

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. The invocation will be delayed today. It will be done very shortly, but we won't do it now, but we will do the Pledge of Allegiance. We will be led in the Pledge of Allegiance by Representative Jay Hoffman."

Hoffman - 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 Representative Ronen is excused, but the good news is she will be here later this afternoon and when she arrives, she'll punch herself in."

Speaker Madigan: "Mr. Poe."

Poe: "Yeah. Mr. Speaker, let the record show that all the Republicans are present today."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J. "Thank you, Mr. Speaker. I rise on a... on a point of personal privilege."

Speaker Madigan: "Mr. Mitchell, can we complete the roll call?"

Mitchell, J.: "Absolutely."

Speaker Madigan: "So, Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I'd like to announce to the House that the Pages on both sides of the aisle are compliments of Bureau Valley School District #340. These students are eighth graders from Bureau Valley North, located in Walnut. They're here with their class sponsor,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Mrs. Cathy Harberg and this is her twelfth year of paging on the House Floor, along with one of the parents as a sponsor, Gary Pistel. Thank you."

Speaker Madigan: "Mr. Clerk, committee reports."

Clerk Rossi: "Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary-Criminal Law, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 156 and Floor Amendment #1 to House Bill 1762. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1117."

Speaker Madigan: "Mr. Clerk. The Chair recognizes Mr. Poe."

Poe: "Mr. Speaker and Ladies and Gentlemen of the House. I want to welcome a class from the Williamsville/Sherman School District, where I formerly served on the school board, so I would ask you to help me welcome the class and their sponsors up in the gallery, today. Thank you."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment 2 and 3 to House Bill 452. Representative Phil Novak, Chairperson from the Committee on Environment and Energy, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 2031."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1707. Representative Jack McGuire, Chairperson from the Committee on Aging, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 77. Representative Howard Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1434 and Floor Amendment #1 to House Bill 1510. Representative Bugielski, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 2494. Representative Larry Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 1181, Floor Amendment #1 to House Bill 2045. Representative Jay Hoffman, Chairperson from the Committee on Transportation of Motor Vehicles, to which the following measure/s was/were referred, action taken on March 17, 1999, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill 1676. Introduction of Resolutions. House Resolution 139 is assigned to the Rules Committee."

Speaker Madigan: "Representative Bellock. Is Representative Bellock in the chamber? Could you ask her to return to the chamber? Do you wish to call your Bill? Mr. Clerk, House Bill 2677, read the Bill."

Clerk Rossi: "House Bill 2677, a Bill for an Act to provide for access to health coverage for certain uninsured low-income residents of the State of Illinois. Third Reading of this House Bill."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you. Thank you, Mr. Speaker and Members of the House. This House Bill 2677 creates the Low-Income Uninsured Health Coverage Act. This is a public/private partnership modeled on Access to Care which has been in existence in Cook County for ten years. We're asking that five models throughout the State of Illinois be created to provide health insurance for uninsured working poor. There would be grants to at least five projects providing access to health care for low-income uninsured residents of the state who are not eligible for any other type of medical coverage, to be administered by the Department of Public Aid. This, again, I want to accentuate, is not an entitlement program. This is a public/private partnership. Doctors donate time. Hospitals donate time. And I would ask for your support on this House Bill. We do have an Amendment on this House Bill that the five projects would be located in regions throughout the State of Illinois. I'd entertain any questions."

Speaker Madigan: "The Lady has presented the Bill. The Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. First of all, a point of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

procedure. Has Floor Amendment #1 to House Bill 2677 been adopted?"

Speaker Madigan: "Mr. Clerk, could you hear that question?"

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

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, was anybody in opposition to this Bill as amended, as far as you know?"

Bellock: "No."

Parke: "How about the Department of Public Aid? Have we taken care of their concerns with this Amendment?"

Bellock: "Oh, I think Public Aid is still opposed."

Parke: "They're... "

Bellock: "Sorry."

Parke: "Do you know why?"

Bellock: "They don't want to pay."

Parke: "Okay. No further questions, Mr. Speaker."

Bellock: "Oh. Sorry."

Speaker Madigan: "Is there any further discussion? Representative Bellock to close."

Bellock: "Oh. Again, I think this an outstanding model throughout the State of Illinois and I would ask for your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish? For what purpose does Mr. Wait seek recognition? Record Mr. Wait as 'yes'. And, Mr. Clerk, the Gentleman indicates that his switch is not working. Have all voted who wish? The Clerk shall take the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, House Bill 649. What is the status of that Bill?"

Clerk Rossi: "House Bill 649 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Madigan: "Is Mr. Cross in the chamber? I'm advised that the Amendment was prepared in collaboration with Representative Lopez. We would suggest that Mr. Lopez present the Amendment. Mr. Lopez is recognized."

Lopez: "Thank you, Mr. Speaker. The Amendment was the result of... of some problems we had with the language in the Bill. Representative Acevedo and myself worked with Representative Cross and there is no opposition to the Amendment and I urge the passage of it. Thank you."

Speaker Madigan: "So Mr. Lopez moves for the adoption of the Amendment. And on that question, the Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Did you say, Representative, that you worked this out with Representative Cross and he's in agreement with this?"

Lopez: "Yes."

Parke: "I have no further questions."

Speaker Madigan: "Any further discussion? Mr. Turner. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, could you just give us a little bit

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

of a synopsis of what the Amendment does?"

Lopez: "You know, the Amendment just puts language to assure that poor people or people who are not able to pay for interpreter services are not being charged for that service."

Turner, J.: "And that language is different than the original Bill, then?"

Lopez: "Well... did... the Amendment does this, directly put language that addresses that issue. I... I think the intent of the Bill wasn't to charge poor people for the service, but we just wanted to be sure."

Turner, J.: "Okay. Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "There being no further discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Are there any note requests?"

Clerk Rossi: "No outstanding note requests."

Speaker Madigan: "Third Reading. On page 56 of the Calendar, there appears House Bill 1401. Representative Crotty. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1401, a Bill for an Act regarding continuances in support enforcement cases. Third Reading of this House Bill."

Speaker Madigan: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. House Bill 1401 would allow each party in a child support order two continuances each. This would bring an appearance of a couple... disputing a child support order five appearances in a court... in a courtroom. I would entertain any questions."

Speaker Madigan: "The Chair recognizes Mr. Parke."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

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

Crotty: "Sure will."

Speaker Madigan: "Sponsor yields."

Parke: "Representative, it says... how many continuances can they have? Is there a set number?"

Crotty: "I think your question was, how many continuances... "

Parke: "Yes."

Crotty: "... can they have? Okay. It's two continuances each."

Parke: "And is that... "

Crotty: "After their initial, obviously, after their initial appearance."

Parke: "Is that... 'cause you want two or the advocates want two or that you've worked this out with the various lawyers' associations that want two. Why two? Why not three? Why not one? Is there some kind of a reason for that?"

Crotty: "Sure... the problem is and I'm sure it's not only in my office. Through our committee, we've all realized that we have a problem with the enforcement... can you hear?... I... "

Parke: "Mr. Speaker, I cannot hear the Lady responding."

Crotty: "I had a hard time hearing your question."

Parke: "I'm sorry, Representative."

Crotty: "That's all right. The genesis of this Bill is that we have custodial parents that have come into, not only my office, but through our committee, we heard from quite a few Representatives, that we have people coming in that say that the problem is we can... constantly have to come back for a continuance. And it seems like it's game playing in our court system. That's oh... that's the genesis of this Bill. I also hear that the court system is always backlogged, so for just meaningless continuances it brings... it brings both parties to get to the issue and I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

think, two continuances is... are fair. It's five appearances altogether, Representative."

Parke: "What a... what do you say to a... of parents who work during the day and it would be a hardship for them to take off at a particular time? Is there any stipulation to take care of those needs for... on continuances basis?"

Crotty: "I'll be honest with you, that's one of the reasons why this Bill asks for only two continuances. We have the custodial parents coming in and they're very upset because each time that they have gone for a continuance, they have had to take time off of work. They're going there to get child support enforced and losing money at the same time. It's not only a financial problem, but it becomes a problem in the workplace when that parent has to go back to their employer and say, 'even though I had the day off to go to court, I'm going to need such and such a date because it was continued.' So this is really... solving the problem that you've just questioned me on."

Parke: "So Representative, are you an attorney?"

Crotty: "No, I'm not."

Parke: "Okay. Perhaps some attorney might answer this if they choose to whether or not they... in their working in child support this is something that's reasonable. So that if this is gonna be public policy, that we have their point of view. Maybe that is why... do you know why the Illinois State Bar Association is opposed to this?"

Crotty: "I am not aware that the... there are any opponents."

Parke: "It says here, the State... Illinois State Bar Association is an opponent. Maybe somebody could address that issue. Thank you, Representative."

Speaker Madigan: "All right. Representative Crotty has presented the Bill. Mr. Parke has stood in response. The Chair

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

recognizes Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Crotty: "Yes."

Turner, J.: "Thank you. Representative, I was unclear when you addressed Representative Parke's concerns about the position of the Bar Association. Do you know if they have a position or were you saying that they are in opposition to your Bill?"

Crotty: "My understanding and it's just been told to me now, Representative, that they just wanted to make sure that both parties... had ample time to... be ready for their... their case."

Turner, J.: "So it's... you're saying that the opposition from the Bar Association was just to make sure that both sides would have two continuances and even though they filed a witness slip, as an opponent, they're no longer opposed to this measure?"

Crotty: "I'm not aware, in my analysis since I've started, they have never contacted me and told me that they were opposed. I'm just hearing that now and my understanding is that they just wanted to make sure that it was fair to both parties. And, I think, by allowing both parties each two continuances, I think that... that I've addressed the fairness in this."

Turner, J.: "I'm wondering if you've heard from any of the judges in your district with regard to taking away their discretion and authority to give continuances when they believe that there is good cause, even if it would be more than two. Have you heard anything from the judicial branch?"

Crotty: "Absolutely nothing."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Turner, J.: "In looking at your Bill, I... I can't tell... the two continuances, does that stretch over the entire number of years that child support might be collected? For example, child support may be collected for... may be from the age of one until the age of 18. Is it two continuances over 18 years or is this within a specific time frame in your Bill?"

Crotty: "According to the Bill, it's for one... for the enforcement of a support order. So each time that a custodial parent or the noncustodial parent would go back to court on a child support order, each party would be able to have two continuances each, after obviously, the first... appearance in court. So that's five appearances for one support order. I've tried to make this extremely fair and I think that this Bill does that and yet, it does allow the process to continue instead of coming up to a stalemate where... everybody becomes frustrated. The employers are frustrated. The courts are packed for the same continuance after continuance."

Turner, J.: "I certainly understand the concern you have and I know what you're trying to address here. I'm not sure that your Bill adequately does it. If a proceeding is filed in order to... collect child support and it is pending, sometimes it may come up for hearing and at the hearing it's revealed to the court that payments have been made subsequent to the initial filing, so a continuance is given because payments of support are being made. And usually that continuance might be for 30 days or 60 days, whatever the court may believe is appropriate. This could go on over a period of several months, if not years and so that these continuances are granted as on a general basis where support is actually being paid. And I don't think your

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill addresses that situation, does it?"

Crotty: "I think it does."

Turner, J.: "Or are you saying that the... if... if a... if once the continuances have been given, even if support's been paid, then the thing has to be dismissed and then refiled?"

Crotty: "No. I'm saying that when in fact the child support is enforced, are you tel... all right, then it is... I would say that the problem seems to be resolved. It's once that that child support payment no longer is coming to the custodial parent, then this custodial parent would go to court and if the person, the noncustodial parent wasn't ready, he can ask for a continuance. At that continuance if he still isn't ready for some other reason, he can have his second continuance. If, in fact, the child support order and... and we've... I've discussed this with my colleagues that are attorneys."

Turner, J.: "What was that last... statement... "

Crotty: "If we... "

Turner, J.: "I didn't hear what you said."

Crotty: "I discussed this with some of... some of my colleagues that are... an attorney. What happens was the question, and see if this is what you're asking me. What happens if a parent starts to give the child support payments and for some reason can only make half the payments and there are no... there's only... no continuances on his part, but his... his exspouse goes to court, obviously, she can allow a continuance for that person until he's able to give the full child support payment. Sometimes there might be half payments. I'm... under the impression."

Turner, J.: "So you're saying this only applies if there's an objection to a continuance and if it's not objected to, you can have more than four continuances? Do... "

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Crotty: "No. I'm still saying... "

Turner, J.: "I don't think your Bill says that."

Crotty: "I'm still saying that there could be a case in which... it would be to the custodial parent's advantage to work with the noncustodial parent, so he... they can use both... all of these continuances collectively, which is four."

Turner, J.: "All right. I'm wanna come back to one... Mr. Speaker, I think that this Bill is somewhat controversial. I think I'm joined by the requisite number of people on my side of the aisle to take this off Short Debate."

Speaker Madigan: "That request is granted. I thought it was on Standard Debate, but we'll go to full debate. Full debate."

Turner, J.: "Thank you, Mr. Speaker."

Speaker Madigan: "Is that what you want? Are you finished, Mr. Turner?"

Turner, J.: "I have one more question. It might... "

Speaker Madigan: "Mr. Turner."

Turner, J.: "... actually be somewhat of a bifurcated question. All right. You said that... you addressed my first concern because you said that language of your Bill says 'a support order'. It's my understanding that there is a support order entered at the conclusion of the judgement dissolution or wherever the court addresses that concern, so there is only one support order. Now, in enforcement of that one support order, this may take place over a number of years. And I really think that the way your Bill is drafted and please correct me if I'm wrong, 'cause I want to put this in a form of a question to you, that there could only be four continuances under your Bill for enforcement of the same support order that was originally entered, which could be over a number of years. Is that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

correct? Is that correct? Did I explain that correctly?"

Crotty: "It says two continuances in a court proceeding for an enforcement."

Turner, J.: "All right, Representative, I won't belabor it any longer. I think that your idea is great. Your intention is great. I think your Bill... is somewhat suspect in the way it is drafted. Hopefully, there will be some more questions and maybe we can get it clarified. Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Silva. Silva."

Silva: "Thank you, Speaker. I rise in support of this Bill. And I rise because here we often talk about people who are on welfare because they don't get their child support payment. I can tell you that I have known one of my constituents who owed 10,000 and some dollars. And he used the very system to keep from giving the child support money to his four kids. Consequently, they had to receive public assistance and the family went through a lot of trauma. I rise in support of it and I urge an 'aye' vote."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I... I think I know where you want to go with this, as well as... But I am... I'm very, very, very, very concerned about the General Assembly trying to dictate or mandate a judge's calendar. Now, I realize I have some problems with judges at times, but I think, generally speaking, we have very capable and caring and sensitive to the system problems of... that... of the... that the judiciary is throughout this state. We are... in your Bill... we might as well eliminate judges and their discretion to continue cases because you're now... if I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

read this correctly, saying, no more than two continuances. You know, it's not uncommon for the one seeking the child support to have his or her attorney held up in another courtroom, on trial, getting stuck in another city and in the need of a continuance on behalf of their client. So it's not just a matter, Representative, of the person that's gonna have the obligation to pay the child support. There are... that is the... the reality of practicing law. That you are in different courtrooms throughout the day, everyday of the week and you can hustle all you want, but you sometimes miss court dates and you need to get continuances. It's not because you're trying to be obstinate or whatever and I think that's one of the real problems with this. The second is... is the problem that Representative Turner started to touch on. And is your intention that there will be only this... that you're limited to the two continuances throughout the life... throughout the life of a support issue? I get a... there's a child eight years old at the time of divorce who has the... the ability to seek support of the... the custodial parent does till that child's 18 or graduates from high school, whichever is later. Is that your intent that this only goes on for that next ten years, you get four times?"

Crotty: "My intent is, when in fact, there is... there is a problem with receiving your child support payments and when you do go to court, the problem is the continuances after continuances after continuances, whereas it boggles up the court. And I got to be honest with you, it... it is costing more and more money to the person who is trying to raise the children if they've taken this person back to court, they're taking time off of work and it's causing them problems at work. To address your first statement on

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

attorneys that may need conti... that's a continuance. From the time that a couple would be in front of a judge that's on one... on one time that they're have been called back to court, you have five different times that you can come before the judge discussing that support order."

Cross: "Representative, here's what you tell that person that's complaining, 'Go hire a lawyer that's aggressive and won't consent to... to the continuances.' There are lawyers that are very capable, that seek child support on behalf of custodial parents and they simply say to the other attorney, 'We need to get this case completed. We need to finalize it. I will not agree to a continuance.' There are judges and I guess I should say there are lawyers that are pretty lax, who won't do that. And I realize what's going on. I un... I see this in my district. I used to do some divorce work. But if you find aggressive lawyers who aren't willing to agree to the continuance, you can get the case done in an orderly, efficient manner. But you are now, under this Bill, saying for the next ten years for that eight-year-old each side only gets two times and that, frankly, will not work. And there are times when you need to continue a case to find whether someone's working, to find out what their income is, to find out what medical expenses are, to find out what school expenses are. The list goes on and on. And you are now, under your Bill, tying the hands of the court. While you're trying to do a good job, you're tying the hands of the court and I think, there are gonna be cases where you hurt the custodial parent. I would ask you to take a longer look at this and not try to push this Bill, right now, 'cause it is in bad shape and is not ready to go. And I would ask people to take a strong look at this and encourage people to vote

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

'no' at this time. Thank you."

Speaker Madigan: "Mr. Black. Mr. Black. Good morning, Mr. Black."

Black: "Good morning, Mr. Speaker. How are you?"

Speaker Madigan: "Very well."

Black: "You look... you look absolutely dapper, today. Love your tie."

Speaker Madigan: "The top of the day to you, too, Sir."

Black: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Bill. I asked to sit on the Child Support Committee and we heard this Bill in that committee and it passed out unanimously. And I've been listening to the debate from my colleagues who are members of the bar and I certainly can appreciate the arguments that they're making and I believe they're probably very cogent arguments. I simply support the Bill based on the fact that, as a Legislator and a nonattorney, child support cases make up more than 50% of my district office case load. And I can tell you from experience that some of these child support orders or matters that go before a court, are continued ad nauseam. And what often happens then is the custodial parent must turn to the Department of Public Aid for assistance until the courts find it in their calendar, a crowded calendar, to address the issue at hand. And that's taxpayers' money then that is being used. Now, I'm also a critic of the child support system in this state. I don't think we're doing the best that we can do, but hopefully, we'll address that before the Session is over. But this... I'd simply join with the Sponsor in saying that this is a Bill to try and get child support entered and collected so that the taxpayers of the State of Illinois are not then asked to take up the slack until the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

courts decide, oftentimes not even decide, oftentimes just make a date at which the hearing is to be held. I think this is a reasonable Bill. The very legitimate concerns of the members of the bar, notwithstanding, and I would hope that most of you, who as I, as an elected Legislator with the problems we have with child support, I think this may help, in more cases than it will certainly hurt. And I would urge a 'yes' vote on the Bill."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "Sponsor yields."

Durkin: "Representative Crotty, does your Amendment affect any of these Sections under the Public Aid Code which allow for criminal enforcement of child support payments?"

Crotty: "I'm sorry. I didn't hear that."

Durkin: "Does your Amendment address or does it... address the Sections under the Public Aid Code which deal with the criminal enforcement of child support payments?"

Crotty: "No."

Durkin: "I'm sorry. Could you re... "

Crotty: "It's no."

Durkin: "Now, isn't there presently under the child support Public Aid Code, there are criminal penalties for a person who fails to comply with a court order of supportment... support enforcement? Isn't there a criminal... there are criminal penalties under the Public Aid Code to sanction an individual who does not comply with these orders, correct?"

Crotty: "Right."

Durkin: "Is this... are these continuances gonna be applied to those cases? Is this language gonna be applied to those cases?"

Crotty: "No. It's not the intent of the Bill. The intent of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill is for a child support order."

Durkin: "I think that... "

Crotty: "Five... "

Durkin: "... under the child... under the Child Support Act, that there are criminal penalties. And what you have is that a person who will go inside a court and they would be subject to some type of criminal sanction. At that point, they would be possibly, could be punished up to a term of imprisonment and therefore, in those cases, a person would have to have an attorney present and more often than not, if they're not able to have the counsel of the public defender's office, they will have to seek an attorney on their own. Now, if you see that this may be problematic in which... the time in which these people are seeking a continuance, they are out trying to find an attorney, 'cause it's not... sometimes it's not very easy to find attorneys who have knowledge of this... area of law."

Crotty: "All right. See if I'm... if I'm answering your question correctly. This is that each party... each party shall be granted no more than two continuances. Now, if a judge finds that this person has to be imprisoned, he's not... he's not the party. We're talking about each party."

Durkin: "Well, a party would be the person who is... "

Crotty: "And the judge would be able, obviously, would give the continuance... "

Durkin: "Okay."

Crotty: "... but I'm saying when one of the parties say, 'I need to have this continued, your Honor', that's... that's one continuance. If the judge says, 'You're going to jail, so we'll continue this.', he can do that."

Durkin: "Okay."

Crotty: "I'm just saying that it's the plaintiff and the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

defendant, I guess, is... that is allowed to ask... request only two each after the first time be... before the judge. That's all this Bill does. It has nothing to do with all the rest of the judgments that a judge can give. It only has to do with allowing each party two continuances plus the one that's there... "

Durkin: "All right."

Crotty: "... in court."

Durkin: "Now, ultimately it's the court who has to agree to this... a continuance or to not agree to a continuance, correct?"

Crotty: "Pardon me?"

Durkin: "Ultimately, it is the authority of the court to agree to award a continuance or to.. to.. to deny a continuance.. "

Crotty: "That is correct."

Durkin: "... to a party."

Crotty: "That's... "

Durkin: "So how does this not violate the Separation of Powers Act? 'Cause, I think, what we're doing is that by us telling a court it... that we can rec... we can ask the court for a continuance, we can object to a continuance, but it's ultimately the authority of a court who will agree to whether or not a case will be continued. I think that... "

Crotty: "That's correct and it... "

Durkin: "... right now we're getting into a... in a kind of an area in which we may be stepping over our boundaries and getting into the judicial area which may violate the Separation of Powers Act."

Crotty: "But the judge can... can... deny that continuance."

Durkin: "Yeah, but you're saying you're limiting a judge's ability to... "

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Crotty: "No. I'm not... "

Durkin: "Well, I think you are. What we're doing is we're saying a judge cannot do... ultimately, this is the authority be... I think that this is something which is clearly within a province of the judiciary, of us limiting a judge's ability to make a decision on whether or not he's gonna continue a case. There's no extingency exceptions in here, in which... For example, there may be a situation which a person is challenging... this is his child support because they have sought to have DNA analysis done and they are challenging whether or not they really are the... the parent and that happens more often than not. And sometimes that'll take up to six months up to a year to get that analysis done in which you will be beyond continuances. In Cook County, you continue a case approximately 30 days. So I know exactly what you're trying to get at and I think that your heart's in the right place, but I think that we're getting in areas which I'm not quite sure are going to be productive. If we are going to try to seek the truth in some of these situations, on whether or not this person is actually the father or if this person is actually seeking to get counsel and we ne... and he is seeking to have some type of due process award. So, I... "

Crotty: "Can I... "

Durkin: "Unfortunately, I think I will probably not be voting for this Bill, 'cause I think we are getting into areas which are, which I said before, violates... due process and also the Separation of Powers Act."

Crotty: "Thank you. And I wanna just make sure you understand that I'm not limiting the judge. I'm limiting each of the parties from having continuance after continuance, but thank you very much for your comments."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "Representative Crotty to close."

Crotty: "I think we've had some very, very good debate, but as a State Representative and as I think about the constituents that I serve and the people who have come into my office and those that cannot afford to have continuance after continuance. Those that have, as Representative Silva, had mentioned come in and because of the continuance after continuance they are so upset that they're gonna have to be on public aid because they just cannot bring this person to the courts and have them start up their child support payments. I ask each and every single one of you to remember those people who only want what the court has already said he or she should have in order to raise their children. So I ask that each and every single one of you remember your constituents, at this time and vote 'yes'."

Speaker Madigan: "The Lady has moved for the passage of the Bill. Those in favor of the passage of the Bill signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 104 people voting 'yes', 11 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. On page 54 of the Calendar, there appears House Bill 709. Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 709, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill which has passed out of this chamber before. This passed out of the Senate, as well. However, it was vetoed by Governor Edgar. We now

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

have a new Governor and so we are going to be making an attempt to do this very necessary thing once again. What this Bill does is to replace the provisions for payments for abortions with the payments being only appropriate if they are, in fact, the kinds of things for which we receive some reimbursement from the Federal Government. It is not only a question here of our not spending all state funds in order to do any of these reimbursements. It is also a matter of who it is who makes the laws in Illinois. Currently, because of a decision rendered by a circuit court judge in Cook County, there are some of these expenditures that are being made without due authorization in the laws of this state. It seems to me that it is not appropriate for a circuit judge to be making the law. We were elected to make the law. I think, Mr. Speaker, that nearly everyone here knows exactly what this Bill does and already has probably, a pretty firm position pro or con. I would be glad to answer any questions. Thank you, very much."

Speaker Madigan: "The Lady has moved for the passage of the Bill. The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in strong opposition to House Bill 709. This Bill would say that a woman whose health risks are substantial, should she carry a fetus to term, would not be eligible for a Medicaid funded abortion. Proponents will tell you that this measure will save the state taxpayers substantial dollars. Let me tell you how much money the State of Illinois paid on Medicaid abortions in Fiscal Year 1998, \$47,000. Out of a Medicaid budget of what, \$5,000,000,000, \$47,000. Let me tell you how many Medicaid women, Medicaid clients, our clients had funded abortions under the health exception,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

34, 34 women who had serious diabetes, who had serious kidney problems, who had heart disease, 34 women were able to have taxpayer-funded abortions so that their health could be secure. We're not talking about someone, we are talking about someone who may have a substantially increased risk of death should she carry the fetus to term. But the doctor can't certify that she is bound to die during child support, during childbirth. So a woman who has a serious case of diabetes may end up with debilitating diabetes after that child is born. She may be dead in six months. Under this measure, she could not have the abortion that in the long run would save her life. And if you want to talk about the \$47,000 for all Medicaid funded abortions which amount to, I believe, under a hundred. So for the health exception you're talking substantially less than \$47,000. Let me ask you how much you think you're going to pay in Medicaid costs to care for the health problems that these women are bound to face after that child is born. The \$47,000 for the total cost of the Medicaid abortion program will pale into insignificance. I think that this legislation is wrong-headed and I think it is mean spirited. I think we have a responsibility to protect the health of the women of the State of Illinois. And to suggest to somebody who faces long-term health risks, long-term health risks that may result even in short-term death, 'No we will not protect you', would be the wrong message for this state to send. I don't believe a single man on this floor if his wife or his girlfriend or his daughter were faced with medical advice, that says that your health will deteriorate should you carry this fetus to term. I don't believe a single man on this floor would not follow her wishes and help fund an abortion if that was the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

decision she made. I don't believe that. I believe it is wrong for us to say to these women whose health is at risk, make no bones about it, these are women whose health is at risk. To say to these women, 'We will not spend these \$25,000 annually to make you whole', sends the wrong message to Illinois. It also is language, House Bill 709, that if adopted by this Assembly and signed by the Governor, will be thrown out by the state courts in Illinois, as comparable interpretations in the past have been. So if you want to go home and tell people you voted for this to save the money, remember that the money you're talking about is about \$25,000 a year. And think about the \$5,000,000,000 public aid budget. And think too, about the long-term costs in the Medicaid budget that you will surely spend, because you have made these women sicker. You have made these women more ill, not better. And think too, of the dollars you'll spend in legal fees, one more time defending in court, a law that is clearly unconstitutional. I urge your 'no' votes."

Speaker Madigan: "Representative Mulligan. Representative Klingler."

Klingler: "Speaker, I'm concerned that once again we're going to try to pass a Bill that cannot withstand judicial scrutiny under the standards of the United States Supreme Court. Last Session we passed a Bill, which ignored the issue of a woman's health. And that Bill was thrown out by a federal court. And I would like, and Members, I would wish that you would listen to this. Members, the federal court in throwing out a Bill..."

Speaker Madigan: "Representative, let me get their attention. Ladies and Gentlemen, Representative Klingler has asked for your attention. Would you please give your attention to

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Representative Klingler. Peter Mautino, said 'he doesn't want to listen to you but the others will.'

Klingler: "Thank you, Mr. Speaker. As I was saying, last Session we passed a Bill which ignored the constitutionally, the U.S. Supreme Court requirement of a woman's health. And that Bill was thrown out. And I would like for this General Assembly to listen to the language of the federal court in throwing out the Bill that was passed last Session. And I quote, 'The lack of a health exception in House Bill 382, also indicates that the Illinois Legislature intended to trade-off the woman's health for fetal survival. Such a trade-off between a woman's health and fetal survival was held unconstitutional in the United Supreme Court decision of Thornberg v. The American College of Obstetricians and Gynecologists. Because that Bill required women to remain pregnant, even in the face of serious health concerns, it operates as a substantial obstacle to women seeking abortions. As such, it is unconstitutional. And I think that we should talk about what are these health concerns. I know some people say, 'This is way to broad a phrase and perhaps, we could... instead of saying 'health' we could say, serious health concerns. Because that's what we're talking about, of the 22 health-related abortions. Let me give you some of the reasons: anemia and other diseases of the blood, including sickle-cell disease which is an enhanced burden to the pregnant woman; heart disease producing higher risk of congestive heart failure, cardiac infarctions and arrhythmias; liver disease, some of which are induced by pregnancy; connective tissue disorders; chronic hypertension, which includes... which increases, the risk of preeclampsia and eclampsia. You know I wish we as a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Legislature, could outlaw medical risk to pregnancy, but we can't. Unfortunately, serious medical problems do occur. The fortunate part, it's in a very small number of people. But we cannot ignore this serious health concern. If this Bill passes it will not become law because it violates the United States Supreme Court. Thank you."

Speaker Madigan: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong opposition to this Bill. Aside from the constitutional arguments you've heard already, which are all compelling. There's also the constitutional argument that since abortions are illegal under given circumstances, when you allow rich people to have abortions who can afford them, but you say that poor people cannot, you're putting another constitutional burden, in my view, an unconstitutional burden, in the way of poor people's access to the same health care that rich people have an access to. That is clearly an issue that we should be paying attention to here. In addition, I think it should be noted, that given the fact that we're talking about a very small number of cases and a very small handful of dollars, \$30,000, the fact is that the Sponsors of this legislation aren't really concerned about the money. They aren't really concerned about access to health care. They're concerned about making another statement about abortion. Another statement that says they're against it. Well, these Sponsors have said they're against it, over and over and over again. We don't need to put unconstitutional burdens in front of the people of the State of Illinois. We don't need to cut off access to good health care to poor women who need this health care for their own health and safety, because these Sponsors feel that they want to make another statement

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

about how pro-life they are. That's all this Bill is. They can talk about the money. They can talk about the philosophy of the state being involved in this. All of that is red herring. All of that is peripheral. All of that doesn't count. What counts is what they really want to do, is make another public statement that they're opposed to abortion. Well, they've made that statement many times. They make it here again today. But to do this today, when it involves the health and safety of the women of the State of Illinois who need these services, who cannot afford these services, who today can avail themselves of these services under given circumstances, is wrong. It's bad public policy. Poor women have as much right to be protected in their health care in the State of Illinois, as women who are not poor. And these unconstitutional burdens that the Sponsors attempt to put before us today, are the wrong way to go. I would urge your 'no' votes."

Speaker Madigan: "Representative Mulligan, do you seek recognition?"

Mulligan: "Thank you, Mr. Speaker. I would like to speak against this Bill."

Speaker Madigan: "Proceed."

Mulligan: "I think a lot of us are complacent about these Bills because we see them year after year. And so we sit here and we go on with our business and we do the vote that we normally do. But the bottom line is this is a very important vote. If aside from the issue, which there's many complexities to the issue, you want to set all that aside. Take a look at the biggest issue that will impact our state budget. If House Bill 709 becomes law, it would put Illinois into noncompliance with Federal Government,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

which would mean the loss of millions of Federal Medicaid Funds. Not just the funds that go to support this, but the funds that go to support the elderly, the poor, the people in our state that depend on that and our dollars when we put the budget together that depend on those matching funds. We would lose those funds. In addition, noncompliance would result in costly legal action, the outcome of which would surely be a ruling ordering the state to comply. Also, I must tell you, it is totally ludicrous to suggest that a young girl who's a victim of incest is going to report this to the police. I think we need to take a good hard look at how we're voting on this and realize that not... there's much more to this law than the face of it, and the discussion of abortion. There is a big slam against our budget in Medicaid funding that would come out of the Federal Government. We constantly do these Bills over and over again. We constantly have the lawsuits. The money that's spent on these lawsuits would be better spent on programs that would provide for non... for abstinence programs for people that would not become pregnant, for discussion of contraceptives, for things that would be helpful in this area, rather than to spend it on lawsuits to pass Bills that we know are not legal, will not be legal and would be struck down as unconstitutional. I urge you to vote against this Bill. And to remember that it also will cost us Medicaid funding, not in this program, but in all the programs, because we will be in noncompliance. Thank you."

Speaker Madigan: "Ladies and Gentlemen, I announced... I announced at the beginning of Session that the invocation would be delayed today. So I would like the Members to take their seats, please. Mr. Bugielski. Mr. Bugielski,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

could you end your telephone call? Take your seat. The price of excommunication. If the Members would please take their seats. We have a very distinguished guest today. Indeed, we are very honored to have with us today, his Eminence, the Cardinal for the Archdiocese of the City of Chicago. Many of us have met with the Cardinal today, and for those of you who have not, he is going to be in the building for... he's going to be in the building longer than after he finishes here. But we'll be led in the invocation today by the Cardinal of the Archdiocese of Chicago, Cardinal Frances George."

Frances George: "Thank you (Prayer in Latin) Almighty and ever living God, be present to us here in this chamber, as men and women set themselves to the service of their people. Bless them in their struggle to represent all the people. For all peoples are Yours Dear God, in whom we live and move and have our being. We thank You for the gift of life, and of family and friends, of work and of ideals that govern our actions. We ask forgiveness for our wrongful acts, for our sins against You and one another. For the deliberate breaking of the bonds of life and of commitment and for the more frequent sins of neglect of duty and of those especially, the least among us who should command our attention and our energies. Good and gracious God, we pray not only for ourselves but for all those given to our care. And especially, for all the people of our state. We pray for those who have died this night in prison and in the train wreck, in hospitals and in clinics, on the streets or at home. Be merciful to them all and give them eternal rest. And when our work is done and we deliver our souls to You, our Redeemer and our Judge, gather us into Your everlasting love, in the eternal home You have prepared for

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

us, for You are God, living and true, now and forever.
Amen."

Speaker Madigan: "We certainly thank the Cardinal for being with us today and for the lovely invocation. The House shall come to order. On the Order of Business, is House Bill 709. The Chair recognizes Representative Feigenholtz. The Chair recognizes Representative Schoenberg.

Schoenberg: "Thank you, Mr. Speaker. A question for the Sponsor. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields. Representative Cowlshaw yields to Representative Schoenberg."

Schoenberg: "Representative Cowlshaw. On page 3, of the Bill, in the first seven lines of the Bill sets forth certain conditions by which payments are permitted. Could you outline briefly what those conditions are for payment to be permitted for a woman to receive a publicly-funded abortion?"

Cowlshaw: "As you are looking at the top of page 3 that is precisely where it does appear. It is any circumstance currently required by Federal Law to fall within the reimbursement provisions. And what that includes is, if the life of the mother is threatened or if the pregnancy has resulted from either rape or incest."

Schoenberg: "And isn't... if you read further into lines 6 or 7...Isn't there a further condition established that would require women to report the incidents to a law enforcement agency as a prerequisite to being able to exercise their constitutional right?"

Cowlshaw: "That is correct."

Schoenberg: "So in other words, a woman who is assaulted, a woman who under one of several circumstances that are outlined here in the Bill, but none of whi... including some of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

those which clearly don't, clearly don't include her active, willing participation in the act that resulted in the preg... pregnancy. Nonetheless, that woman even though she was forcibly impregnated, you're saying would have to go report that to a law enforcement official, whether it's a sheriff or a local police department, in order to be able to exercise her constitutional right. Is that correct?"

Cowlshaw: "I believe that the correct answer to your inquiry is that both rape and incest are violations of the law. And that all that is required both by Federal Law and by this Bill, is that the person who is the victim of that criminal offense, does have to report that to some law enforcement agency at sometime prior to the having the abortion actually performed."

Schoenberg: "So in other words, in the case of a tragic incest victim, that person would have to report the incident of incest to a sheriff or the local police before they were able to address the pregnancy that resulted from that incestuous act. Is that correct?"

Cowlshaw: "No, that is not correct. If you mean 'address the pregnancy' by abortion, then the answer is 'yes'. If 'address the pregnancy' means something else, then the answer is 'no.'"

Schoenberg: "So, not... so I don't want to engage in semantics but I do want people to understand that to support House Bill 709, based on what you've said thus far, a woman who's a victim of incest who wants to get an abortion but isn't able to fund it, she has to go to the police to report the incidence of incest in or... before she can actually exercise her constitutional right. Mr. Speaker, before I proceed further, should this matter receive the requisite number of votes, I'd like to request a verification."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "Representative Monique Davis."

Schoenberg: "Par... Mr. Speaker."

Speaker Madigan: "I heard the request. Are you finished, Mr. Schoenberg?"

Schoenberg: "I just wanted to ask one brief matter."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Just to follow up on what we had discussed earlier. The Supreme Court in the case of Planned Parenthood v. Casey outlined what it felt was an 'undue burden' that's out... that's defined by law and regulation. In the situation that we just outlined where someone is forcibly impregnated as a result of a hostile sexual act, do you see that as, do you see the requirement that that woman, that that woman has to report it to a law enforcement official, particularly in the case of incest, do you see that as an being an undue burden?"

Cowlshaw: "Representative, the federal rules and regulations provide that there shall be reimbursement for abortions in cases of criminal sexual assault, aggravated criminal sexual assault, and so forth. So that in order for us to know that we are complying with the Federal Law, there has to be some report that the act was a criminal offense. We don't know that if it is never reported to anyone."

Schoenberg: "So does making it incest... but that in the case, specific case of incest, is making an incest victim go to the police before they can, she can seek an abortion, does that not create an undue burden?"

Cowlshaw: "Sir, I'm really sorry but I could not hear what you said."

Schoenberg: "Asking an incest victim to go to the poll... asking a young woman who's a victim of incest from a father, an uncle, or a... a brother, asking a woman who's a victim of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

incest to go to the police and file a police report before seeking a publicly-funded abortion, could you not say that that qualifies as an undue burden as articulated by the Supreme Court?"

Cowlshaw: "That is not for me to decide, Sir. That is, apparently, a matter of court interpretation. And while I am not familiar with the case you cite, I am confident that in most cases, the courts do try to make these determinations taking into account all of the circumstances that surround that particular case. There are probably never any two cases similar to the one you have outlined that are even, even close to being the same, let alone identical."

Schoenberg: "Well, with all due... to the Bill, Mr. Speaker. With all due respect, I would prefer not to defer these decisions to the courts. When they have been deferred to the courts, the courts have clearly delineated what's permissible and what's not permissible, whether it's on the circuit level, whether it's on the state level or whether it's on the federal level. And for those compelling reasons and many others, I'd urge everyone to take a hard reexamination of this issue and to vote against House Bill 709. Thank you very much, Mr. Speaker."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative, you've probably answered this question, but according to your Bill, let's say there is a pregnancy that occurs and it is the result of incest and the mother has asked the child not to make a criminal of the family member. Can this person get an abortion, Medicaid paid?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Cowlshaw: "I'm not sure I understand what the question is. Are you asking if currently this person could go and... "

Davis, M.: "No, I'm asking with House Bill 709."

Cowlshaw: "They would have to inform a law enforcement agency in order to be eligible for the reimbursement."

Davis, M.: "So, if a teenager becomes pregnant by incest and the mother begs this teenager not to make it a criminal offense, perhaps there's mental health involved or whatever, and the mother begs this child not to turn this person over to the police then this young person could not get a Medicaid paid abortion because of your Bill. Is that right?"

Cowlshaw: "Representative, this Bill has to do with payments for a procedure called an abortion. It has nothing to do with whether incest is a criminal offense or whether it isn't."

Davis, M.: "But I think it does de... say that if a criminal offense is not reported then Medicaid will not pay for this. Is that correct?"

Cowlshaw: "That is in keeping with the Federal Law."

Davis, M.: "Well, based upon that, I would say that this is a very bad piece of legislation. Because what we're determining here is, we're determining not only when that person can get an abortion, but whether or not a family member would be turned in as a criminal. And if they don't turn the family member in as a criminal, then that younger person cannot get a Medicaid paid abortion. I believe that many of the things that we do in this Body are important, but I think when we start to make decisions on unknown matters that affect the rest of the lives for a number of people, that we make an abundant mistake. We may not ever see the results of our mistake, but there are families that will suffer enormously because we pretended to be

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

omnipotent, because we pretended to know what all of the circumstances may be in a particular case. I believe that women who happen to be on public aid at any particular time, should have benefit to some of the same medical services and this is truly a medical service. These women on public aid should have the same benefit to medical services that all the rest of us have benefit to. I would urge a 'no' vote and I'd ask everyone to remember the eloquent speech of our Deputy Leader, Barbara Flynn Currie, and vote 'no'."

Speaker Madigan: "Representative Lou Jones."

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

Speaker Madigan: "Sponsor yields."

Jones, L.: "Mary Lou, you've probably have answered this, too. I didn't hear the answer because it's been kind of noisy in here. I know they were talking. They asked you questions about a lady that if it was incest and would she have to report that prior to having an abortion. But you know, in some cases, children, and I'm talking about 11, 12, 14, 16-year-old children that are... that incest is in there... could be their uncle, their father, their dad. Number one, it's bad enough in the family when this happens, but when they have to rep... when a 14-year-old has to be reported to the authorities that her uncle or her father has committed incest and as result of that she's pregnant. As you know all the files are open and this can be kind of devastating to that youngster. And I was very concerned about that. A mature woman is bad enough, but when you talk about it happening to children, and then prior to... and the reason why I'm concerned, Mary Lou, is because there is a case in my district where the girl was 12 and it

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

was her uncle. And it was devastating enough that this happened to her and she did get pregnant, but to have it reported, to have to report it to the authorities before they could do the... before they could do the abortion... Mr. Speaker, could we have a little order?...before they could do the abortion. In this case her mother, in this case her mother, could afford the abortion but we have some, we have families and youngsters out there that cannot afford the abortion. And I think that if a child was 13 or 14 years old that was raped by her father or her uncle or her brother would be very reluctantly as it is, to even talk about it or tell who the father of the baby is. Now we talking about before she can have the abortion, she would have to report it to the authorities and that's the part that bothers me, tremendously, in this Bill. Another part that bothers me is that some ailments occur after a woman is pregnant, such as diabetes, high blood pressure, and some of... hypertension, chronic hypertension. And a... Even though those are not death threatening at the time, they are ongoing. And I have a problem with that happening to a woman if she... most women maybe can pay for their abortion, but in my district for instance, it would be very hard for them to pay for 4 or \$500 abortion. And I think sh... you are forcing a woman to have a child and her health is endangered at that time. And I just... this is a very sensitive issue and I just urge a 'no' vote."

Speaker Madigan: "Representative Delgado."

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

Speaker Madigan: "Sponsor yields."

Delgado: "Representative Cowlshaw, when we talk about this type of Bill we're talking about two tiers here. We're talking about, we're talking about, right over here

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Representative...We're talking about low-income women that again, not that it may be life-threatening, but we have substantial, substantial risk when we have a lack of prenatal care, when we have hypertension, when we have anemia. My wife is anemic and my wife had two boys in a high-risk stage at Prentice Hospital. There were many, many conditions that are not prevalent in the overall society that low income women will suffer. This... in its own way is a discr... discriminatory type approach to health care. We cannot have that in the State of Illinois. Pregnancies inherently presents numerous risks to women. And we have to make sure that, because of due to poor nutrition, other factors that exist in our communities, we have to make sure that for example the living conditions that are related to poverty. There are many, many factors involved here, Representative. And that's why this piece of legislation is the... actually not a good piece of legislation. What I went through as a personal experience with my wife, with my first son. My wife is not a very healthy woman, but at the same time I do have a son. And I am proud of that. But we have to be very clear on the intention of what you're trying to accomplish here. To me, we can put all this out the window. And I say we cannot create an undue burden on the body of a woman. It is their right and their inherent right, between them and their physician and their family. To do anything less than that, or more than that knowing that I sit on committees with you, when you say you don't want certain impositions of government, well, this one takes the cake. So please, think of not only people like my wife but come into the low-income communities and understand that there is two tiers. And wit... we cannot mess with that. So, with

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

that, I urge all my colleagues and on both sides of the aisle, because this is a nonpartisan vote. We need to make sure that we protect the American right, the freedom of choice and make sure that the woman does not have an undue burden and that we take into account substantial risks to all women. Thank you, Mr. Speaker. Thank you, Representative, for entertaining and letting me indulge in this conversation."

Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you, very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Feigenholtz: "Representative Cowlshaw. In House Bill 709, I'm not certain what your intentions were around the issue of the rape and incest in reporting it to the authorities. Could you tell me what the genesis of that was? And why this is a... and why the health exception was removed from this portion of the Bill?"

Cowlshaw: "The... this Bill is patterned after the Federal Law. The Federal Law says that abortions are reimbursable if the life of the mother was threatened or if there was a... an occasion that caused a pregnancy that was, in fact, either a case of rape or of incest. Now, both rape and incest are criminal offenses. The Federal Law says there shall be reimbursement for those incidences. However, we don't know whether there has been such a criminal offense, unless someone reports it. That is the reason why there is a request that there be some reporting to some law enforcement entity about either a case of rape or incest prior to the person arranging to have the abortion."

Feigenholtz: "Representative, do you see the difficulty in some situations? For instance, a previous speaker was talking

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

about a 12-year-old who was raped by an uncle. How can that child get to the authorities if not by perhaps, being... having to ask the assailant who raped her to take her to the authorities? Can you see how egregious that burden is?"

Cowlshaw: "Representative, there is nothing in any case of incest that is anything less than tragic. Absolutely everybody involved, either directly or indirectly, in any such a situation has a really, almost an incredibly difficult and tragic circumstance to face. But hiding it so that whoever the perpetrator is can go on perpetrating the same things, does not appear to me to be the way to resolve the problem."

Feigenholtz: "I understand and I really appreciate what you're trying to do here, Representative, but I think that you're talking about two very sensitive situations."

Cowlshaw: "I know that."

Feigenholtz: "And I'd like to correct, just for the record something that I'm reading regarding the 1993 Federal Hyde Amendment which contradicts something you just said, about how the Hyde Amendment was extended so that Medicaid now pays for abortions for victims of rape or incest and that Federal Law does not require a victim to make a police report. You just said that it did. Ladies and Gentlemen to the Bill. It amazes me that we drag out these pieces of egregious legislation and try and consider how to make them even worse. This is a Bill that discriminates against poor women. It violates consent decrees. And it's cost the State of Illinois \$25,000 to provide these abortions for these women. And God knows, how much is it gonna to cost when we lose Medicaid funding. That is just one of the big problems with this Bill. I cannot imagine a 12-year-old

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

having to go to the same person who committed a crime and having to ask, 'Please take me to the police station, before I can get an abortion.' Please think about this. This is not a good piece of legislation and vote 'no'."

Speaker Madigan: "Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. It is with reverence and respect that I ask that the prayer that was delivered here by the Cardinal, serve as the concluding statement for House Bill 709."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. There has been a request for a verification. So make sure you only vote your own switch. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 'ayes', 47 'noes'. There has been a request for a verification. Mr. Clerk, read the names of those who voted 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives Bellock. Biggins. Black. Bost. Brady. Brosnahan. Brunsvold. Capparelli. Cowlshaw. Crotty. Daniels. Durkin. Fowler. Franks. Granberg. Hannig. Hartke. Hassert. Hoffman. Holbrook. Hultgren. Johnson, Tom. Johnson, Tim. Jones, John. Lawfer. Leitch. Lyons, Eileen. Lyons, Joe. Mautino. McAuliffe. McGuire. Meyer Jim. Mitchell, Bill. Moffitt. Myers, Rich. Novak. Osmond. Pankau. Parke. Persico. Poe. Reitz. Righter, Dale. Rutherford. Ryder, Tom. Saviano. Schmitz. Scully. Skinner. Smith. Sommer. Stephens. Tenhouse. Turner, John. Wait. Winkel. Winters. Wirsing. Wojcik. Woolard. and Zickus."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "Mr. Hartke requests to be verified in the center aisle. Mr. Schoenberg, questions?"

Schoenberg: "Yes, Mr. Speaker, is Mr. Granberg present?"

Speaker Madigan: "Granberg. Is Mr. Granberg in the chamber? Mr. Granberg. Is the Gentleman in the chamber? Remove Mr. Granberg."

Schoenberg: "Is Mr. Capparelli present?"

Speaker Madigan: "Mr. Capparelli. Is Mr. Capparelli present? Mr. Capparelli is not present. He should be removed from the roll call and Mr. Black requests verification. And Mr. Woolard requests verification."

Schoenberg: "No further."

Speaker Madigan: "On this question, there are 59 'ayes,' and 47 'noes'. And the Bill fails. Representative Cowlshaw."

Cowlshaw: "I'm sorry, Mr. Speaker. I guess you didn't see my button. I would like to put this on Postponed Consideration if I may, please?"

Speaker Madigan: "Sure. Mr. Clerk, put the matter on the Order of Postponed Consideration. House Bill 152. Mr. Clerk, read the Bill. The Chair recognizes, Mr. Ryder."

Clerk Rossi: "House Bill 152. A Bill for an Act to create the Illinois Wine and Spirits Industry Fair Dealing Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. As the Sponsor of this Bill, I would suggest that most of us are familiar with the content of this Bill. I would simply bring to your attention those changes that have taken place in the Bill from the time that it originally passed this chamber in December. An Amendment has added the soft drink industry with a separate section, including a severability clause, which affords to the soft drink industry most of the protections that are

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

part of the original Bill that deals with wine and spirits industry. The Bill has been improved in many ways. We believe that it is a better Bill than it was that passed the Legislature, previously. There is in the wine and spirits area the binding arbitration clause. The role of the Liquor Control Commission has been lessened. There is an exception. An exception specifically at the request of Representative Wojcik that excludes Illinois wineries. In addition, it excludes any small person wineries, meaning those who produce and sell in Illinois less than 10,000 cases per year. So they are not part of this. The language which said, 'change of competitive circumstances' has been removed. The purpose of the Bill is to avoid unfair wrongful termination. It does provide for damages injunctive relief in the event the 'good cause' is not shown by the parties. I would suggest to you, that this Bill is good for Illinois consumers. During the Executive Committee hearing on this Bill, an economist was able to provide statistics; statistics that had been distributed by the Wine and Spirits Distributors of Illinois, indicating in those states with similar legislation the actual cost. The retail cost is less than in states without franchise jurisdiction. This is primarily for protection of Illinois jobs. There are no manufacturing jobs in Illinois anymore for distilleries. Those jobs are gone. There are, however, lots of jobs for those who are in the distribution. It is not a new idea in Illinois. The beer manufacturers and beer distributors have existed under similar laws for many years. And I think that those in the beer industry would indicate that those laws have been successful. In fact, the beer manufacturers indicate that they don't see a reason for any changes in that law because

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

they're satisfied that it exists. It does, however, protect Illinois consumers from a couple of, I believe, rather important, important issues. One is the word 'monopoly' has been thrown around by the proponents and opponents. One of the biggest monopolies is those foreign conglomerates who control the manufacture of distilled spirits. In fact, the largest liquor wholesaler in Illinois, controls under 30% of the Illinois market. One foreign-controlled distilling company, controls over 30% of the entire global wine and spirits market. And finally, this Bill as currently constituted, is to preserve the three-tiered distribution system within the State of Illinois for liquor, which would separate those who manufacture from those who distribute from the retail outlets. There has been efforts recently to sell distilled spirits over the Internet in direct sales through 800 numbers. The distributors in the State of Illinois who this Bill would seek to protect, have the job of collecting the revenues, the excise taxes, and ensuring that to the best of their ability, sales are not made in an illegal fashion. Recently, Congress held a hearing on Internet and other sorts of direct sales, sales that are contemplated by the very words of some of the distributors. That hearing and the TV coverage that followed, indicated that in more than a small number of cases, direct sales is now taking place; direct sales that avoids the excise tax to the State of Illinois coffers and direct sales that have absolutely no way of determining whether illegal consumption or illegal purchase takes place. This Bill is for those workers within the State of Illinois, for the distributors throughout the State of Illinois, and for those who are part of the soft drink industry, as well. It is for them

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

that this Bill is sponsored. Mr. Speaker, I ask for favorable consideration and I would be happy to answer questions."

Speaker Madigan: "The Chair recognizes Representative Lawfer. Would the Members please give their attention to Mr. Lawfer?"

Lawfer: "Thank you, Mr. Chairman (sic-Speaker) and Ladies and Gentlemen of the House. I would like to introduce a former colleague of ours, a State Representative, Nord Swanstrom, who served here ending in 1982. Nord Swanstrom, glad to have you on the floor with us today."

Speaker Madigan: "The Chair recognizes, Mr. Capparelli. Capparelli."

Capparelli: "Mr. Speaker, I would like to have this taken off of Short Debate and have full debate on it. I'm accompanied by five others."

Speaker Madigan: "Does Mr. Lyons join in that request?"

Capparelli: "Yes, he is."

Speaker Madigan: "Write them down. This matter shall be on full debate. The Chair recognizes, Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think that all of you recognize that this piece of legislation has changed in some degree; that we have now added another very viable industry to the distribution of wines and liquors across this state. The soda pop industry is very important to all of us. And I think, without question, that any of you have someone within the area that you represent that would be very supportive of this issue. I know there's been lots of confusion as to who is and who isn't on board and I think there's a lots of confusion that needs to be dispelled. Without question there are distribution facilities located across all areas of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

state: Springfield, Decatur, Quincy, Marion, Evansville, Herrin. Without question, each and everyone of you have someone within the industry that is looking for you: Rock Island. The people who distribute from all across the state: Rockford. I think we can go on and talk for many, many days about the fact that there are many people who have their jobs on the line. I think that some of you probably saw in the newspaper this morning, here in Springfield, Illinois, that there were individuals who work in facilities that are concerned about the continuance of their job. Without question, the big industries that are owned and operated, or partially owned by the corporate companies of the major manufacturers or bottlers of these products that we're talking about, are probably going to be opposed. But what I want to say, is that there's 500 or more individuals that live in my district that make their living in a very fair and fine way and that their jobs could be in jeopardy if we're not successful in passing this piece of legislation. Without question, this is something that means a lot to several of us, none anymore than me. I encourage you to stand up and be counted. Let's make this a fairness issue. Let's address this issue in a fair way. I would very much appreciate your support for Mr. Ryder and myself and many others, to ensure that we have fairness for all of those people involved in this industry. Thank you very much."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. I think you're all well aware that I do have an Amendment on that is going to protect the Illinois wineries. But I have to point out something that is... I've been approached on Monday, regarding this Bill. And it happens to be from

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

some of the small businesses in my district. Number one, Binny's. He claims that this is going to cause him to have to raise his prices on the alcohol. The service is not going to be there, and we're going to go into more or less of an anticonsumer situation. I'd like to read something that I picked up from the Sun Times which I find very interesting. And it's regarding a note from a gentleman by the name of Mr. Poulis. He says, 'When I first started this business 37 years ago, I did business with 15 distributors in Illinois.' Poulis said, 'Now there are only three, including Judge & Dolph; it distributes the best labels, including Smirnoff, Bailey's, and you name it.' Poulis says. So you have to deal with them if you want those brands. Poulis said, 'Judge & Dolph apparently doesn't care if this store runs out of liquor, delivering it early in the week or the large chain stores takes priority.' Earlier this month Poulis said, 'The company missed a Friday delivery of 4,000 cases of liquor.' There was no emotion expressed. There was no feeling. They just missed delivering the 4,000 cases of liquor. This is what we're going to be looking at. It's an anticonsumer Bill. It's an antibusiness Bill. And there's a number of persons that are against it: the Illinois Retail Merchants Association, Illinois Soft Drink Association, Illinois Manufacturers' Association, Illinois Restaurant Association. Romano Brothers, a distributor, they themselves are against it, Union Beverage Distributors and Binny's, and I can go on and on. It's a bad Bill. We're setting a precedent in this state for one individual and I just would like to ask the people of this august Body to look at this and see if you want to vote for an anticonsumer, or if you'd like to be there for the little

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

guy and keep that little guy standing on his two feet. I ask you to vote 'no'. And also, Mr. Speaker, if this gets the requisite number of votes, I would ask for a verification. Thank you."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I would just like the record to reflect that I work part-time for a marketing and public relations firm that from time to time has liquor, wine, beer sponsors and interests on both sides of this issue."

Speaker Madigan: "Well, congratulations on your position. Representative Eileen Lyons."

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

Speaker Madigan: "Sponsor yields. Mr. Ryder."

Lyons, E.: "Representative, isn't House Bill 152 a Bill without a problem? I've yet to hear about abuses in the Illinois private competitive marketplace that have been suffered. Could you explain?"

Ryder: "Representative, the purpose of this Bill is to avoid a distiller, a corporate conglomerate, in many cases owned by foreign owners of foreign countries, terminating at whim either a distributor of an alcoholic beverage or a manufacturer of a soft drink; terminating at whim, a relationship with the distributor there. It is, indeed, a problem. I hold in my hand, right now, a copy of a termination from a distiller to a distributor that gave four days notice and absolutely no reason, other than they could do it. It was done on their whim. In fact, I believe it was done in retaliation for something the distributor did. And it shows how utterly inequitable the system has become."

Lyons, E.: "So, are you naming this one instance as the problem that we're trying to address?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Ryder: "That is a symptom of the problem. There are other experiences that have been given in previous debate, in this industry and others in which the control of the distillers, or the control of the manufacturer of the soft drink has terminated at whim, throwing people out of work."

Lyons, E.: "Well, Representative, in all due respect, what I'm trying to get at is, I'm not getting a whole lot of calls from constituents regarding this problem. And I guess what my question is, are you... I mean what... what problem are we trying to address?"

Ryder: "Representative, I'm going to suggest that you're probably not going to get many calls from constituents because of the inordinate amount of power, influence, and in some cases intimidation, that is possessed by the manufacturers of, in this case, wine or distilled spirits. They have put the quash on that. I have folks who distribute soft drinks in my home town. I have folks in my area that distribute these distilled spirits. Those are the jobs I want to protect. I want to keep them there. I don't want somebody from a foreign nation saying, 'Nope, I don't like the way you distribute that brand of bourbon and we're going to take that away from you with four days notice, no matter that you, the distributor, have obtained the shelf space, developed the contacts, developed the reputation. You're gone. Someone else has it.'"

Lyons, E.: "Again, I guess what my concern is, is that this is in anticipation of a problem."

Ryder: "No, it is not. This is in direct reaction to the statement of executives from distillers who said, 'We're going to bypass, we're going to bypass distributors. We're going to sell on the Internet. We're going to try to sell directly to individuals, skipping by the way, retail folks

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

as well, as well as distributors. And we're going to sell to those folks without getting any identification, without collecting the excise tax.' I think the language was specifically, 'we're going to think outside the box.' I want them to stay in the same three-tiered area right now. So, I am responding to what I believe to be genuine efforts to change in the industry."

Lyons, E.: "Representative, may I read to you an article from the Chicago Tribune?"

Ryder: "Is that the editorial, or the article?"

Lyons, E.: "Uh... it's the... "

Ryder: "If it's the editorial, I've had a chance to read that. But I'm suggesting that perhaps the Tribune would like to keep the same kinds of abilities with their distributors and their retail markets that they have right now, as well."

Lyons, E.: "Well, yeah, questioning their motives. But I would just like a response to this... to their statements... "

Ryder: "... I'm sorry. I didn't mean to interrupt you, Representative. Please."

Lyons, E.: "It says, 'that House Bill 152, if passed, would lock in distributor contracts forever. And that the state has no business getting into private contractual business relationships, especially on one side, the distributors.' Would you agree? I mean, that's my position as well, Representative."

Ryder: "No, I don't agree. I don't agree with the editorial, nor do I agree there, because 'good cause' as defined in this statute which I hope becomes law, the 'good cause' is defined in the contract between the distiller and the distributor. They determine what 'good cause' will be. That's subject to their contractual negotiation. All that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

we're doing, is saying in a franchise arrangement, which is what this does. We're saying, 'It has to be on 'good cause.' You can't just say, 'Nope, you're gone, no reason.' I've got the letter here that did exactly that in one case. I am led to believe that there are other cases similar to that. So, I don't believe at all that it is one-sided. I believe it does setup within a regulated industry, regulations concerning renewals, terminations, continuations. I believe that is correct. But I don't believe that it is one-sided, unless of course, you are the distiller who can now on their whim, terminate at any time. They may be unhappy about it, but I don't care about the folks from those foreign conglomerates that have 30% of the market share. I'm concerned about the folks that are hauling the soft drink in my community."

Lyons, E.: "Well, again, I have to stress to you, this is as I see it, anticipation of a problem. Now you mention that you have one contract."

Ryder: "Oh, yes."

Lyons, E.: "And that... to me, it's an isolated incident. And I know what you're saying is that now there's provisions so that they cannot do this. But again, why are we interfering in the fair market, competition..."

Ryder: "In the event that it were a completely fair market, I understand that your point. We're in a highly regulated industry. Franchising agreements which are part and parcel of what we have now, are commonplace. And they have existed, I believe they are good for the consumer. Economic studies indicate that to be the case. I believe that it's a win in that situation. I suppose that if you are an absolute free market, then you would not want any regulations on any industry in any fashion, and simply let

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the free market decide. I believe that the Legislature has made that decision in almost every circumstance. But clearly, they've made that in the distilled spirits industry. We made it in the beer industry many years ago and it's worked there. I believe it works here."

Lyons, E.: "Okay. I guess we'll look at it as a point of disagreement. But just... "

Ryder: "Sure."

Lyons, E.: "Just answer me one more question."

Ryder: "Yes, Ma'am."

Lyons, E.: "Is it true that Federal Trade Commission has found Bills similar to House Bill 152 as anticompetitive, anticonsumer, and prone to raise prices of liquor to consumers?"

Ryder: "I do not believe that to be the case. In fact, as I've stated to you, an economic study that was quoted in the Executive Committee indicated that retail prices were actually less in a franchise state. And I would suggest to you that you and I have heard lots of committee testimony in which, you know, an economist says one thing or the other and I understand that that could be questioned. What I find amazing to me, is that at not one step along this process, and I've been working on this since last year, and not one step along the process, have I seen any indicia, any statistic, from the opponents of this Bill suggesting that the monopoly of the distillers has lowered the prices. I've not seen any studies that suggest that in franchise states the price goes up. I've not seen anything that contests... the only economic study that I've seen, which says, 'Passage of this Bill is good for consumers.'"

Lyons, E.: "Again, if we're going to interfere with the free market system and protect a monopoly, I don't see how that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

can happen. I was in the committee as well, Representative, and what struck you was one thing, and what struck me is that the proponents of this Bill, not one proponent got up to the table in the committee to speak on behalf of this Bill. And so, I found that was telling in and of itself."

Ryder: "Representative, were you there in December?"

Lyons, E.: "Yes."

Ryder: "Okay. You are correct, I requested no one else other than myself at the table. In this year, for this Bill, I would suggest to you that there were ample proponents at the table who testified in favor of the Bill. And there were many more that we simply didn't have time to hear. So, there were ample proponents. The wine and spirits distributors were there and others, both on the wine and spirits part, as well as the soft drink part. So, in December they weren't at the table at my request because of a time factor. This year we had a full, a very full hearing and I appreciated the opportunity."

Lyons, E.: "Mr. Speaker. To the Bill."

Speaker Madigan: "Proceed, Representative Lyons."

Lyons, E.: "I'm opposed to House Bill 152. I think it's anti-free market. It provides protection against competition and discourages smaller family and minority-owned business. I see it as an anticonsumer Bill and would urge a 'no' vote."

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I belong to a law firm in the City of Chicago of 180 lawyers. And our law firm represents many bottlers throughout the State of Illinois, and therefore, I have a conflict of interest and I will be voting 'present'."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. Many of the... To the Bill. Many of the discussions we have down here, especially when we talk about free market policies, it's usually people on the other side of the aisle that are somewhat lecturing those of us on this side of the aisle about stepping on the toes of the free market. We had this discussion. Some of the previous speakers have spoken up about the monopoly status that we're granting these liquor distributors and I think that it is anti-capitalism. And as a person on this side of the aisle who tries to do whatever he can to believe in the free market, I would hope that all of us say these people do not deserve special protections. Capitalism means that you do your job, if you do it well they'll continue to deal with you. But it's up to the person who's hiring you as to whether they can continue that relationship or discontinue that relationship. It happens in every other industry and we shouldn't give this industry any special protections. The previous speakers, I think, have done a good job explaining that and I hope that everyone in here will vote 'no' on this. But there is one other thing, as well. Many times we talk about the single subject legislation in here and single subject is not only meaning that it has to pertain... The subject has to pertain the one part of the Bill to the other, it also, in the Supreme Court decision, talked about the fact that things can't be added to legislation in order to garner more votes. We see that the soft drink industry was amended into this Bill and I think that they have opened themselves up for a lawsuit because we can say that it didn't have enough votes to pass the Senate the last time. And by adding the soft drink industry to it, if it passes

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

this time, we could look at it as a violation of the Single Subject Rule. I would urge the Sponsor to take the soft drink industry out of it. I know he's not going to do that, but I would urge a 'no' vote today. And I think that we have to stand up for the little guy and not for the monopolies. They will still be there. If they're doing a good job for their distillers, they will be there, whether they're foreign or this country. Most of the people who've talked to me about this Bill are producers from this country, not from foreign industries. So thank you, and I would request a 'no' vote on this legislation."

Speaker Madigan: "Mr. Mautino. Excuse me, Mr. Mautino. The Chair recognizes Mr. Arthur Turner. Arthur Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I... would the Sponsor yield for a couple of questions?"

Speaker Madigan: "Sponsor yields."

Turner, A.: "Representative, it's my understanding and I've been informed that one of the safeguards in terms of the three-tiered system that as it currently exists, is that the collection of state revenues in terms of the taxes for both state, city and county government, that there is a process currently in place that is working fairly well, in terms of our ability to collect those taxes. If, in fact, this legislation is not passed, the impact from foreign distributors or those outside the state, in particular manufacturers outside the State of Illinois, what commitment or what problems do you foresee in terms of still collecting those dollars? Or do you foresee that being a problem?"

Ryder: "Representative, in the event that the three-tiered system that this legislation seeks to protect, goes without the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

protection, then we have a problem in that it is the middle tier, the distribution level, that is charged with the responsibility of the collection of those taxes and as a result, we could very well put in jeopardy those revenues. That's, that is a side effect to the Bill. I don't believe it's the major reason to support the Bill, but it is an important consequence of failure to support the Bill, Representative. And I think that if the manufacturers of distilled spirits were to seek to avoid this, the middle tier, to go around if you will, the distributor either by direct sale to individuals or otherwise, Internet, 1-800 numbers, et cetera, then we would have no ability to collect those fees and excise taxes."

Turner, A.: "Representative, as you know. To the Bill. This is a very complicated issue and one that certainly, I think, regardless to how Members vote, would probably feel that they're right or wrong. But it's that very concern, the concern of the loss of projected tax revenues at all levels, that concerns me. And it's for that reason, that I will rise in support of this particular legislation, because I think that guarding those dollars and watching over those dollars is something that's important to us and that we all benefit in the long run. And I urge an 'aye' vote on this Bill."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill has had a real interesting history as everyone knows. I don't think it was probably handled as well as it could have been on its first round. But the idea behind it is very, very basic. I am a distributor, rather a former distributor, of wine and spirits. No longer am I in that business, but I've probably have a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

better knowledge of this than anyone working under the dome, because that's what we did. What Mr. Ryder has so eloquently said, when you receive a notice of cancellation it doesn't require cause. And there's a reason that industries such as the alcohol industry for example, the beer distributors have the Fair Dealership Act. What it says under that Act and what this Bill really does, it says, 'If you're going to cancel me, tell me why. Give me 90 days to correct to your satisfaction. If I can't do that, then go ahead and terminate. But at that point pay me the fair market value. Pay me what the product's worth.' Why do we do that? Because I as a distributor, I hire people, buy equipment, and I build a market. I build a market by taking those products into a restaurant, by training their people how to sell. I give my best efforts because it's good for the supplier and it's good for the distributorship itself. And that's important, that relationship. Now, if I have gone out and done that and because one foreign-owned company bought another foreign-owned company, who has that product line inside my competitor's company, for him to call me on the telephone, as was my experience and say, 'You will no longer be our distributor we're going to give it to your competitor.' That seriously devalued the company because we had tremendous placement on those products and had built that market. So you can't actually just go out and pick up a new line of wine, a new line of whiskey. I mean, that's the real world. You're hearing a lot of red herrings. You heard out there Romano's are against this Bill. Romano's are not against this Bill. The distributors, they're sitting up in the gallery and they said 'no'. It may be on an outdated list that you have. But as far as the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

distributors go, you're taking a very highly regulated industry from people in Illinois who have created jobs. They work within your communities. And this says if you're going to devalue my business to where I can't replace it, then tell me why. Give me the opportunity to correct, or pay me the fair market value which is established by formula. Very simple, very straightforward, it was a good idea when my father tried to set it up in 1985 with very similar language. When I proposed this language in 1992, which also passed the House and now, what has happened in the meantime, is the industry further consolidated. I think when I did it in '92 there were 47 distributors. Now it's down to 12. These lines consolidated. When the Bill failed to pass the Senate last time, many of those 12 distributors lost their lines. That is the power that is there. And that's how their companies were devalued. Now, I understand the arguments on it and the Bill may not have been handled well as it came out. But the idea is no different than for the beer distributors or for the car dealerships. The argument that came forward and said 'that this is a big guys versus little guys.' Folks there are no little guys left in the State of Illinois. You are down to 12 distributors, where we used to have a hundred and they have investments in your community. So please keep that in mind. They're the ones who go out and support the communities. They hire the drivers. What we don't want to see is like a California or an Indiana where you end up with a monopoly, where you've got one or two distributors running all the products throughout the state. That's the real world. That's what happens in this industry. The other portion, to answer an earlier speaker, was that it is... this is something that will raise prices. Well,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

folks in that industry and my family's been in it since 1904, and I still have family who are in the distributorship, although I am not there now. When you go out to the market, the market controls the prices, period. If someone cannot get a bottle of 'CC' they are going to take a bottle of 'Seagram's 7'. And the retailer knows and understands that. His distributor today will be his distributor tomorrow. It's not going to force the price increase, it never has throughout this period of consolidation from a hundred down to 12. So you hear red herrings out there and the Bill was not handled well. But this is what it does in the real world. It says, 'If you're going to cripple my company by pulling lines that I have invested in people, in products, in equipment for no reason, tell me why. Give me the opportunity to correct it and if I can't do it to your satisfaction then pay me what that product is worth.' It's an interesting idea that has probably had too many people working on it, because if clearer heads prevailed on it, you would see that it protects the Illinois distributors and jobs and just provides a framework for fairness. Obviously, I support the Bill and would ask for 'aye' votes. And, I thank you."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. I would just like to correct the former speaker if I may. There is a Gentleman outside that is claiming that Romano Brothers is on this. I have a letter here dated February 9th, addressed to you from Romano Brothers that states that they are adamantly against this Bill. And I'm sorry to say this, but here is the letter. The Romano is not on board this legislation."

Speaker Madigan: "Representative, did you want to announce that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the Romano Brothers is located is in the 22nd Legislative District?"

Wojcik: "They're located in the 22nd Legislative District. Anything else, Speaker?"

Speaker Madigan: "All right. That's all. I think our last speaker will be Mr. Cross. Mr. Cross."

Cross: "Thanks, Mr. Speaker, and I'll keep it very brief 'cause I know we're... spent a lot of time on this. I think, Mr. Speaker and Ladies and Gentlemen of the chamber, this is a... the core issue here is one of fairness and it's a matter... and I want to speak a little bit about the soft drink industry 'cause I think others have addressed the distiller issue adequately. But when it comes to the soft drink issue it's a matter of fairness. And it's a matter of in-state companies, in-state bottlers that are all over the State of Illinois and our towns versus an out-of-state corporation in many instances, located as I said, in places not Illinois, whether it's New York, Atlanta, L.A., whatever the case may be. This is an issue of protecting the interests and the rights of Illinois businesses. They're our businesses. They're our people. They're our employees. I've heard several comments today about the issue of regulation and that we should stay out of the business of regulation. We, in the issue, are in the area of franchise agreements, whether between a McDonald's, the owners of McDonald's and the franchisee or whatever the case may be, and I don't single out McDonald's, are all under the control of the Illinois General Assembly and the Illinois Revised Statutes. We have a franchise disclosure agreement which under our current franchise disclosure agreement you cannot terminate a franchise agreement without good cause. It's a fairness issue as I said

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

earlier. You don't let someone hang out there and have the ability to terminate them without good cause. And that's the purpose of this Bill, House Bill 152, to create an element of good cause. I can tell you, as we sit here today, that the big companies that I've talked about a moment ago, that aren't located in the State of Illinois, are saying to the bottlers in the State of Illinois, 'If you don't follow what we want, lockstep, if you don't follow everything we do, and we don't like your response, we have the ability to terminate your contract without good cause.' And that has happened in the United States already. And there's some other cases in the early stages. Our bottlers here in Illinois are subject to that type of termination because they, at times, may not agree with the big companies. What happens if we don't pass this Bill? Well, there are bottlers and I will give you the list, everyone has their letters today. We have bottlers from Decatur, from Marion, from Rockford, from Quincy, from Rock Island, from Springfield, from Champaign, who literally employ hundreds of people, who have truck drivers, who have plant employees, who hire people to build their warehouses, who have truck drivers, who they buy from vendors throughout their marketed areas. If this Bill doesn't pass, can you imagine, potentially imagine, the ripple effect in a Marion, Illinois or a Springfield or a Champaign if 3 or 400 people lose their jobs? Just outright lose their jobs. And that can happen if a Pepsi or a Coke says, 'We don't like what you're doing. We're going to terminate your contract.' I find it kind of ironic that we spend, literally, hundreds if not millions of dollars to attract business to this state. DCCA spends, as I said, millions to get people to come to this state.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

This is a Bill that's going to keep people, keep bottlers, keep employees in this State of Illinois, instead of the potential of them leaving. This is I said, is an issue of fairness. It's one of leveling the playing field so one party doesn't have all the control and can literally, unilaterally, just take away your distributorship or your bottling plant 'cause they don't like you. I think this, as I said, it's fairness. And I would encourage a 'yes' vote. Thank you."

Speaker Madigan: "Mr. Ryder to close."

Ryder: "Thank you, Mr. Speaker. This is a complicated Bill. This is a complex area. There are strong opinions on all sides. I believe that most of us know how we're going to vote. But I suggest to you that in a highly regulated industry, it is important for us to maintain three tiers for the integrity of the industry, for the jobs in Illinois, for the maintenance of the revenue stream, but most importantly, so that we have confidence that when someone purchases a product they're doing it legally and paying the requisite amount of taxes for that. Voting in favor of this Bill will accomplish that goal. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 71 'ayes', and 39 'noes'. There had been a request for a verification which is now withdrawn. This Bill having received a Constitutional Majority is hereby declared passed. On page 55 of the Calendar, there appears House Bill 887, Mr. Boland. Mr.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk, read the Bill."

Clerk Rossi: "House Bill 887, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Boland: "Thank you, Mr. Speaker. I bring you, Ladies and Gentlemen, I bring you House Bill 887. It passed out of committee with no opposition. It amends the Election Code and deletes the requirement that a circulator of a petition to place a public question such as advisor referendum on the ballot, be registered to vote where the question is to be submitted. The person does have to, the circulator does have to be registered at all times that he or she circulated the petition."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Please record yourself. Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'ayes', 0 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. On page 57 of the Calendar, there appears House Bill 2187, Representative Krause. Is Representative Krause in the chamber? Here she comes. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2187, a Bill for an Act concerning Emergency Medical Services. Third Reading of this House Bill."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. This House Bill 2187 was heard in the Health Care Committee and was passed out unanimously. It brings back and we've had this before the proposal that on a... does not require a preauthorization

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

for emergency room access and does therefore apply the standard of the reasonably prudent person. And as I said, we had this legislation up previously. It passed the House and it is brought back again, I think a number of states have moved forward on it. I think the standard of the reasonably prudent person is an acceptable standard today and does meet the issue of... of the lack or the number of people not even being aware of needing preauthorization. This legislation makes it clear that if a reasonably prudent person believes that there is an onset of an emergency, that then in fact no preauthorization is needed and that the insurance, if it does cover emergency room, would therefore cover it in that instance. I'd be delighted to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative Krause, are you going to establish some fines in this if they don't comply?"

Krause: "There are some in the legislation, I think, that the Department, let me real quick, Representative, look..."

Parke: "Which Department will administer it?"

Krause: "It is the Department of Insurance and I'm looking real quick on that issue, because it is covered in the legislation as to what occurs. Let me see if I can find it real quick."

Parke: "I'm sorry, Representative, I didn't hear her answer can..."

Krause: "I said what I'd like to do is look at the legislation real quick and see if I can find that section."

Parke: "Okay, I will wait."

Krause: "The Department may impose an administrative fine for a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

violation for the fine of \$5,000 per violation."

Parke: "Does this apply to the CHIP Board or the Department of Public Aid?"

Krause: "That's correct."

Parke: "So under your legislation we're gonna have one state agency fining another state agency is that correct?"

Krause: "Well, I think though if you look at the basis for the legislation, the legislation is important and there should be compliance, Representative. I don't think that's out of the ordinary."

Parke: "Does this require some kind of an establishment of a database?"

Krause: "Not that I'm aware of, are you referring to a particular section?"

Parke: "Yeah, it says 'it might be difficult to provide that a provider did not have access to the persons responsible for authorizing coverage for the post emergency...'"

Krause: "Could you just reference to me the section that you are reading from?"

Parke: "Say that again."

Krause: "Could you reference the section you are reading from?"

Parke: "It's in the staff analysis. It says that they may have to develop some data and therefore the agency may require to create a database, so they can check to make sure that they are in compliance with this Bill."

Krause: "I think probably because it hasn't been established that was the person who did the analysis, looking at it from that point, as to how to cover it."

Parke: "Let me ask you another question. Does this apply to self insured plans?"

Krause: "It is silent as far as that, but based upon the current law, it would not. But it does not specifically..."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Parke: : "So it really would not apply to self insured?"

Krause: "Based upon where we are today, Representative, it would not. There are court cases that are changing that, but I would have to say that based currently it would not."

Parke: "Does this apply to ERISA Plans?"

Krause: "Again, it's silent on that issue. There have been court cases in the Seventh Circuit that are changing it, but at this current time, I don't know if I could give you an answer, but it does not specifically state."

Parke: "So again, this legislation only applies on small businesses. It can only apply to the small business."

Krause: "Well, Representative, wouldn't it be similar to your legislation that you presented before the Health Care Committee that had the provision in there that provided for no requirement for preauthorization for emergency room that was similar to your legislation?"

Parke: "I'm not talking about my legislation, I'm talking about your legislation."

Krause: "But I am saying, Sir, is that your legislation had the same provisions which you supported at that time."

Parke: "Well, but my concern is again, this is somewhat, sometimes, might be considered punitive. I don't think my legislation was, but of course, that's my legislation. So let's stay with yours. Central Management Services, are they opposed to this legislation?"

Krause: "They did indicate that they were."

Parke: "Do we have any idea why?"

Krause: "I do not know, because they did not appear at committee and they did not submit anything in writing."

Parke: "Well, does that have an immediate effective date?"

Krause: "This legislation does."

Parke: "Well, do you think that their concern might be that they

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

may have to renegotiate their contracts?"

Krause: "No, it could not be, because I read that in the analysis. But again, I think that was the individual's writing and interpretation, I do not think that any law can be written to change an existing contract."

Parke: "But if the law says you've gonna... it's an immediate effective date and the law says you're gonna have to comply. Don't they have to comply? Can't you take them to court?"

Krause: "No, no you cannot, I don't care what type of law it is. You cannot pass laws that then interfere with pri... contracts that are out there. When the contract ends, then these provisions go forth."

Parke: "Thank you Mr... Madam Sponsor. To the Bill. Mr. Speaker, Members of the General Assembly, again, this is another punitive Bill on the backs of small business. I don't know how many we're gonna pass out of here. We'll probably pass this one out. I mean, I don't know how many more anti small business, small business that creates the jobs in this state. We're spending millions of dollars through DCCA, through other state agencies to provide and encourage businesses to come into this state. If we continue to pass this kind of legislation, the message that's gonna be sent to people in surrounding states is why bother coming to Illinois, the cost of doing business is gonna be prohibitive. You look at our high worker's comp. rates, our high unemployment rates that go up every year, regardless of what we do they just keep going up. Our tax base and now all of these mandates that we are putting on the backs of small businesses. I rise in opposition and ask you, and I hope someday that this... these vultures that we are putting out do not come home to roost."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Madigan: "Representative Krause to close."

Krause: "Thank you, Mr. Speaker. I ask consideration for support of this Bill and for a 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 102 'ayes', 13 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. For what purpose does Mr. Fritchey seek recognition?"

Fritchey: "Thank you, Speaker. I just wanna apprise the Speaker that if my colleague, Representative Stroger, was here, I'm sure that he would have noticed that his 'yes' light isn't working and I'm sure that he would request that an engineer come over. So if they could do that it would be appreciated."

Speaker Madigan: "Representative Younge."

Younge: "Yes, thank you, Mr. Speaker. I would have voted 'yes' had my light been working."

Speaker Madigan: "Mr. Clerk, did you hear these matters? On page 54 of the Calendar, there appears House Bill 571, Mr. Delgado. Mr. Clerk, read the Bill. Mr. Hartke in the Chair."

Clerk Rossi: "House Bill 571, a Bill for an Act concerning derelict vacant buildings. Third Reading of this House Bill."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker. At this stage, we'll have to take it back to Second Reading. We're waiting on an Amendment, a technical Amendment that staff is bringing down and we would recall it at that time."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "Mr. Clerk, place this Bill on Second Reading.

On page 52 of the Calendar, appears House Bill 80, Representative O'Connor. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 80, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of this House Bill."

O'Connor: "Thank you, Mr. Speaker, Members of the House. House Bill 80 would expand the Merit Scholarship Program. We have been basically... that program has been underfunded in past years. We would like to expand this to basically double the access for Illinois students. The program basically allows for a one time \$1,000 scholarship to students that have... are at the 95th percentile in recog... in terms of grade point average in their high school graduating class. We are in the process of negotiating with the Governor's Office on the level of funding. But we would like to proceed with this legislation, in order to expand the accessibility from 95 percentile to 90. We think it's a good Bill to the extent that the funding is inadequate from the Governor's perspective we will then... we will attempt to amend it... in the Senate. Thanks, and I'd be glad to answer any questions."

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

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

Speaker Hartke: "He indicates he will."

Fritchey: "Representative, does this Bill take... do these scholarships take into account financial need?"

O'Connor: "Take into..."

Fritchey: "Do they take into account financial need?"

O'Connor: "No they, no they don't. It's a Merit Scholarship

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Program based upon academic performance."

Fritchey: "So if this... so, if somebody, a child in the 90 or a student in the 92nd percentile from a very wealthy family may qualify for this scholarship, while a child in the 89th percentile from a needy family would not be eligible is that correct?"

O'Connor: "That's correct."

Fritchey: "Do you see an inequity in that?"

O'Connor: "Existing law provides for this, all we're doing is extending the available pool. If it's inequitable now, it would be inequitable under my proposed change. But what we are doing is expanding the accessibility for all Illinois students, so that in your example, the needy child who's at the 92nd percentile would, in fact, gain access to this program whereas under existing law, he would not."

Fritchey: "All right. Thank you."

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

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

Speaker Hartke: "He indicates he will."

Slone: "Thank you. Representative O'Connor, is there any requirement that the students have any particular test scores on the ACT or the SAT in order to qualify, or is this purely on grade point average?"

O'Connor: "Representative Slone, there are two criteria for eligibility. In educational institutions which are recognized by the State Board of Education, the sole criterion is a grade point average percentile. In nonrecognized, which are basically nontraditional sorts of educational institutions or as situations I should say like home schooling, then the ACT score is recognized as a criterion for gaining the scholarship. So, in that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

instance, ACT scores are the sole determinant for the scholarship."

Slone: "But if I understand you correctly, they're not included in the criteria for students that are in, say a public school? Is that right?"

O'Connor: "As far as ACT scores go?"

Slone: "Right."

O'Connor: "That's correct."

Slone: "Just the grade point?"

O'Connor: "Just the grade point."

Slone: "Thank you."

O'Connor: "And that I may... if I may add, that's part of the existing law."

Slone: "Thank you."

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

Erwin: "Thank you, Speaker. I just rise in strong support of House Bill 80. I actually had a Bill that was more generous, but probably less realistic financially for the state. I know that Representative O'Connor and in fact, Members of the Higher Education Committee are happy to work on a plan that will make sure that the revenue is there from year to year. I think the fact that Illinois should be very proud that we have the second most generous needs based scholarship in the United States. The Monetary Award Program students can receive up to \$4320 a year on a needs-based formula. I think that is we should be very very proud of that. Knowing that we do such a good job on needs-based, though, there is no reason why we cannot begin fully funding or better funding a performance-based scholarship. We all ought to be encouraging college students and high school students to excel. I will confess

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

to you that I have two nephews on the Hope Scholarship in Georgia. To get a Hope Scholarship you have to maintain a 3.0 average. I'll tell you what, both of them are maintaining 3.0 averages. It's a huge incentive when you know you're gonna get free tuition and fees. So I think it's high time we put more state revenue in a performance-based scholarship and I applaud Representative O'Connor for moving this Bill forward."

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

Wirsing: "Thank you, Mr. Speaker. I also stand in total support of this Bill and want to let the Members here know that how hard Representative O'Connor has worked to maneuver this Bill and make sure that all things were correct in it so that it did exactly what it said it's going to do. And I needed... just simply wanted to stand in strong support of the Bill."

Speaker Hartke: "Representative O'Connor to close."

O'Connor: "I think that this is a worthy program. I think that the Illinois General Assembly has recognized in the past that it's a worthy program. It sends the message to Illinois students and parents who are struggling to get the highest quality academic performance from their children that the state is with them. And I strongly urge a 'yes' vote."

Speaker Hartke: "The question is, 'Shall House Bill 80 pass?' 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 80, there were 113 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill having received a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Constitutional Majority is hereby declared passed. On page 55 of the Calendar, appears House Bill 860, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 860, a Bill for an Act concerning local government. Third Reading of this House Bill."

Giglio: "Thank you, Mr. Speaker and Members of the House. I bring before you House Bill 860. It was amended in committee to address some concerns that actually... that I had to keep it uniform with the Code. And I know of no opposition. I'd ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 860 pass?' 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 860 there were 117 Members voting 'yes', 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 54 of the Calendar, appears House Bill 504, Representative Pankau. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 504, a Bill for an Act to amend the Mechanics Lien Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Pankau."

Pankau: "House Bill 504 adds leased equipment to the Mechanics Lien Act. This Bill came from two separate avenues. In fact, Representative... what's his name? Anyway, my Bill came from a constituent who was concerned about adding... he has a business that produces construction equipment where the where the lights are on the barricades. And Representative Lang had a similar Bill that came from the industry itself. We put the two Bills together and this is

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the product of putting the two Bills together. And I ask you for your favorable approval. And it was Representative Lang that I was trying to remember. Thank you."

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: "The Sponsor yields."

Black: "Representative, what position would these purveyors of construction equipment occupy in the lien priority?"

Pankau: "The same as others in the lien priority."

Black: "They're gonna have a first position, a second position, third position, where are they going to be in the rankings of the lien? Are they going to be above the mortgage holder?"

Pankau: "No, they would not be above the mortgage holder and in fact they would have to sign a waiver to that effect, which was the concern of Chicago Title."

Black: "Would they would they rank above..."

Pankau: "But they would have equal status with the general contractor et cetera, et cetera."

Black: "Would they rank above a contractor who has put value into the project?"

Pankau: "No, they would rank equally with a contractor who has put value into the project."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House. To the Bill."

Speaker Hartke: "To the Bill."

Black: "I have no interest in my family business financial, but I certainly have an interest in that business having grown up in it, watched my grandfather, my father, and now my brother run a relatively small heating and air conditioning

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

business in the State of Illinois. And what you have here today, is a Bill brought largely to this Body by the purveyors and renters of highway barricades, the big orange barrels that you see or the wooden horses as we used to call them with a light on them that flash, because many of those are hit by cars and the contractor doesn't always return them in the same condition. And that needs to be worked out, there isn't any question about that. My opposition to this Bill is based on the fact that I don't think you need to work it out by amending the Mechanics Lien Law. Historically, the Mechanics Lien Law has protected those people who bring value to a job, that when my brother leaves a job, he has installed a furnace or an air conditioning unit that brings value to that commercial or residential property. And therefore, his lien rights should not be on the same plain as someone who rents equipment to a job, who brings no value to the job. Now, I'm not saying that the purveyors of this equipment don't need some recourse, because obviously, what they are bringing to a highway project often are hit and damaged by vehicles and sometimes the contractor, quite frankly, is very careless about making sure that they get them back. And it can be addressed, and I would be more than willing to work with the Sponsor to address that. But I would urge the Members of this Body, don't address it by amending the Mechanics Lien Law in the State of Illinois. The Mechanics Lien Law in Illinois is already a hodgepodge. It already, for all practical purposes, doesn't guarantee anyone but the mortgage holder a position should the property default. And that's something that we've tried to correct for the last three or four years and we have not had much success in doing that. I take no pleasure in opposing the Bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

I'm only telling you that I've been alive 57 years, and I grew up in an environment that I thoroughly enjoyed and thoroughly loved, and it isn't fair for my brother to be out \$5 to \$10 thousand his cost to put in a heating or air conditioning unit in a commercial or residential building. The owner of said building doesn't pay and his lien rights are on the same plane as someone who rented a construction barricade to a highway contractor. That isn't fair. It goes against what the Mechanics Lien Law is supposed to be in Illinois and I would urge a 'no' vote."

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

Giglio: "Would the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Giglio: "Representative Pankau, can these individuals not file liens, currently?"

Pankau: "Not for leased equipment. Equipment that is directly used in the construction, yes, but not for leased equipment. In other words, the contractor would have to purchase the equipment from them to be able to go into the Lien Act. This allows leased equipment, also. And it also applies to heavy equipment, also, not just construction barricades."

Giglio: "So the... let's assume that it's a road project and there's... it goes on for six, eight, twelve months and there's literally \$35, \$40,000 worth of barricade rentals and the general contractor is not getting paid. And the subcontractor who rented these barricades now, their... the barricade rental company is threatening to sue. They cannot file a lien, currently. Is that correct?"

Pankau: "That is correct. This Bill would allow them to be able to access the Mechanics Lien Act which they cannot do at

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

all right now."

Giglio: "Why can't they do it under the existing law?"

Pankau: "Because it's not in there. Only purchased equipment is in there, not leased equipment."

Giglio: "So, what currently happens then, if they're not getting paid? What is their recourse, the barricades companies' recourse for collecting their funds now?"

Pankau: "They just have to eat the losses."

Giglio: "Thank you. To the Bill."

Speaker Hartke: "To the Bill."

Giglio: "I appreciate that the law could be construed as unclear, because the law explicitly says 'labor and materials'. It does not say rented equipment. It does not say heavy equipment, but my fear, at the risk of standing next to Representative Black, my fear is that this hodgepodge Mechanics Lien Law will get even worse and when we start piecemealin' it and adding in provisions for leased equipment and then for heavy equipment and then for rented equipment. It won't be long before we add in to make sure that attorneys get covered or insurance agents get covered or bankers get covered, specific industries. And I would question that the the rental companies cannot currently file a lien under the Act, assuming that all the other conditions would be met. Thank you."

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

Scully: "Thank you, Mr. Speaker. Will the..."

Speaker Hartke: "She indicates she will."

Scully: "Representative, how is a homeowner protect... to protect himself or herself from these kinds of liens being imposed? If I were to put an addition on my house, under the current Mechanics Lien Laws the general contractor is required to

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

provide me with a list of the subcontractors. How would... and then I would know have the duty to make sure that these people are paid? How is the homeowner to protect themselves in this case?"

Pankau: "This would have nothing to do with the homeowner. This has to do with major construction projects."

Scully: "Where in your Bill is it limited to construction projects, major construction projects, as you stated?"

Pankau: "Because it comes under the Section with the Public Construction Bond Act, which has nothing to do with homeowners. It's the Section in which this is placed."

Speaker Hartke: "Mr. Scully are you..."

Scully: "Representative, I see it being an Amendment to Section 60-1, which is a general definition."

Pankau: "I'm sorry Repre... I see 30ILCS550-1, I don't know if that's the same Section that you are referring to or not."

Scully: "Are you referring to the Bill or the Amendment?"

Pankau: "I'm referring to the Amendment which becomes the Bill."

Scully: "Thank you. Representative, you stated earlier that these contractors who lease this equipment, presently have no recourse."

Pankau: "That is... under the Mechanics Lien Act they have no recourse."

Scully: "Okay, do they have recourse to the court system like any other creditors?"

Pankau: "You know what, Representative, I really don't know. I didn't ask that question."

Scully: "I'm sure that they do have recourse to the court system. That system that they presently use along with any other creditors. They simply don't have lien rights until after their claim is adjudicated."

Pankau: "I really don't know, Representative. I can't answer

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

that question."

Scully: "Thank you. To the Bill. To the Bill."

Speaker Hartke: "To the Bill."

Scully: "I ask for a 'no' vote on this Bill. I can only reiterate the comments that were made by Representative Black, that and Representative Giglio from the 79th District, regarding the integrity of the rights of those mechanics and contractors who add value to a piece of property and that added value is the lien right that is protected by the Mechanics Lien. It is a priority that mechanics and contractors who add value do deserve and I ask for a 'no' vote on this Bill. Thank you."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentleman. Notwithstanding the fact that the Sponsor forgot my name earlier, I think she's got a good Bill here. And rather than belabor that, she's got a good Bill, you ought to vote for it."

Speaker Hartke: "Representative Pankau to close."

Pankau: "With all due respect to those that have spoken in opposition, the people who lease this heavy equipment under this construction bond section feel that they do bring value. And at this moment in time, they don't have any recourse. This gives them another opportunity and I ask you for a favorable vote."

Speaker Hartke: "The question is, 'Shall House Bill 504 pass?' All those in favor will signify by voting 'aye'; 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 this Bill, there are 36 Members voting 'yes', 75 Members voting 'no', 6 Members

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

voting 'present'. And this Bill having failed to receive a Constitutional Majority is hereby declared lost. On page 53 of the Calendar, appears House Bill 2... for what reason does Representative Black rise?"

Black: "Mr. Speaker, point of personal privilege, if I might."

Speaker Hartke: "State your point."

Black: "I had filed a Motion to reconsider the vote by which House Bill 887 passed, 5 or 10 minutes ago, passed out unanimously. I've talked to the Sponsor, Representative Boland, I will withdraw my Motion to reconsider but I would like the record to reflect that had I not been out talking to constituents, about really important matters too, as I recall, I would have recorded a resounding 'no' vote on 887. And I'll reserve judgement until the Bill goes to the Senate. But I'll withdraw my Motion to reconsider."

Speaker Hartke: "Thank you. On page 55 of the Calendar, appears House Bill 254, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 254, a Bill for an Act to amend the Wildlife Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a cleanup Bill from last year. We passed a Bill setting up a probation situation on a... on arrest on poaching and selling of big game horns and things like that. And Representative John Turner, and Representative Mary Kay O'Brien helped with the Bill in setting up the legal language for the probation. This Bill sets up now cleaning up the language dealing with people that has... licenses have been revoked and their situation of not being able to go out and be in a hunting party and a hunting activity when they have, in fact, had their license

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

revoked. And also, it sets up a situation where we're gonna try to share information with other states around us dealing with who is suspended and there is not very many of those people by the way. There is only 20 or so a year that have their licenses revoked and we only carry about 120 on the books now on whose licenses are revoked. The problem with this is that people in Iowa or Indiana will have a license revoked and instead of stopping their activity they will go to another state and get a license and continue their poaching activities. So, I'd ask for your support on House Bill 254."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Joe Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Mr. Speaker), Ladies and Gentlemen of the House. I rise in support of this Bill. I think that the Sponsor has explained it very well. If we're to keep reliable people in the business of providing outfitters and guides and so on. They should have a reputable reputation and this may seek to do that. I urge a 'yes' vote."

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

Brunsvold: "I'd ask for your support."

Speaker Hartke: "The question is, 'Shall House Bill 254 pass?' 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 254 there are 115 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 55 of the Calendar, appears House Bill 779, Representative

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Tenhouse. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 779, a Bill for an Act to amend the Franchise Disclosure Act of 1987. Third Reading of this House Bill."

Speaker Hartke: "Representative Tenhouse."

Tenhouse: "Ladies... Mr. Speaker, Ladies and Gentlemen of the House. House Bill 779 deals with a problem that came about as a result of John Deere having a problem. I guess what it really related to was the provisions of the Franchise Disclosure Act of 1987. And really this provides that the Act does not apply to retailers or to wholesalers, manufacturers or distributors as defined in the Illinois Equipment and Fair Dealership Law."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 779 pass?' 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 House Bill 779 there are 115 Members voting 'yes', 0 voting 'no' or 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 54 of the Calendar, appears House Bill 530, Mr. Fritchey. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 530, a Bill for an Act relating to political solicitations and contributions. Third Reading of this House Bill."

Speaker Hartke: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. House Bill 530 had debate on the floor before, changes were made after discussions with some of my colleagues on the other side of the aisle. We clarified some of the language. What the Bill now does in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

correct form is prohibit individuals who have the ability to inspect and enforce state or federal regulations from soliciting campaign contributions on behalf of candidates or committees. I'd be happy to answer any questions on that."

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, this was the Bill you were kind enough to pull out of the record earlier, I believe. Is that right?"

Fritchey: "That's correct."

Black: "And you... and the.... Floor Amendment #1 is now on the Bill?"

Fritchey: "Yes, Sir."

Black: "So you're clearing up the concerns that we had about the definition of a public officer?"

Fritchey: "Some concerns were raised and they were very valid concerns. And I met with your esteemed counsel over there and some of your colleagues and we clarified that, so it now, it has exempted and taken out public officers that were first public employees. And while previously it said that their duties were to 'inspect or investigate or enforce', it is now 'investigate or inspect and enforce'. And it's that enforcement trigger which gave everybody the comfort level that it's applying..."

Black: "Okay."

Fritchey: "...to just those individuals you want."

Black: "So it clearly specifies that only a public employee who has some ability to investigate, inspect and/or enforce would be covered under this?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Fritchey: "Correct. Not 'or', 'and' enforce."

Black: "'And enforce'."

Fritchey: "Correct."

Black: "So an employee of our district office who is out to lunch, maybe the owner came by and said, 'How are things going?' They said, 'By the way, we have a barbecue next Saturday', that would not put our employee at any risk."

Fritchey: "Correct. My belief now is that we have a consensus that the way it's worded now would not apply to any of ourselves, to any of our staff, et cetera."

Black: "All right. Representative, thank you. We appreciate the fact you're willing to work on this and appreciate the effort you've put in clearing up any misconception that might exist. Thank you."

Fritchey: "Thank you."

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

Fritchey: "I respectfully request an 'aye' vote on this Bill. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 530 pass?' 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 530 there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Gentleman from Cook, Representative Harris, rise?"

Harris: "I'm trying to record a 'yes' vote on that last Bill, but my light's not working properly."

Speaker Hartke: "The Journal will so reflect. Representative Murphy."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Murphy: "Would you please send the electrician back here? The switch. We're having problems with my switch here."

Speaker Hartke: "There seems to be a problem. Will the electrician please go to Representative Harris and Representative Murphy's desks. Representative McAuliffe. On page 57 of the Calendar, appears House Bill 2125, Representative Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2125, a Bill for an Act concerning construction bonds. Third Reading of this House Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. This is an initiative from the Illinois Home Builders Association, which is an Amendment to the County and Municipal Government Code. What this does, it will remove the requirement of a cash bond to be used for a person who seeks the approval of a map, plat or subdivision when an irrevocable letter of credit, surety bond or letter of commitment has already been forwarded. This will put this in conjunction with the Municipal Code, which basically does not require the cash bond if there is the other types of a surety which I previously mentioned in this legislation. There's no opposition to this Bill. I'm willing to entertain any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 2125 pass?' 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 2125 there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

55 of the Calendar, appears House Bill 720, Representative Lyons. Joe Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 720, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 720 is last year's House Bill 2633, which I ran last spring. Passed out of here with about 105 votes, was not called in the Senate. Basically, what it asked to do was to make the speeding of a vehicle, by going over 40 miles of the posted speed limit, as prima facie evidence of reckless driving. This... the background on this Bill, as it came to me, being part of a public forum where the highest speeding ticket written in 1997 was for 135 miles an hour, and all that could be written for that was a speeding ticket. Currently, any person found speeding more than 30 miles an hour shall have a minimum bail amount of \$105, make a mandatory court appearance and be subject to a petty offense of a fine up to a thousand. This puts a little bit more teeth into somebody who is recklessly driving at a speed that is not just by chance, but wanton and willful. So it takes somebody going down an Interstate with a 65 mile an hour speed limit, doing 105 miles an hour, or somebody driving Monroe or College, a 30 mile an hour residential posted speed limit or any street in our home towns of 30 miles an hour, going 70 miles an hour. So this gives a little more teeth to the different police organizations across the state who would like to have a little more bite into an excessive speeding Bill. I certainly ask for your favorable consideration on this. We did discuss it last spring. I'll be happy to answer any questions."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

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

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

Speaker Hartke: "The Sponsor will yield."

Durkin: "Happy St. Patrick's Day, Representative Lyons."

Lyons, J.: "Thank you, Representative Durkin. You, too."

Durkin: "One quick question. Is there a necessity defense, perhaps, that would apply to this type of a.... We're making it, first of all, if you do drive over 40 miles an hour that you have met the elements of your case if someone's prosecuted for reckless driving. Is there... sometimes there are cases where there is a necessity in which there is a requirement for someone in an emergency situation, perhaps, to bring your wife to the hospital. I mean, would that be something which you are trying to, someone who would be... Arguably they're over the limit. They're in a 20 mile an hour speed limit and... but the thing is, there's an emergency and they've got to get to the hospital. Would this person still be convicted? Would he still... would he be able to avail himself to a necessity defense?"

Lyons, J.: "Representative Durkin, I would hope that a judge, realizing it was a medical emergency, would probably allow for some circumstance like that. In this Bill, this is... merely mentions that if you're doing 40 miles over the speed limit, you will get a ticket. You may be eligible for a ticket for a prima facie... at the face value that you were going 40 over the speed limit to get a reckless driving citation. So I don't think this takes away from a judge's discretion to... under the circumstances your wife is having a baby, there's a medical emergency, that something like that could not be dealt with at the court

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

level."

Durkin: "I just want to make sure that someone is not precluded from... be able to assert a necessity defense through this. Because what we're doing, we're making a big leap. We're making it prima facie evidence, basically saying that the elements have already been met and the case has already been proven. So there's not much that the state has to do. Will this apply to every roadway? I mean, is this highways or where... or is it any street in the State of Illinois?"

Lyons, J.: "Yeah, I reworded it last year, Representative, so it satisfied the local ordinances that may be written. So it not only does the statewide level, but also to local police department ordinances, or local ordinances at a county or municipal level."

Durkin: "Okay. Well, thank you very much and thanks again for the corn beef sandwiches, yesterday."

Lyons, J.: "You're welcome, Representative."

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 rise in opposition to the Bill. I opposed it last year. I oppose it this year. What this Bill does, quite simply, is it says, 'Anyone going more than 40 miles an hour over the speed limit, that's prima facie evidence of reckless driving', which can carry a jail term. As far as I'm concerned, in reading the Bill, it removes the discretion from the judge and then puts an affirmative burden on the driver, the defendant, to disprove the fact that I may have been driving recklessly. If I understand the Vehicle Code correctly, I can be charged with reckless driving, driving 30 miles an hour. Depends on how I'm driving. What this says, is quite frankly, it doesn't make

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

any difference. I may be driving under perfect control on a road that doesn't have anybody else on the road, under dry conditions, optimum light, but if I'm 40 miles an hour over the speed limit, I'm prima facie guilty of reckless driving. Let me just add to what Representative Durkin said. Unfortunately, in my life I've had some serious health problems. And I know, when I had a serious attack at home some years ago, my wife... the speed limit then on the Interstate was 55 miles an hour. My wife helped me into the family vehicle and according to what she told me, I don't know, I wasn't conscious during the ride, took me 30 miles to Carle Memorial Hospital in Urbana where there's a Level One Trauma Center. And they, in fact, saved my life to the undying animosity of many people, I'm sure, but they saved my life. After I recovered I asked my wife how fast she was able to travel from Danville to Urbana on I-74, and she told me that the speed... the speedometer in our car was 120 and it was pegged at 120 and she may have been going faster than that, but she didn't know. So did the speed save my life? I don't know. Perhaps so. Did it endanger somebody else on the highway? It may have. But under this Bill, as I read it, it wouldn't have made any difference had she been... and of course she did everything in the world to try and attract the attention of a police officer so that she could get a police escort to the hospital, but as the old saw goes, when you want a police officer, one cannot be found. I can understand the Sponsor's support of this legislation. Generally speaking, I would agree that anyone going in excess of...40 miles in excess of 65 miles an hour, would certainly most likely be guilty of reckless driving. But as I understand the Bill, it doesn't say, 'Would most likely be found guilty', it

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

says, 'I'm guilty unless I can prove affirmatively that I, in fact, was not driving recklessly.' If I'm found guilty it's a Class A misdemeanor, up to one year in jail. There is no exclusion in this Bill for what my wife and I went through at a high rate of speed. And while that's only happened once in my life, I would hope that we not be willing to put somebody in jail for that kind of an action. I think the Bill needs a little work to satisfy my concerns with the Bill. And again, the easy thing to do on this Bill would be to sit down, shut up and vote 'yes'. But having been in a situation where I can see some major problems would occur if this Bill had been law at the time, I must... feel duty bound to vote 'no'."

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

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

Speaker Hartke: "He indicates he will."

Scott: "Representative, just following up on what Representative Durkin said. Like with any other criminal offense, there's the ability of a defendant to raise a necessity defense. This.... Your Bill doesn't take that out like it is in any other criminal case. Right?"

Lyons, J.: "I don't believe so, Representative, no."

Scott: "So in the instance that Representative Black just put forth, and I'm sure we all can sympathize and empathize with that, that not only would you... would the person have the ability to make the... first of all, be proven that they were driving that fast, but then the necessity defense could also come in as an affirmative defense in that case."

Lyons, J.: "I would hope so, absolutely."

Scott: "Yeah, and I would... I couldn't imagine that that defense not being successful in that particular case. And not to

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

mention the fact that a police officer's still got some discretion, actually, on the street in terms... you don't mandate that they actually make an arrest in that case, either."

Lyons, J.: "Correct. And I would hope that would be the case. If somebody were to get pulled over for doing that speed for those reasons, I would certainly hope discretion would dictate and they would not be given a ticket for a medical emergency."

Scott: "All right, thank you. And very briefly to the Bill, Mr. Speaker. This was a good Bill last year, it's a good Bill again. Having been a traffic prosecutor for a couple of years, I, like Representative Black, it's very difficult to think of an instance where somebody could possibly be driving 40 miles over a posted speed limit and have it not be a reckless act that puts people in danger. And speed being absolutely one of the major major causes of death and injury on traffic violations, this Bill makes a lot of good sense. It doesn't destroy the necessity defense that's already out there in the statutes for the cases like Representative Black was talking about. It's a good Bill and deserves our support."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, just to follow up real briefly on what Representative Scott says. First of all this has nothing at all. Your Bill has nothing at all to do with the necessity defense. Doesn't mention it. It still would be available in the case of Representative Black's emergency. Is that correct?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Lyons, J.: "Start the beginning of your question, Jay. I'm sorry."

Hoffman: "Just to follow up on Representative Scott's point. Representative Black's situation would not be affected. In other words, the necessity defense that it was necessary for him to get to the hospital is not affected by your Bill. Your Bill simply deals with the issue of reckless driving and speed. It does not at all address the necessity defense. That still would be available. Is that correct?"

Lyons, J.: "Correct."

Hoffman: "And, secondly, there was an issue with regard to taking away the discretion of a judge. All this is doing is talking about shifting the burden by placing... making this a prima facie case. In other words, the judge would still have discretion to rule in favor of a defendant if indeed, it is shown that this was not reckless in any way and if indeed, it was later shown that it was a necessity out of a medical emergency, or what have you, that they were going 40 miles over the speed limit. Is that right?"

Lyons, J.: "Correct. I would certainly hope so, Representative."

Hoffman: "And I think that... I think based on those answers the issues that were previously raised, really I understand the concerns. And with empathy to Representative Black, I understand his concerns. But I think that the Bill addresses it and is not effective and those defenses still remain and those safeguards still remain. So I'd ask for an 'aye' vote."

Speaker Hartke: "Representative Lyons to close."

Lyons, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen, this was a good Bill last year. We did receive a hundred and some votes on it. I would ask for your favorable request

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

again this year. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 720 pass?' All those in favor will signify by voting 'aye'; 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 720 there are 103 Members voting 'yes', 10 Members voting 'no' and 3 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 53 of the Calendar, appears House Bill 287, Representative Tenhouse. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 287, a Bill for an Act to amend the Public Utilities Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Tenhouse."

Tenhouse: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 287, as amended, really just calls for an affordable rural telecommunications service program design group. But really, realistically, what's going to happen with this is that we're going to send the Bill over to the Senate, we hope, and deal with the questions as far as universal telecommunications service and how it impacts on small independent telephone companies, or small rural telephone companies. And that's the intention of the Bill and I'd certainly encourage all the Members to support this action."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 287 pass?' All those in favor will signify by voting 'yes'; those opposed voting '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 287, there are 116 Members voting 'yes', 0 voting 'no' and 0

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 52 of the Calendar, appears House Bill 61, Representative Flowers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 61, a Bill for an Act concerning insurance coverage for pregnancy prevention. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 61 merely says that if an insurance company is going to cover medication for impotency, they should also cover medication for the prevention of pregnancy. And I move for the passage of House Bill 61."

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

Parke: "I would like the Body.... Thank you, Mr. Speaker. I'd like the Body to remember my speeches earlier today, yesterday, last week. So, therefore, I stand in opposition."

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

Flowers: "Please pass it. Thank you."

Speaker Hartke: "Question is, 'Shall House Bill 61 pass?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 71 Members voting 'yes', 41 Members voting 'no', 5 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 55 of the Calendar, appears House Bill 811, Representative Gash. Mr. Clerk, take that Bill out of the record. On

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

page 50 of the Calendar, on Second Reading, appears House Bill 2708, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2708. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 9 of the Calendar, appears House Bill 492, Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 492, a Bill for an Act to amend the Veterans Burial Places Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 54 of the Calendar, appears House Bill 517, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 517, a Bill for an Act to amend the Illinois Violence Prevention Act of 1995. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Violence Prevention Commission is a joint arrangement between the Department of Public Health and the Attorney General. The majority of this Bill is cleanup language, although it does add some members. It came out of committee without opposition. I would like to state for the record that the Secretary of State of Illinois has contacted me indicating he would like to be a member of this commission. I've agreed to do that. So I fully expect and would request the Senate Sponsor to add the Secretary of State as a commission member so that the Secretary of State can do that, and then we'll vote on that when it comes back to the House."

Speaker Hartke: "Is there any discussion? Seeing that no one's

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

seeking recognition the question is, 'Shall House Bill 517 pass?' All those in favor will signify by voting 'aye'; those opposed by voting '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 517 there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 57 on the Calendar, appears House Bill 2044, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2044, a Bill for an Act to amend the Fire Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The general law in Illinois is that when a area of real estate is removed from one district, be it fire, city, other kinds of municipal districts, that the proportionate share of bonded indebtedness for that particular area travels with the piece of real estate. That is the general law for everything except fire protection districts. The purpose of this legislation is to make it apply equally to fire protection districts."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition the question is, 'Shall House Bill 2044 pass?' All those in favor will signify by voting 'aye'; those opposed by voting '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 2044 there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 58 of the Calendar appears

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

House Bill 2640, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2640, a Bill for an Act regarding radiation protection. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I should indicate that this Bill deals with the Radiation Protection Act which regulates and charges fees for those folks who have devices. Many of us think of the nuclear power plants, and obviously, that's part of it. But the much more commonplace would be in a dentist's office. The dentists are the ones that are most interested in this. We have clarified some language that deals with them. We are talking about flattening the fee structure and the rate structure. We believe that this is in the right place. It does not specifically change rates, fees or otherwise, but it does allow the Department of Nuclear Safety to do so by rule. I believe that we'll continue this... continue working on this Act. This is a second of what I anticipate will be three pieces of legislation; one passed previously, this one and then a third yet to come. I'd be happy to answer any questions any Members may have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 2640 pass?' 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 2640, there were 100 Members voting 'yes', 15 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 35 of the Calendar, appears House Bill

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

1955, Representative Turner, Art Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1955, a Bill for an Act amending the Illinois Municipality (sic-Municipal) Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On House Bill 2011, on page 36, appears House Bill 2011, Representative Stroger. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2011, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On Second Reading, on page 17 of the Calendar, appears House Bill 870, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 870 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 15 of the Calendar, on Second Reading, appears House Bill 754, Representative Davis. Monique Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 754 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. On page 17 of the Calendar, appears House Bill 854, Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 854 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "Third Reading. For what reason does the Lady from Cook, Representative Feigenholtz, seek recognition?"

Feigenholtz: "Thank you, Mr. Speaker. Had I been at my switch I would have voted 'yes' on House Bill 2640. Thank you."

Speaker Hartke: "The Journal will so reflect. On page 47, on Second Readings, appear Hou... Readings appears House Bill 2547, Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2547. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 50 of the Calendar, appears House Bill 2752, Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2752 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 22 of the Calendar, appears House Bill 1247, Representative Krause. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1247 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 20 of the Calendar, appears House Bill 1120, Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1120. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Schoenberg, has been approved for consideration."

Speaker Hartke: "Third Reading. On page 54.... Floor Amend.... Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I wish to have Floor

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Amendment #1 adopted. Floor Amendment #1 is a technical Amendment which provides further definition for those individuals who would qualify for this, and I move that it be adopted."

Speaker Hartke: "Is there any discussion? Seeing none, the Motion is, 'Shall Amendment...' Representative Black."

Black: "Thank you very much, Mr. Speaker. Would the Gentleman just briefly explain Amendment #1?"

Schoenberg: "Yes. In the underlying Bill, victims of Nazi persecution are referenced by a Federal Public Law. What Amendment #1 does is provide what the actual definition of what would constitute victims of Nazi persecution."

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

Speaker Hartke: "Further discussion? The question is, 'Shall Amendment #1 to House Bill 1120 be adopted?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Third Reading. On page 54 of the Calendar, appears House Bill 571. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 571 is on the Order of House Bills-Third Read... House Bills-Second Reading."

Speaker Hartke: "Let that Bill remain on Second. Mr. Clerk, what is the status of House Bill 2243? Representative Granberg."

Clerk Rossi: "House Bill 2243 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second at the request of the Sponsor. On page 4 of the Calendar, appears House Bill 156, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 156 has been read a second time,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 changes the Bill in some respects. I had promised the committee, when I appeared before it originally, that I would take civil liability out of the Bill. This, by the way, is a Bill regarding gun safety. I said I would take civil liability out of the Bill and have a more expansive definition of the kind of lock that should be put on a gun. I have done that. The committee unanimously, in a bipartisan way, endorsed this version of the Bill for House Floor debate and I would ask your support."

Speaker Hartke: "Is there any discussion on the Amendment? 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, according to our staff the Amendment becomes the Bill. Sweet and simple."

Lang: "That's correct."

Black: "That's correct. All right. Because you said it adds to the Bill. So this is Floor Amendment #1 and it becomes the Bill. Correct?"

Lang: "Yes, Sir."

Speaker Hartke: "In the interim, the Chair would like to welcome Representative Maureen Murphy back to the chamber. Representative Black."

Black: "Thank you very much, Mr. Speaker. I appreciate the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Gentleman's indulgence in answering the question."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the Motion is, 'Shall the House adopt Amendment #1 to House Bill 156?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 13 of the Calendar, appears House Bill 649, Representative Cross. Out of the record. Representative Cross, we've already adopted an Amendment on that Bill and that's the order we're on. Representative Lopez handled the Amendment for you. Representative Cross."

Cross: "I think I ought to thank Representative Lopez. Can he handle the Bill, too?"

Speaker Hartke: "On page 2 of the Calendar, appears House Bill 39, Representative Cowlshaw. Out of the record. On page 6 of the Calendar, appears House Bill 279, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 279 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Amendment... House Amen... Floor Amendment #1 was suggested and drafted by IDOT. With this Amendment they are in favor of this legislation dealing with the debarment of those who have state contracts that defraud the state."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

'Shall the House adopt Amendment #1 to House Bill 279?'
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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 7 of the Calendar,
appears House Bill 382, Representative Coulson.
Representative Coulson, would you like to.... Mr. Clerk,
read the Bill."

Clerk Rossi: "House Bill 382. The Bill has been read a second
time, previously. No Committee Amendments. Floor
Amendment #1, offered by Representative Coulson, has been
approved for consideration."

Speaker Hartke: "Representative Coulson on Amendment #1."

Coulson: "Amendment #1 adds a section to... allow the department
responsible for resolving disputes to be added to the
people who need to be on the denial notice. This was
agreed to in committee that I would look into amending the
Bill and this is the Amendment."

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 382?' All those in favor will
signify by saying 'aye'; those opposed say 'no'. In the
opinion of the Chair, the 'ayes' have it. And the
Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 25 of the Calendar,
appears House Bill 1434, Representative Lang. Mr. Clerk,
read the Bill."

Clerk Rossi: "House Bill 1434 has been read a second time,
previously. No Committee Amendments. Floor Amendment #1,
offered by Representative Lang, has been approved for

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 rolls four Bills into one; 1433, 4, 5, and 6. This is a package of four Bills dealing with debt collection. Yesterday, the State Comptroller announced that we now have \$8 billion due and owing the state from our own taxpayers. This is a package of Bills designed to collect that money. I would ask your support on Floor Amendment #1."

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

Black: "We had the wrong Amendment. Are there two Amendments on the Bill?"

Lang: "There's a second Amendment that's agreed, written by the Department of Revenue."

Black: "Well, I didn't agree to it, but we'll get to that when you get to Amendment #2. Thank you."

Lang: "Thank you."

Black: "Amendment #1 is fine."

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

Skinner: "Who is going to do the collecting?"

Lang: "What was the question, Representative, I'm sorry?"

Skinner: "Who is going to do the collecting?"

Lang: "As my proposal is as it was in one of those Bills, to have a debt collection unit that's established in the Auditor General's Office. As you know, today each state agency is responsible to collect the debt that they oversee. And so the Department of Veterans' Affairs or DCFS or every separate state agency is responsible to collect their own."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

This is how we got to a place where we have \$8 billion due and owing to us. The states that do a much better job collecting bad debt than we do have a centralized system, and that's what we're trying to do here."

Skinner: "And which among those other states have a centralized system located in the Legislative rather than the Executive Branch?"

Lang: "Well, I can't answer that question, Sir."

Skinner: "Well, Mr. Speaker, I suspect there are none. I cannot imagine that this General Assembly is going to authorize the Auditor General, which... who is appointed by the Illinois General Assembly to collect debts. We are not an Executive Branch agency and we are by definition in the Legislative Branch. I don't think we want Bill Holland to be the bill collector for the State of Illinois."

Speaker Hartke: "Further discussion? The Gentleman asks for the adoption of Amendment #1 to House Bill 1434. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Are there any other not...Amendments."

Clerk Rossi: "Floor Amendment #2, offered by Representative Lang."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Floor Amendment #2 was drafted by the Department of Revenue. It deals with the issue of confidentiality of those that owe income tax to the State of Illinois. I have signed off on this. I agreed that this Amendment should go on the Bill and I would ask your support."

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

Black: "Yes. Thank you very much, Mr. Speaker. Amendment #2,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

perhaps the Gentleman could ask the Department of Revenue to come and talk with us to see why Amendment #2 is already current law. Amendment #2 is Public Act #753 that takes effect January 1, 1999. Is this a redundancy on the part of the Department of Revenue or what are we to surmise? Is the Department of Revenue here?"

Lang: "I don't know."

Black: "Your staff over there?"

Lang: "I don't know if they're right over here, Mr. Black. I don't know that this is law verbatim, exactly this way. If it is, it's probably superfluous and in Enrolling and Engrossing they'll take care of that problem. But I... they asked me to put this on the Bill. I'm happy to do it for them."

Black: "Well, you may want to have your staff get together with our staff. I see no reason to burden the... burden Enrolling and Engrossing in all of that. If the Amendment is already a Public Act and in the absence of the Department of Revenue.... And I don't see your Technical Review Staff over there. My staff is here."

Lang: "Mr. Black this may...."

Black: "I trust my staff explicitly."

Lang: "Mr. Black."

Black: "Yes."

Lang: "This may have something to do with effective dates. So the Act that you're referencing may actually be effective after this and they may want to add it to this so that we make sure what the law is suppose to be. I'm not a hundred percent certain, but that's one possibility."

Black: "And my staffer indicates that both of them have a January 1, '99 effective date. I don't know...."

Lang: "Then I can't answer. But I'd hate...."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Black: "Would you be willing to take it out of the record until we can have one of your Technical Review people get with our staff? And then we'll call the Department of Revenue on the telephone and maybe we can figure out what they're doing here. It should only take us 5 or 10 minutes."

Lang: "We can take it out of the record as long as Speaker Hartke agrees to come back to it."

Black: "Oh, you know he will. Absolutely. You know he will."

Lang: "That's fine."

Speaker Hartke: "Take the Bill out of the record. On page 2 of the Calendar, appears House Bill 39, Representative Cowlshaw. Out of the record. Mr. Clerk, what is the status of House Bill 1175?"

Clerk Rossi: "House Bill 1175 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second at the request of the Sponsor. On page 2 of the Calendar, appears House Bill 41, Representative Durkin."

Clerk Rossi: "House Bill 41 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Durkin, has been approved for consideration."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you very much, Mr. Speaker. House Bill 41 is... is an exception, which we were creating, which will mimic the federal rules of evidence under 804(b)5, which is a residual hearsay exception. And what I'm doing with this Amendment is to add a little more clarity which states, which specifically states that 'unavailability' means a deceased person also, that the declarer must have made the prior statement at a trial, hearing, or other proceeding under oath."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

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 41?' All those in favor will signify by saying 'yes'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment #1 has been adopted. Is there any other Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Which one did we take out of the record, Tony? On page 2 of the Calendar, appears House Bill 3, Representative Currie. Out of the record. On page 2 of the Calendar, appears House Bill 3, Representative... Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. This was an Amendment discussed in committee. What it does is provide that any transgression under the underlying Act would be treated, not as a Class B misdemeanor, not as a criminal offense, but merely subject someone to a civil... civil action. I urge its adoption."

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 3?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Barbara Currie."

Speaker Hartke: "Representative Currie."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Currie: "Thank you, Speaker. This is an Amendment that was discussed in committee. No promises were made. But the underlying Bill provides workers in certain establishments the opportunity to have time off to take care of childrens' teacher conferences or dental appointments or other important items. And the Bill is structured, as introduced, would provide that opportunity in increments of up to four hours. The question was raised in committee whether an employee might, giving the seven day notice required by the Bill, opt to spend the time in, for example, 15 minute segments. That was never the intention behind the Bill. This Amendment would clarify that not only would the maximum time be four hours for purposes of this flex time leave, but that the request could be in chunks of time no shorter than two hours in duration. And I would appreciate your support for the Amendment."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing none, the Lady has asked for the adoption of Amendment #2 to House Bill 3. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 to House Bill 3 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 9 of the Calendar, appears House Bill 458, Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 458 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative John Turner, has been approved for consideration."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker, for your beneficence in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

calling my measure. The Amendment makes technical corrections in wording, which was requested by the Illinois Department of Transportation. The Amendment also removes the Illinois State Police from the training criteria that is required under the underlying Bill. I'd ask for your support. I'd be happy to answer any questions."

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

Hoffman: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative, what's this do again?"

Turner, J.: "Representative Hoffman, at your request this Amendment was filed, so it does exactly what you requested me to have it do."

Hoffman: "Representative, I just would like for you, though, to explain to the Body so they know what they're adopting, exactly what this does. And you do so, so eloquently that I think you could do it a lot better in your own words than if I were to tell the Body what it does. Could you please explain what it does?"

Turner, J.: "Well, sure. Yes, Representative Hoffman, as you know, as a cosponsor, the underlying Bill has to deal with portable scales. And, in essence, what it does is require that those who use portable scales be adequately trained to do so. The Illinois State Police had asked that they be removed from the Bill so that they would not have to take the training because that's already part of their training because they are state troopers. So the Amendment takes them out of the provision in the Bill that requires the training; and the second thing it does is just make some technical corrections that the Illinois Department of Transportation had requested. And those technical

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

corrections address exactly the question about the state police needing the training."

Hoffman: "Earlier, Representative Durkin had talked about 804(b)5 or something like that. Did you hear that discussion? This has nothing to do with that? 804(b)5?"

Turner, J.: "804(b)5, is that what you said?"

Hoffman: "Yeah."

Turner, J.: "Or are you talking about 19(b)?"

Hoffman: "I see."

Turner, J.: "You do?"

Hoffman: "Yeah. Now it's my understanding that everybody, all of the organizations, the state police, now as well as the truckers associations, everybody is okay with this Amendment? Is that right?"

Turner, J.: "With the Amendment, that is correct."

Hoffman: "Okay, what was the opposition of the state police and why are they okay now?"

Turner, J.: "Well, either I wasn't very clear a moment ago or you weren't listening. I don't know what the case is. But the Illinois State Police..."

Hoffman: "Maybe you weren't very..."

Turner, J.: "...had asked to be taken out of the Bill because the Illinois State Police had suggested they didn't need training to operate portable scales because it was already part of training they receive because of the mere fact that they are state troopers and state police officers."

Hoffman: "I see. I think this is a good Amendment. I would ask for a favorable disposition."

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

Skinner: "Yes. I wonder if the Sponsor would tell us if this Amendment also allows a truck carrying re-bar steel to be

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

one ton over weight before it can be ticketed, rather than only a half a ton overweight before it can be ticketed?"

Turner, J.: "The Amendment does not address that, but the underlying Bill, yes. That's what the underlying Bill does address."

Skinner: "Okay. Thank you."

Speaker Hartke: "Further discussion? The question is, 'Shall the House adopt Amendment #1 to House Bill 458?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 25 of the Calendar, appears House Bill 1434, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1434 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Lang, has been approved for consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker. This was the Bill that we took out of the record previously. Mr. Black has indicated he has no further questions about Floor Amendment #2. I would ask adoption."

Speaker Hartke: "Mr. Lang, Mr. Black is still seeking recognition. Representative Black."

Black: "Well, thank you, Mr. Speaker. I... just simply to thank Mr. Lang for his indulgence. It gave us a time to... it gave us a chance to check with staff and look at it. It was kind of him to do so and our concerns have been answered and we thank him very much and we stand in support

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

of the Amendment."

Lang: "Thank you."

Speaker Hartke: "Further discussion? No one is seeking recognition. The Gentleman asks for the adoption of Amendment #2 to House Bill 1434. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the... Amendment #2 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 18 of the Calendar, appears House Bill 886, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 886 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Coulson, has been approved for consideration."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you very much. Floor Amendment #1 basically makes some technical changes in the wording. It does delete the criminal Section of the Bill, and leaves just the civil Section of the Bill and adds a line to say that nothing in this Section will be construed as affecting the rules of evidence as provided by the Supreme Court. And I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? The Lady asks for the adoption of Amendment #1 to House Bill 886. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 886 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 2086?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Rossi: "House Bill 2086 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Would you place that Bill on Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 8 of the Calendar, appears House Bill 440, Representative Giglio. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 440 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Giglio, has been approved for consideration."

Speaker Hartke: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the chamber. What Amendment #1 to House Bill 440 does is it clarifies and adds some new language due to some quite valid concerns that the Education, Elementary and Ed... Elementary and Secondary Education Committee had, and I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, Representative Giglio asks for the adoption of Amendment #1 to House Bill 440. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted to House Bill 440. Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 31 of the Calendar, appears House Bill 1774, Representative Bellock. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1774 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bellock, has been approved for consideration."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker and Members of the House. House Bill 1774 has an Amendment, enforcement of order for child support. In any enforcement action for failure to comply with payment obligations under a court order of support, a respondent may be served notice of contempt proceedings by personal service or notice by regular mail to the respondent's last know address pursuant to the Clerk of the Records."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition... has asked for the adoption of Amendment #1 to House Bill 1774. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 1774 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 10 of the Calendar, appears House Bill 496, Representative Scott. Out of the record. On page 12 of the Calendar, appears House Bill 604, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 604 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman."

Speaker Hartke: "Representative Hoffman."

Hoffman: "This Floor Amendment essentially just addresses the problems that we had in committee and I ask that it be... problems that were talked about in committee and I ask that it be adopted."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Gentleman asks for the adoption of Amendment #1 to House Bill 604. All those in favor will signify by saying 'aye'; those opposed 'no'. In the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 604 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 2 of the Calendar, appears House Bill 39, Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 39 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Members of the House. This Amendment makes some very small changes just having to do with the way the wording is put together here to satisfy a concern on the part of the Illinois Principals Association. If this Amendment is adopted, this Bill will then have no opponents whatsoever. I don't believe that the requirement here in this Amendment, which satisfies the concerns of the Illinois Principals, essentially changes the intent of the Bill or the desires on the part of the Illinois Journalism Education Association from which the Bill came. So I would urge that we adopt this Floor Amendment to House Bill 39."

Speaker Hartke: "Is there any discussion on the Amendment? The Chair recognizes the Lady from Cook, Representative Davis. Monique Davis."

Davis, M.: "Thank you, Mr. Chairman (sic-Speaker). Representative, I don't know what your Amendment does. I'm sorry I missed that. But my question is, what happens if a school district is sued? You know, if the youth or newspapers printed by young people and based on something they print, there's a suit. Is the school district

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

liable?"

Cowlshaw: "That is correct."

Davis, M.: "The school district would be liable?"

Cowlshaw: "They are now and they would be under this Bill."

Davis, M.: "So in other words the kids can print whatever they want?"

Cowlshaw: "No."

Davis, M.: "No?"

Cowlshaw: "No. First of all, Mr. Speaker, all of the guidelines for what is really prohibited from students to write about in newspapers is in the main Bill. This is simply the Amendment which states, in order to please the Principals Association, 'That no expression made by students shall be deemed to be an expression of the policy of the school district.' That's all this Amendment does. However, Representative, when we get to the Bill, as amended, I would be glad to try to address that issue."

Davis, M.: "Thank you very much. That does clear that up for me. Thank you, Representative Cowlshaw."

Cowlshaw: "You're very welcome."

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

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

Speaker Hartke: "She indicates she will."

Fritchey: "Representative, I'm just curious. I'm looking through the analysis and I haven't read the language itself. But I see... I see that... I see that this Bill does not authorize, or does not pertain to obscene speech. And what definition of obscenity applies? Are we then going to try and take this down to a school district's level?"

Cowlshaw: "Representative, this discussion is about an Amendment."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Fritchey: "I'm quite...."

Cowlshaw: "This discussion is not about the Bill. The Bill has absolutely nothing to do with any new definitions of obscenity or that sort of thing."

Fritchey: "I didn't say there was a new definition. What I'm asking is, what definition applies under the Bill? Under the law...."

Cowlshaw: "What definition of what?"

Fritchey: "For obscenity. Is a school district allowed to determine what's obscene and what's not?"

Cowlshaw: "When we get to the Bill I will gladly go through all of those things. But right now we are addressing the subject of an Amendment which simply states, as I have said before; as a result of a concern on the Principals Association that we not be put in a position where something that the students have written in their student newspaper would somehow be mistaken to believe to be... for someone to believe that that was a policy of the school district. This Amendment simply says, 'No expression made by students shall be deemed to be an expression of school policy.' Now if we could get this Amendment adopted, then we could address the Bill as a whole which sets forth all those guidelines about student expressions in student newspapers."

Fritchey: "I understand what you're saying, I'm just trying to get a sense now of what it is we're dealing with. Because limiting the expressions to being that of the student as opposed to the school itself, I think, is a good concept. I'm just trying to get an idea of what this does overall. I'm happy to hold this until we discuss the Bill. Thank you."

Cowlshaw: "Do you want an explanation of the entire Bill before

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

you are willing to adopt one simple Amendment?"

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 39?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 to House Bill 39 is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 58 of the Calendar, on Third Reading, appears House Bill 2831, Representative Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2831, a Bill for an Act to amend the Elder Abuse and Neglect Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present to you House Bill 2831 which adds a definition to the Elderly (sic-Elder) Abuse and Neglect Act. Presently, under the law, abuse is defined to mean causing any physical, mental or sexual injury to an elder... eligible adult, including exploitation of such adult's financial resources. Right now, presently under Illinois law, there is no further definition of what constitutes exploitation of a eligible adult's financial resources. In addition, there is no case law at all interpreting the Elderly (sic-Elder) Abuse and Neglect Act, so there's no interpretations by the court of exactly what that means. I ask the Illinois House to provide that definition. The definition that I would ask you to provide is that exploitation of an eligible adult's financial resources includes, but is not limited to the exploitation

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

caused... caused by or resulting from the provision of financial advice planning or consultation tax assistance or other financial services. Each of you has a constituent service office. Each of you gets many phone calls every day, every week about the problems of elderly. The elderly need our protection and it would be very helpful to them if we could provide this definition to specifically include a definition of what does constitute the exploitation of an adult's financial resources. I'd ask for your support and your favorable consideration. Thank you."

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, it's my understanding that you passed this Bill out of committee on a condition that you would work with the Department of (sic-on) Aging to ensure that the department will not be responsible for investigating allegations of financial exploitation of older individuals. Have you reached that agreement?"

Scully: "Representative, I have not specifically spoken to the... that department."

Black: "Well, Representative, in the absence of...until I can talk to our staff person, I would ask you to take the Bill out of the record. Our staff indicates that you passed this Bill out of committee with the express condition that you were going to work with the Department of (sic-on) Aging to make certain that they would not be responsible for investigating allegations of financial exploitation of older individuals. If you haven't done that, you have violated an agreement you made in committee and I'd ask you

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

to take the Bill out of the record."

Scully: "Mr. Speaker, I'd ask that this be taken out of the record so I can confer with Mr. Black on this matter."

Black: "Thank you."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 13 of the Calendar, appears House Bill 496, Representative Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 496. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker. House Bill 496 amends the... portions of the Property Damage Code and the Insurance Code, which would refer to what has to be done before payment can be made to a recipient after a fire. It basically involves municipalities signing off on any damage that they might have paid for. Floor Amendment #1 was an Amendment which was made at the request of the insurance industry to clarify what was the intent of the Bill in the first place. I believe it removes all opposition from the Bill. I ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Gentleman asks for the adoption of Amendment #1 to House Bill 496. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 496 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 of the Calendar, appears House Bill 77, Representative Garrett. Susan Garrett. Mr. Clerk, read the Bill."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Bolin: "House Bill 77. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Garrett, has been approved for consideration."

Speaker Hartke: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker. House Bill 77 has added an additional Amendment which will, in fact, become the Bill. The new Amendment changes the name of the Elder Care Bond Act to the Elder Care Savings Fund. I would ask that you approve the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Lady asks for the adoption of Amendment #1 to House Bill 77. All those in favor signify by saying 'aye'; those opposed.... Amendment #2 to House Bill 77. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 46 of the Calendar, appears House Bill 2494, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2494. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Jim Meyer, has been approved for consideration."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 authorizes a new bank in formation to reserve its corporate name with the Commissioner of Banks. The commissioner finds that the name is available for corporate use. The name shall be reserved for banks, for the bank's exclusive use. It also removes the residency

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

requirement for state bank directors. Currently, state banks must have a majority of their board directors reside in the State of Illinois or within a hundred miles of the main banking premises for at least one year preceding their election. It's an initiative of the Illinois Bankers Association and it passed out of committee with no dissenting votes."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Gentleman asks for the adoption of Amendment #1 to House Bill 2494. All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 2494 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 24 of the Calendar, appears House Bill 1375, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1375. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Hartke: "Representative Hoffman."

Hoffman: "This would essentially reflect what we agreed to do in committee, as to our agreement with the Attorney General's Office, to take them out of the Bill. We agreed to do this before we passed it out of committee and that's what this does."

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

Turner, J.: "Sponsor yield?"

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, I didn't hear a word you said."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Could you start all over with that explanation?"

Hoffman: "Yes, Representative, I'll speak slowly and clearly. Essentially, what this Amendment would do, is do what we agreed to do in committee and that would delete the referral to the AG's Office and anything with regard to that and also delete the prevailing wage fund. This was... this was done in accordance with an agreement we had in the committee prior to passage. We said we would do this, and it was passed on the condition of this Amendment being adopted. And I know that you would want to ensure that the purview of the committee is carried out."

Turner, J.: "Well, Representative, what does this Amendment and Bill do to the Prevailing Wage Act?"

Hoffman: "What the... what the Amendment would do is, essentially, it would clear it up to make sure that the Attorney General, we wouldn't force the Attorney General to do anything that they not already have to do under current law. In other words, they are no longer in this Bill and that's the way they want it. The second thing the Amendment would do, is it would take out what we had set up, was a prevailing wage fund. And the money that was collected for fines would have went into this fund for enforcement purposes. But the committee and Members of the committee thought that that wasn't necessarily the best idea, so we took that out. Other than that, what this does is provide for a mechanism... the Bill... the underlying Bill provides for a mechanism to ensure the Department of Labor completes and investigates prevailing wage viola... or prevailing wage complaints."

Turner, J.: "Well, is the Attorney General the counsel for the Department of Labor?"

Hoffman: "I don't know that. From a purely technical standpoint,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the Attorney General, I guess, is all of our counsel. But I would assume that the Department of Labor has its own internal counsel as well, but the Attorney General, if the Department of Labor were sued, I think the Attorney General would be the individual who would represent them. But this really has nothing to do with that other than the fact that it seems to me that the Attorney General being an upstanding man and the Attorney General's Office being a fine office, that you would want to assist them by allowing them... their wishes to be granted and allow them out of the Bill as per this Amendment."

Turner, J.: "Well, I do want to assist them, Representative. I want to make sure I understand the Bill to make sure we are assisting them. I don't know, maybe you can explain it better on Third Reading. I'm still a little bit confused about the way you've presented it. You say that the committee wanted you to make a change and that's what your Amendment does? What committee did it go through?"

Hoffman: "It went through the Labor and Commerce Committee. And it passed unanimously after I had agreed to ensure that this change be made."

Turner, J.: "Well, can you assure the Members that you've made no other changes other than what the committee requested?"

Hoffman: "Those are the only changes that are made by this Amendment."

Turner, J.: "Did the Attorney General want his Bill amended the way that you've done it?"

Hoffman: "Oh, this isn't their Bill."

Turner, J.: "It is not their Bill?"

Hoffman: "No."

Turner, J.: "I thought you said, a minute ago, it was their Bill?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Hoffman: "No, I said that they didn't want to be a part of the Bill and so we took them out. So this is complying with their request to take them out of the provisions of the Bill, so we did. And I apologize. My voice is kind of raspy and I apologize for your inability to understand my comments. But I, unfortunately, I'm not sure it has a lot to do with my voice."

Turner, J.: "Well, then that would only leave two other things that it could have to do with, which would either be my lack of understanding or the way you're presenting it, if it's not your voice."

Hoffman: "And I think I've done a fairly eloquent job of presenting it."

Turner, J.: "Well, maybe you're a little raspy because of the debate you've had earlier today on other measures that you've seen fit to argue about even though you were cosponsor of. Do you think that could be the case?"

Hoffman: "Well, as you know, ultimately I came around to your way of thinking as a cosponsor and am very, very pleased that that got adopted."

Turner, J.: "Yeah, Representative, you think maybe we should move on to other business at this point?"

Hoffman: "Yes, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the Gentleman asks for the adoption of Amendment #1 to House Bill 1375. 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. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 34 of the Calendar, appears House Bill 1877, Representative Slone. Mr. Clerk,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

read the Bill."

Clerk Bolin: "House Bill 1877. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill arising out of the work of the Smartgrowth Task Force, which was founded last year because of our concerns... because of Illinois having lost an average of 85,000 acres a year of farmland to suburban development every year for the last 50 years. Currently, over 16% of our prime farmland in Illinois has been lost to development. We formed the bipartisan Smartgrowth Task Force to look into these issues, and one of the Bills resulting from our work is the... this Bill, House Bill 1877. It is permissive legislation and it has two parts: first of all, it would allow counties and municipalities to have... to adopt an open space plan and to acquire open space in accordance with their plan by bonding through a front door referendum. Secondly... secondly, it allows counties and municipalities to purchase development rights or agriculture conservation easements, is another name for these, directly from farmers who wish to sell. It would allow the farmer to continue to own and farm the land. It would allow the land to remain on the property tax rolls. Only a portion of the value of the land, the so-called development rights would be sold at an agreed price between the two parties. Let me give you an example: If farmland selling for \$2,500 an acre, developers are paying \$6,000 an acre, you could acquire the development rights for \$3,500 an acre. This would give the farmer badly needed cash

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

flow. Cost the holder of the development rights, in this case the county or municipality, less than buying the land outright. Keeps the land on the tax rolls. Again, this is permissive legislation. It has no fiscal impact. It does not preempt home rule. It's a tool to help preserve our valuable farmland and open space, and it has bipartisan support and I'd appreciate your 'aye' vote."

Speaker Hartke: "Is there any 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: "Yes. Representative, it's my understanding that Floor Amendment #1 becomes the Bill. Is that correct?"

Slone: "That's correct."

Black: "Doesn't this, in fact, make this Bill almost identical to House Bill 211?"

Slone: "No, not to it's original form."

Black: "Well, our staff says that this Bill, if not identical, is certainly a first cousin to House Bill 211. You don't agree with their..."

Slone: "I'm not sure about their..."

Black: "...perception of that Bill?"

Slone: "...I'm not sure what their, what their definition of first cousin is. It certainly deals with the same subject matter."

Black: "Okay. Mr. Speaker, to the Amendment, if I might?"

Speaker Hartke: "To the Amendment."

Black: "I'm joined by a requisite number of people on my side of the aisle at citing the applicable rule, we want a record Roll Call vote on this Amendment. And I'd like to speak in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

opposition of the Amendment."

Speaker Hartke: "Your request is going to be granted and speak to the Amendment."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, this Amendment makes a Bill, makes the underlying Bill, the Amendment becomes the Bill. There's an Amendment to follow that adds to the Bill. Makes the Bill very similar to House Bill 211, which failed to pass from the House Urban Revitalization Committee. Now, this is one of several Bills that are related to the Illinois House Smart Growth Task Force. This Amendment is intended to allow the purchase of development rights and agricultural conservation easement by smaller counties, townships and communities to preserve farmland, protect other natural resources, manage storm water, flows, et cetera. There is a particular provision in the Bill that I'm somewhat concerned about because if you're going to buy and preserve open space in any county, you're going to have the money to do that. The most, the most likely way to do that is by a property tax, either existing or new. If it's existing, the property tax may, may go up. The Illinois Home Builders have stated on more than one occasion that they feel this Amendment can severely limit where people might choose to live. They contend if you cannot build out into an area the only other option you have is to build up, which leads to other problems of density as anybody in the City of Chicago is very familiar without. There are some, there are some very critical components to this Amendment that I think whether you're Democrat or Republican, you need to take a very long look at. Obviously, where you live in the state may color your perception of the Bill. Where I live, this Bill is regarded, perhaps wrongly. I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

don't, I'm not saying that we're right. But this Bill would seem to give extraordinary powers to local units of government to interfere into the rights of a willing seller, vis-a-vis, the rights of a willing buyer to buy land. Anytime you say you're going to set aside land for a particular purpose, you're then inhibiting the right of the owner of that land as to where and to whom he might sell that land. Now, I think the concept may be sound. I think the Bill needs a lot more work. And since the Amendment becomes the Bill and makes it very similar to a Bill that had a fair hearing in an Urban Revitalization Committee earlier this year and that Bill was defeated. That Bill, I believe, was 1877. I would ask you to defeat the Amendment and the Smart Growth Task Force can continue to do their work and sometime in the future may bring a product back to the House that all of you could embrace. But, until that day is here, if you look closely at this Amendment, I would urge my colleagues to vote 'no' on the Amendment."

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

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

Speaker Hartke: "To the Bill."

Winters: "This Amendment simply takes out some of the more egregious matters in the underlying House Bill 211. It takes out the use of eminent domain by open spaced districts and it is less, a less powerful tool than all of these municipalities and counties already have. They already have those powers through the Forest Preserve District Acts and through the Park Districts Act. The Open Space Act does not give them as many powers. It is a useful tool. It is an open market place mechanism, you're not losing any rights unlike what Representative Black

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

said, you're not losing any of your rights. If you do choose to give up your development rights, you're compensated by the market place. I think this is a much different Bill than we had originally at (sic-House Bill) 211 and would urge its adoption."

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

Lindner: "Thank, thank you, Mr. Speaker. Yes, to the Amendment. I too, rise in support of this Amendment. If you look carefully at the Amendment and I have read it, there are no mandates in this Amendment at all. It is just totally a blueprint for counties or municipalities if they wish to do an open space plan. So, there is nothing in this that is mandatory. This, as Representative Black said, it did arise out of the Smart Growth Task Force, but this not only had on it a number of Legislators, including a number of people who are in the farming business, such as: Representative Wirsing and Representative Lawfer. So, it was looked at very carefully from that standpoint and certainly from the standpoint of preserving the private property rights of the farmers. So, it is only a blueprint. I would urge support of this Amendment."

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

Hamos: "Thank you, Mr. Speaker. May I ask a question of the Sponsor?"

Speaker Hartke: "She could yield."

Hamos: "Does this Bill specifically state that a majority of voters have to vote in favor of any kind of open... any kind of bonding to fulfill the goals of this Act? Isn't that a front door referendum?"

Slone: "Yes, Representative Hamos, that's correct."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Hamos: "So, what Representative Black was suggesting that somehow he raised that magical word property tax, as a sort of a bogeyman here, is not really applicable unless the voters in a specific area would so approve. Is that correct?"

Slone: "The Bill allows bonding and that would be by front door referendum, yes."

Hamos: "And it also... doesn't it also say that if the voters do, elect not to approve of something, a proposition then that proposition may not be submitted again for less than 23 months after the date of the election? Is that correct?"

Slone: "That's correct."

Hamos: "I rise also in support of this. This is a really important next step. It appears that voters in many communities are supporting open space plans. They really want smart growth. I think this is a idea whose time had come. The task force apparently has been working on it. There are many civic groups that support this approach and this is really an important first step for this Legislature."

Speaker Hartke: "Further discussion on the Amendment? The Chair recognizes the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I... a point of clarification on a couple of issues with this, this Amendment."

Speaker Hartke: "State your point."

Moore, A.: "There is no eminent domain contained in this Amendment. There's no ability to condemn property. This only applies to willing sellers, people that are wanting to work with different entities to preserve different kinds of property. The Farm Bureau is neutral and I can tell you, if the Farm, if the Farm Bureau is neutral you know that no one's property rights are being unduly harmed by this

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

legislation. This is an outgrowth of a lot of work by a lot of different people in the area of smart growth. The Home Builders testified in committee at the creation of this task force that they did not even think there should be a task force in existence. So, from day one they have been working against this kind of legislation. This is a very good first start and I commend the committee's hard work and would encourage everyone to cast an 'aye' vote."

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

Wirsing: "Thank you, Mr. Speaker. I just want to make a few, a few comments to this Amendment as a Member of that, that Smart Growth Task Force. The charge of the task force was simply to, to take a look at urban sprawl and preservation of farmland. That was the charge to the task force. And I think what, what this Amendment now, what it does, it simply lays the blueprint. This is a very serious attempt to look at those areas throughout the state where because of, of growth and perhaps the lack of, of a good plan and how that growth evolves, we are losing, some of us believe, we are losing prime farmland #1, in a manner that it does not have to be lost. We can't prevent that from happening. But what this lays out is a blueprint so that it is organized. It makes sense. We don't have leapfrogging of, of developments around communities. We... it offers the opportunity for those who own farmland to keep it as farmland if they so desire and at the same time they can put it on the market as well. It has that kind of flexibility. It's, once again, it's a blueprint. It's a starting point to deal with this extremely serious issue from, from Cook County to, to Cairo, Illinois. I know I live in an area where, where we have seen a steady growth

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

around a couple of communities. That particular county has, several years ago, took the sense to, to sit down and lay out a comprehensive plan. Then based on the comprehensive plan set out the, the regulations and rules as to how the county would, would evolve and what, how the growth patterns would, would operate. The, the home owners organizations concern about this is, is not well-founded because this in fact recognizes that consumption of land for, for growth will occur. Once again, this is a blueprint and some of the other people have already indicated what the, what isn't in this Bill, such as eminent domain and those sort of things. But please understand, this is a blueprint. This is not taking anybody's rights away of ownership of land and a decision of how they want to operate or function with that property. I'm in full support of this Amendment."

Speaker Hartke: "Ladies and Gentlemen, this is an Amendment and I really don't want to invoke Rule 5285, but let's keep our remarks brief. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a very significant Amendment. It is not just some little technical change. This is, in fact, I am told and I assume this is correct. This is a Bill that failed in committee and is now being proposed again here on the floor. Mr. Speaker, nearly all of us, during all the years that we have grown up in our own neighborhoods and then gone on to be adults and be active in our communities, have heard a couple of expressions. One is, 'A man's home is his castle'. The other one, maybe isn't as familiar, but it's something like, 'A woman's home is her nest'. Well, which ever way you look at it, Mr. Speaker, that piece of property that we

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

own, that is our home, is something we expect the law to protect for us and to respect our rights as property owners. This is an attempt to get around the requirement that, right now, any government body that wants to buy a piece of property has to pay at least approximately the same amount for it as a person on the private market would have to pay. There aren't some little devious ways to go about getting certain rights, to your property which years from now may, in fact, mean that you can't get as much money for it. Why can't we let government behave as the private sector has to behave? If you want this land then pay for it. Pay the fair market price. This is anti, 'A man's home is his castle'. We ought to be standing up for that man and that woman and that nest. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the General Assembly. I served on the Smart Growth Committee and one of the essence of that commission to the task force was to how to minimize the conversion of agriculture land to nonagriculture usage. As you look at growth in the State of Illinois, it has to come in, out of agriculture land. And I have some very strong feelings on that. I think this Bill, why it may not be a perfect Bill, might be a step in the right direction. I think that this Bill if it advances needs to be very much coordinated with the Property Rights Bill and so I think it's a step in the right direction. It is a result of the task force and I, hopefully we can continue to refine that. Thank you."

Speaker Hartke: "Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Very briefly, to the Amendment."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

One of the prior speakers talked about the, the ability of a person to, to have the law protect them in their homes and their property. Well, what this Amendment does, by taking out any of the eminent domain provisions that are there, it allows a person to negotiate and gives them more flexibility negotiating with the government than they have right now. There are already provisions where a government can take property by eminent domain and put that into, keep that out of service and keep that from being used in development. Well, my goodness, this allows the person, as one of the prior speakers said, to stay in their home, to farm that particular property and still enable the government to achieve it's purpose, spending probably less money for it in the, out the outset which saves all of us money in, in accomplishing the same goal. There isn't any eminent domain in this particular Bill and one of the prior speakers also talked about how they should do this the same way the private sector does. Well, the private sector can already do this. A private developer can already negotiate to buy the development rights from a, from a property owner. That's already in the private sector's ability. It's not in the government's ability. Any of this requires front door referendum to do it. It simply expands rights of not only the property owners, but also achieves the goals of the governmental entity without further burdening the taxpayers. This is a winning combination for everybody that's involved. And I can't see a reason why, with the eminent domain provisions taken out as they have been, I can't see any reason why, that we should be against this Amendment."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black. You've

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

already spoken in debate, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. My name was used in debate by two of the, two of my colleagues."

Speaker Hartke: "That's true."

Black: "Thank you very much, Mr. Speaker. Me thinks my colleagues doth protest too much about this Amendment. And I notice that all of the Sponsors have had a chance to speak and that's, that's fine as is their right. But, those who mentioned my name in debate, not once did I mention the concept of eminent domain. I can read. I know it isn't in there. You don't have to get up and berate me for something I didn't say. Another one of these people gets up and uses my name and says that I said the rights of a willing seller and a willing buyer would be abrogated. I said no such thing. If you're going to criticize me at least criticize me on what I said, not what I didn't say. I said clearly that the rights of a willing buyer and a willing seller might be compromised on down the road. You know, it always strikes me as funny, if the Amendment is strong enough to stand on it's own two feet then why do you have to attack someone who speaks in opposition to your Amendment and do so falsely? If you're going to attack me, attack me on what I said, not what I didn't say. You want to vote for this? Fine, go ahead and vote for it. I have no intention of voting for the Amendment. I have no intention of voting for the Bill and if this Bill passes, you're on a slippery slope to government ownership of what all is due and honest in this country. So, I would say furthermore, and I agree with the referee who blew the whistle. This is a foul. Bobby Knight would say it was a foul. It's a technical foul. You've used my name in vain and I don't appreciate it. If you're going to use my name

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

at least criticize me for what I said, not what I didn't say. And I agree with Representative Cowlshaw, this Bill had a hearing in committee and it failed. So, you bring it back as a first cousin. Well, not to me you're not. I stand in opposition to the Amendment and I stand in abject disappointment that people had to use my name in debate and use it falsely. Vote 'no' on the Amendment."

Speaker Hartke: "Representative Slone to close."

Slone: "Thank you, Mr. Speaker. Mr. Black, are you, are you done, Sir? The Bill, the..."

Speaker Hartke: "Representative Slone to close. Representative Slone, are you, are you finished closing?"

Slone: "No, Sir."

Speaker Hartke: "Please proceed."

Slone: "Can I have, could we have some order, please? The Amendment that you have before you today, Ladies and Gentlemen, did come out of committee on an 8-3 vote, recommending 'do adopt' the Amendment on the floor. It did not fail in committee and I would very much appreciate an 'aye' vote. The underlying Bill, which is incorporated in the Amendment, is sound legislation and it's bipartisan legislation. I would appreciate an 'aye' vote and I would request a reverification of the 'no' votes on the roll call. Thank you."

Speaker Hartke: "The Lady has asked for the adoption of Amendment #1 to House Bill 1877. There has been a request for a record vote. There has also been a request for a verification. So, vote your own switches. The question is, 'Shall the Amendment be adopted?' All those in favor of this Amendment vote '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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

record. On Amendment #1 to House Bill 1877, there are 51 Members voting 'yes', 63 Members voting 'no' and 3 Members voting 'present'. Representative Slone, do you persist in your verification of the 'no' votes?"

Slone: "No."

Speaker Hartke: "This Amendment having failed to receive a majority vote is hereby declared lost. Any further Amendments? Representative, Representative Slone."

Slone: "To request for a, for, to request we put it on Postponed?"

Speaker Hartke: "One moment, please. Representative Slone, do you want to run Amendment #2 or would you like to withdraw Amendment #2? Would like to take your Bill out of the record?"

Slone: "Can we take the Bill out of the record, please?"

Speaker Hartke: "Out of the record. On page 29 of the Calendar, appears House Bill 1676. Representative Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1676, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Joseph Lyons, has been approved for consideration."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When I originally ran this Bill in committee it was, it passed committee 29-0. I told the people at the time I would hold it until I had language in there that agreed with the Illinois State Police request to change some parts of the Bill. We had numerous discussions with the Illinois State Police and changed five or six major parts of the Bill to accommodate their language request. This was an initiative of the Illinois Transportation

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Association. It's also supported by Midwest Truckers, the Illinois Municipal League and it also takes this Bill and puts it as part of the Vehicle Code as opposed to creating a new Act. So, I'd request a favorable consideration by the Body."

Speaker Hartke: "Is there any discussion on the Amendment? The Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I just rise on a point of personal privilege."

Speaker Hartke: "State your point."

Mitchell, J.: "Just wanted to announce to the House that the, the Pages from Walnut Junior High have left the building and we did take a poll. There were five on the Democrat side, five on the Republican side and it was unanimous with the kids that the Republicans were the better tippers. Thank you."

Speaker Hartke: "May we ask for a recount? Since no one is seeking recognition to address Amendment #1, the question is, the Sponsor asks for the adoption of Amendment #1 to House Bill 17... or 1676. 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. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 33 of the Calendar appears House Bill 1863. Representative Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1863, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Reitz, has been approved for consideration."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Floor Amendment #3 will help take care of some of the situations and problems that came up in committee. They will allow the facility, at Chester, the Chester Mental Health Center to transport patients inside the facility in a more safe manner."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Gentleman asks for the adoption of Amendment #3 to House Bill 1863. All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #3 to House Bill 1863 has been adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 39 of the Calendar, appears House Bill 2163. Representative Erwin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2163, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Erwin, has been approved for consideration."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. I put before you House Amendment #1, which I hope improves this Bill that was considered in the new Tourism Committee. It basically makes some changes emphasizing that in international tourism we do want to promote all parts of Illinois, every region of the state. And so, most of the changes had to do with changing Chicago to Illinois and the entire state. I have shared these changes with other Members of the committee and I would appreciate your support."

Speaker Hartke: "Is there any discussion? The Chair recognizes

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I rise in strong support of the Amendment. I think the Lady has done an admirable job, even the original Amendment really wasn't bad, but it referenced the word 'Chicago'. And many of us who support tourism told the Representative we have problems in our district. If the Amendment says Chicago, to many downstate districts that means the only place that you're supposed to visit and the only place that gets the money. By eliminating the reference and substituting the word Illinois I think that's great for the entire state and I thank her for doing that and I rise in strong support of the Amendment."

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

Erwin: "Thank you. I would appreciate your support."

Speaker Hartke: "The Lady has asked for a favorable vote on Amendment #1 to House Bill 2163. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 2163 is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 39 of the Calendar, appears House Bill 2164. Representative Curry. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2164, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Julie Curry, has been approved for consideration."

Speaker Hartke: "Representative Curry."

Curry: "Thank you, Mr. Speaker. House Amendment 1 just simply makes, makes a technical change to the Bill. The Amendment

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

deletes a provision of... in the Bill that would require the Secretary of State, the State Library to deposit money collected from user fees in the Library Services Trust Fund. Currently, money goes into the General Revenue Fund, right now and that's where it will remain."

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 2164?' 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. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 21 of the Calendar, appears House Bill 1181. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1181, the Bill's been read a second time, previously. No Committee Amendments."

Speaker Hartke: "Representative Delgado."

Clerk Bolin: "Floor Amendment #1, offered by Representative Acevedo, has been approved for consideration."

Speaker Hartke: "Representative Acevedo. Representative Delgado, are you going to carry the Amendment? Representative Delgado."

Delgado: "Yes, Mr. Speaker, that Amendment is in my name. That Amendment had a misquote on Representative Acevedo's name. That was heard in committee this morning, the committee which I participate in. And I think it was just a matter of a mix up in last names. And we would like..."

Speaker Hartke: "Okay. Present your Amendment."

Delgado: "Thank you. Amendment #1 amends the... becomes my Bill. Under current law, all monies raised for school purposes shall be held by the City Treasurer in separate funds

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

subject to the order of the school board upon it's warrant signed by it's president and secretary. The Amendment provides that the money shall be subject to order of the board, not only upon it's warrants, but upon it's checks signed by the president, secretary and the comptroller and countersigned by the mayor and the city comptroller. Basically, what this Amendment does is allow the school board, Chicago School Board, to use a form of payment changing from vouchers to checks. It's basically a technical change in the School Code and has no impact on labor, curriculum or appropriations."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, Representative Delgado asks the approval of Amendment #1 to House Bill 1181. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 1181 is hereby declared passed. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 27 of the Calendar, appears House Bill 1510. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1510, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. The Bill is a Bill that was an initiative of the Illinois Nurses Association. The Department of Corrections had some concerns about the Bill. The Amendment that we have here in front of us represents an agreement between those two

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

groups to, I believe, remove any opposition to the Bill.

And for that purpose I'd move for it's adoption."

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: "Sponsor will yield."

Black: "Representative Hannig, most of the health services offered at Department of Corrections Institutions now are contracted out privately, are they not?"

Hannig: "Well, Representative, there's a combination. In some instances you actually find institutions where there are some nurses that are state employees that work side by side with nurses who are under some type of contract. Other institutions are all state employees and there are some that, frankly, are all contract. So it's a combination of all three."

Black: "And so, what does the Amendment do then? I mean, basically, does the Amendment say that such services can't be private?"

Hannig: "So obviously, so the issue is that the Illinois Nurses obviously would like a situation where all nurses... or all nurses would be state employees. The Department of Corrections believes that and I think correctly, that if we can save money through a contractual effort that we should be able to do that. This Bill provides a mechanism whereby the Department of Corrections would still have the ability to hire these nurses under a contract. But there would be a process laid out that the department agrees that they can use to insure that, indeed, we are saving money."

Black: "All right. So the Department of Corrections is okay with the Amendment then, I assume, right?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Hannig: "I'm sorry, I didn't hear the question."

Black: "The Department of Corrections would then be... fair to assume that they are now proponents or... they are not opposed to the Amendment?"

Hannig: "That's correct."

Black: "Okay, fine."

Hannig: "The language was worked out between the Department of Corrections and the Illinois Nurses Association."

Black: "All right. All right. Thank you very much. Thank you. Mr. Speaker, point of personal privilege?"

Speaker Hartke: "State your point."

Black: "I appreciate the Gentleman's indulgence. Would like to welcome a former Member and now Congressman, Jerry Weller, who is with us on the floor here today. So, thank you."

Speaker Hartke: "Representative Hannig, would you like to close?"

Hannig: "Just ask for a favorable vote."

Speaker Hartke: "The Gentleman asks for a favorable vote on Amendment #1 to House Bill 1510. All those in favor of the Amendment signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 8 of the Calendar, on Second Reading, appears House Bill 452. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 452, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. House Amendment #2 provides that the... provides the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

quick-take powers for the Village of Lincolnshire for the purposes of redevelopment. It provides... Amendment #2 also has a intergovernmental agreement between the Department of Human Services and the Village of Tin... Tinley Park. It has a reverter clause and some language that the Department of Human Services requested. So this Amendment is at the request of the Department of Human Services to clarify some of the underlying language that's already in the Bill. And I'd move for its adoption."

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

Black: "Thank you very much, Mr. Speaker. I just, a quick, a quick inquiry of the Sponsor."

Hannig: "Excuse me, Representative?"

Speaker Hartke: "The Sponsor will yield."

Black: "Okay. Representative, it's my understanding that we were going to hold this Bill, that we had a couple of Amendments that were going to be perhaps considered of the Bill. And that that would be held until we had some kind of answer on the two Amendments that we had filed of the Bill. Is that... am I wrong in that perception?"

Hannig: "Representative, would it be unfair to ask that we adopt the Amendments and I think the next Amendment has to do with Representative Beaubien's interest and then we could hold the Bill at that point?"

Black: "Okay. Can we have an agreement that you'll hold the Bill on Second until we can check on a few of the Amendments that we thought we had an agreement that would be added to the Bill?"

Hannig: "With the understanding that at some point we need to move forward."

Black: "Well, sure, no I mean just today, if you would?"

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Hannig: "Okay. That's fine, Representative."

Black: "Okay, fine. Thank you."

Speaker Hartke: "Would you like to take the Bill out of the record?"

Hannig: "No, I think the understanding is we'll adopt the Amendments, but we'll leave it on Second."

Speaker Hartke: "Okay. Further discussion? Seeing none... seeing that no one is seeking recognition, the question is, 'Shall the Amendment #1 to... Amendment #2 to House Bill 452 be adopted?' 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. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. This provides some quick-take powers to the Village of Lincolnshire for two years as well as some quick-take powers for Lake County. And on that question, Representative Beaubien, would be happy to answer any questions."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes, this was a Bill that passed unanimously out of committee in another Bill and we're adding on these Amendments for quick-take. It deals with two intersection improvements in Lake County. As I said before, it passed it out unanimously. If you have any questions, I'd be happy to answer them."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #3 to House Bill 452?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the Chair, the 'ayes' have it. And Amendment #3 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A land conveyance appraisal note has been requested and that note has not yet been filed."

Speaker Hartke: "Hold this Bill on Second. On page 30 of the Calendar, appears House Bill 1707. Representative Fritchey. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1707, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Floor Amendment #1... House Bill 1707 is an initiative of the Secretary of State. Floor Amendment #1 is a result of discussions with Republicans in the Senate on trying to find language that would be acceptable to both chambers. What Floor Amendment 1 provides, the underlying Bill provides for a late fee for vehicle registration. Presently, there is not one in this state. There would be a late fee, after a 45 day grace period, of \$48. Out of that, of that \$48, \$32 would go to the Road Fund and \$16 dollars would go into the Live and Learn Fund, which is a fund overseeing literacy programs and organ donation programs. 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: "He indicates he will."

Cross: "John, I, what happens in the, at 45 period... 45 day period in the event you get a ticket for failure to

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

have the proper registration?"

Fritchey: "I can only speak to what happens back home and usually it's a compliance citation. Where it is, if you were to go to court and show that you have, that you had obtained a registration, then more often than not that citation's dismissed."

Cross: "Well, I know in our neck of the..."

Fritchey: "What would happen right now is that you would be cited for driving an unregistered vehicle or a vehicle with expired registration. And this wouldn't change that. This changes nothing from a penalty... from a citation standpoint. This is simply that there is now a fee if you register late. Right now, somebody can drive their car with unexpired registration for three, six, twelve months and just go and register and never pay a penalty."

Cross: "Well, I realize there's that potential, but aren't we also at the same time running the risk of penalizing people, not only with your Bill, but also they get a traffic ticket for expired registration plates. They're going to end up paying three or four times the original cost. I don't know if that's really what... we don't do that in many other cases, traffic citation cases."

Fritchey: "Well, I, for example, in the City of Chicago if you renew your city sticker late, there's a penalty, if somebody pays a utility bill late or a credit card bill late, there's a penalty. All this would provide and mind you, there's about a three month window you're looking at. The Secretary of State sends out their vehicle registration notice about 45 days in advance. And this Bill allows for a 45 day grace period. So now, you have a 90 day window in which to renew your registration without a penalty."

Cross: "John, I can't hear a thing you're saying, I know, I..."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Fritchey: "I don't know if this would help or..."

Cross: "Well, and I'm not trying to be rude, I just..."

Fritchey: "...make matters better or worse. No, I'm not trying to be funny, Tom. This, again, this does not have anything to do with the Vehicle Code from a standpoint of police ordering citations. It's simply an additional fee, if you will,..."

Cross: "...Yeah."

Fritchey: "...for not paying on time. If somebody complies with the law as it is right now, this law does not affect them. What this will do is benefit dramatically the Road Fund and the Literacy Programs by adding about \$20 million in the first year alone by simply requiring people to obey the law. And to renew their..."

Cross: "I understand that and that I think, I guess is admirable. My concern is, you were setting up a scenario where people are going to be hit three times. They're going to pay the \$48 initially or obviously not initially they're going to be late, thereafter 45 days they're going to charge them another \$48 and then they're going to get a traffic ticket, potentially. And they are then going to, they're going to have to pay that traffic ticket. I just, do we really want constituents coming to your door saying, 'All right, I've had to pay \$48, \$48 and \$100 for my registration.' And I suspect if you get a traffic ticket now or under, after this Bill, say it becomes law. The court is going to say look, you know, 'Go get your new plate.' And so, the new registrations you're going to get wacked two, maybe three times."

Fritchey: "I think... I understand what you're saying, I think you're making this out worse than it is. Right now, you get hit once, \$48 for renewing your plate sticker. That's

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

right now. If you're going to get a ticket, you're going to get it one way or the other, now or under this law. This is not a triple whammy. This is a late fee for those that pay late. As I said, in Chicago if you have, for example, an expired registration, a broken windshield, anything like that, ordinarily you show up in court with proof that you've remedied the situation, that citation's dismissed. So, you are still going to be liable for late, late..."

Cross: "That may be in Chicago, but in downstate I don't know that that's necessarily the case."

Fritchey: "I don't know whether it is or not, to be candid with you. Right now, all this is going to say is your... if your vehicle registration expires on June 30th, you still have till August 15th to renew it. You've got a 45 day grace period. If you don't do it within that 45 day grace period from the time it expires, then there's an additional fee and that fee is going to be put to good use."

Cross: "Well, I'm just concerned that we're going to have people paying a registration fee of \$150 or more when it all gets said and done and I... compliance is one thing and I think that the rationale of the compliance or the way we do that is to issue a traffic ticket. If someone's noncomplied they get a ticket."

Fritchey: "But that... let me make two comments. Initially, we may want to hold this discussion till we discuss the Bill itself, rather than the Amendment. But I would say that what you're saying is to have no late fee whatsoever will simply just encourage people to drive on an expired registration until they get caught. Then they'll pay the ticket without having to worry about a late fee. But I think we should save this discussion and have it when we discuss the Bill. All the Amendment does is change the way

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

the Bill read initially was, one-third to the Road Fund, one-third to Literacy Fund and one-third to the Library Fund. At the request of Republican Leadership in the Senate, it's now two-thirds to the Road Fund, one-third to the Live and Learn Fund. All right. So, that's, if we discuss just the Amendment now and this issue is not going to go away when it comes time to discuss the Bill."

Cross: "Okay. Thank you very much."

Fritchey: "Thank you."

Cross: "Thank you, Mr. Speaker."

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

Rutherford: "Mr. Speaker, thank you. Representative Fritchey, I've got a question. The Amendment only did the one-third, two-thirds, right?"

Fritchey: "Correct."

Rutherford: "Okay, then I will hold off till we get to the Bill. Thank you."

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

Fritchey: "Again this is a Amendment which has received, I guess preapproval if you will, from the Republican Majority on the other side. And I respect... respectfully request favorable consideration here so we can get this forward. The Secretary of State, it's his initiative. The Governor has indicated his approval of this. The Senate Republicans have indicated their approval of this and I would hope that we would be able to do the same. Thank you."

Speaker Hartke: "The question is, 'Shall Amendment #1 to House Bill 1707 pass?' 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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 58 of the Calendar, appears House Bill 2314. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "House Bill 2314 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second for the purposes of an Amendment. On page 52 of the Calendar, appears House Bill 144. What's the status of that Bill?"

Clerk Bolin: "House Bill 144 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Let's move that back to Second for the purposes of an Amendment. On page 37 of the Calendar, appears House Bill 2035. Representative Boland. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2035, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed. A state mandates note has been requested on the Bill, as amended, and that note has not yet been filed."

Speaker Hartke: "That Bill will remain on Second. On page 20 of the Calendar, appears House Bill 1112. Representative Young. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1112, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 49 of the Calendar, appears House Bill 2667. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2667, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed. A fiscal note has been

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

requested on the Bill and that note has not yet been filed."

Speaker Hartke: "That Bill will remain on Second. On page 3 of the Calendar, appears House Bill 88. Representative Holbrook. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 88, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 38 of the Calendar, appears House Bill 2088. Representative Howard. Constance Howard. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2088, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 53 on the Calendar, on Third Reading, appears House Bill 402. Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 402, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 402 is known as the Automobile Lease Tax Bill. As the Bill is currently formulated it is in shell form. The language was taken out of the Bill. There's some question that we'd like to have answered from the Governor's Office regarding the fiscal impact on this legislation. And to that end we've agreed to send it over to the Senate as a shell allowing some time for or some sort of response from the Governor's Office and or the Department of Revenue, in a timely fashion. And so, I would move and agree that we send this Bill over to the Senate and wait for it to come back with the appropriate

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

language and hopefully the support of the Governor's Office."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 402 pass?' This is final action. Representative Black. Representative Black, for what reason do you rise?"

Black: "Yeah, I'm a cosponsor of the Bill. I like the Bill and we've worked on it for years. But an inquiry of the Chair?"

Speaker Hartke: "State your inquiry."

Black: "Are there no Amendments on this Bill?"

Speaker Hartke: "Mr. Clerk?"

Clerk Bolin: "Amendment #1 was adopted in committee. Floor Amendment #2 has been referred to the Rules Committee."

Black: "Is it the Sponsor's intent to send it to the Senate and try and get the Bill worked out?"

Turner, A.: "We're waiting to hear back from the Governor's Office to... we're trying to allow some response from the Governor's Office on the fiscal impact..."

Black: "Okay. All right."

Turner, A.: "...and his acceptance or willingness for the Bill."

Black: "All right, well, thank you. Mr. Speaker, to the Bill. It's on Third Reading. I don't have any problem with this and we've worked on it for years. But I think in fairness to Members on both sides of the aisle, I think they ought to know that this is a shell Bill. I know, I know what the Sponsor intends and I'm optimistic that the Bill will come back exactly as he intends it to do. But I just want to make sure that Members on my side of the aisle realize and recognize that it is a shell Bill. Thank you."

Speaker Hartke: "Again, the question is, 'Shall House Bill 402 pass?' This is final action. All those in favor signify

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

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? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 402, there are 70 Members voting 'yes', 45 Members voting 'no', 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 58 on the Calendar, appears House Bill 2723. Representative O'Connor. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2723, a Bill for an Act to amend the Illinois Motor Vehicle Theft Prevention Act. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, Members of the House. House Bill 2723 would extend the sunset of the Motor Vehicle Theft Prevention Act by four years. Currently, the Act is scheduled to sunset January 1 of this year. The Act basically provides for financial or for a host of financial support relating to auto theft prevention. Since 1992, with the creation of the Act, motor vehicle theft has dropped by 28% in Illinois, equating to a rough equivalent of, of 113 million in savings. This Act in the Bill and the Prevention Council which is enabled by it, is a joint industry public sector partnership. And there is no known opposition to the Bill. It's supported by: the Criminal Justice Information Authority, the Secretary of State, the City of Chicago, the Illinois Insurance Association, Allstate Insurance, the Illinois State Police and State Farm Insurance Company. 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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

2723 pass?' All those in favor 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 2723, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. For what reason does the Lady from Lake, Representative Andrea Moore, seek recognition?"

Moore, A.: "Thank you, Mr. Speaker. I require some assistance from the electrician for my... for the switch. It seems to not want to stay lit, here."

Speaker Hartke: "Would the electrician please assist Representative Moore. On page 56 of the Calendar, appears House Bill 1208. Representative Stroger. Mr. Clerk, read the Bill. Out of the record. On page 17 of the Calendar, appears House Bill 870. Representative Scott. Out of the record. On page 11 on the Calendar, on Second Reading, appears House Bill 593. Representative Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 593..."

Speaker Hartke: "Out of the record. Representative Ryder, is he in the chamber? For what reason does the Lady from Lake, Representative Gash, seek recognition? For what reason does the Gentleman from Bureau, Representative Mautino rise? Oh, Peter's pushing your buttons. On page 18 of the Calendar, appears House Bill 943. Representative Madigan. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 943, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "Speaker Madigan."

Madigan: "Mr. Speaker, the Bill is concerned with the ability of a Home Equity Commission to grant low-interest home improvement loans. The purpose of Amendment #2 is to clearly provide that before a Home Equity Commission can become involved in this activity that they must opt into the program. That they must adopt a resolution to the commission which specifically provides that they wish to participate in a program of providing low-interest home improvement loans. I move for the adoption of the Amendment."

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

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

Speaker Hartke: "He indicates he will."

Black: "Yes, Representative, is this your second Bill? So, we can only have two Bills."

Madigan: "I believe Mr... now Mr. Black, this matter is on Second Reading."

Black: "Oh, on Second Reading."

Madigan: "Correct."

Black: "Well, then I have to ask you about the Amendment. Okay. But this is the Second Amendment?"

Madigan: "This is Amendment #2..."

Black: "Amendment #2, I..."

Madigan: "...to this Bill."

Black: "...I knew it. All right. The Amendment #2 makes reference to a governing commission. What is a governing commission? Is that a governmental body?"

Madigan: "Well, that's, yes. This, this is a governmental entity created by referendum where there's a board or a commission that administers the function and that commission is

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

appointed by the Mayor of Chicago."

Black: "And I'm not familiar with a governing commission, is this only, is this endemic only to the City of Chicago?"

Madigan: "There are, I believe, three or four of these commissions that were created inside the City of Chicago, always by referendum."

Black: "And then the Amendment goes on to say that they could, by resolution of said commission, establish a low-interest home improvement program. Now that, would that be ??? throughout the City of Chicago or only in specified areas or wards?"

Madigan: "Only within the boundaries of the particular commission that adopts the resolution indicating that they wish to participate in the program."

Black: "Okay. Thank you very much."

Madigan: "Hey, thank you."

Black: "No, thank you."

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

Johnson, T.: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, T.: "Mr. Speaker, I'm just looking at my computer here, quickly. This sets up a commission. We have problems setting up commissions?"

Madigan: "The commission is already, they do, they have to go out and campaign to the people and persuade a majority to vote 'yes'. But they've done it."

Johnson, T.: "But you do support some commissions?"

Madigan: "Some commissions are good, but not all."

Johnson, T.: "All right, well, I'm just happy to hear that, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

seeking recognition, Representative Madigan to close."

Madigan: "I would request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #2 to House Bill 943?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 to House Bill 943 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 58 of the Calendar, appears House Bill 2680. Representative Younge, Wyvetter Younge. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2680, a Bill for an Act concerning the Southwestern Illinois Teachers Academy for Math, Science and Technology. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. This Bill would establish the Southwest Illinois Teachers Academy of Math and Science. It... this Bill passed the House by an overwhelming vote last Session. It is supported by the State Superintendent of Schools, the local superintendent of schools and the regional superintendent of schools. And it would set up a Math and Science Academy that would be located at Parks Aeronautical Engineering College. It would train 300 teachers a year. It would be, a... consultant on the school would be Doctor Stephanie Marshall. She has met with the educational establishment in the St. Clair County area and has agreed to that. And I ask for your favorable support for this matter."

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

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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Hartke: "She indicates she will."

Black: "Representative, the committee Amendment becomes the Bill, is that correct?"

Younge: "That's correct."

Black: "All right. Is this Southwestern Teachers Academy limited to a certain number of counties?"

Younge: "The people, the teachers..."

Black: "I mean, is it... does it have a specified service area?"

Younge: "The Southwestern Illinois Teachers Academy would be open to teachers all over the state with major concentration with teachers from Southern Illinois. As you know, there are academies in Northern Illinois. As you know, so... it would... it is descriptive of the location of the academy."

Black: "All right. But... could this Teacher Academy put on programs? For example, in my county or McHenry County or will it be limited to programs in a certain geographical area?"

Younge: "They would probably have their programs at the downstate location. It would be improbable that they would go to McHenry County, Representative Black. The effort is to get in Southern Illinois a much needed teacher training facility. We have the lowest IGAP scores in the state and there's a cluster of schools from here to Cairo that the teachers, although they are highly dedicated, need to be trained in the latest techniques of teaching math and science. And so, the effort is to bring up the test scores and bring up the standards on educational standards in math and science in Central and Southern Illinois."

Black: "Oh, all right. And then I noticed that the board, the Southwestern Illinois Teachers Academy will have some extraordinary, well not extraordinary, but they will have certain powers. And among those would be leasing or

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

purchasing real estate, prepare and adopting an annual budget. I don't see a financing mechanism. How are... where will the money come from to enable them to, for example, purchase or lease real estate?"

Younge: "All of that would have to be by specific appropriation, Representative Black. In other words, that would be an Appropriation Bill and would be a decision in reference to that. Probably what will happen is that they will rent space, but that is a matter of budget."

Black: "Okay."

Younge: "And so, what is happening is the State Superintendent of Schools along with the regional superintendents and the local school superintendent are in the process of meeting on a budget. And so, that matter will be discussed..."

Black: "Okay. I notice that staff says it's your... is it your intent... it is your intent to locate this academy at the former Parks College Campus site in Cahokia?"

Younge: "That is my desire. We have a situation in Cahokia, Illinois, where the St. Louis University has vacated 113 acres of magnificently, beautiful land. It was a Aeronautical Engineering College with fiber optically equipped buildings, a part ready for computers, ready for training and it is just such a perfect fit. That is my desire, but this project can go ahead whether or not that happens by the academy merely leasing space."

Black: "Have you had any conversations with the, the owners of record of the Parks College Campus? Are they amenable to trying to work out either a lease or a, you know, a dollar a year lease would be great to get started. Have you had any conversations with them about their willingness to, to lease this former campus site to this academy?"

Younge: "The owner wishes to sell the site."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Black: "Okay. All right, thank you very much, Representative. I appreciate your indulgence."

Younge: "You're welcome."

Black: "Thank you, Mr. Speaker."

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

Younge: "I would appreciate your support for this matter."

Speaker Hartke: "The Lady asks for the passage of House Bill 2680. All those in favor will signify by voting 'aye'; 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 2680, there are 72 Members voting 'yes', 41 Members voting 'no', and 2 Members voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 55 of the Calendar, appears House Bill 882. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 882, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Woolard."

Woolard: "Under the charter schools that we have in place today there are many good things that have taken place. We believe that without question that there should be teachers with proper credentials and certification involved in the teaching of youngsters whether it be in a charter school or a regular school. What this Bill does is insure that there will be a certification system that insures that these teachers are ready to be in the classroom with the students that they're taking care of. Would encourage your support."

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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

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

Speaker Hartke: "He indicates he will."

Black: "Representative, I'm not sure I understand what your intent is? Is your intent that all instructors at charter schools would be certified? Would have to meet certification standards?"

Woolard: "Well, qualified would probably be our intent, but certified, yes. Qualified teachers."

Black: "Doesn't that kind of fly, it would... my perception is that that would kind of fly in the face of what charter schools were supposed to be all about? That if you set it up, just for an example, bear with me for a second. An Einstein, an Albert Einstein, was not a certified teacher. It's my understanding that he could have taught physics at a charter school, could not have taught physics in a public high school. And I guess, what I'm confused is you're telling me that those, those people with particular skills, life skills or somebody from NASA, an astronaut. If you could get that person to teach at a charter school, and remember the purpose I think, isn't it, to get away from all the state restrictions and the State School Code? So, are you telling me you don't want somebody with particular life skills not be able to teach at a charter school because they were not a certified teacher?"

Woolard: "What I'm... what I am telling you is that I believe that without someone that has the proper training and skills to manage the classroom setting, being present, that that individual should not be in charge of the classroom. Yes, that is what I'm saying, Bill."

Black: "I... and I understand that, Larry. I guess I'm having a problem trying to figure out how that meshes with what I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

thought the concept of a charter school was. And that, that school was free from some of the constraints and restraints of the School Code and could therefore be very creative in the curricula, as well as who taught the curricula. Now obviously, not wide open, I understand that. But I mean, let's say if you wanted to have an acting class, for example, or a fine arts class and somebody who grew up in my home town of Danville, Gene Hackman, for example, an Academy Award winning actor. If I understand it correctly, Gene Hackman could not be a fine arts instructor at your school, at the charter school unless he was a certified teacher."

Woolard: "I think that that's the point that I'm trying to make, Bill, that I truly believe that maybe we went one step too far in some areas and this being one of them. That I think, without question, that there are more individuals out there who can give us all kinds of great life experiences and can help us all in the classroom setting. But without the person being there who has properly been trained to manage and take care of the needs of the kids in the classroom..."

Black: "Okay. I appreciate your indulgence, Representative. Thank you very much for answering the questions."

Woolard: "Alright."

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

Woolard: "Would appreciate very much your support for this, what I think is a great Bill for the kids of this state."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 882. 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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 882, there are 94 Members voting 'yes', 21 Members voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 58 of the Calendar, appears House Bill 2631. Representative Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2631, a Bill for an Act to amend the Dry Cleaner Environmental Response Trust Fund Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a technical cleanup to legislation that we passed two years ago, which created the Dry Cleaner Environmental Response Trust Fund. Where the dry cleaning industry came to us, on their own initiative, with a program to help them clean up some of their environmental problems. The Act created a council which was appointed by the Governor. Unfortunately, we passed the original legislation in 1997, the council wasn't appointed until 1998 and really has only had just a few months of operation. So, this legislation would extend some of the dates in the original legislation and also delete some of the unnecessary provisions which required a loan to the council from General Revenue Funds and that has been repealed, also. I know of no opposition to this legislation. It is really technical changes recommended by the Dry Cleaner Council and I would urge a favorable vote. It's also supported by our illustrious Speaker, I believe. Is that fair to say?"

Speaker Hartke: "Not necessarily. Is there any discussion? Seeing that no one is seeking recognition, the question is,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

'Shall House Bill 2631 pass?' All those in favor 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 2631, there are 90 Members voting 'yes', 26 Members voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 56 of the Calendar, appears House Bill 1730. Representative Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1730, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I think that everyone recognizes that this is the same Bill that was passed last year, 15-26, unanimously out of this Body. It's just one of those continuing reminders that we have to keep sending that 100% funding for special education is actually good for every student in the classroom throughout the state. Would encourage your support. Representative Mitchell and I have been fighting this battle for a long time. Would very much appreciate your consideration."

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

Mitchell, J.: "Thank you, Mr. Speaker. I rise in strong support of this legislation. This is actually a better Bill than Representative Woolard and I had last General Assembly. This one is tied to the existing funding formula and will increase as, as the costs increase and as money increases the various districts. This is done by a task force out of the State Board of Education, they are fully behind this. And I join with Representative Woolard in saying that we

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

need a strong 'aye' vote to send this to the Senate. Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jefferson, Representative John O. Jones."

Jones, J.: "Thank you, Mr. Speaker. I appreciate that, you know... to the Bill. This... in the last Session, Representative Phelps when he was the Chair of the Education Committee, appointed a subcommittee on special education, which Representative Woolard and Mitchell and myself and two or three others worked on. This is something that's really been draining our school systems for the last several years on their funding. We need to put the funding in there for special education. This is a great Bill. I think we need to put 118 'aye' votes on here, send it over to the Senate, send a message to the Senate and to have the Senate to do the same thing and send that same measure to the Governor's Office and have this Bill signed. And I just strongly support an 'aye' vote on this Bill. Thank you."

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

Woolard: "I'd just like to thank everybody for your support in the past. I'm sure that we'll do the same again. Very much appreciate your 'aye' votes."

Speaker Hartke: "The question is, 'Shall House Bill 1730 pass?' All those in favor will signify by voting 'yes'; those opposed by voting '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 1730, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

12 of the Calendar, appears House Bill 626, Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 626, the Bill 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. Representative Turner in the Chair."

Speaker Madigan: "Speaker Madigan in the Chair. On the Order of Third Reading there appears..."

Speaker Turner, A.: "Representative Turner in the Chair. On the Order of Third Reading, page 57, we have House Bill 1893, Representative Novak. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1893, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The purpose of House Bill 1893 is to expand a program that was created in the... in the 90th General Assembly. That program that was created was an out... outgrowth of the federal reauthorization of the Safe Drinking Water Act. For a number of years, we've had a very successful revolving loan program that the EPA has administered for waste water treatment facilities. The federal reauthorization of the Safe Drinking Water Act created a very similar low-interest loan program for... for municipal water systems, so they could improve their infrastructure. This... the program, the standards and the rules are very similar to the waste water low-interest loan program and it's been in existence for, I think, well

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

over two decades. What this Bill is attempting to do is to provide an opportunity for the investor-owned water utilities to come into the program... since we have many of our communities throughout the entire state that have privately-owned water systems that provide resources to our citizens. So, essentially, this Bill gives an opportunity for the investor-owned municipal systems to come into the low-interest loan program. It is a revolving loan program with the interest rates that are well below prime. They're very attractive interest rates and they will save constituents dollars as well as the investor-owned utility to make critically needed upgrades and improvements to water systems throughout those communities that have privately-held systems. I'd be more than happy to answer any questions."

Speaker Turner, A.: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

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

Speaker Turner, A.: "He indicates he will."

Black: "Representative, my only concern about the program... I have two communities, right now, because of the increasing standards of the Clean Water Act on their sewage disposal plant are up against the wall and they don't have the local resources to do it. And my concern is... are we going to be in competition now, between those smaller communities that you and I are very familiar with trying to upgrade their sewage disposal plants to meet the ever increasing federal standards versus communities who want to and in some cases, will have to because of federal standards update their water treatment facilities, particularly those that are consumer or privately-owned or consumer-owned.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

What... what guarantees do we have we're not going to get into a battle of competing interests here?"

Novak: "Representative, first of all, let me just explain that this only deals with water distribution. Okay. Facilities. In other words, this has nothing to do with waste water treatment facilities that are owned by investor-owned utilities. This is just with... "

Black: "Well... "

Novak: "... the water distribution lines."

Black: "Okay, but I thought the underlying fund that we had used... we could access for sanitary treatment facility repairs... "

Novak: "No."

Black: "... and maintenance, couldn't we?"

Novak: "Yeah. Well, no. This... the one we're amending right now, is the new program that started in the 90th General Assembly. That's for infrastructure, low-interest loans for water distribution, like water mains, as an example."

Black: "Okay. Okay. All right. I apologize, Phil, I see it now. But, as I read this then, you... this will allow, I think... Kankakee and Danville water company are owned by the same... "

Novak: "Private."

Black: "... people."

Novak: "Right. Yes."

Black: "So this investor-owned water company could then access this fund under conditions that... "

Novak: "Yes."

Black: "... you've enumerated."

Novak: "Right. They have to... we've provided an Amendment, Representative Black, in committee to provide the EPA with more definitive language with respect to financial

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

assurance, since it's a... "

Black: "Okay."

Novak: "... private investor-owned utility and they are on...
EPA's now on board with this."

Black: "Okay. But a... but a very small community-owned
distribution system could also qualify, as well."

Novak: "Absolutely."

Black: "Okay. Fine. Thank you very much."

Novak: "Thank you."

Speaker Turner, A.: "The Gentleman from Kankakee, Representative
Novak to close."

Novak: "Yes. Yes, Mr. Speaker. I simply ask for a 'aye' vote.
Thank you."

Speaker Turner, A.: "The question is, 'Shall House Bill 1893
pass?' All those in favor should vote 'aye'; opposed vote
'no'. The voting is now open. Have all voted who wish?
Have all voted who wish? Have all voted who wish? The
Clerk shall take the record. On this question, there are
113 voting 'aye', 2 voting 'present'. And this Bill having
received the Constitutional Majority is hereby declared
passed. On the Order of Second Readings, we have page 2,
House Bill 31. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 31, the Bill has been read a second
time, previously. No Committee Amendments. No Floor
Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. On page 9, we have House
Bill 147. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 147, the Bill has been read a second
time, previously. Amendment #1 was adopted in committee.
No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 7, House Bill 378.
Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Bolin: "House Bill 378, the Bill has been read a second time, previously. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 8, House Bill 423. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 423, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Turner, A.: "Third Reading. Page 9, House Bill 472. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 472, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 10, House Bill 498. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 498, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments, no Motions filed."

Speaker Turner, A.: "Third Reading. Page 11, House Bill 543. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 543, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 14, House Bill 726. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 726, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 16, House Bill 791. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 791, the Bill has been read a second time, previously. No Committee Amendments. No Floor

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. House... page 16, House Bill 810. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 810, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 18, House Bill 939. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 939, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 19, House Bill 1061. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1061, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Page 20, House Bill 1100. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1100, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. House Bill 11... page 20, House Bill 1117. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1117, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Turner, A.: "Out of the record. Page 20, House Bill 1117. Read the Bill, Mr. Clerk."

Clerk Bolin: "The Bill has been read... House Bill 1117, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Scott, has been approved for consideration."

Speaker Turner, A.: "The Gentleman from Winnebago, Representative Scott, on Amendment #1."

Scott: "Thank you, Mr. Speaker. I thought you were gonna fake me out again, there. Amendment #1 does... it started out as a shell Bill. Amendment #1 becomes the Bill. It makes four changes to the Local Government Debt Reform Act it takes out a requirement that a CPA have a national reputation in their analysis. Also, allows for the Debt Reform Act to take effect with respect to leaseholds. It makes one other minor change to the Act and it passed out of committee with one negative vote and I would ask for support on the Amendment."

Speaker Turner, A.: "Any questions? Seeing none, those in favor of the Gentleman's Amendment, whoa... Representative Scott, I do want you to know that that was an official time out and not my fake out. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Well, Mr. Speaker, I congratulate you. You were very quiet, Representative Scott was very quiet, but I was listening. And I would like to see if Mr. Scott would yield."

Speaker Turner, A.: "He indicates he will."

Black: "Thank you. Representative Scott, if you're amending the Local Government Debt Act you're saying that whenever applicable law provides that the authorization or issuance of bonds is subject to either a front door or a back door referendum, the approval of that referendum once obtained, is good for ten years?"

Scott: "That's the case now, Representative."

Black: "Well, all the more reason we should change it. How... what's the... I mean, I only want to speak to the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Amendment. And I... unfortunately, I can't address the Amendment without knowing something about the underlying Bill. Are you increasing the debt? Is it your intent anywhere to increase the debt? Okay."

Scott: "No, no, Representative, these refer to the things that are commonly known as alternate bonds. You may have heard that, I'm sure your very familiar with those..."

Black: "Yes, I'm a heavy investor in alternate bonds, and as I recall I didn't make any money."

Scott: "Instead of pledging the general obligation of the unit of local government as most bonds do, the General Assembly added this provision a few years ago which would allow for alternate bonds. For example, you could pledge sales tax revenue off of a particular project to pay off the bonds, fees from a particular enterprise that the local government is doing something other than the GO, but with the GO backing it up."

Black: "Okay."

Scott: "That's when the back door referendum is required."

Black: "Was this a request of the Illinois Municipal League?"

Scott: "It actually wasn't a request of the Municipal League, but they do support the Bill. They slipped it in and testified in committee."

Black: "Okay, fine, thank you. Thank you, Mr. Speaker."

Speaker Turner, A.: "Representative Scott to close."

Scott: "Just ask that the Amendment be adopted. Thank you."

Speaker Turner, A.: "The question is, 'Shall Amendment #1 pass?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments, Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Turner, A.: "Third Reading. On page 20, we have House

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill 1132. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1132 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. On page 21, we have House Bill 1163. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1163 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. On page 22, we have House Bill 1247. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1247..."

Speaker Turner, A.: "Out of the record. On page 22, we have House Bill 1262. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1262 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1223, page 12... no, I'm sorry page 23, House Bill 1269. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1269 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 23, House Bill 1272. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1272 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 23, we have House Bill 1283. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1283 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. On the Order of Third Readings, page 53, we have House Bill 274. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 274, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Third Reading

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

of this House Bill."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Mr. Speaker. For Members who were here in last Session, this is a matter that has been discussed at great length. It gives the Water Reclamation District the opportunity to provide for building contracts where the design aspect is included. This would afford the district tremendous savings. The Water Reclamation District expends about \$60 million annually and it's anticipated that this design build feature that has been used in the greater majority of states throughout our country, currently would afford a savings of over a million dollars. I'd be happy to answer any questions that the Members would have regarding the matter."

Speaker Turner, A.: "The Gentleman from Kendall, Representative Cross, for what reason do you rise? He indicates he will."

Cross: "He'll yield?"

Speaker Turner, A.: "Indicates he will."

Cross: "Parliamentary inquiry to the Chair, first of all. Does this preempt home rule? And then if I could ask some questions. Representative, it appears from our reading of the Bill that you are getting around some competitive bidding criteria of the state. Can you explain to us the bidding process under this Bill?"

Burke: "Well, currently, as you would understand, Representative, all projects are put out for bid, both for design and what's the other feature and construction. This legislation would permit the district to ask one entity to provide both the design and the construction. It would save on time and there would be a tremendous savings in cost to deal with one entity as opposed to two separate.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

And it has been the case throughout the country that the majority of organizations like the Water Reclamation District are using the design build concept in order to save tremendous time and several millions of dollars."

Cross: "Now, I understand that the Illinois Construction Industry is opposed to this Bill or they were. Do you have any idea, did they testify in committee as to why they're opposed? Do you know why the construction industry is opposed to this Bill?"

Burke: "Well, as you know, Representative, many cases these entities, these organizations indicate their opposition but they certainly never articulated the reason. I truly can't understand why they would be opposed."

Cross: "Representative, I'm puzzled, is there any reason why this Bill didn't go through the State Procurement Committee, State Procurement Committee as opposed... it looks like it went through Exec, is that right?"

Burke: "That's correct."

Cross: "So just so everybody on the floor is clear what you're doing in this, certain contracts associated with the Metropolitan Water Reclamation District are no longer subject to the competitive bidding requirements, is that correct?"

Burke: "That was already in statute and all we are adding is design build concept. That's..."

Cross: "I can't hear you."

Burke: "What you had suggested, that certain certain considerations were not subject to the competitive bidding, that's already in statute. What we are concerned with in this Bill, is to provide that design and build would be combined. So you wouldn't have two separate entities to deal with."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Cross: "So what do you mean by design build, Representative?"

Burke: "Design build would mean that if you were to anticipate a project, you would put out competitive bids and the entity that would respond would respond to both the design aspect of the project and the building of the project. So the designer and the builder are one entity as opposed to what was previously the case, where they go to two separate organizations."

Cross: "All right. Mr. Speaker, I had that parliamentary inquiry and then I... in addition, in the event that it still happens to get the requisite number of votes, we request a verification."

Speaker Turner, A.: "We'll get back to you on the parliamentary inquiry."

Cross: "Thank you."

Speaker Turner, A.: "And in the meantime we'll entertain questions from other Members. The Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Representative Burke, would you yield for a few questions? Representative, does this eliminate any of the bidding process that is already in your current statutes?"

Burke: "No, it doesn't. Basically, the issue that we are trying to address here is simply the expediting of projects, where currently they would go to two separate entities, a designer and a builder. We're asking that both entities, both aspects of this project, the design of the anticipated project and the final completion of the project would be done by one entity. So they're still competitively bid. And the agency would still be going to the most appropriate and lowest bidder that would present."

Pankau: "Correct me if I'm wrong, but my experience with design

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

build is that you basically request RFP's, because this is considered a professional type of thing, it would be a package that would be put together and that generally, these packages are then reviewed and basically the lowest RFP or request for professional services is the one that is traditionally awarded then. Is that your concept of design build?"

Burke: "Yes, and to further explain that, firstly: a published request for proposals, which would be the RFP, secondly; there would be a required consideration of price, but shall not require that price be the only consideration, and thirdly, finally: provide that the final selection process may include negotiation. So, there are three ingredients to the RFP requirement."

Pankau: "So, you're not really taking away any of the options of the Metropolitan Water Reclamation District. You're actually giving them further options to use in today's environment."

Burke: "That is absolutely correct."

Pankau: "I happened to have had an experience when I was on the DuPage County Board, that the bricks on the county building were falling off and so the county went ahead and repaired everything. And when we went to court, it was a low bid situation, so the architect pointed the finger at the contractor, the contractor pointed the finger at the architect and basically, the county had to pay because we could hold no one totally liable. My understanding of the design build concept which we then used when we built our county jail and did not have the same problems is that you basically have one person to point the finger to, and that design build person is the person that if there is something wrong you go back to him and say, 'It's you and

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

it's you only that's responsible for this. Fix it.' And you don't have to go through the multiple finger pointing. I think some of the hesitation on your Bill is that some Representatives might feel that people... that you would not be taking the lowest RFP, or the lowest request for professional services. My understanding though, is the way these things work is that an RFP is becoming more and more the standard operating procedure and in fact, has many safeguards built into it so that generally the lowest RFP or the lowest bid, is the one that is selected anyway, based on the experience of the contractor. Are my recollections the same as yours?"

Burke: "I have to extend my appreciation to you, Representative, you have encapsulated the entire purpose for this legislation by virtue of your experience in the county board. Indeed, those matters that you have cited are the whole point of this legislation being offered and recommended by the Water Reclamation District. As you have suggested, there would be tremendous savings in litigation if there is a problem with the design aspect of it, or the building aspect of it the district would have one entity to go to rather than chasing all around the mulberry bush trying to find whoever's responsible. The finger pointing would stop. You would have one person to look to, one entity, one business to look to for litigation purposes. So the savings are not only with respect to the initial concept with design build, but certainly as a problem would ex... would crop up, the litigation costs would be tremendously reduced."

Pankau: "So, Mr. Speaker, to the Bill. I will be voting for this Bill, because I think it gives this very large Metropolitan Water Reclamation District another option to use when

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

they're considering their large projects. And they consider huge projects at any given time. Design build is a concept that is with us today, because it puts the responsibility, it puts the liability in one place. And I have no problem with giving them another tool besides competitive building... besides competitive building. Their Board can decide which way to go and I think we should leave the decision to them. Thank you."

Speaker Turner, A.: "The Gentleman from ... excuse me, the Lady from Cook, Representative Lyons."

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

Speaker Turner, A.: "He indicates he will."

Lyons, E.: "Representative, could you answer a question? If a construction company doesn't have a design department they... a function, and they just have the building function, would they be eliminated automatically?"

Burke: "I would suggest to you that it depends upon the particular project that's being considered. In some instances, certainly, that construction company might have very unique services. They might be in fact a sole source for the completion of a particular project. In that instance, certainly, the design aspect would not be considered. But the majority of their projects, and this is what the district is insisting to me, the majority of projects that they undertake to the tune of \$60 million annually would be those that would include the design build performance. So, in certain cases, yes, if the construction company did not have the design facilities they still would be considered. But in the majority of their undertaking of projects the design build would be requested, would be sought."

Lyons, E.: "So there's only certain times where you'd want the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

design build, so therefore, if companies did not have that function they would not be automatically eliminated entirely, they'd just be eliminated for those particular projects that you need a design build..."

Burke: "Exactly."

Lyons, E.: "I see."

Burke: "Exactly, as I said there are some projects that they undertake that would demand a specific expertise from a construction company that wouldn't necessarily have the design availability. So those entities would still be considered and would still be part of the competitive bidding process. So there is no one that's being excluded from this. It's only in their goal to save dollars and to avoid protracted litigation."

Lyons, E.: "My concern being that there would be small family run or minority businesses that because they do not have all the facilities to accommodate those projects..."

Burke: "No..."

Lyons, E.: "...that they would be eliminated."

Burke: "...no it's certainly not the district's intention to eliminate any private corporation any building entity. It's simply that the... the fact is most of the organizations that would bid on these projects today, do in fact, have the design feature available to them. So, but with respect to excluding a number of parties, that's not their intention and I can assure you that that would not be the case. That those construction entities that have very specific expertise that wouldn't have the design feature available would not be excluded. They still would be considered as part of the bidding process."

Lyons, E.: "Can you tell me what percentage of the jobs that you are talking about that would require both the design and

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

build?"

Burke: "Okay. I can talk about the national stats on this, and that is that the FW Dodge reports roughly 18% of the 200 billion construction market was design build in 1996. So, we're talking about a pretty small percent, 18% of a \$200 billion nationwide construction undertaking. And that would be for entities similar to Water Reclamation District."

Lyons, E.: "Well, I just want to make it clear that it's not your intent to eliminate the smaller construction firms from bidding."

Burke: "No, absolutely not. I think the Water Reclamation District has a superb record with respect to encouraging smaller entities and indeed, minority-owned businesses to participate with these projects. It has been their ongoing history that they would encourage this and certainly it would not be my intention, nor would I have supported this legislation if I suspected that was their goal."

Lyons, E.: "Thank you."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Turner, A.: "He indicates he will."

Johnson, Tom: "Representative, I... tending to want to support this piece because I know that this is where things are headed. My concern is this, though, when we do design build how do we really know whether we are getting the best deal? If we don't competitively bid something, we've asked for an RFP, somebody comes forward with an RFP, obviously all the detail isn't in there like a competitive bid, the specs... you know, you're kind of basing on the reputation of the company or you've seen them do something somewhere

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

else. But how do we really know in the end that this is cheaper than competitively bidding the architectural and then the actual build out?"

Burke: "From my conversations with the district, they are insisting and in fact asking for this legislation, based on their experience with the previous fashion of offering these projects, where two separate entities would participate in the completion of a project. And again, not to be redundant, but both the design and the construction would be separately bid, separately negotiated. In fact if there were problems as Representative Pankau had alluded to, there would be a very protracted litigation with respect to two separate entities and a lot of finger pointing and finally, you know, after long days in court deciding who was responsible for a particular problem. The district is insisting to me that not only would this Bill, this greater latitude to ask for both pieces of the project, the design and build to be offered by one entity, the litigation is a very, very serious concern of theirs. And certainly, the speed in which they could complete the project is of great concern to the district, as well. So, they would much prefer dealing with one entity, not only to avoid protected litigation, but certainly to get the project up and running more rapidly."

Johnson, Tom: "Well, I understand that, but again, you understand my concern that in the end how do we really know whether we've got the best deal or we don't? In terms of the taxpayers."

Burke: "I would suggest to you that we probably never know that we have the very best deal. I think the district has to depend on their previous experience with these professionals that they send the bids out to. As you know,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

there is a preferred bidding list, maybe not necessarily calling it preferred, but those vendors who are approved for bidding. They look to entities that have a track record and in the projects that the Water Reclamation District would undertake each year to the tune of 60 million, they don't very often deal with new kids on the block. They are engaging with those who have superior reputations. There are sometimes difficulties as we all know, but I don't think that anyone could guarantee that they're getting the very best deal. But they're asking and insisting to us in this legislation that a better deal could be afforded to the taxpayers that this design build project would offer."

Johnson, Tom: "Would it be appropriate ever to ask that when you're trying to exempt something out from the competitive bid process like this, thinking that this is the wave of the future of these highly sophisticated systems that we're putting in today to do a design build, would it ever be appropriate to maybe put a sunset on one of these things like four or five years, so that we make sure that we actually then come back here and look and compare what's been happening with the rest of the market out there, and whether or not this in fact is the best deal for the taxpayers or not?"

Burke: "You know, I certainly wouldn't be opposed to that but I can insist to you that we are certainly, in Illinois, not the first state to permit this type of program. So not only did the district look to other states, with respect to their experience, but they certainly looked to other entities that are providing the same type of projects throughout this country. And they are assured by virtue of previous and other taxing bodies experience that they know

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

that this... there are some very important benefits offered and some very important savings afforded by virtue of this combined project anticipation."

Johnson, Tom: "Thank you."

Speaker Turner, A.: "Representative... the Gentleman from Kendall, Representative Cross, in response to your parliamentary inquiry, the parliamentarian says."

Parliamentarian Uhe: "In response to your inquiry, Representative Cross, House Bill 274 amends the Metropolitan Water Reclamation District Act to exempt design and construction contracts lent by this Chicago Sanitary District from competitive bidding and provides for a selection process for design and construction contracts. The Sanitary District of Chicago is not a home rule unit. This Bill does not limit or deny the exercise of home rule powers by any home rule unit and therefore does not preempt home rule pursuant to Section 6 of Article VII of the Illinois Constitution."

Cross: "Thank you very much."

Speaker Turner, A.: "The Gentleman from Cook, Representative Burke to close."

Burke: "Thank you, Mr. Speaker. As I suggested in opening remarks, this legislation has been knocking around now for a couple of years. I have sponsored the legislation in last Session. It did indeed come out of this House with a very supportive vote. I can assure you that the district is anticipating greater opportunities to serve the taxpayer through this legislation. We know that there are tremendous savings to be afforded. We know that there are more rapid building projects that could be undertaken as a result of this, and I would suggest to the Members that other taxing bodies have had a very, very fortunate

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

experience in utilizing this very simple approach to the important projects that are undertaken each year..."

Speaker Turner, A.: "The question is..."

Burke: "... by the Water Reclamation District..."

Speaker Turner, A.: "The question is...."

Burke: "... thank you."

Speaker Turner, A.: "...'shall House Bill 274 pass?' All those in favor say 'aye'; all those opposed say 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 64 voting 'aye', 52 voting 'no', 0 'presents'. This Bill having received... there was a request for verification. Does the Gentleman insist?"

Cross: "No."

Speaker Turner, A.: "This Bill having received the Constitutional Majority is hereby declared passed. On page 56, we have House Bill 1147. What's the status of that Bill, Mr. Clerk?"

Clerk Rossi: "House Bill 1147 is on the Order of House Bills-Third Reading."

Speaker Turner, A.: "The Sponsor requests that the Bill be moved back to Second. On page 23, we have House Bill 1286. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1286 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 24, House Bill 1334, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1334 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 25, House Bill 1382, read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Rossi: "House Bill 1382 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 25, House Bill 1433, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1433 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 26, House Bill 1464, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1464 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 27, House Bill 1539, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1539 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill... on Page 28, House Bill 1570, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1570, the Bill has been read a second time, previously."

Speaker Turner, A.: "Page 29, House... Third Reading, Mr... Third Reading. Page 29, House Bill 1686, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1686 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 30, House Bill 1728, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1728 has been read a third (sic-second) time, previously."

Speaker Turner, A.: "Third Reading. Page 30, House Bill 1742, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1742 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 31, House Bill 1784,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1784 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 33, House Bill 1850, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1850 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 34, House Bill 1889, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1889 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 34, House Bill 1896, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1896 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 34, House Bill 1899, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1899 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 35, House Bill 1936, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1936 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Page 35, House Bill 1965, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1965 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1967, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1967 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1968, read the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1968 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1980, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1980 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2008, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2008 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2011, read the Bill, Mr. Clerk. Third Reading. House Bill 2038, on page 37, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2038 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2088, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2088 is on the Order of Third Reading."

Speaker Turner, A.: "2096, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2096 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2098, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2098 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 370, read the Bill, Mr. Clerk, 370, page 7."

Clerk Rossi: "House Bill 370 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 820, page 16."

Clerk Rossi: "House Bill 820 has been read a second time,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

previously."

Speaker Turner, A.: "Third Reading. House Bill 2167, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2167 has been read a second time, previously. A fiscal note's been requested on the Bill that has not been filed."

Speaker Turner, A.: "That Bill will remain on Second. Hold the Bill. House Bill 2113, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2113 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2180, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2180 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2194, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2194 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2263, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2263 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2326, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2326 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2388, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2388 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2590, read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Rossi: "House Bill 2590 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2591, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2591 has been read a second time, previously."

Speaker Turner, A.: "House Bill 2590... Third Reading. House Bill 2593, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2593 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2596, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2596 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2597, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2597 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2616, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2616 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2632, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2632 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2718, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2718 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2735, read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Rossi: "House Bill 2735 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2773, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2773 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2777, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2777 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2783, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2783 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2790, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2790 has been read a second time, previously."

Speaker Turner, A.: "House Bill... Third Reading. House Bill 2823, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2823 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1926, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1926 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 305, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 305 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 405, read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Rossi: "House Bill 405 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 539, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 539 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 583, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 583 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 612, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 612 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 650, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 650 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 865, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 865 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Mr. Clerk, what's the status of House Bill 539?"

Clerk Rossi: "House Bill 539 is on the Order of House Bills-Third Reading."

Speaker Turner, A.: "The Speaker re... the Sponsor requests the Bill be moved back to Second. House... what's the status of House Bill 563, Mr. Clerk?"

Clerk Rossi: "There is no 563."

Speaker Turner, A.: "How about 536, Mr. Clerk?"

Clerk Rossi: "Nope."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Turner, A.: "House Bill 1140... 1153. What's the status of that... read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1153, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. What's the status of House Bill 583, Mr. Clerk?"

Clerk Bolin: "House Bill 583 has been moved to the Order of House Bills-Third Reading."

Speaker Turner, A.: "The Sponsor moves... requests that it be moved back to Second Reading. House Bill... on page 20, we have House Bill 1153, read the Bill, Mr. Clerk. It's on Third Reading. House Bill 1154, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1154, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1197, read the Bill, Mr. Clerk. Out of the record. House Bill 1281, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1281, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1282, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1282, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1406, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1406, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1408, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1408, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1759, read the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Bill, Mr. Clerk. Out of the record. House Bill 1762, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1762, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1774, read the Bill, Mr. Clerk. House Bill 1786, read the Bill, Mr. Clerk. House Bill 1811, read the Bill, Mr. Clerk. 1811."

Clerk Bolin: "House Bill 1811, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1830, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1830, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1832, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1832, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1837, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1837, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2183, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2183, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2187, read the Bill, Mr. Clerk. House Bill 2197, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2197, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2210, read the Bill, Mr. Clerk."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Clerk Bolin: "House Bill 2210, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2271, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2271, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2281, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2281, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2219, read the Bill, Mr. Clerk. Out of the record. House Bill 2287, read the Bill, Mr. Clerk. Out of the record. House Bill 2302, read the Bill, Mr. Clerk. 2302."

Clerk Bolin: "House Bill 2302, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2304, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2304, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2492, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2492, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2605, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2605, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2675, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2675, the Bill has been read a second time, previously."

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Speaker Turner, A.: "Third Reading. House Bill 2733, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2733, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2744, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2744, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 2788, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2788, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Mr. Clerk, what's the status of House Bill 1830?"

Clerk Bolin: "House Bill 1830 has been moved to the Order of House Bills-Third Reading."

Speaker Turner, A.: "The Sponsor requests that the Bill be moved back to Second. Mr. Clerk, what's the status of House Bill 2302?"

Clerk Bolin: "House Bill 2302 is on the Order of House Bills-Third Reading."

Speaker Turner, A.: "The Gentleman requests that the Bill be moved back to Second Reading. What's the status, Mr. Clerk, of House Bill 2012?"

Clerk Bolin: "House Bill 2012, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Mr. Clerk, keep... hold that House Bill 2012 on Second Reading. Mr. Clerk, read House Bill 924."

Clerk Bolin: "House Bill 924, the Bill has been read a second time, previously."

Speaker Turner, A.: "House Bill 312, Mr. Clerk, what's the status

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

of that Bill?"

Clerk Bolin: "House Bill 312, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1375, read the Bill, Mr. Clerk. Out of the record. House Bill 1818, hold the Bill on Second. House Bill 2255, what's the status of that Bill? What's the status of House Bill 1579, Mr. Clerk?"

Clerk Bolin: "House Bill 1579, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. What's the status of House Bill 1654? It's 654, I apologize. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 654, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 734, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 734, the Bill has been read a second time, previously."

Speaker Turner, A.: "Third Reading. House Bill 1325, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1325..."

Speaker Turner, A.: "Third Reading. Hold that Bill on Second. I understand that there's a fiscal note requested, so that Bill will remain on Second. On page 58, we have House Bill 2845, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2845, a Bill for an Act amending the Clerks of Courts Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman... the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill allows the circuit clerk to employ either full-time or part-time an attorney

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

for the purposes of collection, including but not limited to such things as child support, dishonored checks, and unpaid fees. The payment for the attorney would be from the circuit clerks' fees. I'd be happy to answer any questions you might have."

Speaker Turner, A.: "Seeing none, the question is, 'Shall House Bill 2845 pass'? All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. This Bill having received the Constitutional Majority is hereby declared passed. On the Order of page 5... on page 58, we have House Bill 2847, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2847, a Bill for an Act amending the Clerks of Courts Act. Third Reading of this House Bill."

Speaker Turner, A.: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill has two parts. The part that relates to fees indicates that the clerk may charge a fee of up to \$25 for any check, draft, or other bank instrument returned to the Clerk for nonsufficient funds, account closed, or payment stopped. Additionally, it provides that interest earned on any funds held by the clerk must be deposited into the County General Fund as earnings of the Office of the Clerk. I'd be happy to answer any questions."

Speaker Turner, A.: "Seeing none, the question is, 'Shall House Bill 2847 pass?' All those in favor should vote 'aye', all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

who wish? The Clerk shall take the record. On this question, there are 70 voting 'aye', 42 voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, House Bill 1966, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1966 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner, A.: "Third Reading. Mr. Clerk, what's the status of House Bill 1975?"

Clerk Rossi: "House Bill 1975 has been read a second time, previously."

Speaker Turner, A.: "Third Reading. Mr. Clerk, what's the status of House Bill 1325?"

Clerk Rossi: "House Bill 1325 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The notes that were requested on the Bill have been filed."

Speaker Turner, A.: "Third Reading, Mr. Clerk. We're just waiting on the Assistant Clerk to put the committee schedule together and then we'll be straight. He's taking his lead from the head Clerk, so. Something about the head Clerk has the key to the Xerox machine so, as soon as they work this out we'll be ready. Committee reports, Mr. Clerk."

Clerk Rossi: "Committee schedules..."

Speaker Turner, A.: "Committee Announcements."

Clerk Rossi: "... for tomorrow morning is being passed out. Tomorrow at 9:30 a.m. the Agriculture Committee will meet in D-1. Also at 9:30, the Higher Education Committee will meet in C-1. At 9:30 the Human Services Committee will

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

meet in 118. At 9:30 the Judiciary I-Civil Law Committee will meet in 122B. And at 9:30 the Transportation Committee will meet in Room 114. That schedule's being passed out right now."

Speaker Turner, A.: "The Gentleman from Cook, Representative McCarthy, for what reason do you rise? I hear you're the official patriot of St. Patty's Day here. For what reason do you rise?"

McCarthy: "Thank you, Mr. Speaker. I move that we adjourn."

Speaker Turner, A.: "Representative, would you say that again, I did not understand you."

McCarthy: "I move that we adjourn, Mr. Speaker."

Speaker Turner, A.: "Allowing perfunctory time for the Clerk, Representative McCarthy moves that the House stand adjourned until the hour of 10:00 tomorrow, Thursday, March 18, 1999. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to Order. Introduction of First Reading of Senate Bills. Senate Bill 167 offered by Representative Hassert, a Bill for an Act concerning real property. Senate Bill 248, offered by Representative Julie Curry, a Bill for an Act concerning breast and cervical cancer. Senate Bill 252, offered by Representative Stroger, a Bill for an Act to amend certain Acts in relation to workplace injuries and diseases. Senate Bill 254, offered by Representative Feigenholtz, a Bill for an Act amending the Condominium Property Act. Senate Bill 288, offered by Representative Saviano, a Bill for an Act to amend the Illinois Dental Practice Act. Senate Bill 289, offered by Representative Lang, a Bill for an Act to amend the Probate Act. Senate Bill 290, offered

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

by Representative Parke, a Bill for an Act to amend the Unemployment Insurance Act. Senate Bill 294, offered by Representative Wirsing, a Bill for an Act to amend the Illinois Procurement Code. Senate Bill 315, offered by Representative Reitz, a Bill for an Act to amend the Counties Code. Senate Bill 351, offered by Representative Osmond, a Bill for an Act to amend the Intergovernmental Cooperation Act. Senate Bill 354, offered by Representative Hartke, a Bill for an Act to amend the Motor Fuel Tax Law. Senate Bill 392, offered by Representative Dart, a Bill for an Act relating to charitable organizations and activities. Senate Bill 393, offered by Representative Acevedo, a Bill for an Act to amend the Illinois Controlled Substances Act. House Bill 396, offered by Representative Osmond, a Bill for an Act to amend the Sex Offender Management Board Act. Senate Bill 398, offered by Representative Reitz, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 404, offered by Representative McGuire, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill 405, offered by Representative Dart, a Bill for an Act to amend the Criminal Code. Senate Bill 415, offered by Representative Stroger, a Bill for an Act to amend the Unemployment Insurance Act. Senate Bill 441, offered by Representative Cowlshaw, a Bill for an Act to amend the Public Community College Act. Senate Bill 447, offered by Representative Mautino, a Bill for an Act to amend the Illinois Banking Act. Senate Bill 448, offered by Representative Schoenberg, a Bill for an Act to amend the Historic Preservation Act. Senate Bill 452, offered by Representative Capparelli, a Bill for an Act to amend the Private Detective, Private Alarm, Private Security, and

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

Locksmith Act. Senate Bill 459, offered by Representative Lang, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 461, offered by Representative Meyer, a Bill for an Act to amend the Illinois Savings and Loan Act. Senate Bill 466, offered by Representative Mulligan, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 474, offered by Representative Brunsvold, a Bill for an Act considering the sale of hunting and fishing licenses. House (sic-Senate) Bill 485, offered by Representative Lopez, a Bill for an Act to amend the County Jail Good Behavior Allowance Act. Senate Bill 504, offered by Representative Acevedo, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 536, offered by Representative Garrett, a Bill for an Act in relation to the establishment of a county university center. House (sic-Senate) Bill 537, offered by Representative Mautino, a Bill for an Act to amend the Counties Code. House (sic-Senate) Bill 542, offered by Representative Meyer, a Bill for an Act to amend the Criminal Code of 1961. House (sic-Senate) Bill 549, offered by Representative Delgado, a Bill for an Act to amend the School Code. House (sic-Senate) Bill 565, offered by Representative Novak), a Bill for an Act to amend the Limited Liability Company Act. House (sic-Senate) Bill 570, offered by Representative O'Brien, a Bill for an Act to amend the Counties Code. House Bill (sic-Senate) 572, offered by Representative McGuire, a Bill for an Act in relation to laser pointers. House (sic-Senate) Bill 563... 643, offered by Representative Dart, a Bill for an Act to amend the Unified Code of Corrections. House (sic-Senate) Bill 659, offered by Representative Mautino, a Bill for an Act regarding

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

28th Legislative Day

March 17, 1999

telecommunications taxes. House (sic-Senate) Bill 665, offered by Representative Mautino, a Bill for an Act to amend the Illinois Income Tax Act. House (sic-Senate) Bill 678, offered by Representative Hartke, a Bill for an Act to amend the Grain Code. House (sic-Senate) Bill 725, offered by Representative Fowler, a Bill for an Act concerning aquaculture. House (sic-Senate) Bill 730, offered by Representative Monique Davis, a Bill for an Act to amend the Juvenile Court Act. House (sic-Senate) Bill 740, offered by Representative Wirsing, a Bill for an Act to amend the Illinois Vehicle Code. House (sic-Senate) Bill 741, offered by Representative Hartke, a Bill for an Act to amend the Illinois Vehicle Code. House (sic-Senate) Bill 751, offered by Representative Hartke, a Bill for an Act to amend the Fence Act. House (sic-Senate) Bill 762, offered by Representative Coulson, a Bill for an Act to amend the Health Care Arbitration Act. House (sic-Senate) Bill 770, offered by Representative Reitz, a Bill for an Act regarding forestry development and assistance. House (sic-Senate) Bill 804, offered by Representative Coulson, a Bill for an Act to amend the Illinois Municipal Code. House (sic-Senate) Bill 879, offered by Representative Stroger, a Bill for an Act to amend the Unemployment Insurance Act. House (sic-Senate) Bill 932, offered by Representative Meyer, a Bill for an Act to amend the Bond Issuance Notification Act. First Reading of these Senate Bills. Introduction and First Reading of House Bills. House Bill 2864, offered by Representative McGuire, a Bill for an Act to amend the Community Services Act. First Reading of this House Bill. There being no further business, the House Perfunctory Session stands adjourned."