that. But the biggest problem with the Circuit Breaker Program is it simply can't cover enough people, it simply can't cover enough medication. This does that. And what you're really saying, by not



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wanting to vote for this, when you cut through everything else and unless you're one of those people that raises that constitutional argument that says we shouldn't be messing around with pricing in any kind of industry, unless you're one of those people, what you're really saying' is, we value the pharmaceutical companies and their profit margins which are large. You can look anywhere you want to and find that they're large. We value their favor more than we value the ability of seniors who don't get the benefit of the Circuit Breaker Program to be able to go out and purchase medication at a lower rate. That's a bad argument. You can't win that argument. You shouldn't win that argument. Everybody should vote 'yes'."

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

Scully: "Thank you, Mr. Speaker. My comments will be brief. I'm a very proud Sponsor of this Bill and I wasn't planning on speaking out on this Bill today. I think we all know how we're gonna vote on this Bill. But I was elected three years ago to represent the people from south Cook County, to represent all those people and many of those people are here today. One of those people in particular, is a man named Buster Kriedler. Buster's been a social activist all of his life. He's here today and one more time, he broke the rules. He dropped something down from the gallery to me about an hour ago. He dropped down a printout of the \$10,415.65 that he and his wife have paid in the past two years for prescription drugs, a printout of these bills. They're strangling him and so many other seniors in our communities. This is a good Bill. It quite simply gives us the group buying power that the HMOs already have. It gives these seniors of our state parity with the big

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corporations, the big HMOs, the big hospitals. It's merely parity. It's merely fairness. Buster, you sent me down here three years ago to represent you. I'm proud to represent you. I'm proud to be a cosponsor of this Bill. You dropped this down to me because you don't have access to this microphone today and I do. Thank you, Buster. Thank you for being one of my constituents. Thank you for giving me the information and the power to represent you and the people of our 80th District."

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

Pugh: "Thank you, Mr. Speaker. And I'll be brief, also. I know that there's been a lot of discussion about this Bill, but I think it demands a lot of discussion. All of us are here and particularly, I am here as a result of the prayers of my grandmother. My grandmother prayed for me. If I didn't speak to this Bill she would say, 'Shame on you.' If I didn't speak to this legislation, my constituents would say, 'Shame on you.' Whose money are we talking about loaning to these senior citizens? I think it's their money. We are experiencing the longest economic upsurge in history in America and we cannot use these dollars to pay back to our seniors the investment that they have made in us. I think that our seniors should say, 'Shame on you.' Who's responsible for that economic growth that we're relishing in? If we forget who brought us to the table, if we forget who brought us here, then what kind of individuals do that make us? There's a lot of seniors who cannot feed themselves because they need the medication that they're not receiving. We're not talking about taking money out of the state coffers. We're not talking about taking their tobacco money, which we could. We're not

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talking about taking money from the state road fund, which we could. We're not talking about taking money from our independent giveaways, which we could. We're talking about taking money from a surplus budget that we already have, taking money and then putting it back. We're not talking about throwing away money. We're talking about loaning our parents some money so that they can have the necessary medicines that they need. I think it's appalling and I think that I would say, 'Shame on you, if you don't vote for this Bill.'

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker. We've been on this floor debating this Bill for almost two hours. We're all getting hungry. What this Bill purports to do would give us free lunches, but there are no free lunches. Mr. Speaker, I move the previous question."

Speaker Hartke: "It's not necessary. You're the last speaker. The Chair recognizes Representative Franks to close. Representative Franks."

Franks: "I don't know where to start. I tell ya, I'm sitting here today listening to this debate and I don't think I've ever heard so much nonsense in my life than the arguments that were thrown at us, that have all been refuted. I don't understand why you're muddying this up and frankly, lying about this Bill. The choice is simple. Do you want to lower prescription drug prices for all of our senior citizens, without any cost to the taxpayers, or do you condone the practice of price gouging our seniors? Do you choose to end the discrimination against our seniors which affects all of us or do you prefer to play petty partisan politics? That's our case, it's clean and simple. The

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drug manufacturers already sell their products to their preferred customers at a special rate. It is only fair that our seniors, which buy the most drugs as a group, get the same rates. Not a better rate, not a rate that these companies sell in their home countries, which can be 60% less than in Illinois. All we're asking for is to treat our seniors fairly. We heard over there that we wanted to see an expansion of the Circuit Breaker Bill for the Pharmaceutical Assistance Act so do I. I sponsored that Bill. But these Bills are not mutually exclusive. This Bill will help all low and middle-income seniors. Most upper-income seniors already have prescription drug coverage. But for the 45% of seniors that don't, between 500 and 700 thousand senior citizens in this state, don't have prescription drug coverage. This piece of legislation is literally a godsend. Hopefully, no longer will low and middle-income seniors have to choose between food or medication. This Bill ends price discrimination against those unlucky enough not to have prescription drug coverage. Our seniors can't wait. This issue is an emergency and the time to act is now. And I want to go on a personal note, here. I want you to know that I am so grateful for the opportunity to serve in this General Assembly. I got into politics to make a difference. I got in for the right reasons; to lower property taxes, to help our kids have better schools, to get more transportation and to help our senior citizens and I know that everyone of you got involved for those same reasons. I ask you to go back to the time that you first decided to get involved. You remember. It was to help people and it was to serve. Unfortunately, this Bill has become politicized. It was made into a partisan issue because some people cannot

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accept the results of the last election and are trying to start the next election now with the expense of our seniors. If this Bill were evaluated on its merits, it would get over a hundred votes. Many of you on that side of the aisle were even Sponsors of it. Then you were told that you couldn't vote for it because of politics. It's too bad that our Leaders allowed this to be politicized. This Bill is too important to our seniors to play politics with. I ask you to look into your conscience; to think back to why you got involved, frankly, why you are here. Was it to be a pawn in a political power struggle for a few elite? Was it to hold our senior citizens hostage over health care or was it to do what was right and fair and just and necessary? Wasn't it to do good? You have that chance now. The people who need this relief will bless you. Remember this Bill should not be about politics. It's about ending discrimination against our senior citizens and providing them with much needed assistance without any cost to the taxpayers. Conventional wisdom dictates that I shouldn't even be here. Since my district is the most Republican in the state, I know..."

Speaker Hartke: "Mr. Franks, bring your remarks to a close."

Franks: "I will. And only because of my party affiliation have I been made a target. Now, I know there's a chance that I may not be here next year, that's why I cherish everyday that I'm able to serve, that's why I try to get so much done so quickly. We all know that life has no guarantees. I'm not going to ask for your votes. Instead, I ask each of you to look into your heart and to do the right thing."

Speaker Hartke: "The question is, 'Shall House Bill 3036 pass?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. There has been a

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request for a verification. So, please vote your own switches. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3036, there are 63 Members voting 'yes', 37 Members voting 'no' and 18 Members voting 'present'. Mr. Clerk, read the list of the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, M. Davis, S. Delgado. Feigenholtz. Flowers. Fowler. Franks. Fritchey. Garrett. Gash. Giglio. Giles. Granberg. Hamos. Hannig. Harris. Hartke. Hoffman. Holbrook. Howard. Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons, J. Mautino. McCarthy. McGuire. McKeon. Mitchell, B. Morrow. Murphy. Novak. O'Brien. Osterman. Pugh. Reitz. Schoenberg. Scott. Scully. Sharp. Silva. Skinner. Slone. Smith. Stroger. Turner, A. Woolard. Younge, and Mr. Speaker."

Speaker Hartke: "Mr. Durkin, Representative Feigenholtz requests verification."

Durkin: "Okay."

Speaker Hartke: "Verified, she may leave. Do you have questions of the affirmative?"

Durkin: "Representative..."

Speaker Hartke: "Ladies and Gentlemen, would staff please go to the rear of the chamber. Members be in their chairs. Mr. Durkin."

Durkin: "Representative Julie Curry?"

Speaker Hartke: "Julie Curry's in her chair."

Durkin: "Representative McCarthy?"

Speaker Hartke: "Representative McCarthy is standing by his

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chair."

Durkin: "There's a glare over there. It's hard to tell.  
Representative Skinner?"

Speaker Hartke: "Representative Skinner's in his chair."

Durkin: "Oh. Representative Morrow?"

Speaker Hartke: "Representative Charlie Morrow's in his chair.  
Representative Flowers seeks leave. Representative Flowers  
seeks leave. Yes, leave. Silva, Sonia is requesting  
leave. Representative Silva."

Durkin: "Representative, that's fine. Thanks, Chuck."

Speaker Hartke: "Sure."

Durkin: "Representative Sharp?"

Speaker Hartke: "Representative Sharp is in her chair."

Durkin: "I have nothing further."

Speaker Hartke: "Nothing further. On House Bill 3036, there are  
63 Members voting 'yes', 37 Members voting 'no', 18 Members  
voting 'present'. And this Bill, having received a  
Constitutional Majority, is hereby declared passed. Rules  
Committee report."

Clerk Rossi: "Committee Reports. Representative Currie,  
Chairperson from the Committee on Rules, to which the  
following measures were referred, action taken March 1,  
2000, reported the same back with the following  
recommendation: 'to the floor for consideration' House Bill  
884 to the Order of Second Reading. The following Floor  
Amendments have been approved for consideration: Floor  
Amendment #1 to House Bill 1459; Floor Amendment #4 to  
House Bill 1776; Floor Amendment #1 to House Bill 2374;  
Floor Amendment #2 to House Bill 2967; Floor Amendment #1  
to House Bill 3868; Floor Amendment #2 to House Bill 3911;  
Floor Amendment #1 to House Bill 3944; Floor Amendment #1  
to House Bill 4181; Floor Amendment #1 to House Bill 3420;

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and Floor Amendment #3 to House Bill 4324."

Speaker Hartke: "Third Reading, on page 23 on the Calendar, appears House Bill 2992. Representative Wirsing."

Clerk Rossi: "House Bill 2992, a Bill for an Act concerning a Food Animal Institute. Third Reading of this House Bill."

Speaker Hartke: "Representative Wirsing. Representative Hannig in the Chair."

Wirsing: "Thank you, Mr. Speaker and Members of the House. In the spring of 1998 there was a... what was called a Illinois Livestock Task Force that ended its tour of duty. And it ended up and did a final report on some of the... what they saw as issues and suggestions for the Food Animal Livestock Industry here in Illinois. One of their recommendations was the formation of a institute here in Illinois and a livestock institute in to look at and gather information relative to the... what is now called the Food Animal Industry. And because of that, over the last couple of years there's been a clientele of people who have been... that have been meeting with to address this issue and felt that it had some value. And simply, what House Bill 2992 does, it creates the Animal Food Institute and the Food Animal Institute Fund. The Amendment also establishes a governing board and the operation of that board, provides for the creation of the Food Animal Institute. The Food Animal Institute shall be established to review and encourage research through peer review and to publish and disseminate unbiased information about all aspects of the Food Animal Industry. The institute shall anticipate issues with a vision for the future of Illinois agriculture, as well as maintain comprehensive information systems for the improvement and enhancement of all aspects of the Food Animal Industry. The institute would be for



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the benefit of the public, the General Assembly, the Governor's Office, and all their state and local government agencies. Would ask for your support and would ask... answer any questions."

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

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Lawfer: "Representative, who supports this Bill?"

Wirsing: "Well, at this point in time there are... I guess the better way to go about it, there are no opponents to the Bill."

Lawfer: "Oh, okay. Well, that may be the shorter way to answer that question. So... you worked with, like you say, a number of groups in that regard. And if I recall, Representative, it came before the Agriculture Committee, you gave a thorough discussion of that and there was no opposition in the Agriculture Committee and passed unanimously. And I would urge support for your Bill. Thank you, Mr. Chairman."

Speaker Hannig: "Representative Wirsing to close."

Wirsing: "As I indicated in my opening, the importance of the creation of the Food Animal Institute would simply allow a place here in Illinois where scientific-based published information can be gathered relative to the Food Animal Industry. Agriculture continues to be the number one industry in the state. And this is a major part of that industry and we really felt like there needed to be that place that someone can go for information relative to the Food Animal Industry in an unbiased manner. I would ask for your support on the Bill."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in

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favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hultgren, for what reason do you rise?"

Hultgren: "Point of personal privilege. I..."

Speaker Hannig: "Yes, state your point."

Hultgren: "... would like to introduce and have you all welcome with me, the great State's Attorney from the County of DuPage, Joe Birkett, along with his first assistant, John Kinsella."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, would you read House Bill 3093."

Clerk Rossi: "House Bill 3093, a Bill for an Act amending the Rivers, Lakes, and Streams Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Granberg."

Granberg: "Mr. Speaker, I believe the numbers are not correct, it's House Bill 3903, dealing with workers' compensation. So, if the Clerk could take this out of the record."

Speaker Hannig: "Okay. We'll take it out of the record and see if we can get this..."

Granberg: "We'll do that later."

Speaker Hannig: "... clarified. Yes, thank you. Representative Gash, are you ready on House Bill 4525? Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4525, a Bill for an Act amending the Toll Highway Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Gash."

Gash: "Thank you, Mr. Speaker. House Bill 4525 is a Bill that

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amends the Toll Highway Act and provides that revenues generated from tolls collected on existing segments of the toll highway can't be used to pay any costs of a new segment that has not been constructed as of the effective date of this provision, unless the toll revenues collected on that new segment will pay for 75% of their cost within the time period over which the authority plans to finance the new segment's construction. There are several cosponsors on this Bill. It's a very bipartisan Bill. As you can see, Representative Schoenberg, Representative Johnson, Representative Brosnahan, Hoeft, Garrett, Franks, Coulson, Skinner, Schmitz, Silva. As I said, this is a very bipartisan piece of legislation. Basically, what it does is restore the user-pay concept to the tollway. It protects riders on existing toll highways by requiring that new toll highways pay at least 75% of their own costs. The important thing about this Bill is it will prevent tolls from going up on the existing tollways. The Toll Highway Authority is proposing to build extensions and we want to make sure that those extensions can pay at least a significant portion themselves, so that drivers on existing toll roads wouldn't have to pay the over \$3 billion that seems to be necessary to subsidize those extensions, even though those drivers may never drive on them. The new extensions would require an across-the-board toll hike of at least 15¢. This Bill would also protect the State Road Fund by insuring that the Toll Highway Authority stays fiscally solvent and doesn't extend its indebtedness to a point that requires a bailout. I'd be happy to answer questions."

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

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Black: "Thank you very much, Mr. Speaker. Good to see you in the Chair."

Speaker Hannig: "Thank you, Representative."

Black: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Black: "Well, Representative, let me see if I understand this correctly. And I have more of an interest in the toll road since my daughter, son-in-law, and grandson moved to Aurora. I have a great deal more interest in the toll road than I did five or six years ago. When I don't go the toll road, I go on Illinois 59. I get off of I-80 and I go north on I-55 for about a mile and then I get on I-59 and go through Plainfield and, I don't know, little towns. It's a two lane road, it's terrible, absolutely ridiculous for the traffic that's up there. Now, if I understand your Bill, if the residents of the Plainfield area, Naperville and Aurora wanted to make that stretch of road, and I don't know that they do, this is just a hypothetical. If they wanted to make that stretch of road a toll road to meet up with I-55, your Bill says they could not use their bonding authority because only the tolls on that stretch could be used to pay for the road. Is that right?"

Gash: "It would require the road to pay for 75% of itself within the time period over which the authority plans to finance the new segment's construction, so no, that's not right."

Black: "Well, now that's all well and good. But let's just put the hay down where the goats can eat it now, Representative, let's get the answers down here where I can understand it and everybody else understands this. Don't give me a canned answer. If my daughter and son-in-law and the residents of their area, want this ten-mile stretch to be a toll road and they are successful in a petition to do

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this, again hypothetically, and the residents of the area agree, the toll road would go out for bids, let's say in 2003 and construction starts, let's say in 2003, and would be completed in 2004. So the toll road opens, now they have a road built but the toll road hasn't been opened, so how do they pay for the road?"

Gash: "During the time period over which the authority plans to finance the construction, not during the building period."

Black: "How do you finance... if I understand your Bill, how could you finance anything? You can't project the tolls on that stretch to pay your financing agreement. What's your answer? How do you do that?"

Gash: "In order to issue the bonds, we have to have projections. We do that all the time."

Black: "Well, I understand that."

Gash: "And you'd have to have projections of what the ridership would be. But this is a very good question and, in fact, it brings up the point that part of the reason for this Bill, which is that in the last several months the Toll Authority itself has actually announced that they can't afford to fund the repairs and resurfacing work. So when you're talking about those roads, it's very important to understand that the roads that existing toll road users are now riding on, the tollway is saying that they can't afford to keep the existing roads in good condition. And they've stated that the existing roads are either at or near the end of their expected 40-year life. And as a result, are crumbling from the bottom up. Over the next several years, these roads will need a lot of attendance and we will not have the money, the tollway will not have the money to do that. What this does is make sure that the repair and maintenance of the existing toll roads will be able... they

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will be able to maintain the existing toll roads, instead of having that money go to build new roads in other areas. In fact, Art Phillips stated again, recently that, 'a systemwide toll increase is needed to pay for the repairs alone.' If the tollway continues to build new roads in other areas that cannot pay for themselves, then there will be even more money diverted from the existing toll roads. But with direct respect to your question..."

Black: "Mr. Speaker..."

Gash: "... if those... Representative Black..."

Speaker Hannig: "Representative Black."

Gash: "... with respect to your question. If those toll roads that are being proposed can pay for themselves, and frankly, I've had Bills that would require those roads to pay for themselves which would be a user-pay system. This Bill doesn't even do that. It just requires that they pay 75%. And if those roads would have the ridership, then they would be able to do that. So, if they were truly needed, they would be able to do that."

Black: "Now, Mr. Speaker, I don't mind a filibuster but not on my time. That was two minutes and she never answered my question. I'd ask you to give me one minute to close on the Bill. I mean that's ridiculous when she takes two minutes of my time and doesn't even answer the question. Give me one..."

Speaker Hannig: "Yes, Representative Black to close."

Black: "Ladies and Gentlemen, I know you are in no mood for further debate today. To my colleagues downstate, to my colleagues upstate, whether you live in a nonattainment area or an attainment area, whether you're interested in toll roads or freeways, it's my understanding that the Chicago Suburban Area cannot build freeways, interstate

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highways like they do in my district, because you are in a nonattainment area. So, if you want to finance highway construction you have to do it by toll roads. You can't add lanes, by any other way. Now if you look at this Bill, I don't know how in the world you can build a four-lane road based on tolls to come when you don't know what the traffic load is, you can't finance it because you don't know how you're going to pay it back. Now this is another in a long attempt to harass the Toll Authority. And if it was just that, I may even vote 'yes'. This is an ill-advised Bill that will impact an area that needs additional lanes of traffic. This isn't going to work. Vote 'no'."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. In the event this gets requisite number of votes, we request a verification. And will the Sponsor yield?"

Speaker Hannig: "Yes, your request is acknowledged. Yes, she will yield."

Cross: "Representative, am I reading this correctly, that the result of this will be no new tollways? Is that your intention?"

Gash: "Can you repeat that question?"

Cross: "As I read this Bill, we will, in essence, have no more additional toll roads in the State of Illinois. Additional, is that your intention?"

Gash: "No. No, that is not correct."

Cross: "What is your intention with this Bill?"

Gash: "To make sure that the toll roads that would be built will be, at least, 75% able to cover their own cost so that people who are riding on the existing tollways won't have to subsidize them to such a massive subsidy. By the way

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with respect to Representative Black's point earlier, we frequently have projections of how much ridership can be anticipated on the roads. And in fact, when we're determining the 75%, we would have to look at numbers to figure out whether a road would be able to pay for itself. And in fact, based on some of the State Toll Highway Authority's own projections, there have been projections of what the ridership would be and how much those roads would be able to cover. So, Representative Black, I want to let you know that your point is not necessarily accurate. It's not accurate because the projections are made all the time and the tollway makes those projections. And of course, that's what we base decisions on and we should."

Cross: "Thank you for that very succinct answer. Have any tollways, Representative, in the past, been able to pay for themselves or at least 75% of the costs to construction... to construct them? Have any of them?"

Gash: "Yes. Most of the roads of the tollways... that the tollway has built, have been able to pay for themselves."

Cross: "I can't hear you."

Gash: "Yes, most of the roads that the tollways have built have been able to pay for themselves."

Cross: "All of the toll... most of the tollways have?"

Gash: "Not everyone, most of them. They should be able to. The only reason they can't is when there isn't adequate ridership on those roads. And frankly, if there isn't adequate ridership on those roads, then they probably shouldn't be built."

Cross: "Representative, are you aware that... I mean, everyone's going to agree that we're going to need more roads in northern Illinois as Representative Black's point was to Route 59. Do you realize what you're doing if this Bill



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passes and becomes law? It means for all the downstaters in this chamber, the people from the northern part of the state are going to come down here and say, 'We need more money out of the road fund, we need more tax dollars to pay for our roads. Forget the tollway system, we're going to have to come to Springfield and get state dollars, not tollway dollars, but state dollars, to build our roads.' Are you aware that that's going to be the result of your Bill?"

Gash: "With all due respect, Representative Cross, that's just silly. If roads do not need to be built, there's no question that that would not require State Road Funds. No one would come down and ask for them if the roads don't need to be built. In fact, what this Bill would do is protect the State Road Fund, which we just voted on the other day to make sure there weren't diversions from the State Road Fund. It insures that the Toll Highway Authority will stay fiscally solvent and doesn't extend its indebtedness in a fiscally irresponsible way that would require a State Road Fund bailout."

Cross: "Well, Representative, let's not kid ourselves. Northern Illinois and northwestern Illinois is growing rapidly, more and more people are moving in, we will need more roads. Now, I know there are people that don't like the tollway, but by and large the tollway system does work. You get on 355 or 294 or I-88, it moves traffic. It does what it's intended to do. But under your Bill as a result, and all the downstaters ought to be aware of this, to build roads in northern Illinois after this Bill passes and becomes law if it does, you will see people down here demanding money to pay for roads up north. And it will take money away from the downstate roads, it will take money away from the

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downstate roads. And to suggest otherwise, Representative, is frankly, disingenuous. Now, I guess one alternative would be to use the same theory of that drug Bill you just passed because that was free and maybe we can build roads that way, though I don't think we really can. So, I would encourage everybody to take a hard look at this Bill, because nothing's free as we all know and it's going to take a lot of money, a lot of money out of the downstate roads. Thank you, Representative."

Speaker Hannig: "Representative Sharp."

Sharp: "Mr. Speaker, on House Bill 2992, I'd like to be recorded as a 'yes' vote."

Speaker Hannig: "The record will show your intention, Representative. Representative Schoenberg."

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

Speaker Hannig: "To the Bill."

Schoenberg: "I'd like to dispel some of the myths that have been advanced by the opponents to House Bill 4525. I'd like to dispel some of the revisionist history when it's come to transportation funding here in Illinois. When the tollway system was conceived, we're all familiar with the original promise that was made, that bonds that were issued for a segment of roadway would be paid off and those tolls would then be retired. What has subsequently happened, is that we have cross subsidization of the tollway system over the 40-year period of its expansion. Now, to address what Mr. Cross has said. Mr. Cross, I just wish to advise you since you were questioning the veracity of Representative Gash's statement, is that the original roads in the toll highway system, those being I-294, I-90 and I-88 to Aurora, where Mr. Black's family now lives, lived up to that promise, that over the 25-year period of the bonds, the tolls

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generated by those segments of the tollway system did, indeed, pay for those segments of the tollway. So, it's only logical that future toll highway extensions or segments, be required to be self-sufficient, as well. Because if we don't ask them to do so, then we find ourselves in a financially precarious situation. Those who suggest, as some of the previous speakers have, that this is going to dip in to downstate road fund money, that this is going to take money from the Motor Fuel Taxes and redistribute that to the Chicago Metropolitan Area, there could be nothing further than the truth. Indeed, when Mr. Cross's ex urban area becomes a suburban area in these next several years, perhaps he'll become better acquainted with that. This is a financially conservative Bill which asks that we make sure that the money is there and that there's self-sufficiency for segments of the road that we add to the toll highway system. There's nothing in the Bill. You can read it once, twice, three times, nothing in the Bill which takes money out of the downstate roads. There's nothing in the Bill that suggests that we're going to cause all kinds of havoc on transportation here in Illinois. All this does is take us back to the original pledge that was made to Illinois taxpayers, that just like I-294, I-90 and I-88 to Aurora paid for themselves over the 25-year period of their bonds, we're asking that all other segments of the tollway system do so, as well. Thank you very much and I urge your support for House Bill 4525."

Speaker Lopez: "Representative Lopez in the Chair. Representative Skinner."

Skinner: "Well, Mr. Speaker, I'm pleased to see you in the Chair. I hope it's an indication of future upward mobility. The question was asked, 'How do you figure out how many cars

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are going to be on a road?' And I can't answer your question, Representative, but I can tell you this. It's been done. It's been done with something called the Alton Bypass for which \$233 (sic-million) are going to build. Now, I thought Alton was a dying town. I mean, it certainly was when I was there in 1982, running for State Comptroller. I don't know why anybody would want to bypass, I would think they'd want traffic running through town. But we're going to spend \$230 million of Motor Fuel Tax dollars to build a four-lane highway. Now, it seems reasonable that the successor to Harold Katz, who sponsored the Bill that we repealed when we decided to extend the tollways, should be sponsoring... well, it's an imitation, it's about a 75% imitation of his Bill. His Bill which passed in 1973, of which I was happy to be a cosponsor, said additions to the tollway had to pay 100% of the cost. And that seems appropriate. We have an addition on the books for McHenry County. Not one Legislator from McHenry County voted for it, and yet, it may end up being built unless this Bill passes. So I urge you to vote 'yes'."

Speaker Hannig: "Representative Biggins."

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

Speaker Hannig: "She indicates she will. Representative Hannig is in the Chair."

Biggins: "Thank you for clarifying that, Mr. Speaker. I was confused myself."

Speaker Hannig: "That's just for the records. Representative Gash."

Biggins: "Representative, if this Bill passes, isn't it likely that the extension of Interstate 355 would not take place?"

Gash: "I'm sorry, I can't hear you."

Biggins: "If this Bill passes and becomes law, isn't it likely

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that the extension of Interstate 355 will not occur?"

Gash: "If it can pay for itself, even just the 75%, then it would. If it could not, then it would not be able to be built. And frankly, if it can't sustain itself in that way, to that level, it shouldn't be."

Biggins: "And I think the same would also be true of any extension up in Lake County, perhaps linking the 294 to Route 53. That is as unlikely to occur as a tollway, right?"

Gash: "If a road doesn't make sense to be built then I would suggest it shouldn't be built regardless of where we're talking about it, even in my own county."

Biggins: "So, therefore, if they ever build a road up in Lake County that... and it's not going to be a tollway if this Bill passes, as two of the previous speakers have said, it's quite likely going to have to come out of the state funds to build a road whether it's a toll road or not. Isn't that correct?"

Gash: "If a road does not need to be built, then the road does not need to be built. That's not a question of whether it would come out of something else, it would not be built, theoretically. If it was determined that it needed to be built, then it would need to be built. But it wouldn't be necessarily tollway... the people who are riding on the existing tollways who would have to keep paying for it. As we've said, repeatedly, when the tollways were first envisioned, when the bonds were paid off the tollways were supposed to become freeways. Obviously, that promise has not been upheld. I think it's important to point out for some of the people in the chamber that the drivers on existing toll roads, primarily who are in DuPage and Cook County, would have to pay..."

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Biggins: "Point of order, Mr. Speaker? Mr. Speaker? Mr. Speaker, point of order?"

Speaker Hannig: "Yes, Representative, what's your point?"

Biggins: "The filibuster going on, I just asked her a question and she's going back into history here. So could we extend my time or just let her wander or what? What you want to do is fine with me, just don't cut my time."

Speaker Hannig: "Representative, why don't you ask the question, if you have some, and then she'll try to answer."

Biggins: "All right. Well, Representative, now it's likely then, I think everybody should listen because if they think there's not going to be more roads built than Lake County, I think that's a big assumption. And, therefore, if they're going to be built and they need state funds, they're going to have to take it out of somewhere and it will not be a toll road. So, therefore, we are going to have to funds from downstate roads and other suburban areas, to build roads in Northern Lake County. But if more... to the Bill, Mr. Speaker, if I may?"

Speaker Hannig: "Yes, to the Bill."

Biggins: "A more immediate concern, I believe, and I'm not one that represents the South Suburbs, but I do read the Daily Southtown and about three weeks ago, the day this Bill was in committee, a very strong editorial was in the Southtown urging all the local officials to get together to make sure and ensure that the extension of I-355 occurs in the form of a tollway project, and does not die. Now, I know with interest there happens to be a South Suburban Legislator as a Sponsor of this Bill. That's his business. But I also note today's Daily Southtown with a follow-up editorial, March 1st, 2000, urges again a meeting to convene of local officials and next week there will be one urging that they

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do anything they can to get this project a boost from as many local officials, citizens, and business people, so that the extension of I-355 can occur. And it points out the dangers of waiting any longer for this project to occur... to initiate construction on this 355. So, I think if we're going to vote to eliminate all tollways, we should be careful and not penalize those in the South Suburbs, in particular, that seem to have an extremely unified voice in urging the construction and extension of I-355 and not stifle their future economic, social, and business growth."

Speaker Hannig: "Representative Moore. Andrea Moore."

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

Speaker Hannig: "She indicates she will."

Moore, A.: "Representative Gash, earlier today we were talking... or perhaps it was yesterday, we were discussing this Bill and listening to all the debate that's gone on, I'm pretty confused about a couple of things. So because of the importance to my district because the extension of Route 53 in Lake County does go through my district in a number of ways, and I've had an established and open policy supporting that extension because of the great need in Lake County. When we talked, you explained that this Bill would not preclude building that road with tollway money..."

Gash: "Right."

Moore, A: " ... in the way of fees. And is that still the position that you have? There would be enough money collected in tolls to be able to pay for the extension of Route 53 as it's now proposed."

Gash: "Of course, that would have to be analyzed, but if the road had enough ridership if there was that much of a need, then that road would be able to pay the 75% during the cost... during the financing of that. With respect to 53, I think

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that is questionable. I do have to just say for the record since Representative Biggins made the point that there are some people along.."

Moore, A.: "Say that during your closing, Representative, I'm asking my questions now."

Gash: "Okay, that's fair."

Moore, A.: "Now, but... it's very important that I... you understand, Representative, how important this is to me. So, what you're saying is that the tolls that can be collected you believe would, in fact, be able to pay for this road the way we currently fund our tollway system?"

Gash: "Right. And we did talk about this earlier. I am not sure that that is the case. It's right about at the 75% area. It may be able to be built, it may not be able to be built. But I'm sure that many of us would agree that if it doesn't have adequate ridership and it wouldn't be able to cover its costs, those costs should not be borne by people along the existing tollways."

Moore, A.: "I don't disagree with you about that, provided that the whole issue of the 75% funding is going to actually make it viable for the extension of Route 53. Have you analyzed any numbers on this issue, on what kind of ridership it would take? Pardon?"

Gash: "There has been some... right, I understand your question. There has been some analysis done on that and some of the numbers that come out are a little bit below the 75%. Obviously, these studies would have to be done very, very thoroughly. Fifty-three may or may not be able to be built with this legislation. I don't want to give you a dishonest answer."

Moore, A.: "So your purpose is not to defeat the extension of Route 53?"



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Gash: "This Bill does not defeat any particular extension. What it does is require that extensions make sense and are fiscally responsible."

Moore, A.: "That was not my question. Is this your purpose to defeat the extension for Route 53?"

Gash: "The purpose of this Bill is not to defeat any particular extension. That is right. However, as you well know, I do have a personal position on Route 53. But the purpose of this Bill is not to defeat a particular extension. It is to make sure that any extension that would be built is financially responsible."

Moore, A.: "But at this time, you can't assure that there would actually be funds under the current method of collecting tolls and paying for them?"

Gash: "I'm sorry, I didn't hear you."

Moore, A.: "But, at this time, you're not prepared to assure that, in fact, the tolls will be able to pay for the construction for the extension of the proposed Route 53?"

Gash: "I would not want to make that assurance. I would want that to be looked at."

Moore, A.: "Thank you. Thank you. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Moore, A.: "Actually, I came in the chamber today being prepared to vote for this legislation because I think it's appropriate that we start to get... identify where our toll money is being spent and how it does connect to roads. But with the growth that we have experienced in Lake County, we have been trying to get the extension of Route 53 completed for almost 20 years. There's been a dedicated right-of-way purchased. We are along the planning process, extensively. We are waiting for the environmental impact study. And, in fact, if we build Route 53 and the proposed alternatives

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that IDOT has, even with all of that we are going to be hard-pressed to accommodate the kind of traffic that does, in fact, exist there. At this time, it is too early to decide whether or not that is going to meet the environmental impact study as suggested. But I would certainly hate to cut off the potential funding for the extension of this road before the complete planning has been finalized. So, at this time, I would vote 'no'."

Speaker Hannig: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Representative Gash, is it correct at the present time there is a study going on in Lake County to determine the feasibility of Route 53 and various alternatives to Route 53?"

Gash: "There are actually, probably, several studies going on about that. I'm glad you brought that up because as the previous speaker pointed out..."

Mathias: "I just asked for a 'yes' or 'no', you know."

Gash: "Yes, definitely."

Mathias: "Yes, and is it correct..."

Gash: "As the previous..."

Mathias: "... that that study right now... one of the studies that I'm familiar with is being conducted jointly by the Tollway Authority and by IDOT? Is that correct?"

Gash: "That is absolutely correct and with respect to the State Road Fund, very on point to what you're talking about, if the extensions are to be built then IDOT would end up having to pay approximately \$115 million in land acquisition, collateral road improvements, and various studies."

Mathias: "I understand but what I'm..."

Gash: "So there is money being taken out of the road fund."

Mathias: "... but at this point, those studies will determine

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the viability of the alternatives, including some of the costs and recovery of Route 53 and the costs of some of the alternatives. Is that correct?"

Gash: "As... yes, some of the studies are intending to do that. And as you well know, you're discussing a study that is being done by the tollway and I think we understand what that is."

Mathias: "Right. Do you think, Representative Gash, do you think that this Bill is then premature, that maybe we should wait for the results of that study before we arbitrarily pick a number out of the hat like 75%? Maybe we need to pick a number that's 50%, maybe we need to pick a number that's 90%. But maybe we should wait for the results of the study, especially, for those people in Lake County and those people in southern end of 355 who desperately need this road. Maybe we need to look and see what the figures are before we pick an arbitrary number. To the Bill, Mr. Speaker."

Gash: "No. No, Representative."

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

Mathias: "Yes. I urge my fellow Representatives who I think believe know that the only way that roads will be built in the Metropolitan Chicago Area, is through the tollway system. And if we can't build them. I mean, I don't want to pay tolls if I don't have to. I'd rather have it as a freeway, but we all know, realistically, it's only going to be done as a tollway. And if we can't do it as a tollway, that money is going to come from someone's budget. Thank you."

Speaker Hannig: "Representative Gash to close."

Gash: "Representative Mathias, in response to your question. Actually, no, I don't think it's at all premature. I think

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it's very belated. There's no question that all along the tollway should have been responsible and at times they weren't, but it's certainly time for them to be responsible now. If roads should be built, then we will be able to determine that. The numbers that will be used are frequently the tollway's own numbers. By their own projections, some of the decisions that they're making, may not be fiscally responsible. This is a fiscally responsible Bill. In response to Representative Biggins and Moore's points, I really do want to make the point that there is significant opposition to these roads and that's part of the reason why they haven't been built. Especially in Lake County, it is by no means a given that people want this road, and the reason that it hasn't been built, in my opinion, is that there is so much opposition to it. But that's not the point of this Bill. This Bill will insure that riders on existing toll roads will not have their tolls go up. I think it's very important to point out we have passed out information to everyone. If you look on your desk, you should have information regarding the tollway accountability campaign with many different groups, such as the Environmental Law and Policy Center, the League of Women Voters of Lake County, Lincolnway South Corridor Against the Tollway, the Open Lands Project, the Sierra Club, South Corridor Against the Tollway. There are so many groups from so many diverse organizations involved in this campaign. I also want to let people know because, again, this is the important point of the Bill, drivers on existing toll roads, primarily in DuPage and Cook, would have to pay a tremendous portion of the costs of these new extensions, even if they never drive on them. An example of subsidies on the proposed extensions: in Aurora, toll

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payers would have to pay an extra \$75 million if roads are built that cannot pay for themselves; Chicago \$275 million. So if you live in Chicago, those of you who live in Chicago, your constituents would have to pay an extra \$275 million; Downers Grove \$75 million; Elmhurst \$34 million. These numbers are based on the tollway's own figures. The new extensions would require a substantial system wide toll hike. And fairness dictates that restoring a user-pays fair share policy should be done now. And this Bill is actually quite belated. And I would definitely urge your 'yes' vote. And please make note of the sponsorship which is very diverse from different areas and very, very bipartisan."

Speaker Hannig: "The question is, 'Shall House Bill 4525 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. There has been a request for a verification. So vote your own switches only, please. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there is 58 voting 'yes', and 55 voting 'no'. Representative Gash, do you wish Postponed Consideration?"

Gash: "Yes."

Speaker Hannig: "Postponed Consideration. Mr. Clerk, Committee Reports."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure was referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'to the floor for consideration' Floor Amendment #2 to House Bill 4478."

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

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

Speaker Hannig: "Yes."

Black: "Pursuant to House Rules, I don't think it's in order for the Speaker to ask a Sponsor to put a Bill on Postponed Consideration. I think that must come from the Sponsor. And if the Sponsor misses that opportunity then that's the Sponsor's responsibility. I would admonish... I may be wrong and if I am I apologize, but I would admonish the Chair... I don't think it's in the Chair's prerogative to ask a Member if you want Postponed Consideration. That's our responsibility."

Speaker Hannig: "Representative, I'm just trying to help the Members on both sides of the aisle."

Black: "I understand that. I understand that. But as long as you're going to help Members on both sides of the aisle. But since I've been here it's always been the Member's responsibility to ask for that and sometimes if you're late, you miss that opportunity. So if the Speaker wants to help the Members and I know you're a man of goodwill, as long as you ask Members on both sides of the aisle, I guess we could do that, but it is a departure from the general rules of the House. And I'm not about to chastise you or go off on a tirade, but if she wanted Postponed Consideration she could have asked for it. Although, it would probably have taken her ten minutes to do so."

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

Younge: "Thank you, Mr. Speaker. To call attention to the fact that the Appropriations Higher Education Committee will meet at 8 a.m., in Room 118 tomorrow morning."

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

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Gash: "In lite of what Mr. Black had said, I would be happy to redo the roll call if he would prefer to do that."

Speaker Hannig: "Representative Black."

Black: "I didn't mention her name. Why was she recognized?"

Speaker Hannig: "Representative, it seemed like a few people wanted to ask some questions here, so I'm recognizing them. Representative Shirley Jones. For what reason do you rise, Representative Jones?"

Jones, S.: "Yes. Telecommunication will be right after Session and I hope it be over soon, about 5 minutes. Is that possible with the..."

Speaker Hannig: "Not... it's not likely, Representative. Mr. Clerk, would you read House Bill 3903?"

Clerk Rossi: "House Bill 3903, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Now, for Representative Hartke's purposes, this does not deal with clear-cutting. So, we'll deal with that later, Representative Hartke, at your request? This House Bill simply changes the way premiums are calculated in workers' compensation in the construction injury, based on hours worked instead of payroll. We've dealt with this issue, previously. It basically brings a sense of equity to the system where the employer is responsible for the numbers of hours the employee has worked. I'd be more than happy to answer any questions."

Speaker Hannig: "And on that question, Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is not a merely Bill, this is a very complex Bill. But I want to tell you what's really interesting

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about this Bill. That this is a cost shifting Bill. We're shifting the cost of workers' comp from the people who pay it now, the current system and they want to shift it to some... what we call some of the higher paying workers' comp. They want to shift it away from them so that the small businesses and many of the other small business in Illinois end up having to pay more money. Now, right now nowhere in the United States with a kind of system that we have in Illinois are they doing this. Nowhere are they doing this. Now, there is one state, the State of Ore... excuse me, Washington, but it has a state-run monopolistic state fund. And that's the only one. So it's a completely different... so no one else is doing this in the United States. It is a very complex shift. It's... now we're going to... you all know that people judge how many hours you work based on how much you get paid. But the fact of the matter is, they want to shift it from that and that ought not to be what we're going to do. The current used... the total payroll to calculate premium closely reflects the average weekly wage calculations for benefits. Workers' compensation benefits are based upon the employees average weekly wage. Higher wage earners receive greater benefits. To rely exclusively upon hours worked to calculate premiums would ignore the pay rate components of the benefit calculations. Thus, the premiums currently charged closely reflect the exposure of the employer for benefits in the case of injury. Just simply means where they're shifting the cost on this. Now, Ladies and Gentlemen, House Bill 3903 will hurt construction companies and their employees in your district. The current calculation of workers' compensation premiums based on total payroll is the most equitable and verifiable manner.



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I would ask that you please vote 'no.' Now, I will point out to the Body and those that are listening, that this Bill has been defeated numerous times. The Sponsor continues to bring it back. That's his prerogative. I mean in the wisdom of this General Assembly, we have consistently said, 'This is not a good idea. What we have now currently based on hours worked is the best way to do it.' Now, I also want everyone that is listening to understand that the Illinois Manufacturers Association is opposed to this. The Illinois State Chamber of Commerce is opposed to this. The Employment Law Council of Illinois is opposed to this. The Associated Builders and Contractors of the Northern Illinois Chapter are opposed to this. And numerous of the professional insurance company associations are opposed to this. Let me reflect, I know you want to go home. Let's vote 'no' on this. This is just not a good idea. It's a time to keep our system the way it is in Illinois. It is very complex. When they change this system, this will not be a good idea to change it. Let's keep it the way it is. Let's continue to vote 'no' on this. And if this gets the verified roll call, I would ask a verification."

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

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

Speaker Hannig: "He indicates he will."

Turner, J.: "Representative, I'm not sure I understand your Bill, so I'm hoping you can clarify for me. Reading the analysis, it appears to change the rate. What rate are you talking about?"

Granberg: "In the workers' compensation rate. So, currently... currently, John, you probably actually know this."

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Currently, they're assessed on the payroll. This is just... this would change it to based on hours. So the employer would be liable for the... his workers' compensation rate, would be calculated based on the hours the employee works."

Turner, J.: "All right. I... what I'm trying to get at, are you talking about the rate that an injured worker..."

Granberg: "Oh, no. I'm sorry, no, this just..."

Turner, J.: "... gets paid or are you talking about the rate that is paid by an employer to an insurance company?"

Granberg: "This is the premium rate, John. It has nothing to do with..."

Turner, J.: "All right. The premium rate for workers' comp insurance?"

Granberg: "Correct."

Turner, J.: "And how is that currently set? How is the rate currently set?"

Granberg: "It's currently... it's currently required by, I think, Section IV of the Workers' Compensation Act, but it's based on the history of the employee; the job classification, what that employee does, the type of occupation, the rate of risk, and the experience factor, the number of prior claims, I believe."

Turner, J.: "Okay, those sound reasonable. Are you taking those out of the statute?"

Granberg: "Absolutely not."

Turner, J.: "All right. So then... I'm getting there. So what are you changing then, with regard to the rate? If you're keeping all of those factors in, what is the change that you're making?"

Granberg: "Did the... the premium rate would be on how it's calculated, John. Currently, it's payroll. You know, it's

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the total... it's a percentage of payroll. So that this would change it to the hours actually worked by that employee. Some of the contractors want it because they feel they're assessed. There's a reasonable correlation, then, between the amount they pay and the time their employees actually work, as opposed to total payroll, where those employees may not work those equivalent hours."

Turner, J.: "Well, all right. Does that mean, then, that some employers, if we pass this into law, will now be paying a higher rate, a higher premium rate than they otherwise would have paid, but for the law?"

Granberg: "The previous speaker made a good point, John. It's possible that could happen. The genesis of this is that you would actually help those contractors who pay a higher wage scale. That's why those types of contractors are in favor of the Bill. There's somewhat of a split in that community."

Turner, J.: "Okay. I think I've got the what, now, I want to get to the why. Now, why would we want to pass this so that an employer would have to pay a higher premium? Because to me that doesn't make any sense, as long as the workers are covered. Obviously, we all want that. Why do we want to pass this so that an employer might have to pay a higher premium?"

Granberg: "John, I think what they want to address is, first of all, a reasonable correlation between the amount of hours actually worked and the premium they pay, first of all. Secondly, they also want to encourage those higher-paying jobs that good contractors pay, those higher wages. This would, in a essence, benefit those contractors who pay a higher wage scale. So you're creating a bit of an incentive for them."

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Turner, J.: "I don't follow that. Why would that... I'm for higher pay and higher rates, but why would that make the premium, I mean, why would increasing the premium result in someone getting paid more for a job that they are currently doing? Why is that? How's... where's the logic there?"

Granberg: "Based on the hours, that higher wage scale per hour would do that, so that would have that benefit to that employee and to that employer."

Turner, J.: "All right. It's probably because I don't understand the Bill very well, I guess. But I don't understand how increasing the premium or changing the way, I guess, that the premium is set..."

Granberg: "Yeah, John, it wouldn't actually..."

Turner, J.: "... I don't see how that results in higher salaries."

Granberg: "John, it wouldn't actually increase the premium. There is potential there for some contractors, some individual contractors, to be impacted as the previous speaker indicated. There's also potential to have the wages increased for those contractors who pay a very good livable wage. So, potentially, it could increase the premium cost by you changing the calculation for some contractors. Conversely, it could help the contractors currently in existence who pay a higher wage scale. So, it's a mixed bag, if you will."

Turner, J.: "Although you don't have the same analysis that I do, you probably have a similar one at least. I notice there are a lot of opponents and presumably, as I look at this list, the opponents believe that this will be a higher cost to an employer. I'm just curious, do you fear perhaps that..."

Speaker Hannig: "Representative Turner, could you bring your

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remarks to close, please?"

Turner, J.: "Well, I really wasn't making remarks, I was asking a question."

Speaker Hannig: "Well, your time has expired and we're trying to help you move along."

Turner, J.: "All right. I didn't even notice. Can I just..."

Speaker Hannig: "How about if I give you an additional minute? Can you wrap it up in that one minute? One minute, Representative."

Turner, J.: "I believe I can."

Granberg: "John. John, if were at a... I'll try to address your questions if you'll just give me..."

Turner, J.: "Yeah, my question is..."

Granberg: "... after you get done."

Turner, J.: "We don't want to cost people jobs. I mean, we all know that if an employer pays more, that ultimately that cost goes someplace, and while we want higher-paying jobs, we don't want to create a situation here where we have less jobs, fewer people working. Are you concerned about that in this Bill?"

Granberg: "Absolutely correct, John. There should be a complete offset, John, where there is no net increase for anyone. Because the ones that would be increased would offset those to be decreased. So, there should be no net increase in the rate."

Turner, J.: "Thank you for answering my questions. Thank you, Mr. Speaker, for your deference."

Granberg: "Now let me... let me..."

Speaker Hannig: "Thank you, Representative."

Granberg: "For Representative Turner. I think John was going to the point where asking about the opponents, and I think the business comm... I think the chamber is opposed,

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Representative Turner. I believe the IMA is opposed. The insurance companies who write the workers' compensation law, are for the most part, are opposed. The NFIV, I believe, is neutral because they have a mixed membership; some contractors and others; and then we have some of the contracting, contractor organizations, their associations, that are actually in favor of the Bill. So, it's kind of a mixed list, if you will."

Speaker Hannig: "Representative... Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of this Bill. Mr. Speaker, Ladies and Gentlemen, there is no good reason for an employer to have to pay a greater premium for workers' compensation if the employee is making more. If you pay your employees more than I pay mine to do exactly the same job, why should your workers' compensation premium be higher than mine. Not only does this discriminate against employers that pay high wages, but it encourages employers to pay low wages. And so many employers around Illinois, because of workers' compensation premiums, have forced their employees into lower wage jobs than they would need to pay them simply because of the premiums. If all employees were paid on the basis of hours, this would no longer be an issue. In addition, let me point out that this, at the end of the day, discriminates against members of organized labor. It does so because they have tended to be higher wage people; and employers, because of high premiums, will not hire these competent, trained, qualified members of organized labor to do these trades because it costs them more money to pay the workers' compensation premiums. This will level the field and put every contractor, whether they're a labor union contractor or not a labor union contractor, put them in the same place where

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they're paying the same premiums so that every worker who works for one of these contractors has the same opportunity to get a high wage. We should be all about creating high wages for workers in Illinois. We should not be about discriminating against employers who pay high wages or encouraging them to pay lower wages. That's why Representative Granberg has a good Bill. I know, I sponsored it, previously. I would suggest your voting 'aye' on the Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes, I rise in support of this legislation. I think that there... just so everybody understands, what we're talking about here is there are two groups that are really in favor of this and makes sense and I'll tell you why. First of all, obviously, labor is in favor of this because what we're doing is we're not penalizing contractors who pay higher salaries. Secondly, the construction industry who hires people who work at a higher rate are in favor of this and because they may be seasonal employees. The reason is, is because now this would base on hours work. It would be favorable to construction companies who work on a seasonal basis, so who build things and pay higher rates because of the fact is right now we're basing the premiums on the amounts that are paid, the amounts that are paid in wages. This would base the premiums on hours worked. I submit to you, it makes sense, because if they're not working a full year, if they're only working six months because they're seasonal employees, it would make more sense that the workers' compensation rates would be based on that fact for seasonal employees. You may only be working six months, but making the same as some nonunion employee who is working a full year. It seems to me that

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it makes infinite sense to base it on the time that you are working as opposed to how much you are making. And therefore, the risk to the insurance company and the premium paid to the insurance company would be based upon the time that you actually work, as opposed to the amount that is paid out. So, sure there are some business groups that are against it, but there are also are business groups who work in the construction industry who are infinitely in favor of this Bill. And I rise in support of it."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "Yes, he indicates he will."

Black: "Representative Granberg, the remarks of the previous speaker, that's the question I want to focus on and I really am having a difficult time understanding this issue. I've had one contractor call me and say, 'please vote 'no'', and I've had another contractor in my district call and say, 'please vote 'yes'.' But from what Representative Hoffman..."

Granberg: "So, what are you gonna do?"

Black: "I'm going to listen to you. From what Representative Hoffman said... now, let me make sure I understand this. Let's say I'm a nonunion contractor and I pay my carpenters \$14 an hour. On a job next to mine is a union contractor who pays his carpenters \$24.50 an hour. Both carpenters are working 40 hours a week. Now if both carpenters get injured on the job, is not workers' compensation based on their average weekly wage? Right?"

Granberg: "Yes, up to a maximum."

Black: "Okay. Now, if you remove the wage issue, how then is the workers' comp benefit going to be computed? I'm trying to



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figure out, am I putting the \$25 an hour worker at risk of receiving less workers' comp benefits because he works the same hours on a similar... on a same job classification as does a nonunion carpenter being paid \$14.50 an hour in the same classification on a job. Now, how is the workers' comp benefit to be computed in that scenario?"

Granberg: "Representative, you're... and I know you know the answer because you never ask questions you don't know the answer to."

Black: "I gotta tell you, I really don't on this one."

Granberg: "Well, you never listen to me anyway. It would act... that would not affect it. This would just be the premium, not the benefits. This would not affect the benefit level."

Black: "Well, how... how would the compensation insurer base his premium on the nonunion contractor with a weekly payroll let's say, of 75,000, and the union contractor with a weekly payroll of we'll say, 100,000? Assuming that all of the classifications are equal, I'm still not tracking what this Bill actually does."

Granberg: "It just affects the premium calculation, Bill. Now I think I know where you're going with this and maybe I don't know, but it should not affect the amount that injured worker receives. That would still be done that same way. This would just be done on the premium based on the hourly, not the payroll."

Black: "Okay. So there's nothing... I shouldn't read anything into this Bill that says now the nonunion contractors premium or exposure to risk, since his carpenters work the same hours and the same classification as the union, my nonunion contractor isn't going to have to pay workers' comp rate based on the union pay scale, is he? I mean,

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they both work 40 hours a week, both classified as carpenters, but the pay scales are considerably different. I want to make sure I go home and tell my nonunion contractor that, hey, I didn't vote to say your premiums would be based on the union pay scale. 'Cause that's the first question they're going to ask me. And I really don't know what to tell them."

Granberg: "I mean, I think that's what we were talking about, the offset, because that's where you had... that's where you had that split in that community."

Black: "Yeah."

Granberg: "And you're exactly right. That's why some are in favor. Most are in opposition if they have... if they're nonunion. I mean, you're exactly right. So, I don't know what..."

Black: "So would..."

Granberg: "... I don't know how you're going to explain which way you're going to vote. But I'm sure you'll do a great job."

Black: "And after today I could write a book, but... It's not your intent then to tell the nonunion contractor that because you're similar... you've got people in the same classification, a carpenter is a carpenter and they both work 40 hours a week, therefore, for workers' comp premium purposes there's no difference in your wage scale. So, if I'm charging the union contractor \$8 a hundred a payroll, I'm now going to charge you \$8 a hundred a payroll."

Granberg: "That is correct."

Black: "Is that going to change or is that what we're after?"

Granberg: "No, that's exactly right."

Black: "So, it's conceivable that a nonunion contractor could see a premium increase?"

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Granberg: "He has potential, Bill. And again, that's why you had the difference in opinion from the contractors."

Black: "Okay. All right."

Granberg: "Because you had the union contractors..."

Black: "Okay."

Granberg: "... who would like this. You see the... that the lower..."

Black: "Okay."

Granberg: "... the lower wage contractors, so they would be opposed."

Black: "Okay. All right, so..."

Granberg: "Because you're going to see that shift."

Black: "So, it is conceivable then, that a carpenter on a nonunion job making \$30,000 a year, could file a workers' comp claim based on a union wage scale?"

Granberg: "No. No, no."

Black: "Just premiums?"

Granberg: "Not that, just premiums."

Black: "Just premiums."

Granberg: "Right."

Black: "Okay."

Granberg: "And I think that was one of the previous speaker's issues, Bill, was that there could... the potential for cost shifting does exist. And that... because that..."

Speaker Hannig: "Representative Black, we're going to give you one more minute if you need it. Are you finished?"

Black: "That's fine, Mr. Speaker. Thank you very much for your kindness and I do thank Representative Granberg. Not only is his answer on target, it really has helped me get a clearer picture of this Bill and I really do and sincerely appreciate his forthright, honest, succinct answer. Thank you."

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Granberg: "And how... and how are you going to vote?"

Black: "Still don't know."

Speaker Hannig: "Representative Osmond."

Osmond: "Thank you. Will the speaker (sic-Sponsor) yield?"

Speaker Hannig: "He indicates he will."

Osmond: "I think when we talked before about the reasoning why we have different rates for different classes, I thought I heard that one of the Representatives said that the benefits are equal. And I really don't think that's the case, because we pay... the benefits are really based on the wages earned up to a certain maximum. That's two-thirds of their payroll up to a certain maximum."

Granberg: "Representative Osmond, what I intended to say, maybe I misrepresented that issue, the benefits are set by statute. I mean, but..."

Osmond: "And they do fluctuate."

Granberg: "... it obviously varies on the wage."

Osmond: "And they do fluctuate by what a person earns..."

Granberg: "Yes."

Osmond: "... because that's what he or she would lose."

Granberg: "Yes, sure."

Osmond: "And the death benefit, is that based on some multiple of earnings as well?"

Granberg: "Representative, I..."

Osmond: "If a worker's killed on the job..."

Granberg: "No."

Osmond: "... there is a death benefit."

Granberg: "But then again, I mean... Staff indicates that there is a 20 year provision, 250,000 maximum. But this does not deal with benefits, this would not deal with that issue."

Osmond: "No, but my point is that there are different benefits for employees, and those benefits are tied to the wages

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that they earn up to a certain maximum."

Granberg: "This would only deal with premiums paid by the contractors."

Osmond: "That's correct. But I think that..."

Granberg: "And the calculation of how that premium is to be assessed."

Osmond: "But I think that the premiums have to reflect the benefits that are paid out and I think that's why the system of using a payroll as the basis of getting overall premiums is a good one. The other thing is the industry or the council and I don't know whether you talked about it in committee, I can't remember it. But the National Council on Compensation in 1992 created a program called the Illinois Premium Adjustment Program. Are you guys familiar with that?"

Granberg: "No, please, go ahead."

Osmond: "Okay. The Illinois Premium Adjustment Program is a program offered to contractors and it addressed the issue of wage earners that are higher than the average, and there is a credit available to contractors in certain classifications that would give them additional credits. I have two insureds in the office; one's a union electrician that gets an additional 20% discount, and then a union plumber who is earning, at this point, an additional 13% discount based on loss experience. And there is a calculation in there that does offset those higher wages. So, I think that there's already a mechanism in place that addresses some of your concerns. The other thing that concerns me is that I didn't see in committee, and maybe you've done it, with such a substantial change and there may be some very good points in it, but have there been any models developed as to, you know, with some assumptions

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that if these were changed, you know, really breaking it down as that who's going to be affected where and whether or not this affects any different classes more than others, and is this a monster change in the way we calculate rates?"

Granberg: "Representative, from the committee there was no such testimony in regard... in that regard. This Bill only affects the construction industry itself. So, I don't believe so. Now, if you're talking about the implementation of the system, one of the previous speakers indicated that the State of Washington is the only state that has done this and that is accurate. Now, his point was also that their system is a little bit different, so the applicability of doing this in Illinois might be different, as well."

Osmond: "Okay. Well, I think that the Premium Adjustment Program that exists is just for the construction classes. I think that gives relief to those employers that are paying higher wages, whether they be union or nonunion people. And I think that there's already some relief there. I think that program should be explored a little bit more. I think the concept is pretty good and if there is some disparity, that we should keep looking at it. But at this point, I don't think we've done enough homework and I'm going to vote 'no', not on the merit... not on the intent, but just the mechanics of how that's going to be done, especially since we already have some mechanism there that's currently giving relief for higher wage payers. Thank you."

Granberg: "Sure and thank you."

Speaker Hannig: "Representative Granberg to close."

Granberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is very simple in concept. It's

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applicability, I think, is obvious. It brings some reasonable correlation between the amount of hours an employee works and the amount of the workers' compensation premium that employer pays. There is currently a disincentive in the system for a contractor to pay good wages. This addresses that issue. It helps the employees, it will help a number of contractors. This can work. It would simply change how the premium is calculated to base on how many hours an employee works. A reasonable standard, a reasonable correlation as opposed to payroll. I would ask for your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. There's been a request for a verification. So vote your own switches, please. 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 78 voting 'yes', and 34 voting 'no'. Representative Parke has requested a verification. Representative Parke withdraws his request. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3292."

Clerk Bolin: "House Bill 3292, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Hannig: "Yes."

Hultgren: "Thank you, Mr. Speaker and Members of the House. This is a Bill that addresses some DUI issues. It was presented to me by the state's attorney from DuPage County, Joe Birkett, who was here a few minutes ago. I would be happy to answer any questions about this, if you have any particular questions."

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

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

Speaker Hannig: "He indicates he will."

Dart: "Representative, can you explain to us what this Bill does?"

Hultgren: "Absolutely. It does about five different things, and this was discussed... there was an Amendment to this Bill and we discussed the Amendment in committee and then also on the floor here, briefly. But the... what the Bill does, it's really five different issues that are addressed. The first issue is that it states that it makes a technical change, so that if someone were to receive a DUI conviction in another state and then also receive a first DUI conviction here in the State of Illinois, that they would not be eligible for supervision, court supervision. In other words, they'd be considered a repeat offender. The second change allows for a aggravated DUI provision. The third change is something that has been requested by hospital personnel, two state's attorneys and things. And what this does is when asked by police officers, it requires hospital personnel to draw blood or obtain urine samples from the person. The other change, the next change, is a recognition of serum blood alcohol level, that there is a recognition that serum blood alcohol levels are automatically 16% higher than whole blood levels. So what this is doing is stating that for the law, .10 would become prima facie evidence under a serum blood alcohol level. What this does is it allows that an expert wouldn't have to come in every time to state that this, in fact, is recognized. The final change is that it would allow the preliminary breath test to be used as evidence of purely just as probable cause to the arrest by either the



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prosecution or defense in any criminal or civil proceeding."

Dart: "Thank you."

Speaker Hannig: "Representative Delgado."

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

Speaker Hannig: "He indicates he will."

Delgado: "Representative, we saw this Bill in committee and I know we've had a long discussion about it, and some of the concerns that the Illinois State Bar Association has and others and Members of the committee actually brought forward, and to some point some intrusive type taking of blood, if you will, at a hospital. And I know that you and I have had long discussions about this and that you've said to me that these are things you are going to continue to work on as it moves over to the Senate. And I know working with you on some other Bills, we've been able to successfully get things done between you and I, and I would hope that that continues to be the pattern. Is that still correct, Sir?"

Hultgren: "Absolutely. I appreciate you bringing that up. The Illinois State Bar had two people that spoke opposed to this Bill in committee. We had stated that we would try and get together and work out some solutions. We weren't able to connect, so what the State Bar has done is remove their objection to this Bill with the understanding that we continue to work specifically on that provision, but also on some other provisions as this moves to the Senate. So they have removed any... they're neutral on this Bill, allowing it to go to the Senate with my understanding that they will continue to work with us. And I'm very open to working with you along with the State Bar and also with the Senate to try to come to something that all of us can agree

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on. But it's their understanding that with the limitations of time in this Session, that we'd go ahead and move it through so we can continue working on this issue."

Delgado: "And I also know that the 'Mothers Against Drunk Driving' is supporting this Bill in some facets. Also, just with the concerns of how apparently you've addressed them. So, I do want to commend you to always work with us Randy, and at the same time I understand your intention with this Bill, and I appreciate your word in having it worked on in the Senate and at this point I'm going to support this Bill. And it keeps our roads safe. We always have to be careful in terms of what goes on in these hospitals and the intrusiveness of medical people or police officers or a wife or a husband who allows someone else to draw blood from them without that person's consent, and I know you've addressed 'em and I'd like to thank you for that."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hannig: "Yes, he indicates he will."

Johnson, Tom: "Randy, I won't repeat everything that Representative Delgado just spoke to, but I just want to be sure. Will you tell the Senate Sponsor over there not to move this Bill, if we don't get these issues, especially the issue of drawing blood, clarified?"

Hultgren: "I will."

Johnson, Tom: "Okay. Thanks."

Speaker Hannig: "Representative Hultgren to close."

Hultgren: "I would appreciate an 'aye' vote on this Bill. Thank you very much."

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and '0' voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3117. Representative Silva. Mr. Clerk, take that Bill out of the record. Representative Flowers, are you ready on House Bill 2962? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2962, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2962 expand the health education requirement for a secondary school to include a unit of instruction on clinical depression and suicide prevention. In Illinois, suicide is the second leading cause of death in teenagers, next to accidents and homicide. In the past ten years over 2,000 young people in Illinois, ages 15 through 24, have taken their own lives. Suicide is the number one leading cause of death in college students. Nationally, one young person kills himself every two hours. In 90% of the teen suicide, clinical depression is the underlining cause. The majority of the school shootings that we've heard about across this nation, the perpetrator has ended up turning the gun on himself. And I'll be more than happy to answer any questions you have in regards to House Bill 2962."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Hannig: "To the Bill."

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Black: "And I reluctantly rise in opposition to the Bill. I not only respect the Sponsor, I like her. This Bill has a personal impact on me. My best friend committed suicide, and to this day I don't know why and I wonder if I missed a signal. So, I have some personal hurt about the topic of suicide, more than I could express to you. But Ladies and Gentlemen of the House, given that fact, I simply have to rise and tell you that no matter how well-intentioned this curricula mandate is, at some point we have to stop making our school systems the court of last resort for every problem, no matter how real and serious they are, we can't continue to do this. I got into the School Code the other day. It's 862 pages long. And I want to give... I want to just share with you in the time I have some of the curricula and instruction mandates that we have in the School Code. We have instruction on school bus safety. We have mandated organ tissue donor and transplant program. We have family life curricula mandates. We have a mandate to teach honesty, kindness, justice and moral courage. We have a mandate to teach consumer education. We have a mandate to teach conservation of natural resources. We have required instruction for children to recognize the danger and avoid abduction. We require instruction on preventing and avoidance drug and substance abuse. We mandate instruction on recognizing and avoiding sexual abuse. We have education for steroid abuse mandate. We have mandates for violence prevention and conflict resolution. We have mandates for parenting education. We have mandates for arbor and bird day. We have a curricula mandate in there for Leif Ericson day. Oh, I remember that instruction, as do all of you. We have a mandated unit on instruction on American Indian day. We have a mandated

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unit on mandating instruction on Illinois Law Week. We have a mandated curricula mandate on Just Say No day. We have a curricula mandate on Holocaust day. We have a curricula mandate on Black History study. We have a curricula mandate on the study to study the history of women. We have a curricula mandate on the Irish famine and its impact on the United States. Now, Ladies and Gentlemen, I don't rise in any opposition to trying to get at the root cause of suicide and depression, because I lost one of the dearest friends that I will ever have to suicide. And I know, I know what it put his family through and I know what it put me through. But at some point you have to stand here on this floor and say, how many society's problems can we put in the School Code? How many things can we ask our schools to do, and can they do them effectively? And how are they going to coordinate all of the well-intentioned, well-meaning mandates we have put on them? I wish I didn't rise in opposition to this, but as my wife, who is a school teacher, told me when I talked to her about this last week, she said, 'Bill, just promise me one thing before you leave the General Assembly, that before you leave you will mandate that our job is to teach our children how to read, how to write, how to compute and how to think critically. That's our job. And all of the other extraneous curricula mandates that you ask will detract from what our job is.' And I couldn't find any fault with my wife's request. So, I'm sure this will pass."

Speaker Hannig: "Representative Monique Davis."

Black: "Mr. Speaker, I..."

Speaker Hannig: "Excuse me, Representative Black, I thought you had finished."

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Black: "No, I'm sorry. Had this curricula mandate been in effect when Jerry Chrisman and I were students, maybe Jerry'd still be alive. I don't know. I don't know. But I can tell you this, at some point we can't continue to put every societal problem in the school classroom, no matter how well-intentioned they are. At some point we have to let schools do and get back to what they were intended to do from day one. So, given that fact and the fact that I taught school for many years and my wife still does, I simply rise in opposition to any further curricula mandates until we give the schools the resources, the money and the support to do what they were intended to do from day one, and that is to teach our children how to read, write, compute and think critically. Thank you."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Speaker, I feel that this is one of those Bills that I wish we would not have to address. I would be so much happier if we did not have to look at this issue. Times change, Representatives, and as time changes... times change, you have to be willing and ready and flexible to meet those changes and the needs of those children because of the society that we live in. Today, our children are more mobile than any society ever before. They are confronted with things that you and I, sitting in this chamber, may never have been confronted with. Most children, today, go home alone where there is no parent because they're both working. Due to necessity or greed, each situation is different. Therefore, children today many times suffer from problems and they have needs that children didn't have many years ago. Even in the district that I represent, a student, 17 years old, doing very well, Bogan High School, very well liked by his peers. But he

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had moved away. The family had moved to a new home and he wanted to continue visiting the old neighborhood, 'cause that's how kids are. But the parents realized it's dangerous going from that location, 'a' location to 'b' location. It is not a safe practice. Therefore, the father told him, 'I cannot allow you to travel during the week alone from the old neighborhood back to our new home.' The parents had no knowledge of psychology, but the child had developed or gone into a deep depression and one morning, at 10:00 a.m. on a Saturday, he went into the basement and killed himself. He shot himself in the head. That's just one example. I think you should know, Ladies and Gentlemen, that suicide is a growing phenomenon in our so-called technological society. I think this piece of legislation is a small, small measure in addressing that issue. It's a very small measure in addressing that issue. And I was a teacher and all of these things that should be taught can be incorporated into what you already do. You can use discussions on, suppose this had occurred, what other way could he have handled this? What would have been a better choice, a better choice than this choice or that choice? It could be in science class. These things that are necessary must be done. Now I, too, wish we lived in the age of Dick and Jane and Jane and Dick pulling the red wagon and having a little dog named Spot and mama's in the kitchen cooking cookies, baking cookies, and daddy's going to come home from work at 5 o'clock every day on the dot and they're going to sit down for dinner. I don't know where that family lives anymore and children don't either. This is a Bill that we need to do because of society. We didn't create it, but we are here and because of it we have to address it. I urge an 'aye' vote."

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Speaker Hannig: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Before I begin, I have an inquiry of the Chair, perhaps the Clerk could help me."

Speaker Hannig: "Sure."

Ryder: "If I could."

Speaker Hannig: "State your inquiry."

Ryder: "Thank you. Could you tell me what Amendments have been adopted on this Bill?"

Speaker Hannig: "Mr. Clerk."

Clerk Bolin: "Amendment #1 was adopted in committee and Floor Amendment #2 was adopted on the House Floor."

Ryder: "All right. I have some confusion. Perhaps you can help me. Further inquiry. The Bill and obviously Amendment #1 were heard in committee. What committee was that?"

Speaker Hannig: "Representative... Mr. Clerk, do we have that information?"

Ryder: "You can upgrade him to a Representative. He may not like that, but..."

Speaker Hannig: "Representative Flowers, perhaps you'd like to help us."

Flowers: "Be happy to. It was heard in Elementary and Secondary Education."

Ryder: "The underlying Bill and the first Amendment, right?"

Flowers: "Absolutely."

Ryder: "Okay. You said there was a second Amendment? Was that also heard in Elementary and Secondary Education?"

Flowers: "Floor Amendment."

Ryder: "The Floor Amendment that's adopted, Floor Amendment 2, that was heard in the same committee?"

Flowers: "That was debated on the floor."

Ryder: "What committee was it... did it go through to be approved for consideration on the floor?"



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Flowers: "It went through the Rules Committee and then the Rules referred it to the Secondary and... Elementary and Secondary..."

Ryder: "No."

Flowers: "... Education."

Ryder: "No, Representative, I think you need to take a look at the Bill because my understanding is, and I could be wrong on this I suppose, is that the second Amendment was referred to Human Services Committee which is not germane to the Bill. Is that correct?"

Flowers: "I will not agree with that."

Ryder: "Pardon me?"

Flowers: "I don't agree, that it's not germane to the Bill."

Ryder: "The original Bill went to one committee, had an Amendment adopted in one committee and then you come up with another Amendment and it goes to a completely different committee. Right? That's what happened, correct? That's what happened."

Flowers: "Is that what happened? Yeah. Okay."

Ryder: "It's your Bill."

Flowers: "Yeah."

Ryder: "Is that what occurred?"

Flowers: "That's what occurred."

Ryder: "All right."

Speaker Hannig: "Okay. Mr. Ryder, are you..."

Ryder: "Now I'd like to ask some questions of the Sponsor..."

Speaker Hannig: "Okay."

Ryder: "... if that's acceptable."

Speaker Hannig: "And on the Bill, the Lady indicates she will yield."

Ryder: "Thank you, very much. Representative, the underlying Bill, as introduced, and your first Amendment dealt with

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the requirement to teach all students concerning clinical depression. Is that correct?"

Flowers: "That's correct, Sir."

Ryder: "And what's... what did the first Amendment do? What changes did it make?"

Flowers: "The first Amendment took the underlying Bill about depression and suicide and placed it in the requirement section..."

Ryder: "Okay, thank you."

Flowers: "... where issues are already required."

Ryder: "Right. So... so we're clear on this, you are requiring this teaching to be done?"

Flowers: "Yes, Sir."

Ryder: "Okay."

Flowers: "I am requiring..."

Ryder: "All right."

Flowers: "... this teaching to be done on suicide and depression."

Ryder: "Right. And I happen to agree that this is an extraordinarily serious issue. I would take issue with one of the previous speakers. I think in many of those homes she was referring to a suburban home, a two-parent home. Our evidence indicates that depression and, in fact, suicide is just as prevalent in the homes that she was describing, as in the homes in your district or in my district. Isn't that a fair statement?"

Flowers: "It knows no boundaries financially..."

Ryder: "That is correct."

Flowers: "... ethnically or whatever."

Ryder: "That is correct."

Flowers: "Absolutely."

Ryder: "If you could, Representative, could you tell me why you

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decided to require to teach students about this issue, rather than requiring social workers to deal with those that are afflicted?"

Flowers: "Well, I'm glad that you asked that question, Representative Ryder, because to me this is an educational process. This is..."

Ryder: "To teach kids about suicide?"

Flowers: "Well, first of all, it's an illness and..."

Ryder: "That is correct."

Flowers: "... and the vast majority of the children that is affected by this is in the school, and Representative Black read off some of the other mandates that is not a life threatening situation. But you are in an educational system and you can be educated on how to save, not only your life, but a friend's life. And unfortunately, unfortunately a lot of these children may not have the opportunity to be in a social setting..."

Ryder: "And I under..."

Flowers: "... where they can get that education."

Ryder: "And I understand that, Representative."

Flowers: "And this is just as important..."

Ryder: "So what has that got to do with Medicaid?"

Flowers: "Well, what does... what does it have to do with Medicaid?"

Ryder: "Right."

Flowers: "Well, you're talking about the Amendment to the Bill, am I correct?"

Ryder: "Right. The Amendment..."

Flowers: "Well..."

Ryder: "... that didn't even go to the committee that it was sent to."

Flowers: "Okay. What happens now that..."

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Ryder: "Is that you needed some help to pass the Bill."

Flowers: "Pardon me, Sir? Would you..."

Ryder: "The second Amendment that's been adopted has nothing to do with depression or suicide."

Flowers: "Well, I beg..."

Ryder: "Does it?"

Flowers: " ... I beg the difference with you. I beg the difference with you."

Ryder: "I've read the Amendment. Does it say suicide or depression anywhere?"

Flowers: "But does it say health? I'm asking you a question. You made a statement..."

Ryder: "I don't have to answer the questions, Mary."

Flowers: "That is true. But you... my opinion..."

Ryder: "Yes, and you're entitled to that."

Flowers: " ... the Amendment has something to do with health as well as the Bill because..."

Ryder: "Mr. Speaker, if I could speak to the Bill."

Speaker Hannig: "Yes. To the Bill, Representative Ryder."

Ryder: "I just want to bring your attention to one small fact in this Bill that I think makes some difference. A second Amendment that now has schools in the business of qualifying for Medicaid dollars. So, if you have folks that are in nursing homes and they want their Medicaid rates increased, they are now competing with schools. If you've got folks that are wanting to have help for their hospital bills, obviously, we don't have to worry about pharmaceuticals anymore. You folks took care of that this morning or this afternoon. They now have to compete with Representative Flowers' Bill on suicide and depression. I join the Lady in saying that we should do something about the issue. She wants to teach about it. I think that's

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the wrong approach. I think we should have more social workers helping in schools. But there is no reason why schools should now be competing for Medicaid dollars with other places. They're not in the Medicaid business. Schools are in the business of educating, and in some cases they're in the business of taking care of our children. Medicaid is not the issue. But the Lady put it on her Bill and for that reason, primarily, I think that the Bill is misguided in that respect and I would strongly suggest that you examine the Bill closely, and if you agree with the position that I've taken that it mixes two unrelated issues, I would suggest you vote 'no'."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "She indicates she will."

Fritchey: "With all deference to the previous speaker, I would hope that we don't lose sight of what this is really about. Many of us, myself included, are parents and as was pointed out earlier, kids today are not the same as kids when we were growing up. When you have six-year-olds shooting six-year-olds, these are kids that have pressures and are being exposed to things that we never saw or did. When these kids are getting to high school these pressures grow, the anxieties upon them grow and many times they don't know that there's something wrong. Depression is not something that is just an issue where you walk into the social worker because you realize you're depressed. Many times these kids don't feel that they have an adequate outlet. They don't know how to explain what's going on in their head. And having somebody that can run through these issues and can increase their awareness of these issues, may be the difference between life or death. When you look at the

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facts and you look at the numbers and you look at the studies and you have 60% of high school kids contemplating suicide at one time or another, all I would ask is that you do the numbers of the number of children in the families in this Body, and heaven forbid one of your children is one of those 60%, and they never get the teaching, they never get the awareness, they never feel that they have an outlet to go to about these issues. And because of those, one day the anxiety, the pressures, the strains get too much and the rest is history and somebody's child is history. Representative Black may well be right. I say that based on his experience as a teacher and his experience as a very credible Legislator. Maybe there are too many mandates on the school system. This is not one of the ones that should be given up. If we want to look at giving up mandates and we want to look at repealing mandates, let's do that another day. This is not about reading and writing and arithmetic. If your child's not going to live to see another day, he's not going to live to read another word. Please keep that in mind. This is about educating an illness that may not have any outward signs. This is an illness where the parents aren't going to know that their child is sick, that their child is deathly ill, that their child may be one week, one day, one hour away from dying from that illness. Don't draw the line here. Don't draw a line when you've got a child's life at issue. I urge an 'aye' vote."

Speaker Hannig: "Representative Hoeft."

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

Speaker Hannig: "She indicates she will."

Hoeft: "I guess this is two Bills at this particular point. Let me deal with the first one, the suicide prevention. We

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have spent virtually hundreds of... we've spent tens of millions of dollars to make our schools safe; metal detectors, police in the school. We've done all sorts of things to make our school a safe learning environment. And look at what is the greatest single threat to the lives of our children. Is it guns or is it suicide? The rate has got to be 15, 20 times as many suicides as guns, and look at the amount of time and effort we've placed into protecting our kids from the violence of weapons. Suicide has got to be something that haunts every single high school in this state, and so for us to sit here and focus on that I think is very much part of our responsibility. So let's bounce the potato famine. We put that in there and if you don't think that this is more important than those topics that were talked about, I think that we're making a very grave mistake. Before I left to come down here Tuesday morning, I looked at the Daily Herald and their #1 editorial was, 'It's time to do it. We've got to pass a suicide prevention Bill here in the General Assembly.' So, the press is talking about it, our parents are talking about it. We have dedicated a lot of money to this. I think this is very important. On Amendment 2, I know as a school administrator we're trying to stretch our dollars. My question to the Sponsor, is this going to allow the State of Illinois to extract more federal dollars because of this Medicaid Amendment?"

Flowers: "Representative, right now the school districts can extract the federal dollars. Some school districts don't because the language is not clear. And what the Amendment #2 did was just clarify that not only special education, but Medicaid reimbursement also can be reimbursable from the Federal Government."

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Hoeft: "So this is going to be drawing more of our money from Washington back to our schools?"

Flowers: "Absolutely."

Hoeft: "And our state?"

Flowers: "Yes."

Hoeft: "It's very interesting to take a look at this Bill. Look at the people who are proponents, 12 of them, including the school districts. This is not a mandate because LUDA, the Large Unit District, is signed in as a proponent. State Board of Education, which always comes on against mandates, is not opposed to this. One negative, 12 groups signed in for this. If you care about safety in the schools, this is a Bill that should pass. If you care about additional funding for the schools, via Washington's money, you sign on for this. This is a no-brainer, it's a 'yes' vote."

Speaker Hannig: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker. I just want to point out a few observations on this as I stand in support of this Bill, and I'll be very brief. When we talk about today's school... the classroom of the year 2000, unfortunately it's not... we're not in the 'Leave it to Beaver' days where we did have a classroom where there was a lot of good things going on. Today's classroom we do have children who are wards of the state. We have children that come from families that quote, unquote, 'will be dysfunctional in whatever problems they're having at home.' That child brings that problem to school. It's like driving a bus and opening your door and not knowing who's getting on. Everyone is different. And in today's society we definitely have and if we keep reading the headlines, we see that. So, in today's classrooms I would love to take a previous speaker's suggestion and hire 500 social workers



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to spend quality time. But the reality is social workers go into our schools twice a week, if that, to see how many children? We have children who are receiving after care. However, in this dynamic of having a variety, an eclectic grouping in the classroom nowadays, we have to understand we should try to promote the same civility among all the children. And it saddens me to have to think that school is only there for the... for reading, writing and arithmetic. We must change the dynamics as society changes around us, and coming out of the social service field and working for DCFS as a caseworker, once upon a time, we know of all the problems that exist when we have a child moving from foster home to foster home and coming in and not knowing if they're going to see mama this weekend or daddy this weekend, and going in with all of those questions unanswered in their own little person. So, at this point, I think this is very progressive and it's in tune with today's time. And we have to understand that the classroom of the year 2000, there are many, many different personalities, many different financial realities in those children. There's many, many psychological things going on in the community, in their home. And, yes, we do come together and spend a whole day inside of a classroom without teachers. As social workers, we don't have enough of them so I love the idea of bringing in more, but at this time it would be very important to stand up and support this Bill. And let's be realistic about what type of classroom as far down south, as far north in the great State of Illinois and with that I would hope that opens their mind a little bit as to what kind of student body we're dealing with. So with that, I stand in strong support of this Bill and I would hope everyone else would

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take a good look at their districts and just think about the classroom and think about the dynamics that you are posed with everyday. Thank you."

Speaker Hannig: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I certainly have all the respect in the world for the Sponsor of this Bill and certainly have respect for many of the speakers on this Bill, but as a former public school superintendent, I've got to tell you that the curriculum is so crowded that we do have to leave things out when we mandate other things. And what do we leave out in health? Do we leave out AIDS education? Do we leave out violence prevention? Again, we take away the decision-making process from the local bodies. The former speaker made an elegant plea for this, but at the same time it restricts the local school councils and their decision as to what is important for their local area. Local school boards have very little decisions. If we're going to have a statewide curriculum, let's run a statewide curriculum. The State Board of Education isn't opposed? Of course not. It's not a mandate on the State Board of Education, it's a mandate on your local school board. Their decisions become more and more restricted. My heart goes out. I'm concerned about this issue. But the lobbyists came up to me the other day and handed me a little packet and said, 'this is all we want, just hand this out. That'll satisfy it.' That's not teaching a unit of instruction. That's simply crowding the curriculum. Kids will get it, they won't understand it. The teacher has to teach a unit. But I still say, the strongest thing we should have done with this is to say it may happen. We suggest it happen. Please take this under advisement in your local district, especially if it's a severe concern,

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but don't replace something in your curriculum that you locally know is a problem, also. We didn't increase the school day. We didn't increase the school year. I think we have some problems with germaneness, but I am very, very fearful that we are going to fill that curriculum for the local school board and take away all power of local control. I reluctantly stand in opposition for this Bill."

Speaker Hannig: "Representative Sharp."

Sharp: "Thank you, Mr. Speaker. I stand in support of this Bill. Peer pressure, drugs in the home, gangs, different problems that students have that we don't know anything about. In my town, just this week, there was a young boy who had a knife under his pillow, going to kill himself because of his grades. He didn't know how to tell his parents or what to do because of their high standards they had of this child. This is a preventive measure that will be able to help in cases like this. For one time we're doing something that's preventive, and hopefully, that it'll get to the child before it's too late, instead of us waiting till it happens and then trying to do something about it. Yes, our curriculums are full, but we seem to have room for a lot of things. When AIDS came out we... they added in some things in regarding to blood-born pathogens. There's room when it comes to important issues like this that may save a child's life; that we may have to look at doing some different things to change things. The year of 2000, the year of 1999, it's a whole different ball game. It's a whole different kind of trials and tribulations that our youth go through. We don't know what's going on in the homes, but yet and still, they have to come to school and try to put on a face like everything's okay. Why can't we try to help them to prevent them from committing suicide?"

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Why will it hurt for us not to put this in a curriculum where it can just save at least one child's life, if not anyone else's? Let's start looking at things that are preventive measures, that we get a head start on before it's too late. I would ask for an 'aye' vote. Thank you."

Speaker Hannig: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in support of this Bill. And I only wonder if the instruction should even be started at an earlier age. We've seen things happen right lately. Yesterday, a six year old killing someone in the first grade. I remember when my daughter was in eighth grade and one of her best friends went home, took out a gun and killed himself. And I remember driving around Springfield and picking up ten little eighth-graders and we went to the funeral. And when we came home they came to our living room and the kids were saying, 'could we have prevented Scott killing himself?' You know, maybe this kind of instruction to the students would help prevent suicide. Thank you."

Speaker Hannig: "Representative Flowers to close."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to first clarify that both of these Amendments amend the School Code. That's number one. Number two; suicide prevention program would be a Medicaid for those who are eligible; would be a medical reimbursement in regards to Amendment #2. Number three; if we don't do nothing else down here, can we at least save a child through the educational process just by making them aware? Quite frankly, if any of those kids could come back today, they'll tell you, I really didn't want to kill myself, I just wanted some help and I didn't know how to go about getting help. I didn't know who to talk to. I

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didn't know the symptoms. I didn't know I was sick. If they could come back, that's what they would say, Ladies and Gentlemen. We teach kids math. We teach them reading, writing and arithmetic. Some kids even wonder, what am I doing here at school? I'll never use this. But there's a possibility that they may take this information that's already out there and read it and say, 'Wait a minute, this sounds like Johnny. This sounds like Molly. Let me go and call somebody, let me go and see if I can help. Let me listen.' Representative Black says, maybe his friend told him and he didn't know. If the curriculum was there, maybe he would have known that his friend was saying, 'Would you help me, please?' Ladies and Gentlemen, we're talking about kids here, and if we don't spend their mother's monies, the taxpayer's dollars on anything else, let's educate them. Let's educate the parents on an illness. This is an illness, Ladies and Gentlemen. And unfortunately we've stigmatized people. But if we say to them it's just like a cancer, that's all. You can get help, you can be saved. That's all this Bill does and I would appreciate your 'aye' 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. On this question, there are 95 voting 'yes' and 23 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, are you ready on 2880? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2880, a Bill for an Act to amend the Cemetery Care Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Mitchell."

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Mitchell, B.: "Thank you, Mr. Speaker. House Bill 2880 amends the Cemetery Care Act. It provides that a cemetery authority is authorized to access a cemetery it owns to carry out its powers and duties under the Cemetery Care Act, including access through private property if no other access is available."

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

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

Speaker Hannig: "He indicates he will."

Black: "Thank you. Representative, I apologize, I should have come down and just talked to you. I didn't know the Bill would be called tonight. I've had a couple of phone calls from landowners and I just need to ask some questions, so that I know what to tell them when I call them back. In one instance there is a very old cemetery, hasn't been an internment in the cemetery in, I'll say, 30 or 40 years. Access to the cemetery is... you'd have to go through his farm field to get to it. His question is, what will constitute reasonable access? Does he have to let somebody go through up on their call or set aside a week a year, or how will he deal with that?"

Mitchell, B.: "Representative, first of all is the cemetery a public cemetery?"

Black: "I think it was in its day."

Mitchell, B.: "Sometimes they're abandoned."

Black: "This is abandoned."

Mitchell, B.: "This would not include that. It would be a..."

Black: "Okay."

Mitchell, B.: "... public-owned cemetery."

Black: "Okay. But is there anything in your Bill that would

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indicate if the... I mean, how active a cemetery would this have to be if it's surrounded by private property? Excuse me. If there's been no internment for five years, does that constitute an abandoned cemetery or I'm really not familiar with... Where does the landowner have to say, okay, I have to make access available?"

Mitchell, B.: "In terms of an abandoned cemetery, there's a statutory definition."

Black: "Okay."

Mitchell, B.: "In this particular case, in this cemetery that was originated in Shelby County, Illinois, is that we had a public cemetery that had eight Civil War veterans and it was surrounded by private property and the landowner would allow people to visit, but not allow maintenance. And so it looked, quite frankly, like it was in the Amazon Jungle and..."

Black: "Okay."

Mitchell, B.: "... these eight veterans, Civil War veterans', monuments were being desecrated. And so this Bill, we feel, is narrowly crafted to protect private property rights in terms that it has to be reasonable access, so you don't build a road or things like that."

Black: "All right. So the landowner will still have some control because as he indicated to me, during harvest and during planting it's literally impossible for him to let somebody get to this cemetery. And by the way, this is a Civil War era cemetery."

Mitchell, B.: "Sure, and I think it... Pardon me, Representative."

Black: "Yeah."

Mitchell, B.: "This is... it's not... it's the people, the cemetery authority, the people who own the cemetery."

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Black: "Okay."

Mitchell, B.: "So, this doesn't take into account 'Joe Q. Public' or anything."

Black: "So, if there is a question of ownership or it's been lost over the last 90 years, the landowner doesn't have a problem if somebody wants to maintain it and clean it up, he's willing to work with them. His question was, if somebody shows up at my house and say, 'I demand access to the cemetery. I'm doing genealogy research and you have to let me in there.' He said, 'I don't have to do that, do I?'"

Mitchell, B.: "No. And this would be limited to the cemetery authority."

Black: "Okay, fine. Thank you very much."

Mitchell, B.: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? There being none, then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4431 for Representative Currie."

Clerk Bolin: "House Bill 4431, the Bill's been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. All notes that have been requested on the Bill have been filed."

Speaker Hannig: "Third Reading. Representative Tim Johnson, for what reason do you rise?"

Johnson, Tim: "I'd ask the record to show that my intention to vote 'yes'... my intention to vote 'present' on House Bill



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29... 3903."

Speaker Hannig: "Thank you, Representative. Just to clarify for Representative Johnson, his request will be journalized. Representative Osmond, are you ready on House Bill 4482? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4482, a Bill for an Act to amend the Illinois Nuclear Safety Preparedness Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. This Bill was brought to me from the Department of Nuclear Safety, and what it does is impose new fees and increases some other fees for the transportation of spent nuclear fuel in the state. It's an effort on behalf of the department to be able to recapture some costs associated with the transporting of this material. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved the passage of House Bill 4482. Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Very quickly, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, is there currently a fee charged by the department for entities shipping radioactive waste through Illinois?"

Osmond: "It's my understanding it is, Mr. Representative. Yes."

Black: "And this is increasing that fee?"

Osmond: "Correct. Right now, it's my understanding that there's a flat fee, and what the department wants is to, in addition to that, to collect a per mile charge of \$25 a mile because of the additional cost..."

Black: "Okay."

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Osmond: " ... associated with the accompanying those shipments."

Black: "Is this in response to a recent announcement that we might become a pass-through state for increased shipments of radioactive waste on its way to the Nevada facility?"

Osmond: "I don't believe so, Representative."

Black: "Okay."

Osmond: "I don't know if it's associated. We don't collect a... we don't collect fees if they are greater than 250 miles. We'd be losing money. So there's no association..."

Black: "Okay."

Osmond: " ... in it, that we know of."

Black: "But... and the fee also applies for rail shipments going through Illinois, as well?"

Osmond: "No, surcharge is not. That would only be for truck shipments."

Black: "This is high-level radioactive waste?"

Osmond: "Yes."

Black: "Okay, fine. Thank you very much."

Speaker Hannig: "Representative Garrett."

Garrett: "Mr... Representative Osmond."

Osmond: "Yes."

Speaker Hannig: "The Gentleman indicates he will yield."

Garrett: "The question I have is, who will be responsible for inspecting the trucks for the possible shipments of radioactive waste?"

Osmond: "The Department of Nuclear Safety addresses the issue of the nuclear waste and then IDOT would do the regular truck inspections."

Garrett: "Representative Osmond, where are those truck inspections being currently handled right now in the State of Illinois and especially, in Zion or other areas in your district?"

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Osmond: "I'm not sure. What is your question? Where are they being done now?"

Garrett: "My question is..."

Osmond: "Or are you saying are there shipments..."

Garrett: "My ques... my question is..."

Osmond: " ... or what?"

Garrett: "My question is, Representative Osmond, as you know we are trying to increase the number of truck inspections, safety inspections, and I'm wondering if IDOT will be inspecting these trucks at these weigh stations or are there other locations where these inspections are going to be held to make sure that we don't have any radioactive nuclear waste coming into our state?"

Osmond: "Yes, Representative, the Nuclear Safety Department knows where these trucks are coming and they go to where those trucks are coming into the state. And they go to those and meet them and inspect them at the point where they enter Illinois. So, they don't necessarily... would have to go through a fixed weigh station, they would be adaptable and go where the trucks are."

Garrett: "Okay. Let me just make sure I understand this. Who goes out and meets the trucks? I'm having a hard time hearing you. I just don't know if you're speaking loud enough or... I'm just confused on how they're being inspected."

Osmond: "The State Police and the Department of Nuclear Safety will meet the trucks."

Garrett: "And where do they meet them?"

Osmond: "Where they enter into the state at an agreed location."

Garrett: "And where do you think that agreed location would be?"

Osmond: "Well, it depends on what part of the state they come in. Whatever route they're coming in."

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Garrett: "Okay. So, that if... it seems to me that they would probably be holding these inspections at a weigh station?"

Osmond: "No, they would be meeting them at a prescribed location, not necessarily at a weigh station. As you know, there's many roads that come into the State of Illinois that do..."

Garrett: "But would they..."

Osmond: "... not have weigh stations on them. And it could very well be that that shipment decides to come in on one of those locations..."

Garrett: "But how..."

Osmond: "... and then the State Police and the Nuclear Safety will meet them at that location."

Garrett: "How do they inspect the trucks for these kinds of radioactive materials?"

Osmond: "Part of the inspection is to check the... if there's any radiation loss on the cask, and they have a check list that the department uses for that."

Garrett: "And I think this is a really important Bill, I want you to know that, but part of the problem with this is that in order to make it work you have to ensure that there is enforcement in place. So, let me just make sure I understand this, Representative Osmond. A truck may be coming in from Wisconsin. That truck would... the driver would call the nuclear something or other and they would call the State Police and they would meet at an agreed location and inspect the truck for any radioactive waste?"

Osmond: "It's my understanding that most of the shipments are done by the Federal Government..."

Garrett: "I'm sorry, I can't hear you. The shipments are mostly what?"

Osmond: "It's my understanding that most of these shipments are done by the Federal Government. They call ahead and then

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they reach an agreed location where they can be inspected."

Garrett: "How many trucks are there that come to Illinois from different... outside locations. I mean, is this something that..."

Osmond: "Ten or eleven a year."

Garrett: "I will vote for this Bill. I think it's imperative that we should be more specific on how these inspections are taking place, because I would hate to see these trucks carrying radioactive waste coming into the state and not having any kind of process or procedure in place. And I'm not sure really that there is right now. I haven't seen anything. Unless there is something that's written that you have that you can give..."

Speaker Hannig: "Representative Garrett, we will give you one more minute to ask questions."

Garrett: "But I... I guess I..."

Osmond: "I'm sorry, was that a question?"

Garrett: "Well, I would like... I think this is a very important piece of legislation. And I think it's not only a good idea, but it is imperative on the state to do these kinds of inspections. What concerns me, though, Representative Osmond, is that I don't know exactly how these inspections take place and what the procedure is and what the process is. I would hate for us to pass legislation like this and not know exactly that these kinds of trucks are actually being inspected."

Osmond: "Representative, I will request that the Department of Nuclear Safety put together a memo for you that outlines what they will and how they inspect the trucks that would be sufficient..."

Garrett: "Not so much how they inspect the trucks, but what the procedure is when trucks are coming from out-of-state."

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Osmond: "Sure, we can provide that for you."

Garrett: "Okay, thank you very much, Representative."

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "He indicates he will."

Bost: "Will these be required to have 'jake' brakes...?"

Osmond: "Is that a question?"

Bost: "I just... just..."

Osmond: "I don't know if they'd be required or not, Representative. Certainly they'd want to be used in a responsible manner, though."

Speaker Hannig: "Representative Osmond to close."

Osmond: "I would just ask for an 'aye' vote."

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 116 voting 'yes', and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4431."

Clerk Bolin: "House Bill 4431, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is the Department of Revenue's Revisory Bill for the year 2000. They're taxpayer-friendly initiatives. Most of the changes are technical. For example, partnership dollars can elect to flow through the credit to all partners, and this will clarify that only those partners that have a use for the credit, will get it. Some changes in the subtraction modification for individual estimated tax

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filings, the threshold will go from 250 to \$500, meaning that 50 thousand taxpayers will not be required in the future to make estimated tax payments. There are several technical changes, just clarifications of language that got accidentally left out in previous changes. Because we changed the law last year giving the Department the authority to revoke a cigarette distributor's license, we've added back provisions permitting the protest of that decision. In addition, the language will clarify that just as today subchapter (s) corporations that are... that invest... in which estates and charitable trusts participate, they will no longer be double taxed on the Corporate Personal Property Replacement Tax as they are today. They are not today so taxed under the Illinois Income Tax. Finally, we clear up a problem that we've had since the adoption of the language several years ago requiring a small portion of the Methane Gas Tax to be distributed for economic development purposes in Robbins, Illinois. The Treasurer was given responsibility under that statute to collect the tax, that is not an appropriate activity for the Treasurer. The current Treasurer agrees with that estimate. And so, under this measure, responsibility for the collecting of that tax will be transferred to the Department of Revenue, which as you know, is the tax collection agency for the state. There is nothing controversial in this Bill. There are no significant substantive changes. I would be happy to answer your questions. And I certainly would appreciate your support for our state agencies, the Department of Revenue's efforts to make the Tax Code a little more agreeable to Illinois taxpayers."

Speaker Hannig: "The Gentleman from Logan, Representative

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Turner."

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

Speaker Hannig: "She indicates she will."

Turner, J.: "Representative, I'm not on the Revenue Committee, so I haven't had the opportunity to hear anything about this Bill. I'm trying to read the analysis very quickly. It looks like it's fairly comprehensive. It's my understanding, however, that Revenue had raised some objections in committee. And my first question is, have you tried to address those concerns?"

Currie: "First of all, Representative, Revenue raised no objections in committee. This would be the Department of Revenue's Bill. So, they were what you call 'happy' with it from the start. We did make, by Amendment #2 to the Bill, we did take out some provisions that we later learned from accounting firms, some in the manufacturing community that we were not able to craft appropriate language for. But the Department of Revenue stands in strong support of its taxpayer-friendly initiative, House Bill 4431."

Turner, J.: "So, Revenue actually brought you the Bill, then?"

Currie: "Pardon me?"

Turner, J.: "So, Revenue brought you the Bill and asked you to Sponsor it for them?"

Currie: "I might even have been a volunteer, I work so closely with them."

Turner, J.: "All right. As to the Amendment then, since Revenue brought it to you, and I didn't know that, and I thank you for correcting me on it. Are they supportive of the Amendment, presumably, as well?"

Currie: "As I say, there were two Amendments. The first, transfers responsibility for collecting a tax, a particular tax, from the Treasurer's Office to the Department of



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Revenue. The Treasurer and the Department both agree that that transfer is appropriate. The second Amendment was technical changes, brought to me by the Department of Revenue. One issue we were not able to resolve, even though conceptually, there was agreement with certain taxpayers. And the other two were technical changes."

Turner, J.: "Is there a fiscal note on this?"

Currie: "There is."

Turner, J.: "And could you tell the Body what the fiscal note indicates?"

Currie: "There was a fiscal note and the fiscal note indicates minimal fiscal impact on the Department. They have to change forms. For example, the decision to raise the threshold before people are required to pay estimated taxes, raising that threshold from 250 to \$500, I assume, will mean that they have to create a new form or change a current form. There might be some printing costs there, but I think the 50 thousand taxpayers who are not saddled with the paperwork responsibility of estimated tax filings will think that that money is worth spending."

Speaker Hannig: "Representative Turner, have you finished your questions?"

Turner, J.: "Yes, I have."

Speaker Hannig: "Okay. Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I apologize to the Sponsor, I was off of the floor for just a minute, but there was an Amendment adopted to this Bill, is that right?"

Currie: "There are two Amendments on the Bill, Representative, Amendment 1 and Amendment 2."

Stephens: "I'm sorry, what did you say about Amendment 2?"

Currie: "I said, there are two Amendments on the Bill, Amendment

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1 and Amendment 2. Which would you like to hear about?"

Stephens: "Bear with me one second, here. Amendment 2 deals with the City of Robbins, is that right?"

Currie: "No."

Stephens: "Amendment 1."

Currie: "Correct."

Stephens: "Okay. Supporting this Amendment would be, in fact, supporting the methane facility in the City of Robbins to the tune of how many dollars?"

Currie: "There is no methane facility in the City of Robbins. The issue in this Amendment is merely the question, who will collect an existing tax, one that is already on the statute books, that is required to be collected from 26 methane gas producers in the State of Illinois."

Stephens: "Well, as I understand..."

Currie: "All the Amendment does is to transfer collection responsibility from the Treasurer, who can't do it, doesn't want to do it, to the Department of Revenue that knows how to do it."

Stephens: "Well, there was a fund that was supposed to support facilities like that in the City of Robbins."

Currie: "Pardon me? I'm sorry, I didn't understand you."

Stephens: "There is a fund that was to support facilities such as Robbins, and Robbins has not received its total \$500 thousand appropriation, that they should have gotten under that fund. Is that right?"

Currie: "There is no facility in Robbins that that fund was expected to support. The tax was to be collected to go into a fund to go to the Village of Robbins. That is existing..."

Stephens: "So, the City of Robbins..."

Currie: "That is existing law."

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Stephens: "And they did not receive their total annual appropriation, or their allotment of \$500 thousand was not distributed to them, is that right?"

Currie: "Apparently, there are problems with the collection of the tax, and therefore, with the distribution."

Stephens: "How much did they collect?"

Currie: "I don't know the exact dollar amount. But I do know that there have been problems with collection of the tax, and that's why we're making this technical change in order to see to it that the..."

Stephens: "Is it fair to say that they did collect something?"

Currie: "Yes."

Stephens: "And the effect of Amendment 1, would be to fill that gap?"

Currie: "No, the effect of Amendment 1, would be to take it out of the Office of the Treasurer, which would please Treasurer Topinka enormously, and turn it over to our traditional tax collector, the Illinois Department of Revenue, which is more than up to the task."

Stephens: "And as to the gap, do you think that the Department would then be able to collect that money and pass it on to the City of Robbins?"

Currie: "My estimate is that the Department of Revenue will be able to collect a tax that is imposed by virtue of a state statute, adopted by this Assembly, signed by the Governor several years ago."

Stephens: "Is that a 'yes'?"

Currie: "Since, I couldn't quite make out your question."

Stephens: "I wondered if..."

Currie: "There is no appropriation in this Bill, there is no spending in this Bill."

Stephens: "No, I understand. And I didn't mention spending, I'm

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talking about collecting revenue that should have gone to the City of Robbins. I mean, that's why we have the problem, right? They didn't get money from the fund?"

Currie: "I do believe the Department of Revenue and the Treasurer agrees, we'll be in a better position to assume responsibility that is already there for the taxpayer, under an existing state statute. I am sure the people who are responsible..."

Stephens: "Well, I'd like... Excuse me. I'd like to understand the gravity of the problem here. The \$500 thousand is mentioned in the Amendment..."

Currie: "No, it is not."

Stephens: "But..."

Currie: "There is no mention of dollar amounts in the Amendment."

Stephens: "Well, I'm sorry. In our analysis..."

Currie: "I think... are you looking at some other..."

Stephens: "... it alludes to \$500 thousand."

Currie: "... Bill, perhaps?"

Stephens: "You suggested that there was a shortfall in the collections for the City of Robbins, and I asked the question, what dollar amount might we be talking about, and I believe your response was, 'We don't know.' And I can appreciate that..."

Currie: "I believe there is..."

Stephens: "But how do I know how serious to take this?"

Currie: "There is a shortfall. The Treasurer has asked to be relieved of this responsibility, because it does not fit with the mission... (microphone shut off) of her office..."

Speaker Hannig: "Representative..."

Currie: "... that is why this Amendment is before us."

Stephens: "I certainly don't mind helping various state agencies sort out who should be responsible and most effective at

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what, and if we've made an error in the past. But I'm also afraid that if I don't know how much the shortfall is in the previous collection, what we're going to be allowing the Department of Revenue to collect and I think the Members would need to know this, otherwise, it's going to be perceived by some of us as another bailout for Robbins. And I just don't want to revisit that issue. I'm actually trying to help you, here."

Currie: "And then I think the best way to help would be to vote for House Bill 4431. It will clean up the problem that the Treasurer's Office is unable to resolve. My understanding is that there was a substantial shortfall. I also understand that the methane gas producers do not object either to their responsibility that they pay the tax, nor to the proposal that there is a more efficient method of collecting the tax. Without this change, we've put those producers in a very awkward situation. They're required to turn over dollars, but they don't have an easy way to do so. So, you would be doing, not only the Treasurer a favor, but in fact, people who statutorily are responsible for turning over a part of the tax collection to a special fund and they don't have an efficient way to do so."

Stephens: "What happens if we do nothing?"

Currie: "Then we will continue to have the problem that a statute, a state statute, requiring a certain thing to happen, isn't happening. You're a law-abiding Legislator, so am I, so are these producers of methane gas. They'd like to do..."

Stephens: "I've seen you drive, Representative."

Currie: "Oh, no, no. Always under the speed limit."

Stephens: "That's what I was gonna say."

Currie: "Of course, it's true that I fly back and forth from

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Chicago, so... But in any case, this will make it possible for all of us to obey the law of the State of Illinois."

Stephens: "Well, I'm still a little uneasy about what the money is going to be... how much money is going to be going to the City of Robbins, and whether it may or may not have already been collected. And sometimes, when you're changing from one agency to another, they don't talk or communicate so well. I understand why the Department of Revenue would be a more appropriate and responsible party, and have more experience at collecting this money. I'm just not sure how much they're going to collect, and whether it's, indeed, going to wind up in the City of Robbins, and for how long a period that's going to take place. And I'm sure that's my fault for not having had time to study the Amendments. I appreciate your response to the questions and trying to help me understand it."

Currie: "And if I could just clarify my answer. The current statute sets a \$500 thousand annual cap on those payments. That does not change under this Amendment. In fact, anything above that amount, is returned to the methane gas producers."

Stephens: "You don't happen to remember how I voted on the original Bill, do you?"

Currie: "I don't. I'm sure you voted 'yes'."

Speaker Hannig: "Representative Black."

Stephens: "Let's not get carried..."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. First of all, to whoever found my glasses and put them back on my desk, my undying gratitude and thanks. It's good to see who's in the Chair. Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

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Black: "Representative, it appears to me there's only one substantive change other than some technical, highly technical, cleanup for the Department of Revenue. There seems to me to be only one substantive change in the Bill, and that has to do with a qualified solid waste energy facility, i.e. who collects the fee."

Currie: "No, in fact, Representative, I would have said it quite otherwise. That's one of the technical changes in the Bill, since all it does is take the Treasurer out, put the Department of Revenue in. I would have thought there were some substantive changes in the Bill."

Black: "Wait a minute, that sounds like the 'hokey pokey' to me."

Currie: "For example..."

Black: "You take the Treasurer out and put the Revenue in. I'm with you. Okay, I'm sorry."

Currie: "Sounds pretty technical. Let me tell you about some of the substantive changes that are in the Bill. Right now, people who are estates and charitable trusts that become part of a subchapter (s) corporation..."

Black: "Yes."

Currie: "... are double taxed..."

Black: "Yes."

Currie: "... under the Corporate Personal Property Replacement Program."

Black: "I knew that..."

Currie: "That's a mistake and we would..."

Black: "I knew that..."

Currie: "... cure that."

Black: "Yes."

Currie: "Second, it is an important substantive change for 50 thousand Illinoisans that we would raise the threshold for estimated filings from 250 to \$500."

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Black: "Yes."

Currie: "Those are substantive changes in the Bill of major import to the taxpayers of Illinois."

Black: "I agree. I was up all night worrying about those (s) corporations, and the use tax on aircraft. I'm so happy the Department of Revenue has clarified that. I... good Lord, I didn't know what I was going to do with my collection of airplanes. But let me get back to the Robbins situation. A qualified solid waste energy facility sells kilowatts at one-tenth of a cent per kilowatt hour, and they're to be reimbursed for that. Now, is the Robbins facility generating kilowatts, currently, or are they out of business, or where is that facility?"

Currie: "The Robbins facility is not a methane gas facility. The Robbins facility has nothing to do with this Bill. This is about a current tax on methane gas facilities, and a current requirement that a very small portion of that tax go into a fund. And up to \$500 thousand of the money in the fund goes to the Village of Robbins. That is current state law."

Black: "Right."

Currie: "Under current state law, the methane gas producers are entitled to a return of any overage beyond the \$500 thousand. That's the law. I do not change the law in House Bill 4431."

Black: "Oh, the Majority Leader can change anything. I've been here long enough to know that. It is the opinion of the Commerce Commission that the facility in Robbins is the only city in which these funds are to be appropriated, correct?"

Currie: "The Village of Robbins is the beneficiary of these funds..."



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Black: "Okay."

Currie: " ... not a facility..."

Black: "No. I... well..."

Currie: " ... in Robbins, but the Village of Robbins."

Black: "I understand that. Is the facility located in the Village of Robbins currently operating?"

Currie: "It is."

Black: "It is? So... I thought you said it wasn't. But I'm getting confused, and the hour grows late."

Currie: "I said it was not a methane gas facility. It is not a methane gas facility, and this Bill has nothing to do with a facility in the Village of Robbins. It has to do with our interest in making sure that the state statutes, that are already there, the state statute that had been approved by the Governor, are given appropriate enforcement. That's all that this is about."

Black: "Yes. Let me qualify my remarks. A solid waste energy facility that sells electricity to an electric utility shall file with the State Treasurer on a form that states the number of kilowatt hours of electricity purchased by said electric utility in Illinois during the immediate proceeding month. This form shall be accompanied by a payment from the qualified energy waste facility in an amount equal to six-tenths of a mil, which is one-tenth of a cent, per kilowatt hour. Now..."

Currie: "That's right."

Black: "Okay..."

Currie: "That's existing law. Very clever, you got it."

Black: "I don't know. If you say so, I'll agree. But staff tells me that when you cut through all of the weeds, that the City of Robbins is owed \$500 thousand."

Currie: "The City of Robbins is entitled under existing law a

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maximum of \$500 thousand from that collection that you just now read us about that comes from the 26 methane gas facilities, the producers, that operate in the State of Illinois, but do not operate in Robbins."

Black: "Okay. Evidently, what has precipitated a portion of Committee Amendment #1, is that the Vil..."

Speaker Hannig: "Representative Black, could you bring your remarks to a close? Representative Parke wishes to yield you five minutes, Representative Black."

Black: "Hello, hello. Oh, thank you. Thank you, Representative Parke. Where was I? Would you read... could you play back the tape. Oh, we're not on-line yet. I'm sorry."

Speaker Hannig: "It's too late."

Black: "All right. Evidently, the rationale behind a portion of Committee Amendment #1, must, as near as I can tell and from what staff is telling me, focuses on the fact that the Village of Robbins is owed \$500 thousand. The Treasurer's Office has not been successful in collecting this money. Therefore, we shall replace the Treasurer's Office as the collector of record with the Department of Revenue. Is that the gist of that Section of Committee Amendment #1?"

Currie: "That sounds a pretty fair statement, with the exception that there is not an automatic \$500 thousand. The Village of Robbins would be entitled to, up to \$500 thousand were the collections to reach that amount. They have not reached what we think would be the appropriate amount, because the Treasurer's Office is not the best home for the collection activity."

Black: "Okay. So, we can agree..."

Currie: "She agrees."

Black: "While we may not be able to agree on a specific figure, the Village of Robbins is obviously owed some money from a

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solid waste energy facility selling electricity within its corporate boundaries. So, the Village is owed some money. Now, does the money come from all of the solid waste generators paying into the fund, or does it come only from the generator... excuse me... the solid waste energy facility in Robbins?"

Currie: "None of the money comes from the solid waste facility operating in Robbins. The general tax, and we're talking about a small portion of that tax, is applied to all 26 methane gas facilities in the State of Illinois. That is existing law."

Black: "Okay. Right."

Currie: "There is nothing, I should tell you, also, retroactive about this transfer; that is from the day the Governor signs this Bill forward, the Department of Revenue will do the collecting. So, if Robbins is out, Robbins is out. This is not going to be a payback. This is only going to be, in future, we anticipate better collection, so that the statutes are adequately and effectively enforced."

Black: "Okay. But, surely, we assume that the Department of Revenue will try to collect the back monies owed to the Village of Robbins, wouldn't we?"

Currie: "We believe they do not have the authority to do that. Now, of course, the Treasurer can go on trying to collect until such time as this measure would become law. And I know that she would like to do a better job, but her office really is not set up for that activity which is why she gladly would encourage us to support the shift in collection from that office to the Department of Revenue."

Black: "I see. So, to try... in your opinion. Excuse me. In your opinion, then, it would not be an accurate statement to say, and we have fought this battle many, many times on

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the floor. In your opinion, this should not be construed as legislation designed to support... supporting the solid waste facility in Robbins. That..."

Currie: "Absolutely not."

Black: "... you would say, is not the issue?"

Currie: "Absolutely not."

Black: "Okay. Well, let me depart from the solid waste energy producer for a second, I can't find my paperwork and I apologize. I just got my glasses back here a little while ago. I thought I saw something in this Bill about how tax would be handled on cigarettes. Do I have the wrong file?"

Currie: "There is a technical change. Last year we gave the Department the authority to revoke cigarette licenses in certain circumstances. What we did not do was give the licensee an opportunity to protest the decision if the licensee thought that the Department erred. So, all this does is to restore some due process protections to someone whose license has been lifted by the Department of Revenue."

Black: "Okay. I just wanted to make sure. I think you realize that some of us kind of got in a little difficulty last year on what we thought was a simple cigarette tax change that turned out to be not so simple."

Currie: "Right, and here..."

Black: "So, all you're doing is saying that if there is a license revocation or a fine, you're establishing how this will be handled?"

Currie: "And there could be a protest fund, a protest procedure for somebody whose license is subject to being lifted. So, it's a fix, Representative, a fix."

Black: "Oh, all right. And, Mr. Speaker, you've been very kind. Let me just bring my remarks to a close."

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Speaker Hannig: "Thank you."

Black: "So, there is nothing... we're not transferring the cigarette tax to a solid waste facility..."

Currie: "No."

Black: "... to burn cigarettes in a solid waste facility, so that Robbins could get the cigarette tax to pay off the half a million dollars. That doesn't have anything to do with it, right?"

Currie: "That is not in the Bill, Representative. Not in the Bill."

Black: "That's what I thought. To the Bill, Mr. Speaker. I simply rise to congratulate the Majority Leader on crafting a Bill, that I daresay at this hour of the evening, not one person in this chamber fully understands what this Bill does. And when in doubt, when in doubt I say take your key and join me in the restroom."

Speaker Hannig: "Representative Novak."

Novak: "Mr. Speaker, I don't know about that last request. I don't know if Mr. Black wants to get a little personal on the floor, here. But, I just want... I would just simply rise to support this measure. It's a very simple plan by the Department of Revenue to make sure they can collect this money in a more efficient manner. Excuse me. The \$500 thousand or the up to \$500 thousand provision was in legislation that was agreed to and passed a number of years ago with the gas methane generator industry. It's a very, very small fraction of a mil that is collected off of all methane gas generators in Illinois, because they are the ones that still enjoy the retail rate law benefit. And as an agreement to further economic development for the disadvantaged City of Robbins, that was the law that was put into effect. So, this, essentially, takes the

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responsibility from collecting the tax from the Treasurer's Office, that apparently, had some difficulty, and puts it over into a more appropriate agency such as the Department of Revenue. That's all it is. It's very simple. Please vote 'aye'."

Speaker Hannig: "Representative Leitch."

Leitch: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Leitch: "As I understand this Bill, this Bill is a technical Bill that enables the supplier to pay the tax to the Department. Is that not correct?"

Currie: "That is absolutely right. And the suppliers do not object to this Bill, one bit."

Leitch: "And it... in fact, the suppliers have requested it so..."

Currie: "They would like... You know, they would like to. They're good citizens and they would like to comply with the law."

Leitch: "I don't know about that, I know 'em pretty well. But anyway, no, they are... as I understand this Bill, the suppliers are in accordance for creating this technical means that was omitted earlier to permit the tax to be paid to the state."

Currie: "That's exactly correct."

Leitch: "Thank you. So, I don't see any problem with this Bill at all."

Speaker Hannig: "Representative Cross."

Cross: "Mr. Speaker, I have a question with respect to the schedule. Maybe it's best to let the... I don't want to disrupt the flow of this Bill. Can you come back to me after this Bill, just one quick question?"

Speaker Hannig: "Yes. Representative Wait."

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Wait: "Representative, I just have one question. This deals with raising the threshold from \$250 to \$500."

Currie: "For filing estimated taxes under the Individual Illinois Income Tax."

Wait: "Right. So, my question is, if you have... say a self-employed person who owes \$400 now, he would not have to file an estimated tax, correct?'"

Currie: "That is correct. And, in fact, there are 50 thousand people in that category."

Wait: "Okay. What if you have a person who works for an employer, and the employer withheld say \$1,000 that he made at that job, but he had another self-employed job where he owed again the \$400, so the total tax he owed was 1400, the employer withheld the thousand, so he still owes the 400. Would he be treated like the person who just owed the 400, and therefore, would not have to file an estimate?"

Currie: "He would indeed be. He would not be required to make an estimated filing."

Wait: "Okay, that's my question. Thank you."

Speaker Hannig: "Representative Currie to close."

Currie: "Thank you, Speaker. A taxpayer-friendly initiative that will make records a little easier to keep, and taxes a little easier to pay for our citizens. I know of no opposition to this measure. And I certainly would appreciate your 'aye' votes."

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 86 voting 'yes', and 31 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bost, on 4703

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(sic-House Bill). Mr. Clerk, read the Bill. Excuse me.  
Representative Cross, I'm sorry..."

Cross: "Thank you, Mr. Speaker. Real quick just cause I know  
there are witnesses here. We are scheduled to have the  
Telecommunications Committee meet tonight after Session or  
I think at 4 o'clock. It's just not on the schedule and I  
didn't know if... is it still... it's on the  
Telecommunication schedule. So, it is still set?"

Speaker Hannig: "It's still set for after adjournment,  
Representative."

Cross: "All right. Maybe I should have called. Thanks."

Speaker Hannig: "Yes. Mr. Clerk, would you read the Bill."

Clerk Bolin: "House Bill 4703, a Bill for an Act concerning  
higher education. Third Reading of this House Bill."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. House Bill 4703 requires the  
Board of Higher Education to assure that the representative  
number of work study programs exist that support work  
experience for students of information technology and other  
high demand field academic programs. I'd be glad to answer  
any questions."

Speaker Hannig: "Is there any discussion? There being none, the  
question is, 'Shall this Bill pass?' All in favor vote  
'aye'; opposed 'nay'. The voting is open. Have all voted  
who wish? Have all voted who wish? Mr. Clerk, take the  
record. On this question, there are 117 voting 'yes', and  
0 voting 'no'. And this Bill, having received a  
Constitutional Majority, is hereby declared passed.  
Representative Shirley Jones, for what reason do you rise?"

Jones, S.: "Yes, the Telecommunication meeting will be in Room  
114 at 7:30 tonight. Room 114, 7:30 tonight."

Speaker Hannig: "Or immediately after adjournment. Mr. Clerk,



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read House Bill 4349."

Clerk Rossi: "House Bill 4349, a Bill for an Act amending the Park District Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Slone."

Slone: "This is a... thank you, Mr. Speaker. Ladies and Gentlemen, this is park district. Thank you, Mr. Speaker. House Bill 4349 would require small park districts to put to a referendum of the voters any sale or lease of over 70% of their property where the underlying land use would be significantly changed. And I would appreciate your support."

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

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

Speaker Hannig: "She indicates she will."

Black: "Thank you very much. Representative, excuse me... I appreciate you coming over a little earlier and talking about this Bill. But very briefly, you have limited your Bill to a park district of a population of... what's the trigger?"

Slone: "Three thousand or under."

Black: "Three thousand people or under. And as I understand the issue, you evidently have a park district in your area that wants to sell off more than half of its land to a developer?"

Slone: "They would like to put it on a long term lease and change the land use, yes."

Black: "Okay. And I assume that the development to be put on this public land would be something that could be used by the public? Surely it won't be a long term lease to a

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WAL-MART, for example?"

Slone: "No, it would not. It would be for... yes, it would be for something that could be used by the public."

Black: "I think I read about this in the Journal Star, is this a golf course that's under discussion?"

Slone: "Yes, Mr. Black."

Black: "Okay. And I can understand your concern about this. So the Bill says that in a community of less than 3,000, if you want to enter into a long term lease... is there a trigger on the amount of land? Is it more than 50%..."

Slone: "Seventy percent."

Black: "Okay. So if you want to use more than 70% of the park land in this park district for a development that that be subjected to referendum by the people in that area?"

Slone: "That's correct."

Black: "Okay. Is there anything... and I realize this must be very controversial in your district, I would assume."

Slone: "Yes."

Black: "All right. Is... would there be anything in the negotiations that have taken part to this point, if you are using park district property for a development and even though it's a golf course, I see two... I see one reason why the park board might say, 'Hey, we need to do this.' We don't have the money to develop the golf course, number one. Number two, the private developer will and then you will be able to use it. So, I assume that there is no way the developer can make a private golf course out of this, i.e. a country club or some kind of membership-only golf course. It would have to be a public golf course, wouldn't it?"

Slone: "I would think it would have to open to the public, yes."

Black: "But obviously, on a fee basis so they could you know

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recover the money and pay off their debt, so forth and so on."

Slone: "One would think so but I can't speak to the financial details."

Black: "Okay. Then I assume that the park district in question would enter into a lease where money would be paid back for the use of the land. I mean there would be... surely there's gotta be some remuneration (sic-remuneration) of the park district, right?"

Slone: "I'm sure that there would be some kind of a contract between the park district and the lessor."

Black: "Okay. My last question and I think most important, Is... in an existing law or can you tell me in this example, after X number of years of the lease does the golf course then revert back to the ownership of the park district?"

Slone: "The... my understanding, Mr. Black, is that the underlying land ownership... the fee ownership of the land would remain with the park district. What's being contemplated, at least in this case, is I think a 99 year lease or license for the use of the land."

Black: "Okay. So the argument may be not so much over the lease, but those would argue that it should be open space, vis-a-vis, those who would argue a golf course is a good deal."

Slone: "Again, this piece of land currently is a woodland with a creek in it and a lot of the people in the community like it the way it is."

Black: "Okay. All right. Fine."

Slone: "And feel there's other golf courses."

Black: "Thank you very much, Representative."

Slone: "Thank you."

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Speaker Hannig: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker. I'd like to speak to the Bill.  
I don't believe..."

Speaker Hannig: "Proceed."

Sommer: "... I don't believe I have any questions for the  
Sponsor."

Speaker Hannig: "Proceed."

Sommer: "Thank you. Normally I wouldn't support legislation on  
the state level directing a local governmental body what to  
do. This situation has generated a lot of controversy in  
the particular community. That community happens to be  
within my district. I think there's enough concern about  
what is going to be done with the property that I think  
it's appropriate that the members of that... the people who  
reside in that park district have the opportunity to speak.  
There have been a number of public meetings regarding the  
issue. The park board itself has not seen fit to offer a  
referendum for the public. If this is the only way we can  
do it, so be it. I intend to vote for this measure. Thank  
you."

Speaker Hannig: "Representative Slone to close."

Slone: "Thank you, Mr. Sommer. And I would appreciate your 'aye'  
votes."

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 91 voting 'yes', and 27 voting 'no'.  
And this Bill, having received a Constitutional Majority,  
is hereby declared passed. Mr. Clerk, read House Bill 4481  
for Representative Sommer."

Clerk Rossi: "House Bill 4481, a Bill for an Act amending the

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Environmental Protection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Sommer, are you ready to call 4481 (sic-House Bill) on Third Reading?"

Sommer: "Yes, Mr. Speaker."

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

Clerk Rossi: "House Bill 4481, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4481 amends the Environmental Protection Act. This is in regard to the Used Tire Management Fund. In this Act, the first \$2 million for fiscal year from that fund is apportioned between, I believe, six various agencies and departments of the State Government. There was a sunset provision put in this legislation some years back and this provision would expire in July 1st of 2000. What this Amendment does is continue the allocation of those funds to those agencies in the same percentages and all six agencies testified or offered slips to committee recommending that the allotment as currently in place be continued. Appreciate..."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 3027."

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Clerk Rossi: "House Bill 3027, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3027 provides for a Amendment to the Deregulation Law dealing with the energy component, what we consider as unbundling of energy services. Essentially, what this Bill does is delays any commission order for three years. The reasoning behind this is because when we initially fought hard for organized labor in the Restructuring Act of 1977, that's been in effect for the last two years, we indicated that, you know, we need to do everything we could to protect jobs in our state. Thousands and thousands of IBEW members from across this state are affected by electric utilities. What this does is it narrows the discussion to the subject of unbundling. And unbundling is a phrase used in the Electric Deregulation discussion dealing with metering services, dealing with customer relation services, meters themselves, high tech meters, and those people that walk behind your house that belong to organized labor as members of IBEW Local 15. If you live in the Commonwealth Edison service territory, Local 51, if you live in the Illinois Power Service Territory and the other IBEW locals for CILCO and CIPS (Ameren-CIPS) and the other utilities around the state. So, they are deeply concerned with the progress of workshops that have been occurring... that are being... and charged by the Commerce Commission. And one of the main reasons why this Bill is being put forward is that they are, right now, not satisfied with respect to what these workshops... how these workshops are progressing. We all want competition in Illinois; most of us supported the

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Deregulation Act of 1997. The market has opened up this past October, there has been a pretty smooth transition to the market opening. And many, many large companies are switching their electric service suppliers. The unbundling aspect of electric deregulation that this Bill addresses is just a small part of the energy services component. We know the largest part of the component energy services aspect is the generation of power and buying power on the open market. So... I'll be more than happy to answer any questions."

Speaker Hannig: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. I stand in support of House Bill 3027. As Representative Novak pointed out, this is an attempt or House Bill 3027 was an attempt to get both sides to sit down and talk. There have been discussions, we're not at a point yet where it has borne anything. But we want to move it onto the Senate to continue the discussion. The IBEW played a very integral role in the whole Deregulation Bill a couple years ago. One of the things that we set out when we first began where we set out 12 guiding principles and one of the principles was that we didn't want to eliminate jobs in the State of Illinois. And their fear... or the IBEW's fear is that by unbundling too quickly, this will cost them jobs. So, we're trying to move this on to continue the discussions. And I appreciate an 'aye' vote on House Bill 3027."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative Novak, isn't it true that the Commerce Commission has held two extensive hearings on competition

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of electric metering and found in both cases, the ICC found, that there was no evidence at all that there would be loss of unionized jobs if utilities were... no longer had a monopoly in meters?"

Novak: "Well, the ICC has been conducting workshops, Representative Parke, but with respect to the last part of your statement that there would be no loss of union jobs is not correct."

Parke: "Well, isn't it true that since Illinois Public Service has converted most of all of its meters to wireless remote reading devices so that meter readers are no longer needed. Does this Bill have any affect on that sort of action?"

Novak: "No, it does not. This Bill does not have any affect on any electric utility in this state to voluntarily switch over to any other type of metering services. This doesn't have any affect. Any utility can do that."

Parke: "Well, but you just got through saying that there won't be a loss of jobs. And under this, I mean, aren't they... I mean, isn't it a difficult thing to do to have somebody that physically goes around and reads the meter like the old days? Don't they want to now modernize that and use electronic metering?"

Novak: "Right, eventually that will happen. What we're..."

Parke: "Well, why not allow it to be open? Why put a three-year moratorium that in essence says, if I'm not correct and I will read from this, that the Bill will stifle competition contrary to the express purposes of the Electric Deregulation Law by giving incumbent utilities a three-year monopoly, a three-year monopoly? And that's what you want to do over electric delivery services. This does not limit incumbent utilities from introducing new metering technology. Isn't that true? It... can't the current ones



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do it? And you're saying by a three-year moratorium, no outside competition can come in. Only the current ones can do it. Isn't that what you're trying to do here?"

Novak: "Mr. Parke, I think you just asked me five questions. Can I take one at a time?"

Parke: "Let's do it."

Novak: "Okay. Well, why don't you repeat your first one?"

Parke: "I said, contrary to the express purposes Electric Deregulation Law, by giving incumbent utilities a three-year monopoly over electric delivery service. It does not limit incumbent utilities from introducing new metering technology. Isn't that correct?"

Novak: "Yes and no. I suppose you're reading the letter from a company from California called 'E Meter', aren't you?"

Parke: "No, I'm not."

Novak: "You're not?"

Parke: "No."

Novak: "Okay."

Parke: "No. This is from..."

Novak: "Phazer? Blackhawk Energy Services?"

Parke: "Well, it doesn't... I don't... to tell you the truth I don't know who gave it to me, but what difference does it make?"

Novak: "Here's the reason why we're doing this. Number one, this Bill does not prohibit any utility, right now, from switching over to new advance metering systems. It has no impact on that. The IBEW, the utility workers, understand that technology is here, it is advancing. Right now, their concerns are this, any new companies coming into Illinois. Right now, a company called 'E Meter' in California, a company called 'Phazer' that has 15 employees that work for it and one of those employees just happens to belong to the

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IBEW. Before any type of new companies want to come into Illinois and sell meters to large businesses or to commercial enterprises and eventually to consumers in 2002, they want to make sure that safety and reliability and access to those meters and they're installed properly. It's not as simple as what one might think about this whole issue. The IBEW realizes that in the next few years meter readers will probably be a thing of the past. They understand that. But we want to make sure that when the Commerce Commission goes ahead with their workshops they want their voice to be heard. They want to make sure that their members... once we go to this new type of system, ought to have the opportunity to be retrained. All right. Right now, they're highly trained because most people in this state want safe and reliable power. And if some out-of-state company is going to come in and sell a bill of goods to the Commerce Commission and be certified to sell, we want to make sure those people have the same requirements with their employees on how to install and read meters. That's all this does."

Parke: "So, you think that the ICC isn't smart enough and by virtue of your law that you want to pass, that you're going to smarter than the ICC who has the responsibility of making decisions that protect the people, that any outside competitor that wants to come in and install a meter won't be having the same safeguards that we can? Now, let me just say, isn't it also a concern that the IBEW wants the utilities to use their trained IBEW members and not to allow anybody from the outside... Mr. Speaker."

Speaker Hannig: "Representative Parke, your time has expired. Could you bring your remarks to..."

Parke: "Representative Mulligan is going to give me her five

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minutes. I'd like to continue my line of speeches. Yes.

Thank you, we have the right to do that."

Speaker Hannig: "Representative Parke for five more minutes."

Parke: "Thank you. And you know what, Representative, I know some of the guys from the IBEW and I think they'd do a good job. And I hope that they are the ones that are hired. But we should not mandate to the ICC that they have to take IBEW's. I think it ought to be negotiated."

Novak: "No, you can't. You can't."

Parke: "Well, I think in essence by passing this Bill to the Senate, you're going to force the utilities and the... I mean excuse me, force the Illinois Commerce Commission to deal with that on an essence of mandated basis. I want it negotiated. You know what, I think they should use the IBEW. I don't have a problem with that at all. I think they're probably in many cases the best trained and the most skilled to do this. But I don't want to pass this Bill the way it is to the Senate and force the Commerce Commission. I have respect for the Commerce, as you do, to make the right decisions. And I think if we pass this Bill over there the way it is, you're going to put some real heavy duty leverage on them to have to make decisions that may not be best for the ultimate consumer, that means your consumers and my consumers. That's what I'm concerned about. Though I'm agreeing with you, I think the IBEW is a great place to hire a lot of their people. But I think in essence that's what this Bill will do. You're trying to force the hand of the Illinois Commerce Commission to only negotiate with the IBEW. And I think it ought to be a negotiated basis. That they ultimately say, this is the best decision to do. That's part of my concern on this. And in addition, the incumbent utilities... you're going to

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make the incumbent utilities a monopoly. They're going to have only the opportunity to deal with this Bill for the next three years. Any outside competition won't be brought in. Ultimately, that will cost the consumers 'cause the rate will cause it to go up on this. Ladies and Gentlemen, thank you, Representative. I have rambled, but..."

Novak: "Well, Mr. Parke, you know I'd like to respond to some of your statements. How about that?"

Parke: "Well, Representative..."

Speaker Hannig: "Representative Parke, were you asking a..."

Novak: "All right, I'll wait until you're finished. Go ahead."

Parke: "All right. Wait till I finish. Ladies and Gentlemen, I understand what the Sponsors want to do. But I think that this Bill should be stripped as a vehicle and sent to the Senate as a vehicle. Not forcing the ICC to... to only negotiate under the terms of this Bill. I don't think that's good, I don't think that's healthy for the competition in this state and I'm not alone in this. The Illinois Commerce Commission is strongly opposed to this legislation. The Illinois Manufacturers Association, the Building Owners and Managers Association, the Chemical Industry Council, Caterpillar and New Energy and Enron, who are trying to get into the competition here. What we want in this state and the reason we passed this electrical deregulation was for competition. This Bill stymies competition. This ought not to be the way we're doing. This is a sledge hammer approach. I want the negotiation to continue. But we could do that by making it a vehicle Bill, send it over. Let Representative Novak and Representative Persico negotiate with the Senate, put it in a Conference Committee, however you want to do it, but continue the negotiation without a heavy hammer like this

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Bill will be. Three-year moratorium is not good for the people of Illinois. Ultimately, it stymies competition and that's what we want. That's why we passed the electric deregulation. This is not the approach and I would ask the Members to vote 'no'."

Speaker Hannig: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, the previous speaker was correct. Utility deregulation did bring competition into the marketplace and the reason we passed that Bill was in no small part due to the IBEW. They recognized their role in utility deregulation. They participated in that Bill process. They were key. They were instrumental in the successful passage of that Bill. Part of that successful transition was to have the IBEW. We wanted a smooth, orderly transition into a competitive marketplace. That's what deregulation was all about. That was the key to deregulation. We wanted guaranteed rate reduction for our consumers, small businesses and large businesses. And we wanted the safety and reliability issues to be addressed. The IBEW did that. Now, the Commerce Commission took it upon themselves to go to this issue. This was not in the legislation, it was strictly permissive. The Commerce Commission took the initiative to go after the IBEW for the sake of small companies that don't even have a corporate domicile in Illinois. These are out-of-state companies that have no employees here and they took their priority over the people who work and live in Illinois and live in our districts. Yes, we want competition. We want to have that rate reduction and there's going to be more rate reduction. But we want to protect our consumers. The IBEW knows people protect our consumers. The Commerce

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Commission has refused to negotiate on this. Vince Persico is right, we should send this Bill as is to the Senate, get them to the table and resolve this issue for the working men and women in Illinois, because that's who we should be concerned about. We should be concerned about them because their concerned about our consumers."

Speaker Hannig: "Representative Leitch."

Leitch: "The Gentleman yield?"

Speaker Hannig: "He indicates he will."

Leitch: "Phil, I voted to get this out of the committee because I was understanding there was going to be continued negotiation. Why are you calling this Bill now?"

Novak: "Well, Mr. Leitch, we have been... I've been talking to the Commerce Commission a number of times since the Bill got out of committee and I can tell you, I didn't have a chance when Mr. Parke was talking but you know, even as a result of this Bill being out here and on the floor that the Commerce Commission has already issued a new order, okay, for a new series of workshops on this unbundling issue. I intend to be at this first workshop, as well as Mr. Persico. You know, when you get to these... none of us realize what goes on at these workshops. In order to implement the Act, these rules that the Act promulgates. You know, a lot of high-powered people come in from out of state and they may have attorneys and representatives. Well, all the IBEW members have is their business agents or their assistant business agents. So you know, they seem to be a little bit outnumbered. You know, they should have a little bit more respect before the commission. I don't have anything... you know we know unbundling and metering services and the implementation of metering services, and reading meterings is going to be new in the future. We

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know that. That's just one small component of this whole energy services spectrum. We have time limits, as I indicated. We want to move the Bill over to the Senate. Senator Mahar has been briefed on this Bill. The IBEW has talked to him, the Commission I believe has talked to him. So we want to keep the process going, Mr. Leitch."

Leitch: "I understand that. But I... what I don't understand is how postponing competition has anything at all to do with the issue you're describing. I, too, I share your concerns. I've talked to the IBEW. I think they have very valid concerns. But I think that postponing competition for three years makes absolutely no sense at all and has absolutely nothing to do with the issue that we're attempting to resolve."

Novak: "Well, I think, you know, I can underscore these two words again, safety and reliability. We don't... we know very little about these out-of-state companies that want to come in and sell meters, sell meters to Caterpillar or sell meters to a WAL-MART..."

Leitch: "I agree."

Novak: "... or when the market opens up, sell meters to Mrs. Jones."

Leitch: "I agree. To the Bill, because I'm getting run out of time here, too."

Novak: "I'm sorry."

Leitch: "I completely agree with those concerns. And that's why I would suggest that we have legislation that would address those concerns. All this legislation does is say we're going to postpone for three years. That makes absolutely no sense. In fact, Illinois I don't believe should have had to wait for eight years for competition. To postpone for another three years makes absolutely no sense. And I

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can't imagine why you would be trying to address an unbundling issue which should be addressed... the Commerce Commission should be listening to these people, they have valid concerns, they were essential to making dereg happen. But why would you risk putting the Illinois consumers in a position of where they could wind up seeing another three year delay in competition? That is my concern. And I'd be happy to work with you on an Amendment. But my heavens, I think this thing should be a shell to send it over, not pass a Bill that would postpone competition for another three years. It should address the problem. And I would urge you to take the Bill out of the record, come up with a... either an Amendment addressing the actual problem or one that makes it a shell. I think that would be a much more reasonable remedy."

Speaker Hannig: "Representative... Representative, was that a question?"

Leitch: "Yeah."

Speaker Hannig: "Okay. Representative Novak."

Novak: "Am I on?"

Speaker Hannig: "Yes."

Novak: "Mr. Leitch, I agree with you to a large degree. As I said, one of the effects of this Bill being out there is there is a new workshop being scheduled. And the first workshop starts next Wednesday, of which I intend to attend. You know the Commerce Commission, according to the IBEW, they haven't had their voices heard enough on this. You know, we're not trying to take competition away. And number one, you can't legislate that members of new meter reading companies are what we call MSPs, meter service providers in the industry, you can't mandate by law that they have to be members of the IBEW. We didn't do that in



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the original deregulation Bill or in the cogeneration Bill.

We set out standards... standards of training, okay, on installation and reading..."

Speaker Hannig: "Representative Novak, to finish his remarks."

Novak: "I'm finished."

Speaker Hannig: "Representative Meyer. Okay excuse me, Representative Meyer. Representative Leitch, do you have... your time has expired. Could you bring your remarks to a close."

Leitch: "Are you in favor of postponing competition for three years?"

Novak: "We're not postponing competition, the market's open right now. Mr. Leitch, this is one small component of this whole energy services thing. Okay?"

Leitch: "I understand. Why isn't there legislation that would address the problem? Not this..."

Novak: "Because we cannot mandate that the employees that are going to come to Illinois and do business and sell meters or provide meter services have to be members of the IBEW. We can't do that."

Leitch: "I know that. But postponing competition to Illinois consumers has absolutely zip to do with the problem that we're trying to solve."

Novak: "I understand what you're saying and the reason why the Bill is going over to the Senate, not to be redundant, is that we have time constraints and we want to sit down and proceed. I'd like to see this whole thing go away."

Leitch: "So would I."

Novak: "I told the IBEW I'd like to see this whole thing go away. But their concerns have fallen on deaf ears by the ICC and that is not right."

Leitch: "Well, I would love to be able to pass a shell Bill to go

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cause I agree with these concerns. But I think it is very wrong to pass continued postponement of competition for three years as a remedy, 'cause I don't see how that remedy is in any way related to the problem that we all want to see resolved and solves it. Thank you very much."

Speaker Hannig: "Representative Meyer."

Meyer: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Meyer: "Representative, it's my understanding that... from what you've indicated that your intent is to pass the Bill to the Senate, the work will continue on in the Senate. At some point then we would expect to see that Bill coming back to us with some type of final agreement?"

Novak: "Mr. Meyer, yes that's a possibility. Or at some point when these new workshops start next month, we could ameliorate this whole problem. We want to see how these new workshops go. But in the meantime... but in the meantime, we need to keep this issue in front of us."

Meyer: "Thank you, Representative. Ladies and Gentlemen of the House, to the Bill. I stand in support of this measure. Over the last couple of months I've had an opportunity to sit in on a number of meetings where the ICC and IBEW were involved and I can tell you that the representation that the other three Sponsors on this Bill have made in terms of what is transpired at those meetings is in fact accurate. I've seen it with my own eyes and heard it with my ears. I think it's imperative that we continue to hold the ICC's feet to the fire and all parties feet to the fire in order to get an agreement that is the best thing that we can have for the people of this state. Make sure that we have safety measures and reliability in place for our

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constituents. One of the things that was very apparent, as a part of those meetings, was the fact that if the IBEW would not have been involved with the original Bill that we all passed, maybe you didn't vote for it, but the majority of the General Assembly did. If they would not have been involved at that point and if this wasn't part of the agreement, that measure would not have passed and we would not have had the deregulation that we have today. And I for one don't feel that it is proper that we start a process, we have an agreement, we move forward on that agreement and the second we're out of the gate then it's back to ground zero on terms of how we interpret what we've done in the past. We reached an agreement. I think we have a responsibility to make sure that that agreement is in fact put into being as we go down this into the years, we will have an opportunity to come back and revisit this. But we don't start over from ground zero the first day out of the gate. This was reached in good faith. I believe that we should continue on with it. We should pass the Bill over to the Senate, let them do work on it. If we can reach a final agreement and pass... have another Bill for final passage, so be it. However, I believe in good faith, we should take this measure to the Senate. Thank you."

Speaker Hannig: "Representative Novak to close."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think the issue is thoroughly discussed. The three years is just an arbitrary number. We want... we need to keep this discussion going. As I said, there are new workshops that will be convened next week. Representative Persico and I... we're going to get a firsthand experience on how these workshops are conducted. So we want everything on a level playing field. Let's hear

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the IBEW's concerns, let's hear about their concerns about safety and reliability. You know anybody might be able to read a meter or install a meter but for years those people that were... have been your neighbors for years and years and years have gone behind your home or apartment building or your sandwich shop and and read those meters, you know who they are probably. You know they're very, very experienced. So we want to make sure that whatever new businesses come in Illinois and I have nothing, nothing to prevent that, I'm not against that at all. I'm all for competition. I didn't invest this much time to get this Bill passed for nothing. So we want to make sure we're on a level playing field and our friends in organized labor have a voice. I urge you to vote 'aye'."

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 82 voting 'yes', and 35 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Durkin, for what reason do you rise?"

Durkin: "Thank you, Mr. Speaker. And I would ask that the Journal reflect that I would have voted 'aye' on House Bill 3903."

Speaker Hannig: "The Journal will so reflect. Mr. Clerk, what is the status of House Bill 2932?"

Clerk Rossi: "House Bill 2932 is on the Order of House Bills-Third Reading."

Speaker Hannig: "Please return that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, what is the status of House Bill 4480?"

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Clerk Rossi: "House Bill 4480 is on the Order of House Bills-Third Reading."

Speaker Hannig: "And please return that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, would you now read the list of committees that will meet this evening and tomorrow?"

Clerk Rossi: "The following committees will meet immediately upon adjournment. The Telecommunications Review Committee will meet immediately upon adjournment in Room 114. The Judiciary I-Civil Law Committee in Room D-1. The Labor and Commerce Committee in Room 118. Tomorrow morning the following committees will meet. At 8 a.m., the Appropriations Higher Education Committee in Room 118. At 8:30, the Mental Health and Patient Abuse Committee in Room 122-B. The following committees will meet at 9 a.m., the Child Support Enforcement Committee in Room C-1, the Computer Technology Committee in Room 122-B, the Elementary and Secondary Education Committee in Room D-1, the Executive Committee in Room 114. The following committees will meet at 9:30 a.m., the Environment and Energy Committee in Room 114, the Judiciary-II Criminal Law Committee in D-1, the Revenue Committee in Room 122-B, and the State Government Committee in Room C-1."

Speaker Hannig: "Could I have your attention for this last announcement? The House, as we prepare to adjourn today, we've been advised that tomorrow will be a long day, we will probably work past the dinner hour. So you need to make your plans accordingly. So at this time, allowing Perfunctory time for the Clerk, Representative Currie moves that the House stand adjourned until tomorrow at the hour of 10 a.m. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."

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Clerk Rossi: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 1591, offered by Representative Durkin, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. Senate Bill 1592, offered by Representative Durkin, a Bill for an Act to revise the law by combining multiple enactments and making technical corrections. First Reading of these Senate Bills. Senate Bill 1281, offered by Representative Bost, a Bill for an Act to amend the Agricultural Fair Act. First Reading of this Senate Bill. House Bills-Second Reading that will be held on the Order of Second Reading. House Bill 1284, a Bill for an Act to amend the Illinois Sports Facilities Authority Act. Second Reading of this House Bill. Being no further business, the House Perfunctory Session stands adjourned."