

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

29th Legislative Day

March 18, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor Kelly Fryer of the Cross of Glory Lutheran Church in Lockport, Illinois. Pastor Fryer is the guest of Representative Kosel. The guests in the gallery may wish to rise and join us for the invocation."

Pastor Fryer: "Let us pray. Almighty God, You have given us this good land as our heritage. Make us always remember Your generosity and always seek to do Your will. Bless our land with hard work, good education, an honorable way of life. Save us from violence, prejudice, pride and arrogance. Defend our liberties and give those whom we have intrusted with the authority of government, the spirit of wisdom, that there might be justice and peace in our land. Help us always to remember that all we have is a gift from Your loving hand. Bless our cities and towns, our neighborhoods and farms, our schools and churches. Have mercy on those who suffer want; the poor, the homeless, the unemployed, the sick. Almighty God, we ask Your blessing today upon all those who hold office in the government of this state and especially those who will be at work in this great House today, that they may do their work in a spirit of wisdom, kindness and justice. Help them use their authority to serve faithfully and well. In Your almighty name we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hassert."

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Ronen is excused today. And it's today, not yesterday that she plans to join us later in the afternoon and she'll sign in then and everybody must remember to come and welcome her home."

Speaker Madigan: "Mr. Poe."

Poe: "Thank you, Mr. Speaker. Let the record show that Representative Persico has an excused absence today and all the other Republicans are here."

Speaker Madigan: "Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Feigenholtz, Chairperson from the Committee on Human Services to which the following measures were referred, action taken on March 18, 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 631. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles to which the the following measures were referred, action taken on March 18, 1999, reported the same back with the following recommendation: 'do adopt' House Joint Resolution 14."

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

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

Speaker Madigan: "State your point."

Mitchell, J: "Ladies and Gentlemen of the House, I'd like to direct your attention to the Speaker's Gallery behind the Speaker. In honor of Music Education Day here in the Capitol, there will be many, many groups from across the

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State of Illinois singing in the rotunda at the Hall of Flags. And if you have an opportunity you might want to go down and listen to some of the kids from your own districts as they sing. But for our enjoyment this morning, in order to open Session, I have eight students that have traveled here from Geneseo High School, J.D. Darnall High School in Geneseo. They're going to open our Session with the Battle of Jericho arranged by Moses Hogan and directed by Steve LaCroix, the music director for Geneseo High School. So with that, Mr. LaCroix, I'll turn it over to you. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "Committee Report. Representative Michael Smith, Chairperson from the Committee on Agriculture and Conservation to which the following measures were referred, action taken on March 18, 1999, reported the same back with the following recommendations: recommend 'be adopted' Floor Amendment #1 to House Bill 822."

Speaker Madigan: "On the Order of Third Reading, on page 51 of the Calendar, there appears House Bill 1774, Representative Bellock. Is Representative Bellock in the chamber? Read the Bill."

Clerk Bolin: "House Bill 1774, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of this House Bill."

Bellock: "Thank you, Mr. Speaker and Members of the House. House Bill 1774 amends the Illinois Marriage and Dissolution of Marriage Act. It provides for service of notice for attachment of the body of the obligor in a proceeding to enforce an order for support by regular mail addressed to the obligor at the obligor's last known address. What this Bill tends to do is help expedite child support payments.

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The obligor has already received two notices that he owes past support; and what this does is change that the notice to be sent can be sent either by personal service or by regular mail to the last known address."

Speaker Madigan: "The Lady moves for the passage of the Bill.  
The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I am not a lawyer and I understand what you're trying to solve, but why is this necessary?"

Bellock: "Well, the point is that... this came again out of the task force in our county for two years, that we study child support payments. And we worked with Public Aid, with the State's Attorney and Chief Judge. What seems to be one of the major problems is that when they do serve notice, and it's by certified mail, that the person avoids accepting the notice and constantly avoids serv..."

Parke: "The person who?"

Bellock: "...The obligor. The person who owes the support payment."

Parke: "Do they claim they don't receive it?"

Bellock: "Yeah."

Parke: "Well, if it's certified mail don't they have to sign or just can anybody sign for it?"

Bellock: "Well, that's just it, they don't sign for it. They don't, you know, they don't receive it. They avoid that."

Parke: "And so we're going to do what with it now? What's the alternative that you want to propose?"

Bellock: "Now the alternative is that that letter be sent either by personal service or by just regular mail to the last known address of which that person must, in child support cases, have a registered address with the clerk of his

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county."

Parke: "And you have to do it twice?"

Bellock: "He has to have received notice twice already before this would happen."

Parke: "And what happens after this?"

Bellock: "After this, then they would have the attachment that he could be served by the sheriff."

Parke: "So they could garnish his wages, gar...."

Bellock: "No, that would be taken into court then. This is just service of the notice."

Parke: "Was anybody in opposition to this?"

Bellock: "Actually, I had a long conversation yesterday with the Bar Association. They said they were okay with it, now, to move the Bill forward. They have one small thing that they think should be moved to a different Section, but they were okay with it. They told me that I was allowed to say that they would like to move forward with the Bill."

Parke: "And no one else is opposed as far as you're aware of?"

Bellock: "I think Public Aid had voiced an opposition, but didn't speak out why."

Parke: "You don't know why they were opposed?"

Bellock: "No and I don't know why they would be opposed because this saves the taxpayers money."

Parke: "Okay. Well, I just want to make sure that we're not putting legislation that's going to be, you know, draconian. I mean, I think anybody who owes child support ought to pay it. I have no qualms with that at all. I just want to make sure whatever laws we put in place are workable, are fair to both sides. And you believe this is fair to both sides, then?"

Bellock: "I, I certainly do."

Parke: "And the courts have shown an interest in saying this is a

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good procedure?"

Bellock: "Right."

Parke: "Thank you, Mr. Speaker."

Bellock: "Thank you."

Speaker Madigan: "Representative Bellock, to close."

Bellock: "I thank you very much and I would appreciate your support on this Bill."

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 114 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 2773. Is Mr. Black in the chamber? Mr. Bost. Is Mr. Bost in the chamber? On page 50 of the Calendar, there appears House Bill 1272, Mr. Bost. Mr. Clerk, read the Bill. 1282. Excuse me, House Bill 1282. Mr. Clerk."

Clerk Rossi: "House Bill 1282, a Bill for an Act amending the State Property Control Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Clerk, take that Bill out of the record. Is Representative Coulson in the chamber? Coulson. Representative Coulson. On page 45 there appears House Bill 382, Representative Coulson. Mr. Clerk, read the Bill. Representative Hartke in the Chair."

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

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill amends the... several Acts; the State Employees Group

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Insurance Act; the Counties Code; the Municipal Code; and provides that notices of payment and denial of health care benefits, subject to those Acts, are required to have a individual signature and a person responsible for the denial and an address and telephone number. It also gives the opportunity to have a department phone number on there. I would like to just mention that one of the concerns that I get calls on all the time is the fact that people have a denial of a payment for insurance in health care and they don't know where to call to find out either why it was denied or who they can call to appeal that decision. And what we're asking for in this Bill is a phone number and an address, so that when people have a denial of payment they know where to call. And I'd request your positive support."

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

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

Speaker Hartke: "She indicates she will."

Parke: "Representative, do you know who might be opposed to your legislation?"

Coulson: "I probably do. Let me just look here."

Parke: "Can you share with the Body who is opposed and maybe give us a brief explanation as to why they were opposed?"

Coulson: "I believe the Illinois Association of HMOs and the Life Insurance Council are opposed because they feel that they don't... they had originally felt they didn't want to have an individual name, but we have given them the opportunity to do an individual name for the denial or a department responsible for resolving disputes. So, I am not sure if they are still opposed."

Parke: "I believe they are. Now, let me ask you. In the

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practical world we lose personnel every now and then in every company. If you put a name down, just one name and say this is the person, the contact person and they call and ask for that person, the person's no longer there. Does this violate anything?"

Coulson: "Well, that's why we amended the Bill and added the opportunity to put either a name or a department responsible for resolving the disputes. So depending on... the insurance company would have the opportunity to decide which was most appropriate."

Parke: "Did anybody give testimony on your Bill, opposing it?"

Coulson: "No."

Parke: "This is.... is this for your health benefits and dental benefits?"

Coulson: "It is for health benefits. I don't believe we included dental in here."

Parke: "Is dental... is dental included?"

Coulson: "I don't think we included.... Health care services."

Parke: "Health care services, so that could include dental?"

Coulson: "I suppose it could."

Parke: "Did we hear from the Dental Society whether or not they think this is a good idea?"

Coulson: "No."

Parke: "You really don't know. Okay. So you amended it?"

Coulson: "Yeah, we amended it in order to have the opportunity to put a name or a department, which is what we discussed in committee."

Parke: "Did the industry feel that it was just going to be costly to do this or do they.... what was their objection? I just... I'm not sure I'm opposed to this, but I just want to try and understand why they're opposed. I know I noticed that they are opposed and I just...."



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Coulson: "But, the original objection was they were opposed to the individual's name being on there and that's why we amended it to say either the name or the department that's responsible. So that, as you said, in the case of someone having left after the denial, they would... the person who had the denial made to them would have a department they could call. What we don't.... What we want to avoid is people...."

Parke: "You know..."

Coulson: "...What I...."

Parke: "Representative, I guess, in the big picture, I'm not opposed to this idea. I think that there is some fairness there. I just think it's going to cost more money, but it can't be that big. And I think it's helpful when people need to know who to call and what... where to focus their complaint. Actually, I think this Bill probably is pretty good. Makes sense to me, so I'll vote for it."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DeKalb, Representative Wirsing. This is on Short Debate. Are you an opponent?"

Wirsing: "I'm not sure."

Speaker Hartke: "Proceed."

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

Coulson: "Yes."

Speaker Hartke: "She indicates she will."

Wirsing: "Representative, and I didn't get all of the conservation, but in committee you said you'd hold it on Second until there was an agreed Amendment. Now, I'm not clear. Have all of those that are listed as opponents, are they no longer opponents because of the Amendment? Help me out here."

Coulson: "Okay. I believe what I said in committee that I would

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hold it on Second to amend it to address the concerns that an individual may not still be there or available and that a department would be... a phone number of a department, which would give the person a place to call. Apparently the Life Insurance Council is still opposed. If it's due to cost, I will remind people that on all of their forms they must include the phone number of the Illinois Department of Insurance. And I have a copy of a form right here. I do not think the cost will be very high. All they need to do is change their forms to include the department and a place for someone to give a phone number so that if your client... if your constituents have a denial, they no where to call rather than having no idea of where they should call. Right now it says on here, 'Rule 919 of the rules and regulations of the Illinois Department of Insurance requires that we advise you', and it gives a phone number and an address of our Department of Insurance. I don't understand the issue of why they can't also give a phone number and an address for their own department that has denied the claim."

Wirsing: "You're talking about the insurance carrier?"

Coulson: "Correct."

Wirsing: "So, it's down now to where the insurance carrier just simply, on their form, has to put an information...."

Coulson: "The department name, the department, the phone number and the address of who... Where they can make a call if they've had a denial."

Wirsing: "...Okay, is this the only...."

Coulson: "The department at the insurance company."

Wirsing: "...Is this the only entity now that is... would be opposed to it or still appears to be opposed to the Bill?"

Coulson: "Yes."

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Wirsing: "Okay. Thank you."

Coulson: "Thank you."

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

Coulson: "I would like to give you a story about a constituent who called me, had no idea who to call when she had a denial of claim. She had to call her State Representative. I thought that was pretty ridiculous and that's one of the reasons I thought this Bill was so important. There should be a way for our constituents to know who to call if they've had a denial. That doesn't mean we're mandating that they're covered. What we're saying is, they should know the phone number and a place to call not be given the runaround, but have someone who can tell them something about that denial and somewhere that they can then know how to appeal and I would appreciate your support. This is not a mandate."

Speaker Hartke: "The question is, 'Shall House Bill 382 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 382 there were 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 44 of the Calendar, appears House Bill.... Committee announcements."

Clerk Rossi: "The House Rules Committee will meet in the Speaker's Conference Room at 10:30. The Rules Committee will meet in the Speaker's Conference Room at 10:30."

Speaker Hartke: "On Third Reading on page 44 of the Calendar, appears House Bill 90, Representative Holbrook. This is on Standard Debate. Representative Holbrook. Mr. Clerk, read

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the Bill."

Clerk Rossi: "House Bill 90, a Bill for an Act to amend the Juvenile Court Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 90 allows for the release of the name of a juvenile to the victim or his representative or surrogate. It also has a provision where if they are a ward of the court that their guardian or their foster parent wouldn't be, their name and address wouldn't be announced, also. I don't know of any opposition to the Bill and I would hope you'd vote for it. Thank you."

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

Cross: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Cross: "Representative, I, with all due respect, I didn't hear a thing you said over here and I... could you...."

Holbrook: "What this Bill allows, it allows the juvenile's name and address to be released to the victim or their representative, and makes an exception if they're a ward of the court to where they can only say where they're living. They can't say the actual parent, so the foster parent wouldn't be embarrassed. And that was done at DCFS's request."

Cross: "... What's the rationale behind.... these are in just juvenile cases? Are they delinquency cases?"

Holbrook: "Yeah, this is in case they've been arrested, they can announce who they were... they were... the officer can, the law enforcement can give the name and address of the minor to the victim or his representative."

Speaker Hartke: "Further discussion?"

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Cross: "Yeah, I'm sorry, Mr. Speaker. This is just a.... there's some question here. Tom, what, are we talking about juvenile court or adult court?"

Holbrook: "This is...."

Cross: "And will this apply to municipal ordinances?"

Holbrook: "...This is a Juvenile Court Act, but this is for the law enforcement officer. The law enforcement officer can tell the victim the name and address of the perpetrator."

Cross: "Am I reading this correctly, that you're also.... There's a little bit more than releasing names. It provides for adult criminal prosecution of minors charged with municipal or county ordinance violations."

Holbrook: "No, it turned out that was already in the Bill. It had been changed January 1 of '99. When we were in committee there was some confusion on that. But, that's already in there and they did a grammatical change back on that last page by including that, the position where that reads. It was already in there."

Cross: "All right. Thank you, Mr. Speaker."

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

Holbrook: "It's a great Bill. Please vote for it."

Speaker Hartke: "The question is, 'Shall House Bill 90 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 90 there were 112 Members voting 'yes', 0 voting 'no' and 4 persons voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 47 of the Calendar, appears House Bill 650, Representative Lindner. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 650, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "This Bill is on Short Debate. Representative Lindner."

Lindner: "I would ask that this be moved back to Second for an Amendment."

Speaker Hartke: "Mr. Clerk, let's place that Bill on Second for the purpose of an Amendment. On page 38, excuse me, 48 of the Calendar, appears House Bill 865, Representative Meyer. Mr.... Out of the record. On page 49 of the Calendar, appears House Bill 1153, Representative Parke. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1153, a Bill for an Act to amend the Humane Care for Animals Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring before you a Bill that some might say is not even necessary, because currently there can be no simulcasting of greyhound racing in Illinois. It's not being done now at all. But we want to make sure since there... we have in a previous Bill outlawed greyhound racing in Illinois at all. We would like to further say that we will not allow any simulcasting in the racing into the Illinois simulcasting areas. Currently, there... we've checked there is no parks anywhere that simulcast greyhound racing nor do they have the ability to do that. We just want to pass this legislation saying that you cannot do that. I stand ready for any questions."

Speaker Hartke: "Committee Clerk (sic) for an announcement."

Clerk Rossi: "The Rules Committee is meeting immediately in the

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Speaker's Conference Room. The Rules Committee is meeting in the Speaker's Conference Room."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1153 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. Mr. Clerk, take the record. On House Bill 1153 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. Is Mr. Hassert in the chamber? On page 45 of the Calendar, appears House Bill 440, Representative Giglio. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 440, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the House. House Bill 440 was brought to me by the School District 158 kindergarten teacher, Ms. Jean McCall, from my local district in Lansing. And I think it sets a good standard; this Bill was debated in committee and passed out with all but one vote. And we amended it here on the House floor yesterday made a good Bill a better Bill. Representative Hoeft and I worked together on this initiative to come with the final draft and I would ask for your favorable support."

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: "Are there any opponents to this Bill?"

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Giglio: "Outside of any opponents that may be simply opposed to the issue of truancy, no. The State Board of Education revised their fiscal note and I know of no opposition."

Cross: "I don't know about you, Representative, but in our district we have not had a gang problem involving kindergarten kids. Is that something that's going on in your district on a regular basis?"

Giglio: "A gang problem. Is that what you said, Representative?"

Cross: "Well, I know a lot of times kids that are truant end up in gangs. Do you have a lot of five-year-olds in gangs over in your district?"

Giglio: "Just the playground gangs."

Cross: "Apparently you have a prop here today?"

Giglio: "No, he came in favor of my Bill to show his support."

Cross: "He's one of the good kindergarten kids."

Giglio: "Well, we're very fortunate. Lead by example, is what he says."

Cross: "And you said the State Board is on board over this?"

Giglio: "Yes."

Cross: "All right. How about the IEA? Do you know?"

Giglio: "I believe they are in favor of it, also. I'm sure... I'm confident they're not opposed."

Cross: "And none of the kindergarten gang groups have lobbied against this Bill that you know of?"

Giglio: "They all filled out slips in support."

Cross: "Okay. Thank you very much."

Speaker Hartke: "Further discussion? Representative Giglio to close."

Giglio: "Thank you, Mr. Speaker and Members of the House. I'd simply ask for your favorable support."

Speaker Hartke: "The question is, 'Shall House Bill 440 pass?' All those in favor will signify by voting 'yes'; those



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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 440 there were 113 Members voting 'yes', 1 person voting 'no' and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 1282?"

Clerk Bolin: "House Bill 1282 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second for the purposes of an Amendment, at the request of the Sponsor. What is the House... status of House Bill 1889?"

Clerk Bolin: "House Bill 1889 is on the Order of House Bills-Third Reading."

Speaker Hartke: "At the request of the Sponsor, Representative Biggins, he requests that moved to Second Reading for the purpose of an Amendment. What is the status of House Bill 539?"

Clerk Bolin: "House Bill 539 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading at the request of the Sponsor, for the purpose of an Amendment. On page 50 of the Calendar, appears House Bill 1281, Representative Rutherford. Representative Rutherford. Mr. Clerk.... Out of the record. Is Representative Leitch in the chamber? For what reason does the Gentleman from Cook, Representative Parke, rise?"

Parke: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Parke: "This is Thursday morning and I've gotten a lot of inquiries, both in my district and my colleagues, of whether or not we're to be in on Saturday. Has any

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decision been made on that so that people can plan their weekends?"

Speaker Hartke: "Mr. Parke, I will check and get back with you sometime today."

Parke: "Thank you very much."

Speaker Hartke: "On page 43 on the Calendar, appears House Bill 77, Representative Garrett. This Bill is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 77, a Bill for an Act concerning long term health care. Third Reading of this House Bill."

Speaker Hartke: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker and Members of the House. The Elder Care Savings Fund, while introduced in a different version in the past, has a new face. The Elder Care Savings Fund offers an incentive for the citizens of Illinois to invest in their future of long term health care needs by investing in a special savings fund administered by the Treasurer's Office. The tax-exempt savings fund addresses and helps citizens plan for long term needs, such as financial access to assisted living, and other health care services, that are more and more necessary and more and more expensive for older men and women. Here's how the fund will work. The Treasurer's role will be to invest the Savings Fund, publish a policy which will be subsequently published in newspapers once a year. The Treasurer will be responsible for the review and updates by an appointed panel, a broadly based appointed panel. Until the fund's assets are reached of over \$2,000,000, a portion of the administrative expenses will be paid for by no more than one half of one percent of the assets. After \$2,000,000 has been reached in the fund the administrative costs will be paid for solely by the fund's earnings. I will consider

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any questions."

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

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

Speaker Hartke: "She will yield."

Turner, John: "Representative, it's difficult to hear. I understood some of what you said or heard some of what you said, but did you say there is going to be a new and special savings fund set up? Is this part of your measure?"

Garrett: "Well, this is the Elder Care Savings Fund Act. This is it. The Amendment that was introduced yesterday became the Bill, as supported by the Treasurer's Office."

Turner, John: "What happens to the Savings Fund? What is done with it?"

Garrett: "I'm sorry, I didn't hear. You said what..."

Turner, John: "What is done with the fund, with the monies? That's what I'm trying to get at."

Garrett: "The funds are invested and interest is earned. The interest is, you know, it's tax-exempt and it is to be used for older... for health care, long term health care needs by older men and women. It is very clear what the fund does."

Turner, John: "And the funding for the fund is all private or is there any state money involved in that?"

Garrett: "No. People that are interested in having a savings fund for long term health care needs purchase the instrument. So it is not funded by anything but the funds of the people who are interested in having this type of an account."

Turner, John: "All right. And what is the tax consequence? I assume there is some type of exemption for the interest

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earned on such a fund? Is that true?"

Garrett: "It's tax-exempt. Basically, it's like the college, you know, the tuition account. It's very similar to that and this..."

Turner, John: "Representative, I'm sorry, can't hear. Very similar to what?"

Garrett: "To the college savings bonds."

Turner, John: "Is the tax exemption just state or is it federal, as well?"

Garrett: "At this point, it's just state. I think we're looking into any additional federal exemption."

Turner, John: "Thank you."

Garrett: "You're welcome."

Speaker Hartke: "Further discussion? The Chair recognizes... This is on Short Debate. The Chair recognizes the Gentleman from McHenry. Are you an opponent or a proponent of this Bill?"

Skinner: "I'm trying to be friendly, but I'm not sure."

Speaker Hartke: "Proceed."

Skinner: "I understand now, Representative, why you ran as a Democrat."

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

Skinner: "I understand why you ran as a Democrat instead of a Republican, now."

Garrett: "Why is that, Representative Skinner?"

Skinner: "Well, because a Republican would go to Merrill Lynch or Oppenheimer or Schwab. You want to set the State Treasurer up as a socialistic investor."

Garrett: "You know, Representative Skinner, I take great offense at that because the Treasurer came to us. This is a hundred percent supported by the Treasurer's Office and I think we are very fortunate to have such a farsighted

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Treasurer who looks into the future."

Skinner: "And what expertise does the Treasurer have in investing?"

Garrett: "We invest... The Treasurer's Office invests all of the state monies, accordingly. We elected our Treasurer to do these kinds of things."

Skinner: "But we do not trust the Treasurer to invest our retirement money. Our retirement money is invested by the Board of Investments."

Garrett: "Yeah, this has nothing to do with retirement money per se. What this has to do with, Representative Skinner, is that it allows a vehicle, an incentive for older men and women to preserve some kind of... have some funds for long term health care. You know, as well as I know, that this is one of the hot topics going on in Washington and every state capital. Senior citizens are faced with long term health care needs that are not covered in most health insurance policies."

Skinner: "Are the... is the State Treasurer going to invest in stocks?"

Garrett: "I can't... I'm sorry, pardon me?"

Skinner: "Is the State Treasurer going to invest money in stocks?"

Garrett: "I've been told that the Treasurer's Office is governed by statute where their money can be invested. And I absolutely believe that they will invest in the safest instruments out there."

Skinner: "Well, if it's already state law, I trust the expert that's standing next to you can pull the answer out. Does the state... does state law allow the Treasurer to invest in the stock market?"

Garrett: "We're not investing in the stock market."

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Skinner: "I'm sorry, I did not hear you."

Garrett: "Representative Skinner, we're not investing in the stock market. Remember, this is, also, a bipartisan Bill."

Skinner: "You made the analogy to Washington and in Washington, the Clinton Administration is recommending investment of Social Security funds by the government in the stock market. The Republican side of that issue is that individuals should be allowed to invest in the stock market with their own money, not the government."

Garrett: "Representative..."

Skinner: "Because we don't trust the government."

Garrett: "...this has nothing to do with trusting the government. This is a way in which the state can work with the citizens to provide a vehicle, an option, an alternative, to plan for long term health care needs. Citizens want this."

Skinner: "Well, Representative..."

Garrett: "And I would recommend that you get on this Bill because it's very bipartisan."

Skinner: "You have been recommending that since before you even amended it, so the State Treasurer supported it. So, I would not be surprised that you would recommend that I and everyone else support it. However, if you're trying to help people and why wouldn't you allow the State Treasurer to invest in the stock market where history would say the senior citizen would get a better return on his or her money than he will in a municipal bond or a corporate bond?"

Garrett: "Okay. At this point, Representative Skinner, we have not pursued investing in the stock market. The approach is to provide a very stable instrument long term."

Skinner: "Well, you know..."

Garrett: "Something that you should sign on to."

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Skinner: "...you remind me of my wife when I married her, at age 34 or 35. I looked at her 401k and she had her money in a money market fund. I said, 'Are you nuts? Why would you have your money in a money market fund, when a money market fund, at least since the 1980 interest peak, has virtually always trailed the stock market?' I think it sounds to me like you're going to get senior citizens to invest in a submarginal investment."

Garrett: "You know, Representative Skinner, I think senior citizens are very intelligent and they know what they're doing, but thank you for that comment."

Skinner: "Well, if they're very intelligent, they probably won't invest in this device. Thank you, Ma'am."

Speaker Hartke: "This is on Short Debate. Representative Garrett to close."

Garrett: "In closing, I ask for your favorable consideration for this bipartisan effort to provide security for long term health care needs for all Illinois residents."

Speaker Hartke: "The question is, 'Shall House Bill 77 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 77 there are 113 Members voting 'yes', 3 persons voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 18th, 1999, reported the same back with the following recommendations to the floor for consideration Amendment #2 to House Bill 60; Amendment #3 to House Bill 60; Amendment #2 to House

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Bill 63; Amendment #3 to House Bill 63; Amendment #1 to House Bill 107; Amendment #2 to House Bill 112; Amendment #2 to House Bill 161; Amendment #1 to House Bill 317; Amendment #1 to House Bill 415; Amendment #1 to House Bill 421; Amendment #1 to House Bill 437; Amendment #1 to House Bill 528; Amendment #1 to House Bill 558; Amendment #2 to House Bill 558; Amendment #2 to House Bill 909; Amendment #1 to House Bill 924; Amendment #2 to House Bill 941; Amendment #1 to House Bill 979; Amendment #1 to House Bill 1115; Amendment #1 to House Bill 1265; Amendment #1 to House Bill 1340; Amendment #1 to House Bill 1352; Amendment #1 to House Bill 1362; Amendment #1 to House Bill 687; Amendment #1 to House Bill 1705; Amendment #1 to House Bill 1770; Amendment #1 to House Bill 1743; Amendment #1 to House Bill 1801; Amendment #3 to House Bill 1805; Amendment #1 to House Bill 1909; Amendment #1 to House Bill 2036; Amendment #1 to House Bill 2210; Amendment #1 to House Bill 2627; Amendment #1 to House Bill 2645; Amendment #1 to House Bill 2648; Amendment #1 to House Bill 2827."

Speaker Hartke: "On page 43 of the Calendar, appears House Bill 39, Representative Cowlshaw. Would you like to call that Bill now? Out of the record. On page 52 of the Calendar, appears House Bill 1832, Representative Stephens. This Bill's on Short Debate. Representative Stephens. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1832, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This Bill I don't believe has been amended and it simply requires the Department of Public Aid to establish a comprehensive tobacco use



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cessation program covering drugs, products, and services. The... For my fiscal conservative friends this is an issue that over the long run is going to save the state, literally, millions of dollars. It is high time that we start this program. I would be glad to try to respond to any questions and would ask your favorable consideration."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, I wasn't going to speak on the Bill, but since you called me out as a fiscal conservative, I will ask how much money this is going to cost?"

Stephens: "I was actually speaking to the true fiscal conservatives. But if you care to sp... The average cost of a program is between 200 and \$250 for an 8 to 12 week program. And Representative, I would just tell you that the use of tobacco by anyone involved in health care programs only adds to the cost of the coverage of that program. The Department of Public Aid as you're aware, is a tremendous, tremendously, huge and growing part of the Illinois State Budget. House Bill 1832 will help decrease the, not only, the rate of growth of that budget, but the actual numbers. I don't have an estimate as to what that would be. I can only tell you that anything that helps increase the health of the members who participate in that program would over years save us dollars."

Parke: "That was really one of the best double-talks I've ever heard. That was really good. You never answered the question. The bottom line is you don't know what it's going to cost. Do you know how many people might take advantage of this program?"

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Stephens: "No, there's no estimate as to how many would participate."

Parke: "Have you thought about going to the committee for the redistribution of tobacco money to fund this program once, once we decide how to distribute that money to the state?"

Stephens: "Representative, there already are at least a 118 different ideas about how the tobacco settlement money should be used and I don't think it would be appropriate to add this to that list."

Parke: "Why not? This is the most appropriate. Have you thought of putting a sunset on this Bill to see how long it might work for after two years to evaluate and see if it's worthwhile?"

Stephens: "Was that a question?"

Parke: "No, I just thought that I would just mumble into the microphone. ...you were not paying attention?"

Stephens: "Coming from you I'll take that as a compliment."

Parke: "Is that what you want? Okay, I'll repeat it for you and would you please focus on what I am saying to you? Representative, obviously, this is a wonderful Bill. It'd be helpful for you to understand more about what you're doing with it. Thank you."

Speaker Hartke: "This Bill's on Short Debate. The Chair recognizes the Lady from Cook, Representative Feigenholtz. Are you a proponent or an opponent of this Bill?"

Feigenholtz: "I'm a proponent. Can I talk?"

Speaker Hartke: "Proceed."

Feigenholtz: "Thank you. Ladies and Gentlemen, I rise in strong support for this legislation. There has been a tremendous amount of success with some of these smoking cessation programs that Representative Stephens is talking about. Clearly, we should be supporting on a bipartisan level this

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kind of an effort to curtail all of the problems that many people in the State of Illinois are having. And I urge an 'aye' vote."

Speaker Hartke: "Representative Stephens to close."

Stephens: "I'd appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 1832 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 1832 there are 113 members voting 'yes', 2 members voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Ladies and Gentlemen, we have a series of Bills that there are agreed upon Amendments and we'd like to move through them as quickly as possible, to move from Second to Third. So, unless you have a real burning question on the Amendment, we would appreciate keeping it to a minimum. On page 2 of the Calendar, appears House Bill 107, Representative Davis."

Clerk Rossi: "House Bill 107 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Davis, has been approved for consideration."

Speaker Hartke: "The Motion is to adopt Amendment #1 to House Bill 107. 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."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 317 on page 6, Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 317. The Bill has been read a second

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

Speaker Hartke: "Representative Bost."

Bost: "Mr. Speaker, the Amendment provides that there shall be an authorized community-based residential rehabilitation center, alternative health care model in the state, and there were some changes in this Amendment that was requested by the department. And it's an agreed upon Amendment."

Speaker Hartke: "The question is, 'Shall Amendment #1 to House Bill 317 be adopted?' 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. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 15 of the Calendar, appears House Bill 924, Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 924. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. That Amendment has not been adopted yet. I don't know whether we're going to do it here on the floor. If we can do it now, I would certainly appreciate it."

Speaker Hartke: "Is there any discussion? The question is, 'Shall Amendment #1 to House Bill 924 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

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Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 47 of the Calendar, appears House Bill 604, Representative Hoffman. This is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 604, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Hoffman. Mr. Speaker, 'Hoffman'."

Speaker Hartke: "Hoffman."

Hoffman: "Hoffman".

Speaker Hartke: "Hoffman."

Hoffman: "There you go. Thank you. Hoffman, yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 604 provides that when using a vehicle from a car dealer for a test drive or as a loaner, the coverage for insurance will be provided through the driver's insurance. If there is no insurance or the policy limits are below the mandatory limit, the insurance coverage will then be provided by the dealers. I ask for an 'aye' vote."

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

Turner, J.: "Representative, I remember this Bill coming through committee and there was some conflict...."

Speaker Hartke: "Representative Hoffman, we'll...."

Turner, J.: "Mr. Speaker, I humbly apologize. Will the Gentleman yield?"

Speaker Hartke: "Representative Hoffman will yield."

Turner, J.: "Representative Hoffman, in the...."

Hoffman: "Hoffman."

Turner, J.: "Hoffman. Excuse me."

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Hoffman: "Hoffman. You said Hoffman. Hoffman."

Turner, J.: "Oh, sorry. I thought the Clerk said Hoffman.  
Well...."

Hoffman: "The Clerk did say Hoffman, but it's Hoffman."

Turner, J.: "This Bill, as I recall, was somewhat controversial  
in committee. Have there been any Amendments?"

Hoffman: "Yes, we adopted an Amendment that took care of any  
concerns that the, I believe, the Trial Lawyers would have  
had. And they had some concerns about it and I believe  
that they're okay with it. There may still be some  
opponents of the Bill. I'm sure there are, some insurance  
companies are probably still opponents of the Bill. But  
the Amendment took care of any concern that the Trial  
Lawyers had. And this Bill is not designed.... For the  
purpose of legislative intent, I promised that I would say  
that this Bill is not designed to affect any existing  
actions that may currently exist. So, for that purpose I  
got that on the record."

Turner, J.: "Well, your response provides a nice segue. Who are  
the opponents?"

Hoffman: "There were opponents from the insurance industry that  
testified in debate. I can't remember which companies, but  
there were opponents."

Turner, J.: "My analysis indicates that Allstate..."

Hoffman: "Right."

Turner, J.: "...Insurance, State Farm Insurance, Professional  
Independent Insurance Agents, the Illinois Trial Lawyers,  
which you've addressed their concern, Special Insurers of  
Illinois and the Illinois Life Underwriters were all  
opponents. Do you believe that to be correct?"

Hoffman: "All except the Illinois Trial Lawyers, I believe, is  
correct, yes. But their, as I said before, their concerns

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were taken care of by an Amendment. This is, as you know, Representative, I guess the main proponents... the main proponent of the Bill is the Illinois Automobile Dealers Association and the individuals that you read or the companies you read, I think are opponents, yes."

Turner, J.: "Right. And I will indicate that I intend to support your Bill, but for the benefit of the Members could you explain what the concern was of the opponents because it's a shift of who has primary insurance liability from the automobile dealership as to the person who's coming in and renting a car, et cetera."

Hoffman: "Right. But by way of.... I think the easiest way to address their concerns is to tell you what the Bill does. And what the Bill, essentially, would do is it would say that we buy insurance and when we go and we get a loaner car or test drive a car from an automobile dealer, this would say that our insurance would cover instead of the automobile dealers, if I have an accident while I'm using that loaner car. I already have insurance. What we're saying is that since you already have insurance it should cover. Their opposition came from the fact that they, I guess, believe that the automobile dealer's insurance should cover. So it's a coverage issue on their part. There are some insurance companies that are in favor of this, not the ones you mentioned. But there are some insurance companies that are in favor of this."

Turner, J.: "And as I recall in committee, one of the issues was whether the consumer was actually going in for a loaner car or whether the consumer was going in for a test drive. For example: The consumer goes to the dealership with the idea that they are going to purchase a new vehicle or a used vehicle and goes for a test drive in that vehicle before

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they sign a contract to purchase the same. Under your Bill, if an accident occurred when the consumer who goes in to do the test drive, while that person's doing that test drive whose insurance would be pri... would have the primary coverage, the automobile dealership or...."

Hoffman: "Yes. We didn't make it the consumer. We did not make a distinction between, and I understand the distinction and that was brought up in committee, but we did not make a distinction in this Bill, to my knowledge, between a test drive or if you get a loaner car. So, if you had... if you had insurance, either way your insurance would be the primary coverage. Now if you did not have insurance or if your insurance was below.... So, let's say a person from Missouri came over to Illinois and took out a loaner car while their car was being fixed and had a accident, and they had below the policy limits that are mandatory in this state, then the automobile dealer's insurance would apply. So the whole, the bottom line of the Bill is, we don't want to affect at all the limits issue, we just want to say that the primary coverage will be by the automobile... or will be by the individual who drives the car if he has insurance."

Turner, J.: "But, any reference to the limit issue for coverage is taken out of the Bill, then, by the Amendment?"

Hoffman: "Yeah. I think what the Amendment did is it addressed that and specifically set out if the driver has no insurance or his policy limits are under the mandatory limits, then the dealer's insurance would be the one that applies. You understand what I'm saying? So, if I didn't have insurance and I had an accident, then so that there would be coverage, some coverage, the dealer's would apply."



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Turner, J.: "Okay, I understand that and I think you answered my question before. But just for clarification, there is no distinction then between the person who has a loaner car, for example, for three or four days while their car is being repaired and a person who goes in for a test drive. In both of those cases, under your Bill, their own insurance would be primary coverage, not the insurance of the dealership?"

Hoffman: "Yes. And the reason, I believe, that why this is a good consumer Bill is because these individuals, you and I already have insurance, we already pay premiums, and what we're saying is we shouldn't have the cost, when I get a loaner car, I shouldn't also have the cost added onto my repairs or onto the price of a vehicle for the insurance that a dealer would have to have when I either test drive or use that loaner vehicle. You're essentially, back door, getting double charged."

Turner, J.: "All right, Representative Hoffman. Thank you for responding to my questions and you did clarify the Bill. But, Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Turner, J.: "I think that there are a number of persons on my side of the aisle who have concerns about this and want to have their questions responded to by Representative Hoffman. I'm joined by the requisite number of them and ask that it be taken off Short Debate."

Speaker Hartke: "The Bill will be placed on Standard Debate. Further discussion? The Chair recognizes the Lady from DuPage, Representative Pankau."

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

Speaker Hartke: "Representative Hoffman will respond."

Hoffman: "Thank you, Mr. Speaker."

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Pankau: "Representative Hoffman, hasn't it traditionally been the circumstance that coverage follows the vehicle, not necessarily the driver of the vehicle? So, it depends on coverage on a car, on a specific car, not necessarily who was driving at any specific time? And has something changed in that?"

Hoffman: "Yeah, I think that actually, Representative, it depends on the policy. Okay? So if I drive your car, if I drive your car and you don't have insurance, probably my, my car insurance policy would cover if I have an accident driving your car. So, I really think it depends on the policy. I don't know about tradition or not, but normally the insurance is on me or any member of my family, even if I'm driving your car. You understand what I'm saying."

Pankau: "Oh, okay. Well, in a former life we use to fix cars..."

Hoffman: "It also would cover my car."

Pankau: "...and I could tell you, if I lent you my car and I... and you had an accident with my car, I would have to fix the damage cause the insurance is on my car. But I thought there was a court ruling that caused some switch in this and that is why you're presenting this Bill."

Hoffman: "Yeah."

Pankau: "That was what I was trying to get you to."

Hoffman: "Yes, I'm sorry. I apologize. So that was a softball question, is that what you're saying, and I missed it, huh?"

Pankau: "I'm sorry."

Hoffman: "The Illinois Supreme Court...."

Pankau: "I'll try hitting harder next time."

Hoffman: "Yeah. The Illinois Supreme Court recently ruled that the liability policy issued to a car dealer must cover any person that uses the car with the dealer's permission, even

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if the car is used as a loaner or for a test drive, and even if the person has their own personal insurance. What we're saying, is that doesn't make any sense, and essentially, drives up the cost of cars and the costs of repairs because what has to happen then, somehow that dealer has to pay for that insurance. So I've already paid for my insurance. My insurance should cover it."

Pankau: "So, do you think that this... this isn't going to switch that traditional issue of coverage and who has to do what. I'm assuming, and of course we all know what assume means, that the insurance companies that are opposed to it, are opposed to it because they feel that maybe this is the first crack in the dike. And I'm... I have been assured that this is not. So can you assure us of that, also?"

Hoffman: "Yes. I have no intention of doing anything further, other than this Bill. This is as a result of that court ruling. We're trying to clarify the problems. The reasons, I think, that the insurance companies are against it are because they write personal automobile insurance and they don't want to pay the... and cover the damages. That's.... It's a money issue to them, I guess."

Pankau: "To the Bill, Mr. Speaker. I think this solves a problem that is sort of unique to the auto dealer industry. I do not believe it will go any further and I do not believe that it will eventually affect our own personal cars. For those reasons, I'll be voting 'aye' on this Bill."

Hoffman: "Thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McLean, Representative Brady. Do you have questions for Representative Hoffman?"

Brady: "I do. Representative Hoffman, can you tell me how many states have similar language?"

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Hoffman: "I don't know, Representative."

Brady: "So, you don't know if we're doing something that no other state in the nation does?"

Hoffman: "I don't know that any other state in the nation had a similar ruling that our... that the Illinois Supreme Court recently ruled."

Brady: "Do you know how many states operate the way in which you're trying to provide Illinois to operate?"

Hoffman: "No, I don't."

Brady: "So you don't know if this is unprecedented throughout the nation or not? We don't have any experience on rate adjustments and how much of this cost will increase Illinois rates?"

Hoffman: "I don't believe it's going to increase Illinois rates at all."

Brady: "Do you have any experience or any reason to believe that?"

Hoffman: "I don't know if you know, Representative, if it's been done in other states. Please provide the information."

Brady: "I honestly don't."

Hoffman: "Yeah, I don't know."

Brady: "This did not come through the Insurance Committee. I think it went through Judiciary. We had no testimony. I don't sit on that committee and I guess.... I don't know how you can believe that it won't increase rates because you're shifting the liability, it seems. Are you not shifting the liability from car dealers and/or their coverage to individual car owners and/or their coverage? That is what this legislation does, does it not?"

Hoffman: "We're not shifting the liability, we're shifting who will pay. So the liability would...."

Brady: "That is the liability, though. Would you not agree?"

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Hoffman: "Well, I think if something.... For instance, let me give you an example. So let's say that I'm taking... I'm getting my car fixed and you give me a loaner and I run a red light and I cause an accident. What this Bill would say, is that your policy would cover. However, I think... I think you also, if it was an instance where the brakes failed because of some negligence, prior negligence of the dealer or something, they would also be named codefendants, okay? So they would still be liable because they would be codefendants and then they would, they would then... in my opinion their insurance would also apply."

Brady: "Representative, this legislation clearly places the primary burden of any loss, due to accident, from what the courts have ruled, is placed on the car dealers, either self-insured or insured, to the individual who's driving the car and their insurance or their pocketbook. Is that not correct?"

Hoffman: "Not their pocketbook, no."

Brady: "Well...."

Hoffman: "All this does is deals with what insurance will be the primary coverage."

Brady: "Correct. So it shifts it to their insurance as the primary, if they have insurance."

Hoffman: "It'll be the primary coverage, yeah. But it doesn't...."

Brady: "And wouldn't you agree that that will have to increase the rates, because now, the primary coverage is going to come from the individual's policy. The individual's insurance company is going to have to pay first. In order to pay they've got to collect the money to remain solvent and they're going to collect that money by increasing their premiums to their individual insured. Would you not agree

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with that logic?"

Hoffman: "I don't agree with that."

Brady: "Where do you find... because disagreement."

Hoffman: "Well, because I think that the.... that until the Supreme Court ruling, until this recent Supreme Court ruling, what we're trying to do now was already the case here in Illinois to a large extent, in that I have personal insurance. If I cause an accident, whether I'm driving your car or I'm driving a loaner from a car dealer, my insurance would be liable to pay for my negligence. So I submit to you that that was the case prior to the recent Supreme Court ruling and I don't think it'll have any effect on rates. What it will, or the intent of this, is... is becau... it'll draw a clear, defined line as to what's going to cover in the case of accidents and it..."

Brady: "Okay."

Hoffman: "...won't increase either the cost of a vehicle..."

Brady: "Okay."

Hoffman: "...or it won't increase the cost of repairs."

Brady: "Representative, right now, with the court ruling in place, is there anything that prohibits a car dealer from having a person who drives a car, from signing an agreement without statutory intervention, that places that individual's insurance as the primary insurance? Is there a prohibition on that?"

Hoffman: "I don't think that... I don't think that there is, but I don't...."

Brady: "So what you want to do...."

Hoffman: "I'm answering, Representative, without really sufficient knowledge. I'm going... I would think that would be like any contract action and I think you have a right to contracts, so, yeah, I would think that you could do that,

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currently."

Brady: "So you don't know of any statute that prohibits a car dealer from only loaning cars to people with this contractual provision. In other words, you believe they could do it, without this state law?"

Hoffman: "Yeah, there's no statute that currently exists that would prohibit that. Now the question then becomes, does this court case prohibit that, and I don't think it does. So..."

Brady: "It happened to me last week. I went into my car dealer, I left my car. They gave me a loaner. They made me sign a document. That document said, if I've got insurance, my insurance is primarily responsible. And that is allowed today. You... you are wanting to mandate that, though, without any type of contractual agreement between the car dealer and the individual. Is that correct?"

Hoffman: "Well, Representative, I think... I think what your car dealer did, I don't think that that is prohibited, no."

Brady: "Pardon?"

Hoffman: "Well, I mean, and that is, essentially, what we're saying. You agreed to that, correct? You agreed to that."

Brady: "I can't hear you, Representative."

Hoffman: "So, I guess you'd be for the Bill then."

Brady: "I cannot hear you, Representative."

Hoffman: "You agreed to.... You signed that document and said your insurance would be the primary coverage. Correct?"

Brady: "I believe so."

Hoffman: "So you agree with the concept of the Bill, then?"

Brady: "I agreed to sign that document, Representative, which meant I thought the government maybe ought to stay out. I was willing to assume that liability, because they were willing to give me the car. If there's no prohibition on

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that I think we're better off maybe, maintaining that. Particularly, when we don't have any.... To the Bill and I want to thank the Sponsor for responding to the questions. Ladies and Gentlemen, it appears that we don't have a track record to know what any other states have done, nor the cost or the impact. It appears that without a doubt this will shift the cost to individual insured. But it also appears that right now auto dealers and individuals have the right to do what the Sponsor wants to mandate. I would recommend that we leave that right with the individuals and not mandate on either side. Therefore, I request that you do not vote in favor of this legislation."

Speaker Hartke: "Further discussion? Let's give Representative Hoffman a break a minute. For what reason does Representative Moffitt seek recognition?"

Moffitt: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Hartke: "State your point."

Moffitt: "I'd like to introduce the Immaculate Conception Childrens' Choir of Monmouth, Illinois under the direction of Alisa Yeast, who performed earlier in the Hall of Flags. They're up in the west balcony. If you'd make them welcome."

Speaker Hartke: "Congratulations and welcome to Springfield. Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

Black: "I'd like to just simply speak to the Bill if I could, Mr. Speaker."

Speaker Hartke: "You may."

Black: "Thank you. Will the Sponsor yield briefly for a couple of questions?"



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Speaker Hartke: "Representative Hoffman will respond."

Hoffman: "Hoffman. Hoffman."

Black: "Representative, I've listened to the debate with some interest. I don't know what the problem is here. Isn't this about the same.... If I go in and rent a car, isn't this the same thing? Is my insurance.... You know, I don't ever sign up.... The rent-a-car agencies always want me to sign up for some expensive insurance program and I don't even know if they have a policy, in fact. I always say, 'no, my insurance will cover if I rent a car from Avis or Hertz', right?"

Hoffman: "And that's why you pay the premiums, Representative."

Black: "Yeah."

Hoffman: "Yes."

Black: "If I ask to borrow your car today to go out to get a sandwich and I wreck your car today, is your insurance company going to pay or is my insurance company going to pay?"

Hoffman: "I think yours would, Representative."

Black: "Sure. In other words, the insurance goes with the driver not the vehicle, correct?"

Hoffman: "It depends on the policy, but essentially, that's correct."

Black: "Yeah."

Hoffman: "That's my understanding."

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

Speaker Hartke: "To the Bill."

Black: "All this Bill is, is in reflection to an Illinois Supreme Court decision. I don't know what this puts us in as far as other states are concerned, but we have to react to a decision made by the Illinois Supreme Court. And all it

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says, is, that if I go to a car dealer and want to test drive a new vehicle, my insurance is the primary carrier. That's why I pay premiums. Now if I'm underinsured, or uninsured, the dealer has an umbrella policy that then kicks in. I don't know what is so earth shattering or dangerous about this. It's the way I would react as if I asked any of you if I could borrow your car today, you're going to make the assumption that I have insurance. Maybe you should ask me because you might be surprised, but I do. And my insurance will cover me if I take your car out. It's no different and I don't know why we've taken it off Short Debate and we've sat here for 30 minutes debating a Bill that is in response to a decision of the Illinois Supreme Court. It makes eminent good sense. It's always been the feeling that the insurance goes with the driver, not the car. My insurance policy doesn't cover my Oldsmobile, it covers me. So I think it's a wonderful Bill and I would encourage you to vote 'aye'."

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

Osmond: "Will the speaker yield?"

Speaker Hartke: "Representative Hoffman will yield."

Hoffman: "Hoffman."

Speaker Hartke: "Hoffman."

Osmond: "Thank you. Currently, I believe that the state requirements for minimum insurance are 20,000, 40,000 for bodily injury protection. And this Bill increased the minimums up to 100, 300 for a minimum level."

Hoffman: "It provides that the required liability insurance policy of a new and used car dealers... of the new and used car dealers shall have minimum coverage of 100 for bodily injury and 300...100, 300, yes. Only for the dealers."

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Osmond: "That would be for excess over and above what the driver would be minimally required, 'cause in Illinois its financial responsibility laws are at 20, 40?"

Hoffman: "I apologize. I apologize. It was my understanding that would apply if the driver has no insurance coverage, then the dealer and its insurance carriers shall provide the minimum coverage of 100 and 300."

Osmond: "And if the driver has some insurance but less than 100, 300, is it your intention that that would be excess, then?"

Hoffman: "Only if.... Only if the driver's policy.... It's my understanding only if the driver's policy is less than the current minimum of 20, 40."

Osmond: "So if I had 50 and 100 and I'm in an accident, this policy does not have to apply over?"

Hoffman: "Your insurance policy would be the one that applies."

Osmond: "So the dealership's insurance would never be accessed under this law?"

Hoffman: "No, that's incorrect. The dealer's insurance would be accessed: Number one, if they were at fault, okay, in some way. Hold on. That's the first. And number two, if you have no insurance or if you are under the mandatory minimum, then the dealer's insurance would be accessed."

Osmond: "So no insurance this would cover. If I'm at the minimum it would cover, but if I'm anywhere's... because we do write a lot of policies that are in between that. And what I'm wondering here whether or not is your intent to leave a gap or whether that should become excess over what a person has?"

Hoffman: "No. What we're trying to say is, you as an injured party, would be in the same shoes as if you would have had.... Let me take that back."

Osmond: "All right."

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Hoffman: "What we're trying to say, is the injured party would be in the same shoes as if the person was driving his own car."

Osmond: "His own car, right."

Hoffman: "Yeah."

Osmond: "The only other thing. It has been mentioned that insurance follows the driver. It's my understanding in Illinois, in private passenger vehicles, that the insurance follows the vehicle not the driver. Thank you very much. Mr. Speaker, I'm going for a conflict of interest on this, as well."

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

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

Speaker Hartke: "Representative Hoffman will yield."

Parke: "Thank you. Representative, one of the previous speakers said we were trying to coordinate this Bill with a Supreme Court ruling. Wasn't that person confused? And in essence, what the Supreme Court ruling was, it says here is that the liability policy issued to a car dealer must cover any person that uses a car with the dealer's permission regardless if the person has their own personal insurance. Isn't that your understanding?"

Hoffman: "Yeah, that was the ruling of the Supreme Court. Yes."

Parke: "So the previous speaker was mistaken? We are not doing something against the Supreme Court, we are doing something that the Supreme Court said that the car dealers have the ultimate responsibility. What we're doing is we're going against the Supreme Court ruling. The Supreme Court listened to the debate, listened to the issues, debated it and then said the public policy in the State of Illinois ought to be that the car dealers should provide the

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insurance for cars that they are going to loan people to test drive. Your Bill, in essence, says we don't care what the Supreme Court says, we're going to change the law because we know better than the Supreme Court listening to all of the debate, both sides of the issue, and come to a conclusion that the car dealers ought to provide the insurance. Ladies and Gentlemen, this is purely a matter of power and dollars and cents. We are going to.... If you vote for this Bill, you're saying that the Illinois Supreme Court is wrong and that the car dealers should not provide their insurance, that the individual ought to provide the insurance when they borrow it. I have no argument with the car dealers. I understand they just don't want to have to do this, but the Supreme Court said that this is good public policy. I'm going along with them and I would ask the Body to defeat this Amendment."

Speaker Hartke: "Further discussion? Final.... Representative Johnson."

Johnson, Tim: "Just a parenthetical comment. I'm extremely pleased to hear Representative Parke's comments on the Illinois Supreme Court and their wisdom. And I'm sure all of us'd be grateful that he's happy, as I'm happy and all of us are with the wisdom of the Illinois Supreme Court, 'cause they've done an awfully good job."

Speaker Hartke: "Representative Hoffman to close."

Hoffman: "Thank you. Well, the Representative who talked about earlier about the wisdom of the Illinois Supreme Court, I'm not saying they're unwise, but it isn't their position or should not be their position to make public policy. It should be their position to rule on the constitutionality and to apply facts to the law, not to make public policy. What we're saying here is it makes sense, it makes a lot of

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sense not to essentially, in a backhanded way, double charge people who use loaners or test drive cars. They have their own insurance. They pay for the premiums and this is really just a fight between some insurance companies who write personal coverage and the car dealers. What I'm telling you... this... is that this is a good common sense piece of legislation. It's ultimately going to help consumers. We've amended the Bill so that the Illinois Trial Lawyers are no longer opposed to this Bill. This is a good Bill and it's an initiative of the Automobile Dealers Association who believes that this will ensure that we are able to keep the cost of repairs and the cost of new and used cars down. I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 604 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 604, there were 106 Members voting 'yes', 8 Members voting 'no', 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 2271?"

Clerk Bolin: "House Bill 2271 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second at the request of the Sponsor for the purpose of an Amendment. What is the status of House Bill 1742?"

Clerk Bolin: "House Bill 1742 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment. Representative Johnson, for what reason do you rise?"

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Johnson, Tim: "Thank you, Mr. Speaker. Would you journalize and reflect in the Journal my intention to vote 'yes' on House Bill 1832? Apparently, there was a miscommunication or a malfunction and I intend to vote 'yes' on that Bill."

Speaker Hartke: "The Journal will reflect. Mr. Clerk, what is the status of House Bill 2388?"

Clerk Bolin: "House Bill 2388 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. What is the status of House Bill 1700?"

Clerk Bolin: "House Bill 1700 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 39, on the Calendar, on Third Reading, appears... excuse me on page 43 of the Calendar, appears House Bill 39. Representative Cowlshaw. This Bill is on Short Debate."

Clerk Bolin: "House Bill 39, a Bill for an Act to amend the School Code. Third Reading of this House Bill. "

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 39 is very similar to House Bill 154, which was passed in the prior General Assembly in this chamber by 110-4 and by the Senate 57-0, but was vetoed by Governor Edgar. The House overrode that Veto by a margin of 98-19, but the Override Motion was never called in the Senate. Perhaps that was just as well because I have had additional time to work on the actual language of this legislation and to satisfy some concerns that had been expressed by various people with an interest

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in journalism and in education. I am pleased to say that there are now no opponents whatsoever to this Bill. It is endorsed by the Illinois Journalism Education Association, the American Civil Liberties Union, the Illinois Education Association, the Illinois Press Association, the Large Unit School District Association and so on. But I would like to use someone else's words to address this Bill. I received a letter that I shared yesterday with State Representative Jack McGuire, because of course, he represents the Joliet area. This letter is from Barbara Markelz who is the Journalism Instructor at Joliet West High School. She says that she is not only in favor of House Bill 39, but that she wants to express something about that. Here is what she says, 'I have found during 22 years of advising school publications and in raising four children of my own, that the best we can give them is their voice and our ear. That is what House Bill 39 proposes to do, that we should give the young people who are engaged in the study of journalism their voice and our ear.' I would be happy to answer any questions."

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

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

Speaker Hartke: "She indicates she will."

Black: "Representative, if, if the Bill becomes law, will student newspaper, newspapers, their editors, reporters, etc., then be held to the same standard of libel, slander and other offenses that the press is currently held to?"

Cowlshaw: "That is correct."

Black: "If, if, if an individual feels that he or she has been libeled or slandered by a student newspaper and the editor



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of said newspaper is 16 years old. Do you file suit against the student editor, who is a minor, or do you file suit against the advisor, or the school district?"

Cowlshaw: "It would be my understanding, although I am not an attorney, and I am not attempting to practice law without a license. It would be my understanding that the school district could be held liable. However, given the litigious characteristics of society today, it is probably likely that whoever was concerned might just sue everybody in sight. Isn't that typically what happens, now?"

Black: "Well, I'll just give you an example, the student newspaper doesn't like a particular teacher or the editor doesn't like a particular teacher, for a grading policy or a low grade or the teacher chastised the students..."

Cowlshaw: "I'm sorry, Representative Black, I'm sorry, I was distracted. Would you please start that question again?"

Black: "...Let me give you a concrete example. If the editor of a student newspaper had a particular personal issue with a faculty member of the school, due to a low grade or anything that can happen in the day-to-day environment of a high school. The student writes a column indicating that the teacher is a child molester. Who then will the teacher take recourse? Against the editor, who may be a minor, against the advisor or against the school district?"

Cowlshaw: "The Amendment that we adopted yesterday, Representative Black, specifically states that 'the principal or a designated school official', which in some cases might very well be the advisor, 'shall determine expression that is libelous, obscene, and invasion of privacy or that is likely to cause lawless action.' If the situation you described is something that is clearly libelous, then it is those individuals who are given the

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responsibility for determining what is libelous, that is the principal and the school system that would be held liable."

Black: "Under your Bill then, could an advisor tell the editor you may not print that article? It is libelous and I will not let you print that article."

Cowlshaw: "Absolutely. Representative Black, in the newspaper business, in which I was engaged for a goodly share of my life, that's what publishers and editors do. They say, 'you can't publish this because it is libelous. You can't publish this because it is untrue or unfounded.' That is precisely what is expected to be done in the educational setting that would have to do with journalism instruction, whether in a high school or a college or university."

Black: "All right. Well, I'm somewhat familiar, as I think we all are, with the journalism business. But having been an advisor to a student newspaper, that's a little different. And sometimes the editor says, in effect, 'you're censoring my ability to write.' Now, back when I was the advisor everything was a hard copy. We didn't have word processors. And I got to see the dummy sheets. I got to see the makeup, before it went to press. With word processors today and you know desktop publishing that editor may say, 'I don't care what my advisor said I am going to put this in' and it comes out in the paper. Now, if I'm the advisor and I have witnesses to the effect that I said I told her, him/her not to print that article and they subsequently printed it anyway, am I still on the hook for potential damages?"

Cowlshaw: "In my opinion, the school district would still be liable. And quite frankly, Representative, any school that

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publishes a student newspaper that is so sloppy about the way in which that material is ultimately approved and published probably needs to look pretty carefully at whatever are the policies that apply to that. Presumably, students would not be enabled to sneak things into the newspaper. That's why you have an advisor, a journalism teacher, and a principal of the school building."

Black: "Thank you, Representative. Mr. Speaker, to the Bill. I think the Bill is fine, well intended, but I've been there. I've been an advisor to a student newspaper and that was back in the days before we had desktop publishing, the days of computers that could send it right to the printer and put it on your desk, long before the advisor now gets to see it. I got to see the makeup. I got to see the paste up. There wasn't any way they could put anything past me or the other people that were responsible for the student newspaper. Some schools today have state-of-the-art desktop publishing. Some schools don't. I think you're putting advisors at some measure of risk because it is very easy today, via computer technology, to show you one article that's written and yet, put it in the system and print another. I think her Amendments have probably answered the concerns that most of us had. But, I, I will tell you this, if this Bill becomes law there is no way I would ever again volunteer to be the advisor to a student newspaper."

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

Cowlshaw: "Thank you very much, Mr. Speaker. In closing, I would like to quote an Illinois School Superintendent, who had read this Bill in its entirety late yesterday afternoon, including the Amendment and this is what he had

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to say, 'I am strongly in favor of House Bill 39,' and then he goes on to say, 'it promotes ethics, critical thinking, a greater awareness of issues, appreciation of our democratic principles, effective problem solving and a quest for excellence.' That's what education is all about. That's what this Bill is all about. I urge a 'yes' vote."

Speaker Hartke: "The question is, 'Shall House Bill 39 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 39, there are 110 Members voting 'yes', 5 Members voting 'no', 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 54 of the Calendar, appears House Bill... excuse me, 51 of the Calendar, appears House Bill 1510. Representative Hannig. This Bill is on Standard Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1510, a Bill for an Act in relation to privatization of nursing services in Illinois correctional facilities. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill deals with the question of when should the Department of Corrections hire someone to be a nurse and who's a state employee, or when should they provide for a contract through a privatization type of method in an effort to bring someone to work at that correctional facility? This has been highly debated for a period of time. The Illinois Nurses Association and the Department of Corrections, obviously, have some ideas on how we should proceed. And in the final analysis, I was able to get

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those two groups to sit down, talk about their differences, and find enough common ground that we have an Amendment. Amendment #1, which is now the Bill, which is agreed to by both parties. So, this lays out a framework whereby everybody understands what the decision-making process is, what the rules are. It does not prevent the state from hiring nurses on contracts, in fact, they're still free to do so when that makes sense. But it does ensure that the taxpayers are not spending more money for that process in an effort to hold down head count, for example. So, it is a process that both sides agree to. I believe it solves a problem that exists in the State of Illinois for some time now and I'd be happy to answer any questions and I'd ask for your 'yes' vote."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 1510 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? Mr. Clerk, take the record. On House Bill 1510, there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 52 of the Calendar, appears House Bill 1830. Representative Hoeft, are you ready to call your Bill? Out of the record. On page 52 of the Calendar, appears House Bill 1811. Representative Leitch. Mr. Clerk, read the Bill. This Bill's on Short Debate."

Clerk Rossi: "House Bill 1811, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Leitch."

Leitch: "Would you be kind enough to put the Bill back on Second

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Reading?"

Speaker Hartke: "At the request of the Sponsor, we put House Bill 1811 back on Second Reading for purpose of an Amendment. On page 54 of the Calendar, appears House Bill 2281. Representative Winters. Representative Winters. Out of the record. On page 48 of the Calendar, appears House Bill 886. Representative Coulson. Mr. Clerk, read the Bill. This Bill is on Short Debate."

Clerk Rossi: "House Bill 886, a Bill for an Act in relation to discovery depositions. Third Reading of this House Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill allows discovery depositions to be admitted at trial if the witness is unavailable in a civil trial. And I can answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 886... excuse me, Representative Younge, do you have a question on the piece of legislation?'"

Younge: "Thank you, Mr. Speaker. I didn't understand what the Bill does. What does the Bill do?"

Speaker Hartke: "Representative Coulson."

Coulson: "Yes. The Bill allows discovery depositions in a civil procedure to be admitted at trial if the witness is unavailable."

Speaker Hartke: "Further discussion, Representative Younge? Representative Coulson, to close."

Coulson: "I think this is a good piece of reform for our civil law and I would appreciate your support. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 886 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 886, there were 115 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. For what reason does the Lady from Cook, Representative Feigenholtz, seek recognition? Out of the record. On page 54 of the Calendar, appears House Bill 2281. Representative Winters. This is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2281, a Bill for an Act amending the Public Water District Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr. Speaker. This Bill deals with the Public Water District Act. It allows trustees in the larger water districts, who have a salary cap right now of \$600 per year, it extends that cap to \$1000. This has not changed since the Public Water Districts Acts were formed in the 1940's. It is voluntary on the part of the public water district, simply extends the cap of their salaries."

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: "Representative, you're only discussing the salary of a trustee of a water district, is that correct?"

Winters: "That's correct."

Cross: "Do you know of any opposition on the Bill?"

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

Cross: "Can you tell us what a public water district is?"

Winters: "It is a district that is formed to supply a public

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water to residential areas that are not served by a municipality. It may move across several different municipalities to form a larger water district at a more economical form of operation."

Cross: "So, you would have to have a budget of over a million to be... for these to even apply, is that correct?"

Winters: "That is correct. There's a district in my district they have a fairly substantial size operation and we drafted this so that the... smaller water districts that typically may only serve one or two subdivisions would not have a budget that would meet the... be criteria in this Bill."

Cross: "And your water district in North Park is supportive of this and in fact suggested it, is that correct?"

Winters: "It's at their request."

Cross: "All right, thank you."

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

Winters: "I think this is a good Bill. It allows some of the larger public water districts to set their salaries at a slightly higher rate to attract new trustees in to run for the position. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 2281 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 2281, there were 72 Members voting 'yes', 43 Members voting 'no', and 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 47 of the Calendar appears House Bill 754. Representative Davis. Are you ready to call that Bill? This is on



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Standard Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 754, a Bill for an Act to create the Building Inspectors Licensure Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you, Mr. Chairman. This Bill merely asks that building inspectors who are... this... it will say who are paid, will have to be licensed by the state. There is no exam, they will merely send in a small fee and receive the, receive a state license."

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: "She indicates she will."

Cross: "Representative, why, why on earth do we want to license building inspectors?"

Davis, M.: "Well, we want to do that, Representative, in order that we protect property owners from false reports that are frequently filed, from the actions by some building inspectors to recycle paper. And what that means is, rather than actually inspecting a building, they're merely mailing out the same report that they had mailed a year ago or six or eight months ago. And what this legislation will do, if continued false reports are filed, they will not be allowed to get their state license to be building inspectors."

Cross: "Representative, I'm... who's going to regulate the Building Inspectors Licensure Act?"

Davis, M.: "Registration Regulation."

Cross: "What, what cost will this be to the state budget by creating the Building Inspectors Licensure Act?"

Davis, M.: "Well, according to our information it will actually

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bring in revenue to the state. It's one of the very few pieces of legislation in which we're not spending more money, but we're bringing income in to the state as revenue."

Cross: "What's the anticipated amount of revenue the state's going to see?"

Davis, M.: "Well, the state, I'm sorry, the start up cost will be about \$5,500. And to set up the data base, it will be about \$15,000. However, the revenue will be much higher that will be brought in to the state."

Cross: "Are... don't we rely on local governments to decide whether or not the building inspector, in their local municipality, is doing an adequate job or not?"

Davis, M.: "Well, we do depend on local government to do that. And most of them do an excellent job. However, when you have instances in which building inspectors are being allowed to harass citizens, harass owners of buildings, for whatever reason, then local government is not stepping up to the plate. And, and..."

Cross: "I guess one of the... by the way, parliamentary inquiry of the Chair. Mr. Speaker, does this Bill preempt home rule? Representative?"

Davis, M.: "...According to the information I have, it does not."

Speaker Hartke: "Mr. Cross, I'll have the Parliamentarian check on that."

Cross: "Representative, one of the reasons and I, I'm sure they're isolated cases where a building inspector's out of line and I would suggest that in those cases you should talk to an alderman or the mayor or the village president and say, 'this building inspector is inappropriate, has done some things inappropriately.' But, one of the concerns about a state wide organization is, each municipality, at

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least this is my understanding, has separate ordinances dealing with building codes and with violations and I'm sure they've tries to comply, they try to comply with BOCCA. How do we implement a statewide registration of building inspectors when in each municipality has a different way of doing business?"

Davis, M.: "Well, all municipalities, when you say have a different way, most municipalities do hire someone to do that work. Now, there are some municipalities in which that work is done by a volunteer. Now, in those instances, for example where Woolard lives, a volunteer. So, what our legislation will say in the Senate is that if they're paid. Now, the important thing here, Representative is, we license many professions in order to protect people. We license them to make sure sometimes that they're knowledgeable. We're not asking that any tests be given, that's up to the local government to hire whomever they choose. But what we're trying to prevent is to prevent building inspectors, number one, who don't even sign the inspection report. And when you try to trace it to who wrote this report, to local government they don't know who wrote it all they know is they have a report, because there's absolutely nothing on there to indicate who did this. Now, with this legislation, he will have to use his number, if not his name, he will have to use his license number. This is a piece of legislation that is extremely important, especially, in areas where you have buildings that are being renovated, where you have buildings where there's a growing renovation of buildings and where you have a number of older places. And you have people coming out looking at them and perhaps making up things. Suppose you have an eight hour day and he doesn't know how to fill

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that day, so he just makes up things. And it creates a lot of dissention between the residents and that department."

Cross: "Representative, let me just ask one other question and Mr. Speaker, Mr. Speaker, in the event this gets the requisite number of votes we request a verification. Representative, I, among other concerns I have, apparently we're going to display this license of a building inspector. And if I, if I fail to display my license, I happen to forget to put it up and I'm not sure where you want me to display it, I can be charged with a Class A misdemeanor, fined a couple thousand dollars and go to jail for a year. Do we really want to be, not only creating an Act that we've never even discussed before, but then saying to our local building inspectors, 'Oh, by the way Mr. Building or Mrs. Building Inspector, Ms. Building Inspector, you could go to jail for a year because you didn't put your license up?'"

Davis, M.: "Well, are you aware that that's a very same thing that happens to a beautician? If a beautician in a beauty shop does not have his or her license, they can even close that facility. Here, we're hoping that they will hang the license in... in the office in which they work. The office that directs, the office that directs their activity on a daily basis, there should be a license from the State of Illinois hanging there, saying that this individual has not created a great deal of hardships, has not filed false reports on business or property owners. This is a Bill to protect owners of property from having to go to court to defend themselves or go to hearings to defend themselves on false charges."

Cross: "Representative, with all due respect, I, it's obvious I have some concerns about this. I might suggest this Bill

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may pass and it may pass out of the Senate and signed by the Governor and I'm wrong. But you might want to look at doing it. I wonder, 'cause I've never heard complaints like this down-state. Maybe you can limit this to Cook County, in the event it doesn't do anywhere. But Ladies and Gentlemen of the chamber, I think we are treading on, obviously, uncharted territory in creating a Building Inspectors Licensure Act. Most of us have, all of us have local governments that do a good job of policing their building inspectors and certainly, there are bad building inspectors throughout the state. I think at a minimum there are and if you don't like your local business building inspector or your city council does, they can get rid of them. They can fire them. They can put them on temporary suspension, whatever the case may be. But for us to create a whole new Licensure Act, with all due respect to the Sponsor, I think is absurd and I would encourage, without hesitation, a 'no' vote."

Speaker Hartke: "Mr. Cross, we'll be back with you momentarily on your question, parliamentary question. The Chair recognizes the Gentleman from Kane, Representative Schmitz."

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

Speaker Hartke: "He (sic-she) indicates she (sic-he) will."

Schmitz: "I apologize, Representative. I have a question you might have answered it earlier, I couldn't hear that well. Is the state going to be administering any type of proficiency exam with this license?"

Davis, M.: "No, Representative, I'm glad you asked that question. There is absolutely no exam, all of that is left up to the local government. There is absolutely no exam. The purpose here is when a building inspector files false

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reports and continues to do that, that this will be prevented by property owners or business owners being able to make a complaint and have that complaint on that persons record. And if that continues to happen, that building inspector will not be issued the state license. It is similar to what we do in many other areas in protecting the public."

Schmitz: "Who would the citizen or the building owner complain to? Would they, if they file a..."

Davis, M.: "The Department of Registration Regulation because that's who will monitor the issuing of these licenses."

Schmitz: "...So, then the complaints wouldn't be tracked down at the local city hall?"

Davis, M.: "No, because, well they could be. They could very well be. I mean that could prevent someone if it's, if it's adjusted that could prevent someone from bringing it to the state. You know, for example, if you have a complaint and you take it to the people who have hired these people and they do take care of it, there would be no need to, to complain to the state. But when there's absolutely nothing done and these people continue to work year after year and do these same kinds of things and people recognize it is what they are doing. Then we, I believe, must protect business owners who have to take a day off from work, have to go to court, have to hearings and prove that any problems have been already been taken care of or that they were actually false."

Schmitz: "Representative, do you think that we could get into the problem of say, I don't like my building inspector and I know that he's got this license hanging down in his office and I can complain to the state and tie up this building inspector for months at a time to go for fruitless

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complaints."

Davis, M.: "No, you wouldn't tie him up. You wouldn't tie it up at all, that would not happen."

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

Speaker Hartke: "To the Bill."

Schmitz: "I, I think this is putting the state in a position where they're going to be dealing almost in local matters as an employer. If you have a problem with your building inspector and if you may have one in your local community, I think the procedure is and should continue to be that you go talk to your elected official, your mayor, your alderman. You go down and talk to their supervisor and nine times out of ten the problem is taken care of. I think this is stepping on some dangerous uncharted waters to have the state step in as a third party and actually fire a local government employee, is the way I would understand this. So, I would voice my strong opposition to this Bill and ask that my colleagues do the same."

Davis, M.: "Well, we wouldn't... it is isn't the idea that the state is going to fire that employee. I mean that isn't what we do with other people who are not granted their licenses for many different reasons. But the purpose is to protect the public from unscrupulous building inspectors who are... what shall we say, run rampant with any kind of report they wish to file, sometimes not even signing that report. And when they..."

Speaker Hartke: "Representative Davis."

Davis, M.: "...Yes, Sir?"

Speaker Hartke: "I think the Gentleman has closed with his questions."

Davis, M.: "Okay, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. I'm rise in opposition..."

Speaker Hartke: "To the Bill."

Durkin: "...because I believe that this Bill is something, what the Sponsor is trying to do is best left with the local community. And second of all, the enforcement aspect of this is already covered under the Deceptive Practice Act. And I believe that the penalties in that Act are stronger than what this, Representative is trying to ask us to vote on. And I think it weakens what the municipalities and people who believe that they have been cheated in some way by building inspectors. It will weaken, this Bill will weaken what the laws already exists to punish these people for these types of acts. So I would ask for a 'no' vote."

Speaker Hartke: "Representative Cross, we have an answer for your inquiry, parliamentary inquiry."

Cross: "Thank you very much."

Parliamentarian Uhe: "Representative Cross, in response to your inquiry, House Bill 754, as amended, requires employees of units of local government to be licensed as provided under the Act. The Bill does not deny or limit the power of a home rule unit to provide for it's own licensing scheme. And therefore, my ruling is that this Bill does not preempt home rule powers pursuant to Section 6 of Article 7 of the Illinois Constitution."

Cross: "Thank you, Mr. Parliamentarian. Mr. Speaker, did you hear my request for verification?"

Speaker Hartke: "I did."

Cross: "Thank you very much."

Speaker Hartke: "Representative Davis, to close."

Davis, M.: "Thank you, Mr. Speaker. I appreciate that legal



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response, that it allows any local government to establish its own licensing procedure. I believe that property owners and building owners should be protected against unscrupulous building inspectors who file false reports and create a great deal of havoc. This Bill will bring revenue to the state. It is not one that takes revenue out, but it brings exact revenue because of the license fee, which is a small fee. It does not require any tests and I do urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 754 pass?' There has been a request for a verification. If you favor this Bill vote 'yes'; 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 754, there are 29 Members voting 'yes', 85 Members voting 'no', and 2 Members voting 'present'. Do you persist in your verification?"

Cross: "Not right now."

Speaker Hartke: "And this Bill having failed to receive a Constitutional Majority is hereby declared lost. On House Bill... on page 54 of the Calendar, appears House Bill 279. Representative Lang. This is on Short Debate. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 279, a Bill for an Act to amend the Illinois Procurement Code. Third Reading of this House Bill."

Speaker Hartke: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. Last year or the year before we increased from one year to five years the amount of time that the state can suspend someone who has a state contract, who has been guilty of fraud or guilty of not abiding by the terms of their contract."

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We've seen some court cases and some other news stories in the last couple of years that would seem to indicate that we need to take a much tougher stand against those who have state contracts who would steal money from the State of Illinois and from our taxpayers. This Bill is that harsher punishment. This Bill would allow, under given circumstances, the debarment or the permanent suspension of a person or a company who steals money from the state who has been guilty of fraud, guilty of stealing money from our taxpayers through shady or improper or fraudulent activities with their state contracts. There's an Amendment on this Bill that was drafted in conjunction with IDOT, that was agreed, that puts them on board. I think this is a good measure to protect taxpayer money. I do not believe that anyone in this floor believes that we should allow anyone to have a contract with the State of Illinois and then defraud the state and then expect us to give them a new contract in the future. This Bill would make sure that we keep the bad actors out of the state contracting business. I would ask for your support."

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

Cross: "Will the Sponsor yield? Just a quick question."

Speaker Hartke: "Mr. Lang agrees."

Cross: "Representative, you, my understanding and just to clarify, is your Amendment took away any opposition IDOT had?"

Lang: "That is correct. They drafted the Amendment and I signed on to it."

Cross: "How about the construction industry? I know they were opposed."

Lang: "Well, I'm fairly sure that the construction industry is

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going to remain opposed. However, I'm sure even they would not like to have their reputation stained by contractors or others who have state contracts who defraud the state."

Cross: "Thank you."

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

Lang: "Ask for your 'aye' votes."

Speaker Hartke: "The question is, 'Shall House Bill 279 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 279, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 161?"

Clerk Rossi: "House Bill 161 has been read a second time previously. Amendment #1 was adopted in committee. 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. Floor Amendment #2 is a Amendment that came from my negotiations with others on the Insurance Committee. The Sponsors of this Amendment are myself, Representative Mautino, the Chairman of the Committee and Representative Brady, the Minority Spokesperson on the Insurance Committee. We all know how important it is to make some reform in the area of utilization review, the process by which insurance companies determine what claims to pay, how they determine the claim to pay them. This would put some standards into the process. They seem to be agreed. I haven't heard much opposition from anyone. I

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believe the doctors have signed off on this and with Representative, Mr. Mautino, Mr. Brady on board, I'm sure there's not much opposition from anybody. And I would ask for your support."

Speaker Hartke: "There discussion? The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. I want to compliment the Sponsor on his hard work and on Representative Mautino, as well. As you know, we've been facing various legislative matters affecting health care insurance. We think that this particular Amendment deals with both utilization review and emergency room care in a very comprehensive way, dealing with two of the most critical issues facing our health insurance and health coverage and medical coverage throughout this state. This Amendment deals with all insurance organizations, particularly in the utilization review. Provisions of the Bill. I'd ask everyone to support the Amendment and the Bill."

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

Lang: "I would ask for your support on Floor Amendment #2."

Speaker Hartke: "The question is, 'Shall Amendment #2, Floor Amendment #2 to House Bill 161 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 1742?"

Clerk Rossi: "House Bill 1742 is on the Order of House Bills-Second Reading. A Motion has been filed by Representative Bugielski to Table Amendment #1."

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Speaker Hartke: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. I wish to table Amendment #1 and bring the Bill back to its original form."

Speaker Hartke: "You've heard the Gentleman's Motion. Is there any discussion? Seeing that no one is seeking recognition, the Motion is to Table Amendment #1 to House Bill 1742. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #1 is tabled."

Clerk Rossi: "No further Motions."

Speaker Hartke: "Third Reading. Earlier today we had a number of pieces of legislation that were on the Agreed Bill (sic-List) to move to Third. So, we do have Floor Amendments that we'll be calling upon the Sponsor of those Amendments to give a brief description of their Amendments. If there is no burning issues that you want to address, we can move these Bills as, as quickly as possible. On page 25 of the Calendar, appears House Bill 1743. Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1743 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Beaubien, has been approved for consideration."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Thank you. This is Floor Amendment #1. It just gives an immediate effective date to the underlying Bill which is a Cook County Assessor Bill that makes a, changes the categories of some of people in the, not only Cook County, but other areas in the state, clarifies some definitions. I'd urge its adoption."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to

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House Bill 1743?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 51 of the Calendar, appears House Bill 1762. Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1762 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Out, out of the record. Would you like to move this back to Second for the purposes of an Amendment? Place that Bill on Second Reading."

Clerk Rossi: "House Bill 1762 is on the Order of House Bills-Second Reading. No Committee Amendments. Floor Amendment #1, offered by Representative Hultgren, has been approved for consideration."

Speaker Hartke: "Would you like to put that Amendment on now?"

Hultgren: "If we could hold that, also, just pull it out of the record for now."

Speaker Hartke: "Hold that Bill on Second."

Hultgren: "Thank you."

Speaker Hartke: "On page 41 of the Calendar, appears House Bill 2645. Representative Mulligan. Out of the record. On page 41 of the Calendar, appears House Bill 2648. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2648 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Biggins, has been approved for consideration."

Speaker Hartke: "Representative Biggins."

Biggins: "Yes, thank you, Mr. Speaker. I just urge an affirmative vote on Floor Amendment #1."

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Speaker Hartke: "I think you ought to explain the Amendment. The question is, 'Shall the House'... I think you ought to explain the Amendment."

Biggins: "Yes, thank you, Mr. Speaker. It just changes a little language by replacing certain words with the referring to a vague area on line, page 1, line 22, to the words town or township or township assessment district. It's a technical change."

Speaker Hartke: "The Gentleman from McHenry, Mr. Skinner, is seeking recognition, for what purpose?"

Skinner: "Yeah, to ask the Sponsor a question, if he would agree?"

Speaker Hartke: "He indicates he'll yield."

Skinner: "We are going to publish this in a newspaper, that's going to be in the legal publication section. Will the assessor of Cook County also agree to send out a press release to the newspapers covering the area where the assessment is being changed? And if you do not know the answer to this question now, I'll be happy to have an answer at Third Reading."

Biggins: "If, I think I heard your question correctly, but the answer, that would be up to the assessor to do. But the second part of your question was the answer, I believe."

Skinner: "Will the assessor also send out press releases to newspapers that circulate in the area where the assessments are to be raised or lowered?"

Biggins: "Well, that would be up to his prerogative and..."

Skinner: "All right. Would you ask him if before we get to Third Reading?"

Biggins: "...I'd be glad to do that. I'd be glad to do that."

Skinner: "Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor

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Amendment #1 to House Bill 2648?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 43 of the Calendar appears House Bill 2827. Representative Winkel. Mr. Clerk."

Clerk Bolin: "House Bill 2827, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Winkel, has been approved for consideration."

Speaker Hartke: "Mr. Winkel, would you like to present your Amendment?"

Winkel: "Yes, thank you, Mr. Speaker. Floor Amendment #1 is a technical Amendment to the Human Rights Act. It was at the request of the Employment Law Council. What this Amendment does is restore the original language to the Bill. It's a technical clean up. Glad to answer any questions."

Speaker Hartke: "Since no one is seeking recognition, the Gentleman asks for the adoption of Amendment #1 to House Bill 2827. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2827 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 15 of the Calendar, appears House Bill 979. Representative Dart. Representative Dart. Mr. Clerk."

Clerk Bolin: "House Bill 979, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for



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consideration."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker. House Amendment #1 is the Amendment that was agreed upon in committee that I would put on the Bill, which was to clarify the exempted provisions from the Bill. And I move for its adoption."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Who did you make an agreement with on this?"

Dart: "Members of your side of the aisle had concerns about the, how vast this Bill was going to be, as far as different medications that it was going to include. I talked with Representative Kosel and Representative Coulson about it, and this as the agreement we came up with."

Parke: "And what does it do?"

Dart: "It ensures that the Bill will not cover pre... the exact language is, 'it will not apply to prefilled syringes or medications.' This deals with safe needles. There was a concern that the Bill was going to exclude certain products from the market. And we want to make sure that that was clear, that that wasn't what we were trying to do and this language clarifies that. And I think it answers anybody concerns in that area."

Parke: "Who would... has any... did any... does this go before committee?"

Dart: "This Amendment?"

Parke: "Yeah, is this a Floor Amendment?"

Dart: "Well, the Bill did. We had this Amendment in committee. We discussed the Amendment in committee and I didn't put it

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on at that time, 'cause we weren't sure if we were going to need it and then we subsequently discussed the Amendment. We discussed the Amendment in committee, then we came up and decided we would file it after all and we figured since we had made the... discussed the Amendment with people. I talked with Members of your side of the aisle that there was no need for this go back in committee, to have the same testimony heard again, about the same topic with the same questions."

Parke: "What... did anybody testify against this Amendment when you had it heard in committee?"

Dart: "Did he anybody testify against it?"

Parke: "Right."

Dart: "No, because the people that had concerns about the Bill, this was their language."

Parke: "So what groups testified on your Bill as a whole? I'm trying to figure out where this is focused."

Dart: "The Bill as a whole?"

Parke: "I'm trying to figure out where this is focused."

Dart: "There was, there was individuals who work with the people who are in the hospitals who get stuck, they testified for it. As far as opposition, the only people that came and testified in opposition were the individuals who wanted this Amendment, because they were worried that we were going to somehow exclude their product from the marketplace, which was not the intention. But that was it."

Parke: "Is, is this something that the pharmaceutical industry is interested in, the hospital industry is interested? Who's interested in this?"

Dart: "In this here..."

Parke: "This Bill, this Bill when you amend it. Who's going to

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be for it when it, after it's amended? I mean what, what wrong are you trying to correct? I'm, I'm confused."

Dart: "With this Amendment?"

Parke: "Yeah."

Dart: "The wrong that we're trying to correct is that there was a concern voiced that in us, the way we drafted the Bill, that the language was going to exclude certain medications from the marketplace. And that was not what we intended at all to do. And that was the concern we're trying to address."

Parke: "Is the pharmaceutical industry pleased with this Amendment, now?"

Dart: "Quite a few of them are actively out supporting this and trying to get for the Amendment and the entire Bill, yes. I can't speak for all of them, but there's been like four or five of them I've talked to who are actively supporting this."

Parke: "Okay. My staff person says that the Illinois Health Systems and the Hospital Association is opposed. Is that..."

Dart: "They, they, they..."

Parke: "...or they say they're opposed even with the Amendment?"

Dart: "...They did not speak in committee as to the Bill. We have given them the Amendment. I don't know what their position is right now. You might have accurate information on that, I, I'm unaware of it. As far as the Amendment goes, I can't see why they would take a position one way or the other on the Amendment to the Bill, which is what we're discussing."

Parke: "Well, it applies, actually applies to pharmaceutical manufacturers, specifically, right?"

Dart: "Excuse me?"

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Parke: "It applies to pharmaceutical manufacturers, specifically, doesn't it?"

Dart: "The Amendment?"

Parke: "Yeah."

Dart: "Yeah, it was language that they wanted."

Parke: "Ladies and Gentlemen, to the Bill. Thank you, Representative. To the Bill. I'm not sure that we as a Body do understand. I, I'm confused. But I will tell you that with the Amendment the Illinois Health System and the Hospital Association are still opposed, even though some of my colleagues may think it's a grand idea, they do not. And so, if anybody else who works in this arena has more information on it, please speak to the Bill. But I am concerned about it and I will not be voting for this Amendment. And Mr. Speaker, Mr. Speaker, could I have a verified Roll Call on the, on the Amendment, please?"

Speaker Hartke: "Yes."

Parke: "Thank you."

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

Dart: "This is a simple Amendment that tries to ensure that individuals who are going to come under this Bill are not going to be cut out of the marketplace and that certain drugs are not, are going to be available to them. Anybody who wants to oppose this Amendment is basically going to ensure that they're certain drugs that will not be available to people. I can't imagine why anybody would oppose this Amendment. It makes no sense. I mean, to oppose this Amendment you are basically saying that you want certain drugs that are on the marketplace that are needed for people's health, to not be available to them. Why you would want to vote against the Amendment boggles my

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mind."

Speaker Hartke: "Further discussion? Representative Cross."

Cross: "Mr. Speaker, we're kind of curious about the schedule set for next week. I know there's a good bit of discussion about whether we're going to be here on Monday or Saturday. We have Easter coming up and Good Friday. Can you give us some indication of where we're going to be on that?"

Speaker Hartke: "We will not be here Good Friday and Easter."

Cross: "Well, you're pretty sure of that? Okay, well, thank you very, very much for that, I..."

Speaker Hartke: "I'll check into that."

Cross: "...Okay, thank you."

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

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 1830?"

Clerk Bolin: "House Bill 1830 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second Reading for the purposes of an Amendment at the request of the Sponsor. What is the status of House Bill 747?"

Clerk Bolin: "House Bill 747 is on the Order of Consideration Postponed."

Speaker Hartke: "Return that Bill to Second Reading for the purposes of an Amendment at the request of the Sponsor, of Representative Hoffman. What is the status of House Bill 2823?"

Clerk Bolin: "House Bill 2823 is on the Order of House

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Bills-Third Reading."

Speaker Hartke: "Please place that Bill on the Order of Second Reading for the purposes of an Amendment as requested by the Sponsor. Representative Saviano in the chamber? On page 46 of the Calendar, appears House Bill 597. Representative Hamos. This Bill's on Short Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 597, a Bill for an Act concerning insurance coverage for contraceptive services. Third Reading of this House Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Mr. Speaker and Members of the House, House Bill 597 basically says that if a health insurance plan includes coverage for prescription drugs it should also include coverage for contraceptives. This is a Bill which is really intended to prevent unintended pregnancies. That is the goal of it. It's a prevention oriented Bill. Right now in the United States, nearly 60% of pregnancies are unintended. This is trying to turn that around, one small step to doing that. And I seek your favorable support."

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: "She indicates she will."

Cross: "Representative, I'm going to, I'm supporting this Bill, but I'm just have a couple questions. My understanding is this is very similar to a Bill we did yesterday. Is that correct?"

Hamos: "Well, it's, it makes access to contraceptives. It's both about access to contraceptives, I would say that."

Cross: "Okay. I, I do under, I see there's some groups that oppose this Bill and I... can you, do you know which

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groups? I see the Municipal League does and some business groups, is that correct?"

Hamos: "I, I have not heard from any of the groups opposing the Bill. So, I don't know."

Cross: "Okay. Do you know who's in favor of it?"

Hamos: "Illinois Business and Professional Women, AFSCME, Citizen Action, Illinois Nurses Association, Illinois American Association of University Women, Illinois Caucus on Adolescent Health, Illinois AFLCIO, Illinois Planned Parenthood, Pharmecia and Upjohn Company and the Harris Foundation, is what I know."

Cross: "All right. Thank you, Representative."

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

Parke: "Yes, Representative, will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Parke: "Representative, isn't this exactly what Representative Flowers passed yesterday and why do we need this twice?"

Hamos: "The Bill that we passed yesterday as a House said that if a health plan includes coverage for, for impotence or Viagra, then it should also include coverage for contraceptives. This doesn't quite have that same focus, but it still deals with more access to contraceptives to prevent unintended pregnancies."

Parke: "I don't understand the difference. It's the same thing. You're telling us that both Bills do the same thing. Your Bill is not necessary."

Hamos: "I, I think that there might be some health plan coverages that don't include Viagra. I don't know that. It's just a slightly different focus."

Parke: "Thank you, Representative. To the Bill. Ladies and Gentlemen of the House, this is duplicative, there's no

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doubt about it. It is exactly, I mean, she maybe confused as to whether or not this is the same thing, it is the same thing. I don't think we need to do this twice. It passed yesterday. Again, it's another mandate onto the health care. I mean, all of these ideas have merit to some people. You know, they solve some ill that's out there in our society, but you know the bottom line Ladies and Gentlemen is that we do not have socialized medicine in this country. But in Illinois we're sure trying to push it as close as we can to everybody having everything that health care can do and don't care who has to pay for it. Small business has got to pay for it. But they don't, you don't seem to care. Well, when businesses start closing down in this state, you'll understand why. It's because you keep passing these, mandate after mandate onto the small business community. And it's going to get heavier and heavier. This is another example. We don't need this Bill. We already passed the damage yesterday and I know the Sponsor, as a Freshman, wants to get more Bills with her name on it, but we don't need this Bill."

Speaker Hartke: "This Bill is on Short Debate. Representative Klingler, do you stand in opposition to this Bill?"

Klingler: "Stand in support."

Speaker Hartke: "Representative Skinner, do you stand in opposition to this Bill?"

Skinner: "Well, I'm going to vote 'no', if that's your question. I wonder if the Sponsor could tell me why she does not exempt religious organizations who are religiously opposed to contraception, like the catholic church? Why do you not exempt their health plans from this requirement?"

Hamos: "Well, well, this is a, Representative Skinner, this is a Bill that's aimed at health insurance plans. And as I



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understand it there is already a provision in the Insurance Code to allow for a religious conscious exception for health insurance policies..."

Skinner: "Well,..."

Hamos: "...for those health insurance plans that don't wish to do that."

Skinner: "...perhaps, perhaps our analyst does not know that. Thank you."

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

Wojcik: "I just have a few questions. I don't know if I'm for it or against it, though. May I ask a question of the Sponsor?"

Speaker Hartke: "This Bill is on Short Debate."

Wojcik: "Well, how about if we remove it off of Short Debate? If I stand here by five of my side of the aisle, we take it off of Short Debate."

Speaker Hartke: "This Bill is on Standard Debate."

Wojcik: "Thank you."

Speaker Hartke: "Representative Wojcik."

Wojcik: "Representative, there's been discussion of Viagra. Is Viagra in this Bill?"

Hamos: "This, no, this Bill doesn't have to do with Viagra. What this Bill has to do with are outpatient contraceptive services and that is defined in the Bill to mean consultation, examinations, procedures and medical services provided on an outpatient basis and related to the use of contraceptive methods. I don't believe that Viagra, I don't know too much about Viagra, but I don't believe that that is a contraceptive method."

Wojcik: "All right. Is there, who are the opponents in this Bill? I heard your proponents. Who would be the

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opponents?"

Hamos: "Well, it, I, I was not aware of this, but it was read before that the Illinois Municipal League and then the insurance companies."

Wojcik: "Why would the Illinois Municipal League be an opponent?"

Hamos: "I don't, I don't really know that, Representative. The truth is that more than 60% of pregnancies are unintended. The cost of a healthy delivery is \$5,000. When it's not healthy it can go all the way up to \$61,000. This is a cost effective, prevention oriented, approach to keeping people at work, which is something the Illinois Municipal League should want to do and keeping people happy. Which is again, what the Illinois Municipal League would want to do. So, I don't really know, they haven't told me."

Wojcik: "Okay. Thank you very much."

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

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

Speaker Hartke: "She indicates she will."

Durkin: "Representative, I just have one quick question. If a person wishes to exercise a right of conscious perhaps let's say a doctor or a pharmacists or someone who is in the line of commerce for these types of contraceptives, is there an exemption in the law for them to refuse to submit a subscription or to have to provide this type of coverage?"

Hamos: "I, I'm not fully familiar with all of those different providers, but I have been told that doctors, as well as insurance companies, already have some kind of a right to, right of conscious exemption to any of this. I don't know about pharmacists, I'm sorry."

Durkin: "I'm not sure if that's a matter of state law whether or

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not that's allowed or is it something which is just an industry practice. I'm not, do you know if that's the case?"

Hamos: "We know it's an industry practice for physicians and I don't know that, Representative Durkin. I think that, again, some people walk in right now with their own prescriptions for birth control pills or other forms of contraceptives, this would just make that more accessible. This doesn't change that practice at all."

Durkin: "All right, Representative. Okay. I just want to make this perfectly clear, I think the question was asked before whether that whether or not religious organizations are exempt from this legislation. Is that correct?"

Hamos: "I guess I'm not sure. Do you mean religious organizations who are the employers who might be purchasing health insurance plans? I'm not sure that religious organizations are included, one way or another in this particular proposal."

Durkin: "Which gets back to the same point which I was just making a little bit before, but I think that there are some religious organizations who do not, who may have a fundamental belief, you know, disagreement with the contraceptives and that type of, you know, whatever practice. Would it, would it be, just for a lot of us, I, I would like to support the Bill, but I think a lot of us over here would like to have it clarified one way or another, to ensure that religious organizations would be exempt from this. And would you be willing just to take the Bill out of the record, just for a short time in which we can... perhaps have somebody can give that answer to us?"

Hamos: "Okay, Mr., Representative Durkin, this law does not apply

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one way or another to religious organizations, but I believe that religious organizations who purchase health plans from insurance companies, the insurance companies do have an exemption, a religious conscious exemption. So they can negotiate when they're negotiating for their health insurance plan with their insurance company, with their HMO. They can, it's the, conscious belongs to... the freedom of conscious belongs to the insurance industry and that's industry practice and this doesn't deal with it one way or another."

Durkin: "Okay. But I think that some perhaps their may be some religious organization, a large one, which may be self insured. That is the... which once again we get back into the situation of whether or not they would still be exempt."

Hamos: "I think that if they're self insured this probably doesn't apply. This begins by saying, 'an individual or group policy of accident and health insurance if it already provides coverage.' So, we're only making this available, applicable to those individual or group policies that are already written and already include prescription drugs."

Durkin: "Okay. I just want to make sure, because I am going to support the legislation. But I just don't want it to be the situation where as I said before that a religious organization which does have a fundamental, you know, perhaps objection to this type of practice that they would be forced to partake and have to follow this legislation. But, I think that you've made that clear and I have no further questions."

Hamos: "And Representative Durkin, just for your information, we do have and I've just been shown a copy of the Right Of Conscious Act. And the Right of Conscious Act applies to

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patient care and it is... it applies to the use or procurement of contraceptives and sterilization or abortion procedures."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Boland. Do you seek recognition, Representative Boland? The Chair recognizes the Gentleman from DuPage, Representative Johnson, Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Johnson, Tom: "Representative, you know, I'm not sure what I'm going to do on this Bill yet, I'm tending to want to support it. But at looking at the Bill itself, I just want to make sure that I'm clear. In paragraph B, on line 23, describes what it really covers, as used in this section, 'outpatient contraceptive service means consultations, examinations, procedures, I want to emphasize that procedures, 'and medical services provided on an out patient basis and related to the use of contraceptive methods and including natural family planning to prevent an unintended pregnancy.' I want to make it very clear, your understanding of that definition does not require coverages of abortions, does it?"

Hamos: "No, it does not."

Johnson, Tom: "Okay. You know, when you say procedures in that definition section, could you describe some of these procedures, if you will to me? What, what does that mean there? You know, I, I don't get to these clinics very often."

Hamos: "Okay. Just to answer your question, Representative, Norplant is one example of a contraception which depends on a procedure and that's why that was referenced in this."

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But I would like at this time to take this Bill out of the record, until we can get some answers to some of these questions."

Johnson, Tom: "Okay, I, I wish you would. I think that would that would be helpful to all of us. Thank you."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 10 of the Calendar, appears House Bill 631. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 631, the Bill's been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Floor Amendment #2 is language that I have been working with the Illinois Department of Public Health on to make the Adoption Registry Bill airtight. And I'm glad to say the they're very happy with the changes that we've worked on together and I would appreciate the adoption of this Amendment."

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

Cross: "Will the Sponsor yield?"

Feigenholtz: "Sure."

Cross: "Representative, I'm, as you know, a supporter of this Bill and have been. And my understanding is you've spent a great deal of time working with people opposed to this to come up with a Bill that is acceptable. Is that an accurate characterization?"

Feigenholtz: "That would be accurate, Representative."

Cross: "And frankly, I, I can't think of a Bill, time wise, I'm sure there are others that, I think this has almost been a two year, two year project, is that correct?"

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Feigenholtz: "That is correct."

Cross: "The Chicago Bar Association, I know has been integral in working with you on this. Are they still... where are they now in terms of working with you?"

Feigenholtz: "Actually, the Bar Association helped us, but they have not formally come forward with a position on this because it really doesn't affect the court system."

Cross: "My sense is from just the discussions I'm aware of that, for lack of a better term, you've neutralized the Bar Association and they have provided the input that they think needed to make this a workable Bill, is that correct?"

Feigenholtz: "That's correct."

Cross: "Are there some other groups that at one time were opposed, Sara, who now support this Bill and this Amendment, that you could tell us about?"

Feigenholtz: "There are a lot of adoptive parents groups who are, who have been at the table crafting this with us, Representative Cross. They would be Concerned Adoptive Families, Adoptive Families Today, Stars of David, Jewish Childrens Bureau, the..."

Cross: "Thank you very much. I, I know you've..."

Feigenholtz: "...Any more questions?"

Cross: "...I know there may be other's, but I appreciate all the work you've done on it."

Feigenholtz: "Thank you very much, Representative."

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

Skinner: "Mr. Speaker, I rise on a point of personal privilege. I ask if we are going to have a printout of the Bills that have just been passed out that are on the Agreed Bill List? So that, we might be able to figure out what they are

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without looking up each one individually in our digest or on our computer."

Speaker Hartke: "We'll, we'll check with the Clerk on that."

Skinner: "We did last time, I will remind you. Thank you."

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

Feigenholtz: "I would appreciate your support on this Amendment."

Speaker Hartke: "Question is, 'Shall Floor Amendment #2 to House Bill 631 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. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Ladies and Gentlemen, the Clerk has passed out a yellow sheet and we are asked all of you to look at all of these pieces of legislation that are on the Agreed Bill List and, as in the past, check whether you are voting 'no', 'present', or not voting on this piece of legislation. Sign each page, print your name to it, and have them back into the Clerk here by 4 P.M. I know there are a few questions on this, but if you have a question, please approach the podium and we'll try to answer them for you. There has been a request for a printout so that, Members do not have to look each of these Bills up individually on their computers. So, we're trying to accommodate you on that. (4 P.M.). Mr. Clerk, what is the status of House Bill 1157?"

Clerk Bolin: "House Bill 1157, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Parke. Mr. Parke."



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Parke: "Mr. Speaker, I have an Amendment #1 to House Bill 1157 that I need to have adopted before I can move to Third Reading."

Speaker Hartke: "That Amendment is still remaining in Rules. Would you like for your Bill to remain on Second Reading?"

Parke: "I would like it to remain on Second Reading, 'cause it's a shell Bill and without that Amendment I, it has no..."

Speaker Hartke: "Mr. Clerk, leave that Bill on Second Reading. On page 47 of the Calendar appears, House Bill 649. Representative Cross. Representative Cross, would you like to call this Bill? This Bill's on Short Debate. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 649, a Bill for an Act to amend the Criminal Proceeding Interpreter Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that passed out of here a couple years ago almost, if not totally unanimously, real close. It's a Bill that allows a court, upon a conviction or a supervision, to order that the costs of an interpreter be reimbursed by the defendant. We added an Amendment at the request of Representative's Lopez and Acevedo that said that in the event the defendant has been ruled or determined to be indigent, he or she would not be ordered to repay the cost of the interpreter. Does not apply to deaf or hearing-impaired people. I'll be glad to answer any questions. I'd appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing no one's seeking recognition, the question is, 'Shall House Bill 649 pass?' All those in favor 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?"

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Have all voted who wish? Mr. Clerk, take the record. On House Bill 649, there are 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 44 of the Calendar, appears House Bill 189. Representative Flowers. This is on Short Debate. Representative Flowers. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 189, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 189 provides that a decision to deliver by cesarean section shall be made only by the physician and the patient. And that's all the Bill does. It just puts the hands, that decision into the hands of the physician and the patient. And I would urge for the passage of House Bill 189."

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

Cross: "All right. Will the Sponsor yield?"

Flowers: "Yes."

Cross: "Representative, are there any opponents to this Bill?"

Flowers: "I don't recall there being any in committee. I don't recall."

Cross: "Well, I and I'm not..."

Flowers: "Oh, I'm sorry. Well, no, I don't recall. So, if you know please tell me."

Cross: "...Well, I, my information be, may be inaccurate. I... in our file it shows the IMA Employment Law Council, NFIB, IRMA, HMOs and Life Insurance Council. Were those groups that were opposed in committee?"

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Flowers: "Oh, yeah, you're right. You're absolutely right. I remember them, now, yes."

Cross: "Are there any proponents to this Bill."

Flowers: "I'm sorry, Representative, I don't have that information in front of me either."

Cross: "Well, is there anyone that came to you and suggested that this Bill be filed?"

Flowers: "I made that suggestion, Sir, by introducing the Bill. And as a result of a study that was done by the New England Journal. It was, there was a study that was published in the New England Journal of Medicine that gave an indication that pressure is being put on doctors to prevent women from having cesareans and try to force them to a degree to have vaginal deliveries because by having a cesarean they would have to stay in the hospital longer. And I know that it's very difficult and you're putting pressure not only on the mother's life, but the life of the child. And that decision should not be made by a managed care entity. It should be made by the patient and the doctor. And this legislation is merely, again, is in the best interest of the patient and the child."

Cross: "All right. Thank you, Representative."

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

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I would urge for an 'aye' vote on House Bill 189, please."

Speaker Hartke: "The question is, 'Shall House Bill 189 pass?' All those in favor signify by saying 'aye'... 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? Please record yourselves. Mr. Clerk, take the record. On House Bill 189, there are 92 Members voting

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'yes', 22 Members voting 'no'. And this Bill having received the Constitutional Majority is hereby declared passed. Ladies and Gentlemen, the Chair is going to go to some Second Reading Bills that have Floor Amendments on them. So, so, be prepared. These are Amendments that were approved in committee yesterday and today. Second Reading, on the Calendar, appears House Bill 60. Representative Winters. Out of the record. On page 2 of the Calendar, appears House Bill 63. Representative Franks. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 63, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Franks, has been approved for consideration."

Speaker Hartke: "Representative Franks."

Franks: "This was a minor Amendment which would... in the Bill it excluded McHenry County from being able to partake in, in case there are any funds. And the Amendment would take out the exclusion of McHenry County. I'm sorry to deal in double negatives. In a nutshell, it, it allows McHenry County to share in any funds, if there are any."

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

Mautino: "Thank you, Mr. Chairman. I did not have a question on the Bill, just as a inquiry of the Chair. For the..."

Speaker Hartke: "State, state your inquiry."

Mautino: "...Okay. For the Agreed Bill Lists that have been sent out, have they been updated on the or loaded over to the computer so that we can take a look at the analysis?"

Speaker Hartke: "Mr. Clerk? Mr. Mautino, many of the Bills on the Agreed Bill List have Amendments and we're going through them now. And so, they are probably not down

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loaded as adopted on the Bills, such as the one we're working on right now."

Mautino: "Okay. Okay. Just whenever the, the Clerk could just notify the Members when that occurs."

Speaker Hartke: "As we pass the Bills, they will be updated... and the Amendments. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Amendment #2 to House Bill 63 be adopted?' All those in favor signify by saying a 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Lang, would you like to handle Amendment #2 for Representative Granberg? Amendment #3. Representative Lang."

Lang: "Bear with me one moment, please, Mr. Speaker. Thank you. Floor Amendment #3 becomes the Bill and it creates the Airport Land Loan Revolving Fund. And Representative Granberg would request your 'aye' votes."

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

Cross: "You know, call us crazy, Bill, but... or Lou, could you maybe explain what the Amendment does, since it becomes the Bill?"

Lang: "Well, I will take a look at it while we're standing here. Obviously, I'm a little in the dark, but bear with me a moment."

Cross: "You're going to... why don't you talk to that staff person, Lou, nice tie and good to see you and all that other stuff?"

Lang: "Mr. Cross, this Bill, this Amendment expands the Airport

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Land Loan Revolving Fund to include all units of local government or public airport authority's that either currently operate an airport or were in existence as of January 1st. Today, as, without this Amendment this fund only applies to certain airports in certain geographic areas. This now would apply to all."

Cross: "Will this have any affect on the proposed Peotone site?"

Lang: "Is... is, well, there's no current public airport authority at Peotone. And therefore, I don't think they are in existence as of January 1st."

Cross: "Does Amendment #3 incorporate Amendment #1, Lou? Do you know?"

Lang: "Yes, it does."

Cross: "So, under Amendment 1, if I'm reading this, only public airport authorities outside the area of operation of the Northeastern Illinois Metropolitan Area Planning Commission can apply for loans under this program. Is that still in the Bill?"

Lang: "No, that section has been replaced by the section I just read to you, Representative. Lines 9-15 on page 1 of Amendment #3 will refer you to the answer. And the answer is that it now applies to all airport authorities in existence as of January 1."

Cross: "Do we already have an Airport Land Loan Revolving Fund in existence?"

Lang: "No."

Cross: "All right. I guess we can debate this on Third Reading. Thanks."

Lang: "Thank you."

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

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

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Speaker Hartke: "He indicates he will."

Parke: "Representative, what are you trying to achieve with this Amendment?"

Lang: "This Amendment expands the provisions of Amendment 1 and therefore, expands who could be eligible for these funds."

Parke: "And what will the, what will these funds be used for?"

Lang: "That's a very good question. If Representative Granberg were here he might be able to answer that for you. Hold one moment. Mr. Speaker, let's take this out of the record and try to find Representative Granberg."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. Ladies and Gentlemen, I might direct your attention to the gallery. We have a bunch of young people in the gallery from Newton, Illinois. In particular, we have Amanda Albertuss from Newton. She is quite an accomplished musician and vocalist and she has performed many places over the State of Illinois and she's here today before us with the General Assembly. Let's give her a round of applause. On page 27 of the Calendar, appears House Bill 1805. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1805, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Moffitt, has been approved for consideration."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. There are no opponents to the underlying Bill. There was just a concern expressed by auto dealers and Amendment #3 takes care of the concerns of the auto dealers. And that's why we're putting it on here and says that nothing in this Act shall be construed to apply to an auto dealer whose employee isn't a resident of the State of Illinois. That removed their concern, they

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were not even an opponent so, this takes care of all known concerns. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, except Representative Novak, from Kankakee. Representative Novak. He has declined."

Novak: "I'm sorry, I'm sorry. Mr. Speaker. I'm waiting in earnest to get back to Representative Granberg's Bill, 'cause I have some questions. I'm sorry I had my light on inadvertently."

Speaker Hartke: "Has anyone seen Representative, has anyone seen Representative, oh there he is."

Novak: "Yeah, there he is with the gray hair."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall Amendment #3 to House Bill 1805 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #3 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Let's go back to, since we're, Mr. Granberg is here, let's go back to House Bill 63. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 63, the Bill has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted. Floor Amendment #3, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment was drafted to address the concerns of the city and the Downstate Airport Authority. This is the initiative of that authority to put that in the Bill in



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committee. The Bill came out without any opposition. There is some concern that it might be applicable to an area that was not supposed to be included and we have addressed that at the request of the Downstate Airport Authority. So, I'd be more than happy to answer any questions."

Speaker Hartke: "Further discussion? Pardon me, Mr. Cross, I was not listening?"

Cross: "Are we on the same Amendment?"

Speaker Hartke: "We're on Amendment #3 to House Bill 63."

Cross: "I think what we were trying to find out, Representative, is really what the, the reason why we're even considering this Bill?"

Granberg: "Sure. The, what this Bill would do... would enable downstate airports to have access to certain funds so they can get federal funds."

Cross: "Right."

Granberg: "So, there would be, there'd be no state tax dollars involved. It would allow them to receive a lower rate of interest in order to access federal funds for which they would then be reimbursed by the Federal Aviation Authority."

Cross: "Why would you... and I don't ask this in a, in a critical way, I'm just curious. Appropriations for loans to units of local government or public airport authorities that currently operate at, I'm sorry, so, there are, are there any airport authorities in Southern Illinois that are owned by or run local governments?"

Granberg: "Representative Cross, I think there are, there are a couple further downstate. Again, this was done at the request of the Illinois Public Airports Association. 'Cause they were trying to allow access for those smaller

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rural airports."

Cross: "Access to money?"

Granberg: "Yes."

Cross: "All right. Is IDOT okay with this?"

Granberg: "Yes."

Cross: "Okay."

Granberg: "There, Representative Cross, there is no opposition that I'm made aware of."

Cross: "Your Endangered Species Bill's not connected to the development of airports in anyway is it?"

Granberg: "We're going to put the snakes on the runway."

Cross: "And just kind of get rid of them one landing at a time and take off."

Granberg: "Yes, that will be shortly. We'll deal with that issue."

Cross: "Maybe you can add Representative Gash's Frog Bill, too. Put that on the runway. Thank you."

Granberg: "Thank you."

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

Skinner: "Could you tell me if the disclosure portion is still in the Bill, that was in the original Bill?"

Granberg: "No, we removed the disclosure."

Skinner: "Do you mean that people can hide who is selling the land to the, to the public airport?"

Granberg: "Representative Skinner, there is some concern that, in fact, the way it was drafted the state is currently required to provide that information, now. That's currently in the statute..."

Skinner: "Well, that's my understanding. It was Representative Kempener's Bill..."

Granberg: "That was currently in the statute and it was somewhat

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redundant because everyone wants public disclosure, but it was... the Department of Transportation thought that it was actually redundant to do that."

Skinner: "You are confident that if someone has or some corporation has land in a secret land trust that the identity of that person or corporation will become public if land is sold under this Bill?"

Granberg: "Yes."

Skinner: "Thank you."

Granberg: "My concern, Representative Skinner, again, was that we would disclose any beneficiary and you see that has been addressed."

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

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Just a couple questions, you know, I was looking at this quickly. First of all, I see this does not apply to DuPage Airport or does it?"

Granberg: "I believe it would, Representative Johnson."

Johnson, Tom: "Pardon?"

Granberg: "I believe it would, yes."

Johnson, Tom: "It does?"

Granberg: "Yes."

Johnson, Tom: "Okay. Then I go to your Amendment 3 and I see that the purpose of the loans are to consummate the purchase of any real estate interest within a radius of 1/2 mile to an existing airport. This is an ongoing statutory authority that they would have, meaning that I can use a loan to purchase land within a 1/2 mile radius of the airport. Next year, of course, that radius is now 1/2 mile out and I can get another loan and move it out another 1/2

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mile and this thing can go ad infinitum. Is that correct?"

Granberg: "Representative Johnson, I think their... their... and certainly their intent was to allow them to have access to these funds. To the federal funds in case an airport wants to expand. That way they would have the financial wherewithal to do that planning. Now, I can find out for you if they intend to do that ad infinitum. I don't know if that is the case."

Johnson, Tom: "Okay. Well, I would certainly hope not, especially, in terms of my own airport."

Granberg: "I understand."

Johnson, Tom: "Thank you."

Granberg: "Thank you."

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

Novak: "Thank you, Mr. Speaker. Representative Granberg?"

Granberg: "Yes."

Novak: "When you were off the floor, Representative Lang was indicating someone asked him a question about how it impacted current airport authorities. Someone mentioned Peotone and Representative Lang indicated there is... there is not an airport authority. That is not correct. There is in Kankakee. But there is a Kankakee-Will County Airport Authority that was created when Governor Thompson signed that third airport legislation. Under this under your Amendment, Kurt, will that airport authority be able to make loans, enter into these loans? And now, it's not a... it is a functioning duly, legally constituted airport, but there is no airport. So, could they secure loans?"

Granberg: "No, the Amendment itself says, Representative Novak, 'that are in existence as of January 1, 1999.'"

Novak: "When you say as of, are in existence, do you mean

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functioning as an airport or legally in existence? What do you, you know what I mean?"

Granberg: "That's pursuant to Section 34B. So, when you pull that statute book out we'll..."

Novak: "The what?"

Granberg: "...When you pull that statute book out, I know you were reading."

Novak: "I can't hear you."

Granberg: "When you were pulling that statute book out look up Section 34B, that will answer your question."

Novak: "34B?"

Granberg: "Yes."

Novak: "That will answer my question? Thanks."

Speaker Hartke: "Further discussion? The Chair recognizes Mr. Parke, from Cook County."

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

Granberg: "Certainly."

Speaker Hartke: "The Sponsor will yield."

Parke: "Representative Granberg, where's the start-up money going to come from?"

Granberg: "It would be subject to appropriation, Representative Parke."

Parke: "So, this is going to come out of General Revenue Fund? Do you have a cap on it?"

Granberg: "There are no funds, I believe, currently available. This would allow them to put in place the structure, in case it was the decision of this Body in conjunction with the Senate, and the administration to allow these airports to have access to those federal funds."

Parke: "I'm sorry, I didn't hear that answer, Mr. Speaker. It's an important answer. There... one more time

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Representative."

Granberg: "It would be subject, it would be subject to the House, the Senate and the administration. There are currently no funds available for this purpose. They would like to put the structure in place... and for the future in case the House, the Senate and administration would give these local airport authorities the ability to access federal money."

Parke: "Well, I know, but you have to have initial money to get the money, to qualify for money from the feds. Did the feds already do this for other states?"

Granberg: "That's the Federal Grant, certainly."

Parke: "So, and so, we are able to raise more money, we can get more money from the feds."

Granberg: "Correct."

Parke: "Is there a cap, is there a limit on how much money comes from the Federal Government on these ???."

Granberg: "I would not know what that limit would be, Representative Parke. I could certainly find out, find out for you."

Parke: "How do you distribute the money? Is that on a per capita basis? I mean, this, this really looks like it's for O'Hare Airport because it's operated by a local unit of government, which is the City of Chicago. Now, the City of Chicago, as we all know, has a lot of muscle down here. And quite frankly, I don't think that if the city wants this money and it's for a 1/2, mile that this probably is an Amendment to help the City of Chicago with the new, new area of the airport that they're trying to develop and they want to access this money. What about a down, small downstate airport? How do they, how do they come up with enough muscle to get any crumbs, even?"

Granberg: "This, this Bill is at the request of these downstate

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airports."

Parke: "Well, I'd like to know how do they qualify for the money? I mean who's the authority that gives the money to them? The Illinois Department of Transportation?"

Granberg: "The Illinois Department of Transportation would provide the initial funding if that funding is available at the federal level. The local authority would have the discretion to do that. If they want to access those federal funds, subject to this Body and subject to the administration, that would provide..."

Parke: "Let's say that, Representative, let's say that you get \$1,000,000. You're able to convince the General Assembly and the Governor to allocate, through appropriations, \$1,000,000 and the City of Chicago wants the \$1,000,000. How does a small downstate rural airport qualify for any money, any of this \$1,000,000? Under what formula is there in place so they can get a piece of the action?"

Granberg: "...Representative Parke, it would be up to the administration and the Department of Transportation to make have, give them the ability to access those funds."

Parke: "So, it's discretionary? It's up to IDOT, the Director of IDOT, to appropriate the money and say, 'In my infinite wisdom I'm going to give \$800,000 of this \$1,000,000 to O'Hare and I'll give \$200,000,000, I mean \$200,000 to some other airports.'"

Granberg: "Currently, downstate airports have no access to these funds. This allows them to have access."

Parke: "Yes, but if you, if the Director of IDOT says, 'You're not going to get any of the \$1,000,000', they still don't get it. I mean, I don't understand why there isn't some kind of formula to protect the downstate airports. So that if the money becomes available, I mean you represent a

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downstate district, you'd want some protections in here to make sure that your downstate airports qualify for some money. Otherwise, you know, I'm by O'Hare. I want all the money to go to O'Hare, but... or to Cook County airports anyway. And, and I don't think downstaters are going to get any of it, quite frankly, unless there's some formula for fairness, that can give 'em it."

Granberg: "Hey, Representative Parke, I would find it very difficult to believe, I understand your concern. I find it very difficult to believe that the Illinois Public Airports Association would agree to this language if they thought downstate airports would not be protected. This is their initiative."

Parke: "Thank you, Representative, for answering my questions. Ladies and Gentlemen of the House, to the Bill."

Speaker Hartke: "This Amendment."

Parke: "I am very concerned about this Bill."

Speaker Hartke: "Amendment."

Parke: "First of all, this is enabling legislation. There's no appropriation set aside for it. So, we're going to, we're going to appropriate some money that's going to be directed by the Department of Transportation. Fine, I don't have a problem with that. But it depends on how much money we're going to be able to leverage from the, from the federal taxpayers to pay for this program to expand airports in Illinois. But there's no guarantee that any, any other downstate airports will qualify for this. There has got to be some kind of an agreement. There's no formula in it that protects downstate airports. I'm not going to vote for this Amendment. And I'm very concerned about it and it'll probably'll affect how I vote on the Bill. So, I think everybody better take a good look at this because I,



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I think that this is really slanted towards O' Hare Airport, which I don't have a problem with, my district is supported by that airport. But I think downstaters ought to take a good look at this."

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

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

Speaker Hartke: "He indicates he will."

Giglio: "Kurt, there's no analysis available, so, I, I..."

Granberg: "Sure."

Giglio: "...Please, bear with. And my concern is..."

Granberg: "But, Representative, let me, let me just make a suggestion. This Amendment becomes the Bill. If we adopt the Amendment, we can debate the Bill on Third and I will provide information to you and Representative Parke."

Giglio: "...Absolutely."

Speaker Hartke: "Further discussion? Seeing that nobody is seeking recognition, the question is, 'Shall Amendment #3 to House Bill 63 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. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 2 of the Calendar, appears House Bill 107. Representative Davis. Mr. Clerk, read the Bill. Out of the record. On page 2 of the Calendar, appears House Bill 112. Representative Davis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 112, the Bill's been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Steve Davis, has been approved for consideration."

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Speaker Hartke: "Representative Davis."

Davis, S.: "Thank you, Speaker, Members of the House. Floor Amendment #2 makes some small changes, some deletions, some corrections and it's all language that has been worked out between the fireworks industry and the Fire Marshall's Office. And I would be glad to answer any questions and certainly move for it's adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... Representative Skinner, from McHenry County."

Skinner: "Yes, the lead paragraph in our analysis of the Amendment #2 says you changed the definition of 'pyrotechnic operator' to 'lead pyrotechnic operator' or 'pyrotechnic operator'. Is there any change in this Bill that is going to allow, let's say a Jaycee, who is a member of an organization sponsoring a fireworks exhibition, to ignite fireworks if enough licensed operators don't show up?"

Davis, S.: "Not in the Amendment, Representative."

Skinner: "So, everybody setting off fireworks is going to be licensed?"

Davis, S.: "They will be licensed or trained and certified. We have four provisions in the Bill, which we can speak to once we get to the Bill. But we want to license the distributors, the suppliers, the lead operators and certify the workers."

Skinner: "So, they're not going to be able to pick somebody off the street the night of the event, right?"

Davis, S.: "Not without training."

Skinner: "Well, they wouldn't have training if they just got it the night of the event."

Davis, S.: "All right. And we provide in the Bill, we provide in

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the Bill that the Fire Marshall's Office will come up with guidelines on training and that the employees must be trained and certified and certificates filed with the Fire Marshall's Office."

Skinner: "Thank you very much. I think, I think your effort is, is quite needed, based on my experience in Crystal Lake back in the 1970's."

Davis, S.: "Thank you."

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

Davis, S.: "Appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall Amendment #2 to House Bill 112 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 3 of the Calendar, appears House Bill 161. Representative Lang. Out of the record. On page 2 of the Calendar, appears House Bill 60. Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 60, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Winters, has been approved for consideration."

Speaker Hartke: "Representative Winters."

Winters: "House Amendment 2 can be adopted. House Amendment 3 will, will gut it and replace 2."

Speaker Hartke: "Is there any discussion? The question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted."

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Further Amendments?"

Clerk Bolin: "Floor Amendment #3, offered by Representative Winters, has been approved for consideration."

Speaker Hartke: "Representative Winters."

Winters: "Floor Amendment 3 becomes the Bill. We are dealing with the Ag Conservation and Protection Act. There's quite a few technical changes in here, but it does enhance some stewardship payments that are made by the Department of Agriculture for areas in the Conservation Areas Act. So, I move the adoption of Floor Amendment 3."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Amendment #3 to House Bill 60 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #3 is adopted. Third Reading. On page 6 of the Calendar, appears House Bill 317. Representative Bost. Mr. Clerk, read the Bill. Out of the record. On page 7 of the Calendar, appears House Bill 415. Representative Holbrook. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 415, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Holbrook, has been approved for consideration."

Holbrook: "Thank you, Speaker. What House Bill #1 does, it's an agreement between the Department of Natural Resources, veterans and our group, to allow for tiered programs for disabled veterans that received disabilities in the service to receive some reduced rates for camping fees. I know of no opposition to the Bill. I move for its adoption."

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

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'Shall Amendment #1 to House Bill 415 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #1 is adopted."

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 49 of the Calendar, appears House Bill 1120. Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1120, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Hartke: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1120 exempts reparations and compensation payments that are made to victims of Nazi persecution and their heirs from the Illinois Income Tax. In addition, there's a provision that... of the Bill that does not apply. This compensation or reparations to an individual's total income in determining their eligibility for state programs and providing financial assistance. The victims of the Holocaust and of the Nazi atrocities have suffered long enough. And the reason why I've offered this Bill today is because the state should not increase that burden by taxing assets, which are either stolen from these individuals or never received by them. This proposal is a modest step toward further healing for those who've been indelibly scarred by one of humanities greatest atrocities. This is particularly timely as victims of Nazi atrocities, Jewish and non-Jewish alike, have found fresh historical evidence of confiscation of assets and hiding of assets. In fact, I'd like to enter into the record with the Clerk, a copy of the... a summary of the report done by the Chief Historian of the U.S. Department of State, which was

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initiated by former U.S. Senator Alfonse D'Amato, which chronicles the systematic plundering of individual's assets by many... by many comp... by many countries during WWII which were not only enemies of the United States, but which had actually proclaimed themselves to be neutral. This past month, the German government announced that it would establish a multi-billion dollar compensation fund for victims of Nazi slave labor camps. In August of last year, the Swiss Government announced the creation of a \$1.25 billion compensation fund as restitution for assets which were confiscated during WWII. There are additional attempts to settle litigation around the world and it's my belief that we should bring about this measure of justice now. I'd be happy to answer any questions."

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

Lang: "Thank you, Mr. Speaker. I rise in very strong support of this Bill and applaud Representative Schoenberg and all of the Sponsors, of which I am one, for their work on this piece of legislation. Illinois is a state that has many Holocaust survivors in it. That's one of the reasons that this Body was the first state in the nation to require Holocaust education in Illinois public schools. That has brought a great measure of education to the children across the State of Illinois, so that an entire generation of students will learn more about what the Holocaust was all about. This Bill, too, is what the Holocaust is all about. While it cannot restore any life that was lost during WWII in Eastern Europe, what it can do is say to those who are entitled to monetary compensation from these funds that have been created, that we understand what you went through. What you went through was far greater punishment

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to you than Illinois taxing you these proceeds could ever be. And we're going to say to you that we're proud that you live in our state. We're proud that you live in America and we stand shoulder to shoulder with you in opposition to the Nazi persecution during WWII. This is a good piece of legislation. It recognizes an important time in the history of these Holocaust survivors. There aren't too many of them left, but those that do survive, those that are here in our state, should get the full measure of our support and I strongly urge your support."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative Schoenberg, I understand the passion of which you present this legislation to the Body. But let me ask a couple of questions about it. Is this only for the individual survivor or is this for their family? Let's presume that someone passed away in the atrocity of those prison camps and the assets now are passed on to their survivors. Does this apply to their survivors, to their two or three generations or two generations?"

Schoenberg: "This is... yes sir, this is for survivors and their heirs. And I might add that this is consistent with Public Law 103-286 of the Federal Code, an Act which was enacted in 1994, which provides for the exemption of eligibility towards, towards income-based programs."

Parke: "So, in other words, this the State of Illinois will forgive taxing people for economic benefit that they would receive from any settlements from any other assets around the world. Is that in essence what this Bill does?"

Schoenberg: "Mr. Parke, I don't wish to engage in semantics. But

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perhaps, 'forgive' isn't the appropriate word because these settle... these dollars, which will come back to these people, first of all are only going to represent a modest portion of assets, which were unwillingly taken from them over... a number of years ago. And in essence, this is ensuring that people are... when they are getting some percentage of their money back in their hands, that they will not have taxable liability on that."

Parke: "So..."

Schoenberg: "So, I don't mean to engage you in semantics, but I did... but..."

Parke: "...But, the gist of what I said is true."

Schoenberg: "...I think you understand my point."

Parke: "Right?"

Schoenberg: "The gist of it is true."

Parke: "Thank you. Next question. If we do this this time for, for your impassioned people, will we be looking at doing this for... say, some people in an African country that was purged by some empire and they have assets, too. Would you... would we be doing this for those generations coming from another country, maybe Africa or some other country in the world? Is that... would that be appropriate to do that for them also and forgive them from Illinois taxes?"

Schoenberg: "Mr. Parke, I'd like to share with you an interesting observation which I learned. I had referenced earlier that Germany was creating a multi-billion dollar compensation fund for individuals who had been forcibly removed from their homes and thrown into slave-labor camps..."

Parke: "Representative,..."

Schoenberg: "...pardon me. Interesting..."

Parke: "...I just want cover, was that during the war years or currently?"



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Schoenberg: "That was during the war years."

Parke: "Thank you, go ahead."

Schoenberg: "In researching this issue further, in the case of this German compensation fund for slave-labor, I learned two things. One, is that the overwhelming majority of those individuals were not of the Jewish faith. In fact, I also learned that there were several colleagues who we have in this chamber and other chambers who are not of the Jewish faith, who found them... who for example, like Senator Dudycz, who found that his mother was forcibly removed from their home in the Ukraine and thrown into a Nazi slave-labor camp. This impacts individuals of all faiths. This impacts individuals who are going to be... who are going to be eligible to receive funds either from the German settlement of these class action claims or from the Swiss fund. This by no... and I want to add further, that under existing Federal Law right now, any kind of reparations do not qualify as income. Reparations such as these which we're talking about, would not be defined as income under the Federal Revenue Code. And, as I mentioned earlier, the 1994 Act already exempts it out for eligibility, towards income-based programs."

Parke: "Well, thank you Representative. It's obvious that you've put a lot of time and energy into this worthwhile Bill. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Parke: "It's obvious that this Bill has... certainly has merit. It is something that I think, on behalf of the taxpayers of the State of Illinois, that this would be good public policy and I plan on voting for this and asking the Body to support Representative Schoenberg and his... and this Bill that he's spent a lot of hard work on."

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Speaker Hartke: "Further discussion? Mr. Johnson. The Gentleman from DuPage."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Jeff, I rise in very, very strong support of this piece of legislation. And want to applaud you and I don't know, do we have a Jewish caucus in here? But if we do, you know this is a wonderful piece and long overdue. And it's... it's a small thing that we can do as a Body in here. And I think it also sets a wonderful precedent for future, may they never occur these holocausts. But as you know, we had the wrongful internment of the Japanese citizens here in the United States. They also received compensation from the government and I believe that this sets the precedent for any group that, in fact, has been wronged and so severely wronged, in our history and hopefully, not in the days to come. I hope we've learned a lot. But I do want to applaud you for bringing this piece forward. Thank you."

Schoenberg: "Thank you."

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

Coulson: "I want to also applaud the Sponsor and all the Sponsors for moving this forward and... and being able to be a CoSponsor because I am daughter and granddaughter of Nazi victims and many of my constituents are also. I'd like to remind people that there are... while Jeff said there are not very many survivors... there are a lot of people who were affected by this and I look forward to working to continue this public policy. Thank you."

Speaker Hartke: "Representative Schoenberg, to close."

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

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Gentlemen of the House. I'd like to leave you with one parting thought, and that is one of my favorite passages in the Old Testament. In the Book of Deuteronomy, in the 16th Chapter as the Israelites are poised to enter the promised land after many years of exile, they receive an admonishment from Moses, who as we all know does not have the opportunity to enter the promised land. And Moses admonishes the Israelites, 'Justice, justice, ye shall pursue.' My friends, today we have an unparalleled opportunity to provide a further measure of justice for those who've suffered irreparably during one of history's greatest atrocities. Let us move forward now, in attempting to right, in some small measure, one of history's greatest wrongs. Thank you very much."

Speaker Hartke: "The question is, 'Shall House Bill 1120 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? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1120, there were 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Now, back to Second Readings. On page 7 of the Calendar appears House Bill 421. Representative Winkel. Out of, out of the record. On page 15 of the Calendar, appears House Bill 909. Representative Giglio. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 909, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by..."

Speaker Hartke: "Representative Giglio, the Amendment #2."

Giglio: "Amendment #1 was adopted in committee. Amendment #2

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was..."

Speaker Hartke: "Amendment #1. Representative Giglio."

Giglio: "...Could the Clerk please clarify which Amendment?"

Clerk Bolin: "Floor Amendment #1 has been approved for consideration."

Giglio: "Thank you, Mr. Speaker and Members of the General Assembly. I bring here before you House Bill 909, which would increase the penalties for illegal dumping. I know of no opposition to this Bill, whatsoever, and I would appreciate your support."

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

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

Speaker Hartke: "He indicates he will."

Cross: "Representative, this is a rather lengthy Amendment and I, I take it it becomes the Bill?"

Giglio: "That's correct."

Cross: "All right. Can you... what was the, what's the rationale behind this Bill?"

Giglio: "I'm sorry, can you repeat that?"

Cross: "What's the rationale behind this Bill?"

Giglio: "The rationale is to, to... the Illinois EPA actually drafted this language, to address some of the illegal dumpers, to the recycling legislation that we passed last Session. Through loopholes in the law the recyclers have... cannot be fined under existing law and that's what the reason for this legislation is."

Cross: "All right. And there's no opposition?"

Giglio: "Only by the illegal dumpers."

Cross: "Did they put a slip in, Representative?"

Giglio: "Right next to Chuck's Rent-A-Husband, yes."

Cross: "All right. Thank you very much."

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

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

Speaker Hartke: "He indicates he will."

Giles: "Representative, this appears to be an initiative that I know I once championed. I know in my community we have quite a bit of fly dumping. Representative, do you have any opponents to this legislation?"

Giglio: "None at all that I know of."

Giles: "Representative, do you know if the, if the City of Chicago is a proponent on this legislation?"

Giglio: "I do not, I do not know their position. I can only assume that they would be in favor of this legislation. This legislation increases the penalties for illegal dumping."

Giles: "Representative, could you just briefly tell me what are the current penalties and what is the increase if you, you know that?"

Giglio: "There are a number of current penalties within the law. Representative Giles, I apologize for the delay in answering your question. Under the Code, there are a number of violations that can incur a... a penalty. These... this adds to the two items that can now incur a penalty. And it's in regards to general construction or demolition debris and clean construction and demolition debris."

Giles: "Representative, I see that you have the National Solid Waste Management Association as a proponent. It appears to me that you have done something to actually clean up the language of this Bill. And I just stand to support your initiative. I think this is a good piece of legislation. We need to crack down on these individuals who fly dump,

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who usually do these type of activities in the dark. They wait till about two or three or four, two or three in the morning when everyone is asleep and they'll go around to dump on vacant properties and various properties that they think that they can get away with, without paying certain fees to actually haul their waste and to store the waste where it's properly mandated to do so. So Representative, I just thank you for bringing this legislation forth, once again. And hopefully, we'll get a fair hearing in the Senate and get this Bill on the Governor's desk and signed into law. Thank you."

Speaker Hartke: "The question is, 'Shall Floor Amendment #1 to House Bill 909 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Giglio, has been approved for consideration."

Speaker Hartke: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the House. Floor Amendment #2 is technical in nature and it adds an immediate effective date. And I would ask for your favorable support."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 on House Bill 909 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 15 of the Calendar, appears House Bill 941. Representative Granberg. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 941, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

Granberg: "Mr. Speaker, let me take this Bill out of the record for a moment, please?"

Speaker Hartke: "Out of the record. On page 17 of the Calendar, appears House Bill 1115. Representative Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1115, 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. Floor Amendment #1 is some technical language that was done at the behest of the Secretary of State's Office."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #1 to House Bill 1115 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 19 of the Calendar, appears House Bill 1265. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1265, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

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

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House. House Amendment #1 addresses some of the concerns of the opponents to this Bill, which was the large and small life insurance industries. This would make the Bill, this proposal, less onerous to them. I would simply ask for it's adoption and we can debate the Bill on Third Reading."

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

Parke: "Representative, you will need to explain to the Body what your Amendment does, in terms of what it takes out, because we're having conflicting reports on whether or not this makes this better and more acceptable or it actually creates more problems. So, share with us what your Amendment does."

Granberg: "Certainly, Representative Parke. It takes out the term 'coercion and intimidation' from the underlying Bill. That was a serious objection Mr. Larry Berry and others had in committee, when they testified before the committee, in the Consumer Protection Committee. This would remove that. This would make the Bill less, less onerous to those parties."

Parke: "Representative, have you heard that the, the concern the HMOs had, was it originally there had to be coercion involved? And now, that you've taken that out, in means in essence then any action, any feeling of just not wanting to serve any of the various programs that an HMO might have, they can just choose to be in two and not in three. They could choose to be the for pay, but no Medicaid or medicare programs. Did you know that that's what they think your Amendment does?"

Granberg: "No, Representative Parke, I'm looking forward to having that discussion on the floor on Third Reading."



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We've attempted to address some of the opponents main concerns. As, as you are aware, we've tried to agree where we can agree and where we can't agree, we'll just leave it up to the Body to decide. But that's why they were able to agree on this language on this Amendment to make the Bill less onerous to remove some of their opposition. Certainly, not all their opposition, the very issue you mentioned is..."

Parke: "Who, who did you work with on this Amendment?"

Granberg: "The Illinois State Medical Society worked with Mr. Larry Berry and others."

Parke: "Is Larry Berry's group now in agreement with the Bill?"

Granberg: "No, I don't believe so. They tried to address some of their concerns, as I indicated. They were not able to address all their concerns. So..."

Parke: "Ladies and... to the Bill. Ladies and Gentlemen, in fact, the Sponsor's just simply laid it out. He doesn't really matter, he's worked this out with the Medical Society. Well, it's a Medical Society Bill. And the fact of the matter is, it's still opposed by the HMO's and by the, by the Life Insurance Council because it makes it worse. Doesn't solve the problem, it creates more of a problem. So Ladies and Gentlemen, I would ask that we defeat this Amendment and let them negotiate together in good faith to solve the problem that was brought up in committee. The Sponsor said it doesn't make any difference what the problem is. It really hasn't solved much, regardless of what, what he said. It's creating a greater problem because now physicians who want to 'cherry pick' what plans of an HMO they want to be in, can do it. See the original Bill created one problem, now this Amendment is creating even more because now they can really choose

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and pick any group plan that they want to be in. So I would ask the Body, and I'm going to ask for a roll call on this Amendment. And we'll let the, everybody stand up and be counted on where they're going to be on this Amendment. But I think this is a bad idea and we ought to know who wants to put this Amendment on that makes the Bill even worse than the underlying Bill. I would hope maybe that the Sponsor would take this out of the record and try and find an Amendment that would be more agreeable. But if he's not going to, then I would like a roll call vote on this, Mr. Speaker."

Speaker Hartke: "Representative Granberg, to..."

Granberg: "To close?"

Speaker Hartke: "...Excuse me, no."

Granberg: "To close, Mr. Speaker?"

Speaker Hartke: "No. The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield for a few questions?"

Speaker Hartke: "He indicates he will."

Granberg: "Certainly."

Cross: "Representative, this sounds like that you spent a lot of time working on this, but you're willing to debate the merits of the Bill when we get to Third Reading. Is that correct?"

Granberg: "Absolutely, Representative Cross. What in fact we did, they tried to address the concerns of the opposition. It made it better for the opposition. Unfortunately, the Gent... the previous speaker indicated just the opposite. This makes it better for the opposition."

Cross: "So, while you, so, while you realize that they still don't approve of the Bill, while they may have been way over here, they're, they've moved over, is what you're

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saying, right, Representative?"

Granberg: "Mr. Cross, absolutely correct. They've agreed to disagree. They addressed the areas of concern that they could reach agreement on and they reached that consensus on this issue. This was a very onerous provision to the opponents in committee. The Illinois State Medical Society addressed that concern. That is why we have the Amendment. We're trying to address their concern. That is what this Amendment does and I look forward to debate on Third Reading. This Amendment tries to alleviate some of the problems that the opposition has. Simply, the opposite of what the previous speaker indicated."

Speaker Hartke: "Further discussion? Representative Cross?"

Cross: "I don't have any other questions. Thanks."

Speaker Hartke: "Representative Granberg, to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Cross is right. This Bill came before the committee, there were very, two groups in particular, who had serious questions and serious opposition. The Illinois State Medical Society attempted to address their main concern. That is what this Amendment does. It removes onerous and coercion and intimidation from the Bill. It removes the criminal penalty from the Bill. This makes it better for the opposition. They tried in good faith to help the opposition. I look forward to debating this Bill with you on Third Reading. We'll discuss these other issues. But this Amendment makes the Bill better for the opponents, not worse. And I would ask for your support."

Speaker Hartke: "There has been a request for a record vote. All those in favor of Amendment #1 to House Bill 1265, signify by voting 'yes'; those opposed vote 'no'. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1265, there are 110 Members voting 'yes', 4 people voting 'no', 0 voting 'present'. And this Bill having received... this Amendment having received a (sic-Constitutional) Majority is hereby declared passed. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 20... Representative Granberg."

Granberg: "I'm sorry, what was, what was that vote on that request for a roll call?"

Speaker Hartke: "110-4."

Granberg: "Oh, okay, thank you."

Speaker Hartke: "On page 20 of the Calendar, appears House Bill 1340. Representative Wojcik. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1340, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Wojcik, has been approved for consideration."

Speaker Hartke: "Representative Wojcik."

Wojcik: "Representative, the Amendment just advances the date to April, April 1, year 2001. That was suggested in committee. We had it as January 1, 2001. So we just pushed it up per the Members of the committee's request. I ask for its passage."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Amendment #1 to House Bill 1340 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

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Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. For what reason does the Representative from Peoria, Representative Slone, seek recognition?"

Slone: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I'd like to introduce the Peoria Heights High School Choir, which was here to participate in Music Appreciation Day. They're in the gallery, please welcome them to Springfield."

Speaker Hartke: "Welcome to Springfield. On page 20 of the Calendar, appears House Bill 1352. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1352, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. In committee we were narrowing up the scope of this Bill. It's technical language for the Illinois Sheriffs' Association. We're only dealing with giving a newly elected sherriff, increasing the number of days that they have to acquire their bond. Currently, it's 20 days, if it's a new sherriff they would not have even taken office yet. So, we're extending that to 30 days. We removed the other language dealing with other bonds. So, it's clearly single subject matter. We narrowed up the scope of the Bill that was approved in committee. No opposition."

Speaker Hartke: "Is there any discussion? No one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1352 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair,

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the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 20 of the Calendar, appears House Bill 1362. Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1362, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Winkel, has been approved for consideration."

Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 1362 represents an agreement between the Illinois Association of Fire Protection Districts and the Municipal League. The commitment was made in committee for these two groups to work out an agreement, this represents that agreement. It's a phase down of the levy over a five year period instead of ten. I'd be glad to take any questions."

Speaker Hartke: "Is there any discussion? The question is, 'Shall'... seeing no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1362 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Winkel, on page 7 of the Calendar, you have House Bill 421. Would you like to call that Bill? Amendment? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 421, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Winkel, has been approved for consideration."

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Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 421 is worked out language that clarifies the language that was considered by the committee. It's approved by the Illinois State Bar Association and it again, is clarification. And I ask for its adoption."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Jefferson, Representative John O. Jones. Mr. Jones."

Jones, J.: "Thank you, Mr. Speaker. I rise for point of personal privilege."

Speaker Hartke: "State your point."

Jones, J.: "I would like to welcome, if everybody would give their attention to the gallery, we have all the YMCA Youth in Government Officers that's going to be taking over the General Assembly this weekend. Just give them a big welcome to Springfield."

Speaker Hartke: "Welcome to Springfield. Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall Amendment #1 to House Bill 421 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 9 of the Calendar, appears House Bill 528. Representative Fritchey, would you like to call your Amendment to that Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 528, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been

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approved for consideration."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker. To the best of my recollection, Floor Amendment #1 on House Bill 528 is a result of concerns that were raised by the Transportation Committee. The underlying Bill would require applicants for a school bus drivers license to obtain CPR training. Right now, they're required to take first-aid training. The CPR training would involve about an extra hour of class time, about an extra \$10 of cost. Out of concerns that we may be increasing barriers to the already small pool of school bus driver applicants, what we've done is amended the Bill so that an individual would have 60 days after receiving their license in which to comply with the CPR requirement. This would enable an individual to get licensed. It would enable an individual to get a job. And then once they know that they have employment and they are going to be keeping that employment then they could go back for the additional CPR training. What this stemmed out of was an incident in my district where a 10-year-old child was saved, not by the school bus driver, but by two of his classmates who were trained in CPR training. For us to require an individual to spend an extra hour of time and an extra \$10 of their pocket is a worthwhile investment if we save just one child's life. I respectfully request a favorable consideration."

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

Cross: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Cross: "John, I know you've tried to clean this up, but I think one of the concerns everybody had from originally, was the



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cost. Is that, do you recall that when we originally had debate on this?"

Fritchey: "Originally, there was debate, on that that it may be an impediment. As I said, we're talking about another... about an extra \$10 over the cost right now. And what we've done then is we've said rather than set that up as a barrier to getting the license, we'll give you two months after getting the license, finding a job, to then go and get the training. There are a number of organizations out there that provide certified CPR classes and as we speak, the Secretary of State's Office is seeking additional funding to underwrite the cost of the CPR training for school bus drivers. This Bill is a part of Jesse White's Safe Schools Program and he is trying to provide another mechanism for protecting our kids."

Cross: "I don't think anyone quarrels with the concept of maybe all of us having some experience in CPR, but if I recall in the debate it's... earlier it's hard enough to even find school bus drivers. Do you know where the School Board Associations or the School Districts are with your Amendment? I know they were before opposed to it, John."

Fritchey: "The School Management Alliance candidly has told me that they are opposed, but not as opposed as they were."

Cross: "Oh, really. Can you... what do you mean by that?"

Fritchey: "I think that..."

Cross: "On a scale of 1 to 10, where is that?"

Fritchey: "I wish I could tell you. No, I, I, they recognize what the Secretary of State is trying to do and I think they recognize that if we can save one kid by doing this, it's worthwhile. But they have what's a justifiable concern, that there is a shortage of qualified school bus drivers."

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Cross: "And I don't, I apologize, I'm not about to make light of the... this issue of CPR, but don't we, I mean, John, if we have, if we can't even get bus drivers and then keeping them is a problem. If we add one more hurdle, realistically, it seems like this is going to exaggerate the problem. Can we, start out at a maybe in a, create an awareness issue for this as opposed to mandating it? I just think we are really going to end up with school districts and it's probably not as big an issue in the city without school... you probably if I don't have the number of school buses we all have downstate or in the suburban area. But, it's a real struggle from what I'm told, not only just standing here, but from reading, for us to get bus drivers. And I just feel like this is going to hinder us even more."

Fritchey: "No, I understand that. As I said, currently the law requires the school bus drivers to take first aid classes. The marginal increase from a first aid class to a CPR class, like I said, you're talking about an hour of additional time and about \$10. I don't think that that's an impediment, I really don't. And not when you consider what the trade off is here."

Cross: "Well, I realize this is an Amendment and maybe we can spend a little more time on it and I do respect and appreciate the fact that you have attempted to make it better. But I think for many of us it remains, with all due respect to you, a real... just a struggle for us in terms of numbers of available bus drivers and I still think it's a tough Bill for some of us to oppose. I, I..."

Fritchey: "Tom, I would suggest to you that this will obviously be debated when, when we have the Bill on Third Reading. I'd like to move this forward. I think you would even agree

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that it's a better Bill with the Amendment than without the Amendment."

Cross: "...I agree."

Fritchey: "So, if we can put the Amendment on, then debate the merits of the Bill when we get there. I'm more than happy to do that and just see what everybody thinks."

Cross: "Fair enough. Thanks, John."

Fritchey: "Thank you."

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

Delgado: "Thank you, Mr. Speaker. I rise to, in support of House Bill 528 and to address the Representative on the other side of the aisle's concern about school bus driver opportunities. There are many..."

Speaker Hartke: "To the Amendment."

Delgado: "...To the Amendment. It is vital that we move this Amendment forward, understanding that we have quite a few folks that would love to become bus drivers, but there's a lot of things that would make it necessary for them to accept that particular kind of job. And therefore, we know that when we have safe buses carrying safe children, this Amendment would allow this Bill to move forward and we would enhance the quality of the driver. And bring on drivers that really want to do the work, know that they're driving safe equipment and able to save any child in their care. This is a huge responsibility and therefore, I would urge all of our colleagues to make sure that we're always keeping in mind that ultimately, this is for the best interests of a child, and that passenger on that bus, be it even a bus attendant. So, please, let's all move forward on this Floor Amendment. This legislation has great

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intentions and we, together with Representative Fritchey, would like to see an 'aye' vote."

Speaker Hartke: "The Gentleman from Lake, Representative Osmond. To the Amendment."

Osmond: "Just as a point of clarification. It really, it is not another hour class to go and to expand. To do a CPR class and get certified is going to be a minimum of four hours, if that matters, just as a point of clarification."

Fritchey: "The... but the first aid training that they're currently required to take is approximately a two to three hour course. The CPR course is a three to four hour course and it incorporates a lot of the underlying training. So, if they take the combined course, it's about an extra hour."

Osmond: "Okay. Thank you."

Speaker Hartke: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Sir. The Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoeft: "As a former superintendent of schools for Kane County, I know it is virtually impossible these days for school districts to expand their bus driver lists because of the inordinate number of requirements that they have before these people even can drive a bus. They have to go through the CDL training, they've got to go through a criminal background check."

Fritchey: "Representative, could I make a suggestion, I... even though I'm interrupting you, it's not my intention."

Hoeft: "I know you are interrupting me and I would... that's..."

Fritchey: "It, it sounds like we're going to the Bill and not the Amendment."

Hoeft: "...Yeah, it directly does and you don't know where I'm going without..."

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Fritchey: "Fair enough."

Hoelt: "I find that fairly offensive, Sir."

Speaker Hartke: "Representative Hoelt."

Hoelt: "They have so many things that they have to get done in order to gain employment that we've finding that over 1/3 of these candidates are dropping out and getting other jobs. We aren't finding qualified candidates because of all the requirements. To add one more requirement to this list is going to mean that they're going to have even that much more difficulty. Every school bus driver must go through annual training. Could we take this off the initial requirement, and make it a requirement after they've had a year or two? So that, it is not going to block them, but will enhance them once they get in. Because quite frankly, school districts have called me and they said they're absolutely desperate. Anything else added on is going to make this even more deplorable. Could we change this to being a requirement, once they become employed? So, it's an annual event."

Fritchey: "Well, that's, that's actually what the Amendment does. The Amendment says, 'Rather than being a precursor or prerequisite to getting the license.' It is after you get your license you've got 60 days at that point, you've got 2 months to go and do this. It's not a barrier. This way they can do get their license, they can go find employment. My concern and I, I am very sympathetic to what you're saying, I really am. My concern is during that one year period or two year period if something happens. And I don't mean to build this up more than it should be. I've got one child in my district that would have been dead, but for being saved by a 10 and 11-year-old. I'm very worried by the fact that if this happens in somebody else's

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district and a child dies because that bus driver didn't know CPR, it's going to be that Representative that's coming back with this Bill again. And rather than wait for a tragedy to happen, if we could do this now. Is it a burden? Absolutely, it's a burden. Is it a justifiable burden? That's what we're all going to have to weigh here."

Hoelt: "Yeah and I... my method would be to, to postpone the actual training for one year because they have to have a training every year and they have these workshops and that this would be included in that. And therefore, they would get the training, but it wouldn't be something that would be a barrier. You have exactly hit it on the nose. The question is the balance between needs and this inordinate burden. There's not a school district right now, that we represent that is not struggling with this issue. And I think that this will just simply make a more difficult issue. I give you a way out. At the end of the first year, they have to go through summer training. Have it done during that summer training. It would be a lot brighter and I think would alleviate the problem. Thank you, Sir."

Fritchey: "Thank you."

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

Rutherford: "Thank you, Mr. Speaker. Who is required to pay for this? The testing?"

Fritchey: "Right now, it would be the applicant, but as I said,..."

Rutherford: "Okay, that's..."

Fritchey: "...the Secretary of State's Office is working on finding the funding right now, so that they'd be able to

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underwrite the cost of doing the training."

Rutherford: "I understand that. The other, the other question is, could a school district require this themselves?"

Fritchey: "Could a school... I would assume that they could say that we are going to hire applicants that have the required licensing and this, sure."

Rutherford: "So a school district could do this on their own?"

Fritchey: "They could, but it's not happening."

Rutherford: "Okay. Lastly, is their funding appropriation tied to this?"

Fritchey: "Not tied to this. The Secretary of State's Office, independently, is working on funding to help address this situation."

Rutherford: "Okay. Thank you."

Fritchey: "Thank you."

Speaker Hartke: "The question is 'Shall House Amendment... Floor Amendment #1 to House Bill 528 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it, and Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A State Mandates Note has been requested on the Bill and that note has not yet been filed."

Speaker Hartke: "The Bill will remain on Second Reading. On page 9 of the Calendar, appears House Bill 558, Representative Woolard. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 558, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

Speaker Hartke: "Representative Woolard."

Woolard: "Amendment #1 is strictly a technical Amendment. Would

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appreciate your consideration."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 558 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Woolard has been approved for consideration."

Speaker Hartke: "Representative Woolard."

Woolard: "Once again, this is a technical Amendment. It ensures that the City of Chicago would not get double pay. It's written by the Representative from that area, and I believe is technical in nature and should be approved."

Speaker Hartke: "Seeing that no one is seeking recognition, the question is, 'Shall the Floor Amendment #2 to House Bill 558 be adopted?' All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. The Clerk would like to announce that all of the Bills on the Agreed Bill Sheet are now available on your laptops. If you download they would be there on the list. On page 24 of the Calendar, appears House Bill 1687, Representative Brady. Mr. Brady. Out of the record. On page 25 of the Calendar, appears House Bill 1705, Representative Boland. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1705, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Boland, has been approved for consideration."

Speaker Hartke: "Representative Boland."

Boland: "Yes, thank you, Mr. Speaker. Floor Amendment #1 is a



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technical Amendment. It takes out a short phrase that was actually not in the spirit of the Bill."

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

Skinner: "Perhaps this should wait till Third Reading, but maybe not. If some state has a Prison Industries Program would we be ineligible to buy goods made by that state's Prison Industry Program?"

Boland: "No, it's... you're right that's addressed to the Bill itself, but to answer your question right now no that would be... this just deals with foreign countries."

Skinner: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1705 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 25 of the Calendar, appears House Bill 1717, Representative Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1717 the Bill's 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. The underlying Bill concerns a program for home modification for persons who have disabilities. Floor Amendment #1 references the Department of Aging for those persons that would be covered by the Bill who are over the age of 60, and takes it away from DHS

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who's developed in coordination with both of those Departments."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1717 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And Floor Amendment #1 to House Bill 1717 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 29 of the Calendar, appears House Bill 1909, Representative Wojcik. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1909, the Bill has been read a second time, previously. No Committee Amendments, Floor Amendment #1, offered by Representative Wojcik, has been approved for consideration."

Speaker Hartke: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker, Members of the House. The Amendment provides that the Department of Commerce and Community Affairs shall serve as the lead administrative agency instead of the Department of Agriculture for allocation and auditing of funds, as well as, monitoring program implementation. The sum of \$500,000 is transferred from the General Revenue Fund to the Grape and Wine Resource Fund beginning July 1, 1999 and ending June 30, 2009. The Amendment deletes the provision that provides .02 of the Wine Exise Tax collected on each gallon of wine shall be deposited into the Grape and Wine Resource Fund. The Department of Commerce and Community Affairs must report back to the General Assembly and Governor by January 1, 2009 and make a recommendation whether to

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continue the fund. I ask for the favorable passage of Amendment #1."

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 1909?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 to House Bill 1909 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 31 of the Calendar, appears House Bill 2036, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2036, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dart, has been approved for consideration."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 removes any of the fees that were attached to this Bill."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 2036 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2036 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A State Mandates Note has been requested on the Bill and that note has not yet been filed."

Speaker Hartke: "That Bill will remain on Second Reading. On page 41 of the Calendar, appears House Bill 2627,

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Representative McKeon, Larry McKeon. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2627, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McKeon, has been approved for consideration."

Speaker Hartke: "Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Amendment #1 to House Bill 2627 replaces the words 'the Board of Nursing' with the words 'Professional Nursing Association' as one of the entities that would recommend to the Governor to appoint members to the Quality Nursing Home Advisory Council."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2627?' All those in favor signify by saying 'aye'; opposed 'no'. In the the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 27 of the Calendar, appears House Bill 1801, Representative Mautino. Representative Mautino, do you care to call House Bill 1801? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1801, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Mautino, has been approved for consideration."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #1, makes this Bill a shell Bill. The intention is to send it over to the Senate to continue negotiations. What this... the underlying Bill does is to

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try and create collaborative agreements between pharmacists and doctors and so with agreement from the Med Society and everyone involved, they would like to move this to the Senate, while they meet and try and come to terms with a way that the pharmacists and docs can work to better promote collaborative health care and drug therapy. I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1801?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 41 of the Calendar, appears House Bill 2645, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2645, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Mulligan, has been approved for consideration."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 changes the word 'licensed' used... in the original Bill... for it's a sunset of the Landscape Architecture Act. The word 'licensed' was used instead of 'registered'. This Amendment would change all the terms 'licensed' to 'registered', which is what they actually are, that's all it does."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 2645?' All those in favor

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signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Granberg, are you prepared to go to House Bill 941 with your Amendment? Out of the Record. Representative Brady, has he returned to the chamber? On page 24 of the Calendar, appears House Bill 1687. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1687, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brady, has been approved for consideration."

Speaker Hartke: "Representative Brady."

Brady: "Thank you, Mr. Speaker. Floor Amendment #1 becomes the Bill. It establishes the ability to receive a bingo license two times a year for a charitable organization with an expanded limit. It was requested of me of local charities. It greatly diminishes the original drafting of the Bill which would have broadly expanded bingo. This limits that. It also, provides for county authority within the jurisdiction."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the floor... shall the House adopt Floor Amendment #1 to House Bill 1687?' All those in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 1687 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Clerk, what is the status of House Bill 2210?"

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Clerk Bolin: "House Bill 2210 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2210, Floor Amendment #1, offered by Representative Coulson, has been approved for consideration."

Speaker Hartke: "Representative Coulson."

Coulson: "Amendment #1 is a technical Amendment. It changes some definitions to make them concurrent with the Child Care Act."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall Floor Amendment #1 to House Bill 2210 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to House Bill 2210 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. The Chair recognizes the Gentleman from Cook, Representative Lyons. For what reason do you seek recognition?"

Lyons, J.: "Thank you, Mr. Speaker. I'd like to make a Motion with regard to House Bill 427."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 427?"

Clerk Bolin: "House Bill 427 is on the Order of House Bills-Second Reading."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Mr. Speaker, as the principal Sponsor for 427 and pursuant to House Rule 60, I move to Table Amendment #1 to House Bill 427. This being Amendment #1 was adopted in

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Executive Committee about ten days ago and the Bill passed out of Committee that day as amended. Amendment #1 made some technical and a few substantive changes to House Bill 427 and yesterday I filed Amendment #2 with the idea that it would replace Amendment #1. Amendment #2 will keep most of the changes made by Amendment #1, but will clean up a couple of provisions that were the product of negotiations over the last ten days or so. I ask that Members adopt this Motion. This will go back to committee for review of Amendment #2 and I would ask for favorable consideration on that."

Speaker Hartke: "You've heard the Gentleman's Motion. Is there any discussion? Seeing that no one is seeking recognition, all those in favor of the Gentleman's Motion signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Motion is adopted."

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

Speaker Hartke: "Put that Bill on Second Reading. The Chair would like to make another announcement. We have until 4:00 to vote on the Agreed Bill List. So, you can be working on that and paying attention to what's going on here. You have about an hour left. On page 54 of the Calendar, appears House Bill 2315. Representative Black, for what reason do you seek recognition?"

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

Speaker Hartke: "State your inquiry."

Black: "Since we have a little more than an hour to turn in an Agreed Bill List that's somewhat lengthy and quite frankly, somewhat eye-opening in a couple of instances. And since I don't think we're going to do anything earth shattering in the next 30 minutes. In years past we have... the House has been at ease for 30 minutes, to at least let us look at



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the Agreed Bill List and concentrate on the Agreed Bill List and then sign it and pass it in. It's very hard to do that with any degree of efficiency when we're on Third Reading. Wouldn't it be advisable to have the House stand at ease for a half an hour or so to get the Agreed Bill List done?"

Speaker Hartke: "The answer is no."

Black: "Well, at least I tried. Thank you, Mr. Speaker."

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

Currie: "I have a question about the Agreed Bill List, Speaker, perhaps you could help us. It's my understanding that Bills for which Amendments are pending but have not yet been adopted, will not be on this Agreed Bill List. Will the Clerk let us know which of the Bills on this yellow sheet are actually susceptible to a vote on this Agreed Bill List and which are not?"

Speaker Hartke: "Mr. Clerk. I think I may be able to help you with that, I can stand corrected. In speaking with Mr. Mapes, if a Bill is on that list, on the Agreed Bill List and there is an Amendment pending, and it is still on Second Reading and it has not passed to Third today, that list, even though you turn it, in will be null and void."

Currie: "So, if we are invited, we're invited by the Chair to fill out these lists now, even though some of these Bills will not, in fact, be on the list that we vote on, right?"

Speaker Hartke: "That's my understanding."

Currie: "So, we won't get a new list that looks like this but has x'd out the Bills that are not, in fact, part of the Agreed Bill record?"

Speaker Hartke: "I can't answer that."

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Currie: "Okay, thank you."

Speaker Hartke: "Back to business. The House is on Third Reading on House Bill 2315, Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 2315 is the Welfare to Work Act..."

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

Clerk Bolin: "House Bill 2315, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you very much. This is the Welfare to Work Act. The new policy of the United States Government and the Government of the State of Illinois is that there shall be a decrease in the number of people on public aid, or who are receiving general assistance. These figures have been as high as 1,500,000. But in the law, the Personal Responsibility Act, the State of Illinois has the responsibility to systematically put people in private employment and lower the welfare roles. And our situation is that over the next two years it's going to be necessary to lower those roles some 100,000. This Bill would require the various Departments of State Government that have job openings to make those job openings available by notice to the Department of Human Services. It requires that there be given a preference to qualified public aid recipients. The Bill is very carefully written so that there will be no tampering with the ability of an employer to decide who they will employ. And the Bill requires that 5% of the state contracts be made available to qualified public aid recipients. I think that this is very good public policy and I think that it will help the Department of Public Aid place people in gainful employment, place people in state jobs and in jobs and contracts that the state pays for.

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Therefore, I ask your approval of this measure."

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

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

Speaker Hartke: "She indicates she will."

Turner, J.: "Representative, does the Bill create some kind of preference? Is that... I couldn't hear you very well, but it seemed like from your explanation that's what it does. Is that what the Bill's intended to do?"

Younge: "The Bill is intended to create a preference for a qualified public aid recipients. A preference having to do with State of Illinois jobs and contracts that the State of Illinois provides. The Bill is carefully written in such a way that this preference does not supersede the preference of veterans. So the veteran's preference is not in anyway changed by this Bill."

Turner, J.: "How would that would work if both a public aid recipient, as well as, a veteran gets preference. How does that work as to a state agency that wants to employ one of those? Which one do they choose?"

Younge: "Let's say..."

Turner, J.: "Is there a ranking of preferences, is that what it does, establish?"

Younge: "There would be... if there were a list and the and it was a highly qualified public aid recipient and there was a veteran, the veteran would get the job."

Turner, J.: "I'm sorry, Representative, I truly could not hear you. Could you repeat that please?"

Younge: "If it was a choice between a qualified public aid recipient and a veteran, the veteran would have the preference and the veteran would get the job."

Turner, J.: "You said your Bill is for employment with any state

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agency, so that would mean any state job then, a public aid recipient would get preference for that job? Any state job?"

Younge: "Yes. There would be a process by the Department of Public Aid of determining the qualifications, and if the public aid recipient is deemed qualified for the particular job category, after notice from the department, the Department of Public Aid would make an effort to get the person employed in that job."

Turner, J.: "It also, as I understand it, includes contracts. What kind of contracts are you talking about, where the public aid recipient would get preference on those?"

Younge: "Contracts that the recipient would be qualified to fill a job on. The amount of contracts that would be given to the public aid recipients would only be 5% of the amount of the contract. So the effort of the Bill is to give some small portion of state-funded contracts to public aid recipients who are qualified to fill those positions. I think the Bill has been very carefully crafted. So we're not talking about just putting public aid recipients in any job that they're not qualified for. We're talking about a process by which qualifications are determined and if they are qualified for the position, then if it's a state contract, then at least 5% of those persons hired would be public aid recipients. And the Bill offers a very good opportunity to put these people to work, which is our commitment and our policy to move towards self-sufficiency for as many people as possible."

Turner, J.: "Your Bill says that this would include all contracts for personal services as defined under Section 14 of the State Finance Act. What is that definition under that Section?"

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Younge: "Personal services are jobs that help other people. I don't have a specific definition, but when we think of personal services we are not talking about engineering jobs. We're not talking about professional jobs. We're talking about jobs in reference to perhaps, hospital attendants, or people who help other people."

Turner, J.: "With regard to the jobs, if a person is unemployed but is not on public aid, do they also get a preference or is it the person unemployed and on public aid who only gets the preference? And if it's the latter, why would you do that?"

Younge: "Well, many are... public aid recipients are unemployed. Probably people who are employed are not eligible, if they're earning enough, are not eligible for public aid. The effort here is to evaluate public aid recipients and move them from public aid or state dependency, to private gainful employment. One route to help do that would be for them to have a time in which they work for the state in job openings with the state and have them work on contracts that the state funds. I think that this is a very valuable intermediate step towards helping a person move towards self-sufficiency and private employment."

Turner, J.: "I certainly understand your intent, but, what I'm trying to get at is if a person is unemployed, I would think you would want to help them as well. If they're unemployed but not on public aid, why would they be not preferred as well, since compared to the person who is on public aid and employed?"

Younge: "Well, what we are... what the Bill is interested in and what we're interested in as a matter of public policy, is getting people off of public aid and getting them employed. And one place I think it is appropriate for them to be

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working is in jobs which they are qualified for for the state. And this Bill is a request and a command to the public... Department of Public Aid to get these job announcements and see if the people that we are giving checks to can work for the state. I have talked with the Department of Public Aid and they are very anxious to make this the public policy if they have the resources, if they're given the resources or the staff people to help place these people."

Turner, J.: "Is there any opposition to your Bill?"

Younge: "Not that I know about."

Turner, J.: "Is there any cost to State Government?"

Younge: "Well, the people who the Department of Public Aid would employ to place the people. In other words, there will be some people needed to be added to the Department of Human Resources of Public Aid and they would place these people in jobs."

Turner, J.: "Do you have any fear that if your Bill were to pass, it would give people the incentive to be placed on public aid? Doesn't it kind of suggest that get on public aid, then you can get a state preference for a contract or a job?"

Younge: "Well, I think that this Bill is badly needed by the Department of Public Aid to do its statutory requirement of placing these people in gainful private employment. They are... have that command under the Personal Responsibility Act. And so, you know, first of all, nobody wants to be on public aid. And I think that the incentive here would be to be placed in a job so one could earn their keep. And I don't know anybody who would go out and get on public aid, you know, there are lots... there are a million and a half people on public aid. And I believe that the Department of

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Public Aid would give those people the jobs and that's the intent we want to move the whole process up, Representative, so people can get off the state's back and get into private gainful employment. And I think this is an intermediate step to do that."

Turner, J.: "Yes, we certainly want to move people off of public aid and we want to move them into the work force where we possibly can. But my question was, does this not give the incentive for someone who is not on public aid to go on it so that they can therefore get a preference for a state employment or a state contract? It seems to me that you're kind of defeating your purpose here."

Younge: "No, I don't think that... I don't think that that's in the nature of people. People who are on public aid, are qualified to be on public aid and want to work and want to get off from work... want to get off of public aid. And so I think that this Bill will set public policy in such a way to open up a field of jobs and have them work for their keep. And I think that we ought to be very anxious to assist the Department by making this the policy."

Turner, J.: "Is there any requirement that the amount of time a person has been on public aid, as to that amount of time whether or not they can get the preference? Does it apply to somebody that's ever been on public aid, or been on public aid for 90 days, or six months, or do you have anything that addresses that?"

Younge: "The Department makes the decision about the qualification of the public aid recipients. Representative, I'm sure they're such careful people that they would try to pick the best qualified people and work with them and the most needy people, in the most urgent situations."

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Turner, J,: "Thank you for answering my questions, Representative. I certainly respect your intentions. I'm afraid that I can't support your Bill. I fear that it will work contrary to what you really intend for it to do, but I do appreciate your responses to my inquiries."

Younge: "Thank you."

Speaker Hartke: "Further discussion? This Bill is on Short Debate. The Chair recognizes the Gentleman from Cook, Representative Delgado."

Delgado: "Thank you, Mr. Speaker. As I rise to support House Bill 2315, it should be very clear, we have to get some facts in order here. Illinois' public aid will sunset in August, 1999, that's this year. We have over 500 thousand children that are receiving cash assistance, in addition to 1.5 million Illinoisians on public aid. To Representative Turner, who spoke previously, should be noted that we're paying cash assistance to all these families now. And the idea for Illinois to move from welfare to work is a national movement and understanding that Illinois is one of those states in last place as to being able to transition these families to jobs that pay a salary. Therefore, it should be looked at that with being able to work with them now, we'll be able to save a lot more money down the road because come August there will not be anymore public aid, as we know it, in the State of Illinois. How are we going to be responsible for having to then pay for homeless, for abuse and neglect, for all the other economic woes that are going to be developed if we're not trying to find a smooth transition to move those qualified families into the workplace? It is our obligation when we passed that law into the State of Illinois to now create the mechanism to move these families forward. Thank you."



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Speaker Hartke: "This Bill is on Short Debate. All those in favor of the Bill will vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Ronen 'aye'. Have all voted who wish? Mr. Clerk, take the Record. On this Bill there are 60 Members voting 'aye', 56 Members voting 'no', and 1 Member voting 'present'. And this Bill having received a Cons... Representative Stephens."

Stephens: "Request a verification."

Speaker Hartke: "Mr. Clerk, call the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative: Representative's Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Barbara Currie. Julie Curry. Dart. S. Davis. M. Davis. Delgado. Erwin. Feigenholtz. Flowers. Fowler. Franks. Fritchey. Garrett. Gash. Giglio. Giles. Granberg. Hamos. Hannig. Harris. Hartke. Hoffman. Howard. Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons, J. McCarthy. McGuire. McKeon. Morrow. Harold Murphy. Novak. O'Brien. Pugh. Reitz. Ronen. Schoenberg. Scott. Scully. Sharp. Silva. Slone. Smith. Stroger. Turner, A. Woolard. Younge. and Mr. Speaker."

Speaker Hartke: "Questions of the affirmative, Representative Stephens. Representative McKeon asked for a verification, Representative Smith asked for a verification, and they are verified. Representative Slone asked for a verification to leave. Representative Scott asked for a verification to leave."

Stephens: "Representative McCarthy?"

Speaker Hartke: "Representative McCarthy. Representative Kevin McCarthy. Representative Kevin McCarthy, are you in the

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chamber? He's in the back of the chamber."

Stephens: "Representative Stroger?"

Speaker Hartke: "Representative Stroger. Representative Stroger's in his chair."

Stephens: "Representative Crotty?"

Speaker Hartke: "Representative Crotty, he's in the front of the chamber."

Stephens: "Representative Fritchey?"

Speaker Hartke: "Representative Fritchey. Representative Fritchey. Is Representative Fritchey in the chamber? Remove Representative Fritchey from the rolls. Mr. Stephens, Mr. Fritchey has returned to the chamber. Put Mr. Fritchey back on."

Stephens: "How was he voting?"

Speaker Hartke: "He's voting 'aye'. Mr. Murphy is seeking leave."

Stephens: "Representative Kenner?"

Speaker Hartke: "Representative Kenner, sitting in his chair. Mr. Murphy asked leave to be verified. Mr. Murphy asked leave to be verified. Mr. Stephens, Mr. Murphy asked leave to be verified."

Stephens: "I do not persist in the verification. Thank you."

Speaker Hartke: "On House Bill 2315, there are 60 Members voting 'yes', 56 Members voting 'no', and 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, I have a point of personal privilege."

Speaker Hartke: "State your point."

Black: "I asked you in good nature and good faith a while ago to take a 30 minute break so we could go over the Agreed Bill

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Act. I didn't mean you should take 30 minutes of holding the board open so you could pass a Bill. I would further like to admonish the Chair, the Chair said this Bill was on Short Debate. It was not on Short Debate. We had people whose lights were on over here that you ignored, and a falsehood, an absolute falsehood, was read into the record on this Bill. Now, Mr. Speaker, are you going to allow one of our Members to correct the falsehood or are we just going to go back to business as usual, 'sit down, shut up, I'll run this place'. You know, if you're going to speak on this floor, at least make an attempt to speak the truth and deal with facts, not something you want to make up to pass a Bill."

Speaker Hartke: "You're absolutely correct, Representative Black. I was in error. I figured... I thought this Bill was on Short Debate and it wasn't, it was on Standard Debate..."

Black: "Well, therefore you violated the rights of my Members. Representative Mulligan's light was on in due time and should have been recognized. Now, when the Chair makes an egregious error like that, if you want to be fair to both sides of the aisle, you ought to dump that roll call and we'll resume the debate. That's the fair thing to do."

Speaker Hartke: "Speaker Madigan in the Chair."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. If I had been recognized, in debate it was said that our program, our TANF Program, our AFDC Program sunsets at the end of the year. That is not true, it does not happen. It was also stated that our Welfare to Work Program was ranked as one of the lowest in the country. In a recent study by Tufts University we were one of the top ten and we're the top in the Midwest, and one of the best people complying. And I think that should

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be read into the record, as there was a falsehood told or misrepresentation. Whether the person had bad information or not the information, that was given to the Body and on the record was incorrect."

Speaker Madigan: "Mr. Pugh."

Pugh: "Thank you, Speaker. My light, too, was on. And I didn't get a chance to speak. So, it was not a discriminatory effort by the Chair. And if my light, if I would have had a chance to speak, I would have mentioned that the reference was made that and yes, we were in the top ten in one category, but in all other categories, Illinois was lacking in the implementation of the Welfare to Work Program. And I would like to say that this piece of legislation is a fine piece of legislation and I'm glad that it made it out of the House."

Speaker Madigan: "On the Order of Third Reading, there appears House Bill 210. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 210, a Bill for an Act concerning structural work. Third Reading of this House Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is a Bill we've all seen and heard many a time. We've heard it before. We're back again today to revisit a mistake we made a couple years back and that was repealing the Structural Work Act. Since we repealed the Structural Work Act, we've seen a dramatic increase in the number of deaths that have occurred in the construction site. There has been... While there's been decrease in other areas of injuries for workers, construction injuries have gone up. All the promises that were made for this, when the repeal was put into effect a couple of years back, have not been there. This was a Bill that dealt with safety. It is a

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Bill that deals with safety and for those of us who are concerned with workers and workers' safety, this is a Bill that we should pass and put back on the books. And we should be proud to do so. It is something that we were one of the safest states in the Union years back. We aren't anymore. And one of the reasons for that is the Structural Work Act. It really was a Bill that looked out for the workers. It looked out for the working people that every day left their homes, left their wives and kids, and went off to a very hazardous work site, a very dangerous, inherently dangerous work site and it was always with the hope that they'd come back. We had protection devices and it was called the Structural Work Act to ensure that. That's gone now and since it is gone things have become much more dangerous and a lot of those families... a lot of those people that left for work never came back. I would ask us to reconsider a mistake we made a couple years back, reinstate a Act that was and is a safety measure and something truly to help people who are the backbones of our state and that is the working people. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Mr. Speaker."

Speaker Madigan: "The guests in the gallery are advised that demonstrations are not permitted. Mr. Parke."

Parke: "Thank you, Mr. Speaker. I'm only going to address the Bill. The workers' comp legislation that is the norm for the rest of the United States, including New York, has taken care of the needs of the working men and women of this state. Illinois, up until a couple of years ago, had an antiquated system of allowing the opportunity to sue twice. Now many people do not understand and they need to look at the old Structural Work Act to see that, in fact,

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all that Act did was tell, legally, how you could go after subcontractors or other people at the work site after workers' comp was taken care of. There was not double payments, but they could sue a second time. They can go over and above the workers' comp claims with it. It did not, I repeat, it did not give a safer workplace. Many of the people who have talked to me say, 'You know, get the workers'... get the Structural Work back in, and it's going to make it a safer workplace.' Believe me, if it was going to make a safer workplace, I would be for it. All it does is tell you how you can sue. They're misguided. I wish they would look at the old Bill to determine, really, what it does. It is a legal document on how to proceed to sue someone other than the person who had the work site responsibility under workers' compensation. Now, the major argument is that there have been more people injured. Well, I will ask you this question. The City of Chicago, who is... has a proposal two years ago, was to reinstitute the Scaffolding Act in the City of Chicago. That was brought to the Chicago City Council. And do you know what happened to that idea? It never went anywhere. It was not presented. People on the city council were smart enough to understand what that would do to construction in the City of Chicago. It would make 'em at a competitive disadvantage at the surrounding suburban collar counties. It would make it difficult for work projects to be handled in the city because of the increased costs. That has been the problem we've had with the Scaffolding Act in the State of Illinois, when the surrounding states, all around us, did not have the second ability to recover financially. This is not a good idea. We repealed it and it's saving Illinois business costs. Now, believe me, I don't want it

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cost on the backs of working men and women that die. That is not what we want. For the fact of the matter is, this legislation does not make any work site more safe. If there is a work site problem, then you call OSHA like every other state in this nation does. They call OSHA and they say there's an unsafe workplace. There's an unsafe practice. And OSHA comes in and if they concur, they shut that work site down, until there's a correction. Forty-nine other states, including the State of New York, uses workers' compensation as the remedy to help take care of the work site for working men and women in this nation. Illinois will be handicapped if you reinstitute this. This is a bad idea and it ought not to pass."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Will the Sponsor yield?"

Dart: "Yes."

Speaker Madigan: "The Sponsor yields."

Hoffman: "Representative, you had indicated that deaths on construction sites have gone up. I know that study after study has shown since this General Assembly repealed the Structural Work Act in the 1995 Legislative Session has... since that time, have construction accidents increased?"

Dart: "Yeah. Over the course of the last three years, since this has been repealed, construction accidents have increased. This past... On average there is about a 18% increase. This past year it flatlined and it's about the same place it was in '94. But outside of that, the number of injuries that the first year afterwards went from 45 deaths to 63 deaths. And I can't help but tell you, I feel really awkward when I sit here and I'm trying to explain the merits of this Bill in the terms of a body count. You know, and how many workers we need to kill before we

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finally wake up and say, 'You know what, that was a bad idea when we repealed this thing.' But, the numbers aren't lying. The numbers are actually sort of fascinating when you look it. When you look at, literally, every other segment, there's been either flatlining or a downturn in the number of deaths that have been going on. Where as in the construction industry, that is just not the case and has not been the case. And so where exactly it came from, I submit to you, when we repealed the Structural Work Act we sent a very loud and clear message to people that workers' safety was not paramount in this state. People are taking advantage of that."

Hoffman: "Thank you, Representative. To the Bill. I think that's a valid point and I think it goes to the very crux of this Bill. If you look at what has happened since the repeal of the Structural Work Act in 1995, there's been a steady increase in the number of job-related construction accidents in this state. Every other... every other field that people work in that the employment-related injuries has stayed steady or decreased; so, you ask why. The only one glaring thing that we have done here in Illinois since 1995, is repeal the Structural Work Act. We used to be one of the safest, one of the safest states in this nation to work in highly dangerous activities. We repealed the Structural Work Act. We're no longer that way. The workers who work in highly dangerous activities, it is time that they have the rights that they have enjoyed here in this state before. One of the previous speakers talked about giving a second time or second right to sue. Well, let me tell you. Let me tell you when a person falls from a high-rise, when a person falls from a ladder, when a person falls from a scaffold, they are injured to a greater



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degree than when a person simply hurts himself some other way on the job. Their family deserves it. The Workers' Compensation Law does not provide for double recoveries in this state. If we have the Structural Work Act, the old argument that you get double recovery because you recover under workers' compensation and under the Structural Work Act is wrong. It is absolutely wrong and it is false. They offset the amount of money that you got under the Workers' Compensation Act from the amount that you would get under your action under the Structural Work Act. It's time that we give a vote to the working men and women who work in dangerous activities in this state. It's time that we protect them. It's time that we ensure that the Structural Work Act is once again law and workers are safer in this state. I ask for an 'aye' vote."

Speaker Madigan: "Mr. Cross. No demonstrations. Mr. Cross."

Cross: "Thank you, Mr. Speaker. And one point, prior to questioning, if the Sponsor will yield. We request a verification in the event this Bill gets the requisite numbers, requisite number of votes. Representative, in looking at your Bill, it places the duty on the owner of every house. Paragraph or Section 53, 'to affix and display conspicuously on each floor of such building during construction a place card stating on the load per square foot of floor surface.' Why would we require, as opposed to the contractor, the duty on the owner to comply with this section of the statute which I see? I'm also... you have a provision of a Class A misdemeanor in here for failing to file this statute."

Dart: "Well, two things: one, for starters, the criminal side of this thing has never been utilized. It's been something that the history of it... every attorney I've ever talked

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to has dealt with this says that they've never even heard of the criminal side of this thing. So, it's sort of a nonissue, as such. The second thing is, is when you talk about the owner of the building, you're talking about, not residents, when it's people when it's their private house... it's right in the statute itself. When it talks about private house used exclusively as the private residence, it's excluded. But when you're talking about a building, it's the same theme that runs through the entire Bill. And that theme is, is that whoever has control over the work site, we're putting the responsibility on them to make it a safe work site. The reason we're doing that is because this is an extraordinarily hazardous job that people are undertaking here and they do not have the position themselves, the workers, to ensure the safety of the work area. The people who are in charge of the work area do. And so, whether it's a house or a building or whatever it is, Tom, we do the same thing. We put them in charge of the safety."

Cross: "I've always been... not confused, but curious about the argument that... one of the arguments in response to this Bill is that a defendant would have a negligence claim under the theory of negligence in case of injury in addition to a workmen's comp. case. Is it... You're not disputing that there's a negligence claim available for many people, if not all, that are harmed in a scenario that you're talking about under this Bill?"

Dart: "I guess in theory, possibly; reality, no. The reason is why is because of this. You'd have to show some type of duty. What has happened and is happening, will continue to happen, is that the person who has... oversees the work site if they're sued they say that the subcontractor was

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the one they had the duty and they'll put it in writing, had the duty to oversee the work site. What happens then, you can't sue the subcontractor. He's your employer. So, all you can do is pursue the workmen's comp. in that area. So, the negligence suit is forestalled. You cannot have that in that situation. And even, once again, now even say for some reason that you're going to have an individual who is not... who has taken on the duty which is not going to happen in reality again. If you do have that individual, this still is not going to work. Why is that? Because the worker himself has entered; just the worker walking onto the work site. It's a hazardous situation there. He is already contributory negligent. He's walked into an area that is already dangerous. So, the chances of you being able to win in this case is null and void. It's not going to happen."

Cross: "A previous speaker, Representative, talked about the workmen's comp. arena and that... I think was mentioned only the state of New York remains having a Structural Work Act. What are the... what are the... what's going on in the other 49 states or I guess the other 48 states excluding Illinois and New York in this arena? And my understanding is for some lengthy period of time, we have been the only two states that have even been debating this."

Dart: "Well... my... my thoughts on that are, simply that in these other states that have had this, their workers are treated like second class citizens. You're, basically, telling these people who have real wives, real children, that they leave everyday to say, 'Listen you go out and build all our buildings, you go out and build our homes, you build everything that we need to live with, but the

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fact that you're having these beams flying above your head and you have bricks flying all over the place, so what. If you come back, you come back. If you don't, you don't.' Because the Workmen Compensation Statute and I think anybody who practices in that area realizes, can in no way ever compensate somebody for the loss or for any type of debilitating injury."

Cross: "The other part of this issue that's always baffled me is... at least if my understanding is correct, Representative, that... and we talked about duty a little while ago and responsibilities, that under a theory of recovery under the Structural Work Act, the employee could be 75% at fault under the Structural Work Act and still recover in whole. And I'm curious about the rationale behind that."

Dart: "Well, the rationale, frankly, is simple... the rationale's straight forward. It's that we are trying to encourage a safe workplace here. If the employee is the sole proximate cause of the injury, they don't recover anything. So, they will not get anything in that situation. But in the other situations where there may have been some contributory type of conduct on part of the employee, a theory is we want a safe workplace. And so that is why that we have it in that fashion. But if the employee is the proximate cause of the injury, they receive nothing."

Cross: "Thank you. Mr... or Speaker, to the Bill. It's hard to believe, with all due respect, to those that disagree with our side of the aisle, that 49 states are doing something wrong. Forty-nine states, I think, including Illinois, are doing something right and not neglecting the workers of this state. No one that votes 'no' on this Bill doesn't care about the safety of men and women that work at

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construction sites. In fact, we support their safety, as does the Federal Government with OSHA, and if you have to deal with OSHA in any capacity you realize... you realize... thank you, Mr. Speaker, how burdensome OSHA can be. And ask any person, in any line of work, how difficult OSHA can be. We have a form of recovery in this state, it's called workmen's comp. We have an additional form of recovery in this state under a negligence theory. You can go after the contractor under a negligence theory, as well as going after the maker of the ladder or the scaffolding or whatever else is used at the work site where negligence has taken place. And for us to utilize this form of recovery where someone that's working at the work site could go to lunch, have ten beers, come back and have a blood alcohol level of .20 and recover under this theory is just unfair and not workable. Illinois is a safe state. Since we've repealed the Structural Work Act, we have had \$200,000,000 in savings in this state in the area of insurance premiums, court costs and payouts. We have a system that works. We have a system that 48 other states follow. Forty-eight other states in this country believe that a workmen's comp. system and a negligence theory is the way to go. I would urge and encourage a 'no' vote on this Bill. Thank you."

Speaker Madigan: "Mr. Winters. Winters. Mr. Winters. Mr. Winters."

Winters: "Thank you, Mr. Speaker. I was speaking with one of your Members. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Winters: "Mr. Dart, you mentioned when you started your comments that we'd seen a tremendous rise in the number of accidents since the repeal of the Structural Work Act, but I think

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there are some, possibly some extenuating circumstances or another argument that could be made. The first question I would have is, have we seen more housing starts over the last three years than we have previously?"

Dart: "You know... Dave, very well, yes. But the thing is, is that... am I going to sit here and tell you that everyone of these deaths was caused by the fact that every person who had control over a work site knew factually they weren't going to be able to get sued anymore and that was the sole reason why they did this? No, I don't know that and you don't know it either. The reality of it is though, there is this loud and clear message that has been sent forward that people who have control of a work site right now, your best way to prevent any liability at all is to ensure that you in no way have taken on any duty whatsoever. So we have actually sent the most bizarre message out to people now, that if you are actually a good, good person, a person who is out there, is a contractor, wants to do the right thing, we're telling you, 'Close your eyes, cover your ears because you don't want to do anything. You don't want to send a memo around to anybody saying make sure you've got the ladders out, because then you've taken on a duty.' Right now we're basically telling them, 'Listen, completely turn your back on it so you have nothing... no responsibility whatsoever.' And that's what is happening. And that's what I submit to you is occurring... you know, as I say, the exact cause of each one of these deaths. All I know is I'm looking at statistics that are tied to real live names here. The statistics have been going up. Is there more home construction? Yeah, probably."

Winters: "Well, that's not the only argument that I'm making.

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I'm saying, home construction is up. Construction jobs in general are up, as we have a very sound economy. We have thousands of new workers being added to the rolls. We've seen the TANF rolls being reduced remarkably; thousands of workers who have not had jobs in the past. And the argument that I will make is to why we're seeing more accidents and deaths on the job site is because the economy is so strong that we have now brought in very inexperienced workers. And in fact, if we had a constant economic background to look at, we would, in fact, not see a rise attributable to Structural Work Act. My argument is, the Structural Work Act is not responsible for these injuries and death that you, in fact, are trying to cover with this Bill that, in fact, the repeal of the Structural Work Act has had nothing to do with that and there is no need to put her back in there. We already do..."

Dart: "But that could work, Dave... Dave, that could work."

Winters: "We already do have a way that they can be covered through workers' compensation. We have lawsuits for negligence on the part of those companies and to make a statistical argument in favor of a new Structural Work Act, I think is fallacious, when you do not consider any of the other factors driving up the accident numbers. And I would simply urge the chamber to consider that the rise in accidents is not at all tied to the repeal of the Structural Work Act and we do not need to reinstitute it. No other state in the 50 years that they have had the opportunity to reinstate the Structural Work Act, no other state has done that. In fact, most of them have done exactly what we did, which is to get rid of it and rely on workers' compensation. Thank you very much."

Dart: "But see, Dave, that argument works, but for the fact that

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the percentage of workplace deaths based on construction have gone up. So, taking in account all of the deaths and all the different facets and if you also look at retail trade, you look at wholesale trade, you look at mining, you look at agriculture, everyone of them's going down in this booming economy. Construction's going up, though. That's why that doesn't work."

Winters: "Well, if you want to look at employment numbers, mining is going down and so is agriculture. So... sure..."

Dart: "But wholesale trade, retail trade..."

Winters: "... sure we're going to have fewer accidents 'cause there's fewer people out there."

Dart: "Wholesale trade, retail trade up."

Speaker Madigan: "Mr. Dart and Mr. Winters, can we have one speak at a time? Mr. Winters."

Winters: "Thank you very much for the opportunity to speak to the Bill."

Speaker Madigan: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker and Members of the House. As a contractor... to the Bill. As a contractor and a Member of this side of the aisle, there are many issues that I'm often at odds with, but not this time, not this one. Not now. This is regrettably a partisan issue. We can talk about it all day and all night if we so choose, but that's what it is. It was repealed on a partisan vote and here it is again today, back on a partisan roll. The issue is about safety. It's a simple matter. It's safety for the men and women working in Illinois; everyday of the week the men and women have built our roads, built our bridges, built our buildings. We need this measure back in the law for their protection. Not for us, not for the special interest groups that come down here and lobby everyday of



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the week, but for the men and women working here in the State of Illinois everyday of the week. And I would urge your favorable support."

Speaker Madigan: "Mr. Turner. Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, John: "Representative, you cited some statistics earlier regarding deaths on construction sites. When you talk about construction sites, do they not include sites where there's construction going on where there is no scaffolding whatsoever involved?"

Dart: "I don't have the statistics on that right in front of me."

Turner, John: "Well, a construction site includes more than just a place where buildings go up. A construction on roads and all other kinds of instructions, so..."

Dart: "But... the statute covers all those."

Turner, John: "Yeah, well the..."

Dart: "... and we want to prevent all those."

Turner, John: "The Scaffolding Act covers working out on a road where there's no scaffold, where there's no structure?"

Dart: "We also have a work..."

Turner, John: "I don't think so. That's not what you're suggesting to this Body, is it?"

Dart: "We also... This Bill, it deals with the Scaffolding Act, okay?"

Turner, John: "Correct. It is the Scaffolding Act."

Dart: "It deals with the safety around construction sites. We're talking about bridges. We're talking about all of the above. You know, whether you're talking about a road and a bridge is being built, yeah, I mean we're talking about safety around those workplaces. That's the common thread."

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Turner, John: "I understand your safety concern. But I think when you're going to cite these statistics you should... make it clear to the Body that you're citing statistics that refer to all construction, not just construction dealing with scaffolding. Is that not correct?"

Dart: "I'm dealing with statistics I got from the Bureau of Labor that doesn't break it out that way. Okay?"

Turner, John: "Correct. And construction does include more than just scaffolding, in fact, much more."

Dart: "Correct... yeah... "

Turner, John: "In fact scaffolding is just a small part of construction and therefore, your statistics simply are not relevant to what you're arguing today."

Dart: "And it's a very dangerous part of the construction area, though. And that is what the theme is here. I don't... I mean I don't... I mean I don't understand your logic. Do I have it broken down with how many people were killed on the expressway or how many people were killed falling off of a scaffold? No. But, what's our point? I mean it's okay to have people die in one area and not in another?"

Turner, John: "Well, I don't understand your logic either, 'cause if you're going to cite statistics, you should cite statistics that relate to what your Bill does. Let me ask you another question. Representative Cross had talked about third-party liability. Now, we have workers' compensation that does apply to anyone who works on the site where there is scaffolding, do we not?"

Dart: "We have workmen's compensation that does deal with the people who work on the work site, absolutely. And it does not cover anything other than two-thirds of their... what their salary is going to be or a lump sum if they're completely disabled, which as we all know, is not going to

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do anything to help these people."

Turner, John: "It's a no fault system in workers' comp, is it not?"

Dart: "Yeah. With the theory being, that there would be immediate recovery, right then and there to get the person over the hump. That was the theory behind workmen's comp. when it first came about."

Turner, John: "Well, the TTD is the immediate recovery, but there's also a permanent settlement, is there not? The conclusion."

Dart: "A permanent settlement that in no form, fashion, or any other way, could compensate somebody for being so disabled they can never work again. The very people that wind up on our welfare rolls."

Turner, John: "I believe it was pointed out that there is a possibility of a third-party lawsuit for negligence against someone who negligently puts up a scaffolding. Is that not also correct?"

Dart: "Which they can't win, because if it's the employer that puts it up their stuck with workmen's compensation."

Turner, John: "Now, my question was, if there's a third party who negligently puts up the scaffolding, then that party can be sued and there can be a recovery from the third party, as well as the workers' compensation recovery."

Dart: "It's true."

Turner, John: "Now, that's right. Is it not?"

Dart: "As you're well aware of, anybody can be sued. What we're talking about here is reality, though. Are people going to prevail in that environment? Absolutely not. They're not going to do it, because if it's their employer they're stuck with workmen's compensation. If it's not their employer, for some strange reason, which would be bizarre

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in the real world, then they're not going to recover, by and large, because they've already entered a dangerous area and they're already negligent for doing that. It's a... internally it's a hazardous environment to be in when they walk in the door."

Turner, John: "Well, as I understand it, there's one other state that has a Structural Work Act and that's the State of New York."

Dart: "Correct."

Turner, John: "Does Arkansas have one?"

Dart: "I'm unaware of it."

Turner, John: "You're unaware whether Arkansas has one?"

Dart: "I'm unaware of it. I know New York does."

Turner, John: "How about Tennessee?"

Dart: "I'm unaware of them having one either."

Turner, John: "Are those right-to-work states?"

Dart: "I'm unaware of that."

Turner, John: "Do you... Does... You spoke to me a minute ago about questioning my logic. I... Does it seem logical to you that all other 48 states or 49 states just simply don't know what they're doing at all and... that Illinois... is the only state to be joining with New York to have a Structural Work Act or do you just think these other states are someplace off-the-wall who want dangerous workplaces?"

Dart: "I think these other states are off-the-wall. Because you know what, I don't think there's anything wrong with us as a Body saying that in Illinois our workers' safety is foremost for us. In the same state, okay that has the Sears Tower and the Hancock Center that we're always so proud of, those are built by working people who risked their lives to go and build these things. I don't think it's too much of us to ask that if they are injured, that

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they're going to be able to recover something for them and their families. So, the fact that other states are not doing it, I can't tell you how many times we have been on the tail end of doing something other states have done. Is that embarrassing? Sure it is. Is there other times the other states have been wrong? Absolutely."

Turner, John: "Well, the statistics I've been provided indicate that in 1994 when we had the Structural Work Act, there was a 20% increase in the types of accidents that you referred to earlier. Do you disagree with that? And how do you explain that if that's the case?"

Dart: "When you... you'll have to run those numbers by me again."

Turner, John: "In 1994, when we had the Structural Work Act there was a 20% increase in the types of accidents that you referred to earlier in the debate. How do you explain that?"

Dart: "I don't know how to explain that year immediately after... all I know it increased right after it repealed, as well."

Turner, John: "Do you agree that a broader measure of safety is determining what has happened to the workers' compensation rates over the years, since we repealed the Structural Work Act?"

Dart: "Could you repeat that again?"

Turner, John: "Do you agree that a broader measure of... in terms of safety on the job, would be measured by what has happened to workers' compensation... compensation rates since the repeal of the Structural Work Act?"

Dart: "That's a part of it. That's a part of it, but once again you're talking about all working environments. You're not just talking about construction. You're talking about all. And so when you're talking about the reduction, was the reduction done because of the law that dealt just with

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construction? I think that would be a stretch. And also, I think trends have shown that in an economic boom, which we've been in, the rates normally do go down, as well, during those times based on more economical reasons."

Turner, John: "Well, and part of our economy, of course, is attracting in business and putting people to work. We want to do that, don't we?"

Dart: "When we had the Structural Work Act, for the five years preceding, the rates went down, too."

Turner, John: "Excuse me."

Dart: "In response to that question, before we had... we had rates going down beforehand, as well."

Turner, John: "Well, my statistics show that rates went down 17% in 1996, 9.2% in 1997, and in 1998 it's projected that they'll be down 8.7%. Which all..."

Dart: "In between and..."

Turner, John: "... indicate, do they not, safety on the job?"

Dart: "... No. For starters, go back to '90, back to '90, they've gone down 39% before, okay? So, that's A, but B, as I said, we're talking about the construction trade here in this Bill here, okay. We're talking about people in inherently danger (sic- dangerous) environment. When you're talking about workmen's compensation, that covers all workers, okay?"

Turner, John: "Are you familiar with the census that's soon to be released that shows an 11% decrease in fatalities in the construction industry and a 42% decrease in fatalities due to falls in the construction industry?"

Dart: "What... what... where are those numbers and what are those?"

Turner, John: "Have you heard of that census? Are you familiar with that?"

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Dart: "I... I don't know what document you're talking about."

Turner, John: "Public Health Census of Occupational Fatalities."

Dart: "Is that a nationwide one or is that from what state?"

Turner, John: "That would be this state, Representative."

Dart: "That's just this state?"

Turner, John: "Do you have any... You're not trying to refute those numbers as being incorrect."

Dart: "Who... who published that one? Who published that one?"

Turner, John: "The Department of Public Health Census of Occupational Fatalities."

Dart: "Well, I have statistics from the Bureau of Labor that show different numbers."

Turner, John: "Do you know how many additional jobs the State of Illinois or people have gained in the State of Illinois since the repeal of the Structural Work Act?"

Dart: "The actual number of jobs? No, I don't. And I don't think we'd be able to tie that to the Structural Work Act, but I can tell you how many people have died since the repeal of it."

Turner, John: "Do you realize that we've created over 200,000 jobs since the repeal, in this state alone?"

Dart: "And do you realize we've... about another 150 people died, on the work site?"

Turner, John: "Well, to the Bill, very briefly. I don't think I'm going to get anyplace with my questions. Since the repeal of the Structural Work Act, liability insurance costs for Illinois employers have decreased. In the construction industry, liability rates have decreased up to 50% and the number of insurers willing to write liability for contractors has increased from a mere handful to over 100. The repeal of the Structural Work Act, when combined with other important legislation, has contributed to the

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Illinois economy and has seen the creation of over 200,000 jobs since the repeal. Illinois's enjoyed a record low unemployment rate in both 1995 and in 1996. It's well below the national average. The statistics cited by the Sponsor of the Bill, although, I... not argue with his intentions, simply include deaths on construction sites and they're not specified as to the Structural Work Act and the places on construction where there, indeed, is a scaffolding. We have had a booming economy. There really is no relevant statistical data to show that the work sites have become less safe, instead what we have is a booming economy, as I've already stated, with the increase of jobs and putting people back to work. And if we want to keep people back to work in the State of Illinois, we have to have an attractive environment for businesses and putting this Structural Work Act and joining one other state in the entire Union, certainly does not do that. I urge a 'no' vote."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We had a very spirited debate on this four years ago, when in their zeal to make changes in Illinois law, the new Majority decided as their very first Bill to make a real strong statement to labor and tell them they really didn't care much about their safety on the job site. Today... today we've heard about... we've heard from the other side of the aisle about workers' compensation. We've heard about theories of negligence. We've heard about some statistics. We've heard about right-to-work. We've heard about the cost to insurance companies, which completely ignores the fact that insurance companies make more money in the State of Illinois than in any other state in the



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Union. What we did not hear about was what the Structural Work Act is all about. Until four years ago when we repealed it, the only two states in this nation that had the Structural Work Act were New York and Illinois. It is no coincidence, Ladies and Gentlemen, that Illinois and New York were the two safest workplace states in America. The two safest workplace states in America. And that was a measure of pride, so we thought. It was a measure of pride that our working men and women to get up on scaffolds and build the skyscrapers we're so proud of were safe on the job site. They were safe, not because they could sue somebody if they fell, but they were safe because the law required every contractor and subcontractor on the job site to care for those working men and women. And, in fact, they did care for those working men and women. And because of that, Illinois was number 2 in this nation in workers' safety. There are those that would have you believe that the only thing the Bill was about is giving workers a chance to sue somebody, giving lawyers a chance to make a buck. That was never what the Bill was about. That's not what the Bill is about today. What this measure is about is the safety of workers in the State of Illinois. We can talk about statistics and workers' compensation and theories of negligence, but in the end, this measure is about making sure that the working men and women of Illinois are safe when they go to work. Your constituents and my constituents are the working men and women of Illinois. When we repealed the Structural Work Act, we made a terrible statement to those workers that we didn't care as much about them as we had. Now, some of you will say, 'Oh, we still care about the workers. This is all about insurance costs. This is all about helping the

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insurance companies or encouraging employers to hire more people.' Come on. We know it wasn't about that. We know it was about money. We know it was about a statement, because otherwise why would the very first Bill passed be a Bill to say to big business, 'We're with you.' And a Bill to say to working men and women of Illinois, 'You're not as important in this administration as you used to be.' This measure is to save the lives of working men and women and if they are injured on the job site, to protect their families. But the protection of their families, as important as it is, is not really the major point. The major point is, if contractors and subcontractors are required to care for working men and women on the job site, they will be safer on the job site. And for all of you that want to talk about your statistics, that's what the statistics show. It's no coincidence that Illinois and New York are at the top of the list. And it will be no coincidence that we will continue to fall farther and farther down on the list if we don't take a stand today for the working men and women of Illinois, the people that provide the backbone for labor, all labor, union labor and nonunion labor. So, take that stand with us. Protect your constituents. Protect the people that build those buildings. Support us in this Bill. Protect labor."

Speaker Madigan: "Mr. Dart, to close."

Dart: "Thank you, Mr. Speaker, Members of the House. There's been an ample debate on this. I'm not going to go on at length. The numbers are indisputable. Illinois, prior to the Structural Work Act and up until the time it was repealed, was the most... one of the most profitable states in the Union for liability insurance, with it, with it. With the Structural Work Act on the books, our... workmen's

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compensation insurance was also low and declining and going down. Our companies that made the insurance policy were some of the most profitable in the nation. So, the insurance argument and all of that, it does not hold water. What we also show is that in every indus... virtually every other area we're either flatlining or decreasing in construc... or in deaths of workers, but in the area of construction deaths, as a percentage of all of the deaths out there, it has been on an increase, not a decrease. It has been going up steadily since the repeal of the Structural Work Act, not going down. This is simply put, a measure to ensure the safety of our workers, a measure that was mistakenly repealed, a measure that should be put back on the books, so we send a loud and clear message to the workers that you are important. And that when you leave for work every morning, when you go there and say good-bye to your wife and your kids, that you have every reason to believe that you will be coming home. You'll be coming home in the same way in which you left. That's the least we owe these people. These are the people who are the backbone of our state and we owe them that much and I'd appreciate your vote."

Speaker Madigan: "There has been a request for a verification on this Bill. Please be advised, there has been a request for a verification. 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 61 'ayes' and 53 'noes'. Mr. Clerk, read the names of those voting 'yes.'"

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Clerk Rossi: "Poll of those voting in the affirmative:  
Representatives Acevedo. Boland. Bradley. Brosnahan.  
Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie,  
B. Curry, J. Dart. Davis, M. Davis, S. Delgado.  
Feigenholtz. Flowers. Fowler. Franks. Fritchey.  
Garrett. Gash. Giglio. Giles. Granberg. Hamos. Hannig.  
Harris. Hartke. Hoffman. Holbrook. Howard. Johnson,  
Tom. Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons,  
J. Mautino. McCarthy. McGuire. McKeon. Morrow. Murphy,  
H. Novak. O'Brien. Pugh. Reitz. Ronen. Scott.  
Scully. Sharp. Silva. Slone. Smith. Stroger. and  
Turner, A."

Speaker Madigan: "Chair recognizes Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I wish to have been  
recorded as voting 'aye'. There's been a problem with my  
button. I had hit my button in the affirmative and it did  
not register."

Speaker Madigan: "The Chair would like to advise the Members. We  
are having problems with the switches. And we simply ask  
that vote early and then you'll be able to determine that  
the switch may be not working and you can advise the Chair  
before we close the Roll Call, but it's too late to get  
recorded as 'aye'. Are there questions, Mr. Cross? Mr.  
Cross."

Cross: "Yes, Mr. Speaker, there are. I'll start with  
Representative Garrett?"

Speaker Madigan: "The Lady is in her chair."

Cross: "Representative Franks?"

Speaker Madigan: "The Gentleman is at his desk."

Cross: "Representative Mautino?"

Speaker Madigan: "Mr. Mautino is in the chamber."

Cross: "Representative Flowers?"

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Speaker Madigan: "Flowers is in the rear of the chamber."

Cross: "Representative Hoffman?"

Speaker Madigan: "Excuse me? Mr Cross."

Cross: "Hoffman?"

Speaker Madigan: "Hoffman. Mr. Hoffman's in the center aisle."

Cross: "Representative Lopez?"

Speaker Madigan: "Mr. Lopez is in the center aisle."

Cross: "Representative Fowler?"

Speaker Madigan: "Fowler. Mr. Fowler is in his chair."

Cross: "Representative Crotty?"

Speaker Madigan: "The Lady is in her chair."

Cross: "Representative Morrow?"

Speaker Madigan: "Mr. Morrow... is in the front of the chamber."

Cross: "O'Brien?"

Speaker Madigan: "The Lady is in the front of the chamber. The House shall be in order. Mr. Cross."

Cross: "Representative Brunsvold?"

Speaker Madigan: "Brunsvold. Mr. Brunsvold. Gentleman is at the rear of the chamber, just inside the door."

Cross: "I see his head. I think we'll stop, Mr. Speaker."

Speaker Madigan: "Thank you, Mr. Cross."

Cross: "Thank you."

Speaker Madigan: "Again 61 'ayes'; 53 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair would like to make the following announcement. Number one, for those who wish to file Amendments, would you please give those Amendments to Representative Currie, the Chair of the Rules Committee. Number two, there will be no Session on Saturday. And again, our plan is to adjourn no later than 8:00 tonight. The next Bill shall be House Bill 2266. Representative Currie. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 2266, a Bill for an Act to create the Equal Pay Act of 1999. Third Reading of this House Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Equal pay for equal work has been the law of this land for 36 years, since passage of the Federal Equal Pay Act in 1963. The problem is is that promise has been more promise than reality and full-time year round working women in the United States labor force, take home 74 cents for every dollar earned by a male counterpart. In fact, in Illinois, the statistics are marginally worse. Women in this state, full-time year round members of the labor force, bring home 72 cents for every dollar brought home by a man. House Bill 2266 takes a new tack, tries a new approach to the issue of enforcing the promise that people who do the same work will be paid equal wages regardless of gender. This measure would give the Department of Labor authority to enforce equal pay for equal work establishing that as the law of Illinois for people who today, are covered by, for example, minimum wage and child labor requirements. It's a straightforward proposition defining exactly how the Equal Pay Act would work and as I say, this is a serious problem. Women are still not at par, they're are not a parity. We know our Department of Labor can do the job of seeing to it that work force rules are respected. It would also require employers to post notice of equal pay for equal work, is the law of the State of Illinois. This is an important issue to working women. It's a critical issue for Illinois families. I would be happy to answer your questions. And I look forward to your support for making equal pay for equal work a reality in the State of Illinois."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, in the practical world, if a man and woman are working in the same job, they ought to be paid the same salary. Is that what you're saying here?"

Currie: "That's exactly the proposition. And that is the federal requirement. In fact, it's the requirement since the 1940s for certain manufacturing jobs in Illinois. The issue Representative, is one of enforcement."

Parke: "Now, this does expand it in Illinois to some degree."

Currie: "It does indeed."

Parke: "Can you expand to the Body... explain to the Body what... where we are going to expand the intrusion of this into the workplace?"

Currie: "This Bill would expand the coverage of the... of what is now a Federal Law to about 330,000 additional employees in the State of Illinois, and it would give to the Department of Labor, the same threshold employers of four or more workers that currently exists for the Minimum Wage Law, for child labor laws, for most of the other workplace, fairness measures this Assembly has adopted."

Parke: "Are you saying that currently, the other Federal Laws applies to the same group of people?"

Currie: "The Federal Law applies to those employers in interstate commerce and the threshold is a higher number of actual workers in the workplace."

Parke: "Do you see this costing Illinois business more money?"

Currie: "Representative, I don't. I think that this is the same kind of issue that all of these same employers deal with when you're talking about the minimum wage or other workplace equity and safety rules apply. I don't think this is a complicated requirement. It's a straightforward,

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easy proposition. Either the Sally and Sammy with the same seniority, sitting at the same table, doing the same job, either they're paid the same wage or they aren't. There are no complicated, bureaucratic, paper work burdens. This is not a complex issue. It's straightforward. The evidence is easy, and I think this will work."

Parke: "Thank you. To the Bill. Mr. Speaker, I... in listening to the debate in both in committee and on the floor, it seems that yes, this is expansive and it's going to affect some of our work sites that currently do not have this because it's now going to be a state law. But in retrospect, I don't... I find it hard to justify a man and woman working in the same job in any location, being paid differently for the same work. So, I'm going to rise in support of this Bill and I am going to vote for it."

Speaker Madigan: "There being no further discussion, Representative Currie, to close."

Currie: "Appreciate your support for the principle of fairness and gender equity."

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? Mr. Clerk, Mr. Hartke indicates that his switch is not working. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes', 0 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. On page 56 of the Calendar, there appears House Bill 2841. Mr. Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2841, a Bill for an Act to create the Patient Access to Treatment Act. Third Reading of this House Bill."



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Ryder: "Thank you, Mr. Speaker. This Bill which... received a very favorable vote in committee and has passed the House on more than one occasion, would provide direct access to dermatologists. While the other issues may be debated, it is obvious, or at least should be, that direct access to dermatologists does allow for those who observe a skin condition since they are obviously visible, to self refer to dermatologists. Studies have indicated that that provides a more economical form of treatment, without going through the gatekeeper. While it is not true in all cases, it is clearly true then in the area of dermatology that this would be an appropriate and a cost effective approach, and I would urge an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 'ayes', 11 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1959. Mr. Clerk, read the Bill. Mr. Stroger."

Clerk Rossi: "House Bill 1959, a Bill for an Act regarding certain contracts for the delivery of human services. Third Reading of this House Bill."

Speaker Madigan: "Mr. Stroger. Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 1959 creates the Human Service Delivery and Neutrality Agreement Act. The Bill will require providers of services to the mentally ill and developmentally disabled who contract with the state, to remain neutral in union elections. This means that if a

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providers agency employees want to hold an election to decide whether or not to be presented by a union, the employer must remain neutral. The employer will agree as a condition of receiving a state contract or a state grant, not to try to influence the employers... employees' decisions. And I will answer any questions."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I'm not sure I really understand... the word 'neutrality' as used in this Bill, what... what... can you put that in terms a poor old downstater can understand? What's that mean?"

Stroger: "Basically, that means there can be no coercion or intimidation to... by the employer to stop the employees from voting for a union if they wish to."

Black: "So, the employer would be neutral?"

Stroger: "Yes."

Black: "And would the organizing body then be neutral as well?"

Stroger: "Well, the union itself is prohibited by law to go on the workplace, but the employees, if they wish, would be the ones who would do any organizing to their fellow employees. So, they would be able to talk to anyone they wanted to, if they want to unionize and try to get some votes."

Black: "But, by being neutral, does this mean I invite the organizing groups into my facility and say, 'Here, use my conference room. Sit down. Distribute literature. I'll tell all my employees to come in and see you.' Is that... the definition of neutrality mean that the employer opens the doors and says, you know, 'Come on in.'"

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Stroger: "That's prohibited by law for the union to do that, so... no, that does not mean that."

Black: "So... but if the employer wanted to be truly neutral, as you defined it in this Bill, the employer couldn't open his doors and say, 'Not only should AFSCME come in, but I'd like the Teamsters to come in, too. I'd like the AFL/CIO to come in. I'd like the industrial workers of the world to come in and try to... and we'll have a contest, and whoever wins, maybe the Teamsters will recognize the nurses, organize the nurses. Maybe the AFL/CIO will organize my maintenance people. And maybe... maybe the plumbers... maybe the plumbers will take care of the people that handle catheters.' I mean, is that neutral? Bring 'em all in."

Stroger: "No, actually that would be... the Bill would prohibit that."

Black: "That would be foolish wouldn't it?"

Stroger: "That would be..."

Black: "I thought so."

Stroger: "That would not be neutrality. That would be them pushing..."

Black: "That's what I thought."

Stroger: "...for a union. So, according the Bill, they have to be neutral, which means they take no stand."

Black: "The organizers can take a stand, but I can't take a stand if I'm the owner. You mean I can't tell an employee, 'You know, I give you four weeks vacation a year, my wages are competitive. You've worked here 30 years and never been laid off. Now you tell me how your organizational desires... how you going to be better served than what I've done for you for 30 years. I'm so neutral I can't even give you my point of view?'"

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Stroger: "No, the employer can always tell his employees how good they have it, what benefits they have, what their packages are. That's not... that is permitted.

Black: "So, I still... I still can get out my message, right?"

Stroger: "That you're a good company?"

Black: "Absolutely."

Stroger: "Oh sure, you can say, 'Yeah, we're a great company, we're offering this.'"

Black: "And you know I am. I don't know how many times you've come over here, Representative, and said you'd like to work for me. And I'd love to have you. So, I don't have to be that neutral, right?"

Stroger: "Repeat that one, please."

Black: "I don't have to be... I don't have to be so neutral that I can't try to convince you that you've got a pretty good deal working for me. I can still do that, right?"

Stroger: "You can tell your employees what their benefits are, what the company does for 'em, but you can't tell them that they should not have the union because we have this and that and the union... if you have a union, that means you're going to lose everything you have. That would not be neutral."

Black: "We now, are you sure about that? Because I thought that I could still outline the benefits of working for me, vis-a-vis..."

Stroger: "You can always outline your benefits."

Black: "The benefits are being organized, right?"

Stroger: "You can always outline your benefits and tell them..."

Black: "Okay."

Stroger: "...what... what you offer."

Black: "Okay, but what I can't do, if I understand your Bill, what I cannot do, is to call you into the conference room

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and say, 'If you carry around a card, if you sign a card, I'm going to fire you.'

Stroger: "Correct."

Black: "I can't do that now, can I? Can I do that without facing some kind of legal action?"

Stroger: "Well, what the problem is, it is being done, and that's why we have introduced this Bill."

Black: "If I thought that the business I ran was in grave danger of changing its day to day operations, and in fact, I crunched some numbers and decided that I probably could no longer function in a bargaining environment, could I lock the doors to my business? Not hire replacement workers, I'm talking about just give notice, if I have to under the Federal Notification Act, I'd have to meet that guideline. But I mean I would just decide, I don't wanna do this anymore. So, I just tell you, 'I'm out of here in 90 days, see ya later.' I can still do that under this Bill, can't I?"

Stroger: "Yes, you could and if the employer wanted to show how the business was doing, he could always distribute his financial statements to the employees."

Black: "Okay. Now, what I want to make sure of Representative, and I.. you know, you and I have had many talks since you've been here and I hold you in high regard, besides, whenever I'm up in Cook County, I know if I get in trouble, I can count on you to come help me. I just wanna make sure that the playing field is still going to be relatively level. If I'm the owner of a business, I can still... I can still go around and tell my employees, 'I don't know why you would want to unionize. What problems are you having? Let's talk about it.' I can still do that, can't I?"

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Stroger: "No, you can't do that. The only thing you would be allowed to do, is to show your benefits packages, show what you would normally show, how... what your company offers and show them the financials if they want to see it, and what shape the company is now in."

Black: "Okay, but... but let's assume that... and in a smaller business environment we probably know each other and you've worked for me for 30 years. Surely it's not some kind of chargeable offense if on the job site or at work, I come up to you and say, 'You and I go way back. You remember when we started this business. You were one of my first employees. You're now my manager. I've been fair and I hope that you'll stay with me because I just don't think I want to enter into a bargaining agreement.' I mean that... surely that would be all right, wouldn't it?"

Stroger: "No, that's not all right, but I believe that you've treated this manager so well you probably don't have to go and talk to him. He's not going to vote for that union anyway."

Black: "You know, in the old days I think you were right. I don't know any more. I think I see what you're after Representative, and I'm hoping that there's not something here that I'm not seeing. Obviously, I can't put up banners and I'm not going to hire brass bands and I mean, there's a limit to what I can do. But on the other hand, is there a limit to what the organizing individuals can do inside my workplace? I mean... I just want to know if there's some inherent fairness here?"

Stroger: "The organizers cannot organize in the workplace."

Black: "Okay. So, if they were going to hire a band and give out balloons and free hamburgers... oh, rather than hamburgers, I'd like somebody to hand out those little Taco Bell dogs."

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There's two or three I don't have. So, if they were handing out those things right outside my gate, and say, 'You know, if you organize with us, we're going to give you a free hamburger every day. Every day you come in, we're going to give you a free hamburger.' Surely, that wouldn't be allowed, would it?"

Stroger: "Well, outside of the workplace, you can offer hamburgers. But I think most employees will realize that that's a ruse and will not fall for that trick."

Black: "All right. Well, I... I've grown here... over the years, I've grown to know if Caleb has done his homework on a Bill, I usually can't trip you up, and it looks like he has. So, I appreciate your indulgence Representative, and you've done some good work on this and we'll see how it goes. I appreciate it. Thank you."

Stroger: "Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of Mr. Stroger's good Bill. It's really a very simple Bill. It acknowledges that the delivery of mental health services cannot go on in the proper way if there's disruption at the work site. Clearly, labor disputes cause that kind of disruption. This Bill simply says that the person who receives the state contract should get out of the business of telling union people on the job site whether they should or should not be involved in a union. It's not their business, it doesn't involve them. And therefore, the Bill is... is going in the right direction because it says, let these people figure out what they want to do. Let these folks, if they want to join a union, join one. Let them resolve their own union problems. And without interference from the contractor, go about the

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business of not only resolving their union issues, but also going about the business of taking care of the human service needs and the mental health delivery needs of the patients that they're working for. So, Mr. Stroger has an excellent Bill here. It's one that we ought to pass right away."

Speaker Madigan: "Mr. Stroger, to close."

Stroger: "This is a very good Bill. Now there has been some intimidation and coercion in certain workplaces and I would ask all my colleagues for an 'aye' vote."

Speaker Madigan: "Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. The Clerk shall take the record. On this question, there 69 votes... 69 'ayes', 41 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of House Bill 999?"

Clerk Rossi: "House Bill 999 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Place that Bill on the Order of Second Reading. The next Bill will be House Bill 1375. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1375, a Bill for an Act in relation to prevailing rates of wages. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this would do is, it would provide a mechanism to increase enforcement of the Prevailing Wage Act. It indicates simply that the Department of Labor would



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complete an investigation of prevailing wage violations within 90 days after the filing. It also indicates that if a subpoena is issued pursuant to this Act, any refusal to comply with the subpoena would be a violation of the Act, which I believe, a violation of the Act is a Class B misdemeanor. There were some concerns in committee regarding two provisions concerning the Attorney General and concerning the... and concerning the making of a Prevailing Wage Fund. Those two provisions were deleted by House Amendment #1, therefore, taking care of any problems that did, indeed, exist in the committee. This passed, I believe, unanimously out of committee. I know of no opposition and I would ask for a favorable roll call."

Speaker Madigan: "Mr. Parke. Mr. Parke."

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

Speaker Madigan: "Would the Members please give their attention to Mr. Parke?"

Parke: "Mr. Hoffman, I put in Amendment #2. Can you tell me what happened to Amendment #2, on this Bill? Or maybe the Clerk can tell me? I filed it."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #1 has been adopted. Floor Amendment #2 has been referred to the Rules Committee."

Parke: "You can move... so you moved it on to Third, even though there was pending on Amendment?"

Speaker Madigan: "The Clerk advises that that's what happened."

Parke: "So, even though I put an Amendment out, you just choose to ignore it and leave it in Rules and just move the Bill on to Third, so it can be heard? That's what happened, huh?"

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Well, Mr. Parke, as you know, I think that this Bill is

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a common sense Bill. And I know... in its current form, I know of no opposition and it passed unanimously out of committee. I am very committed to this concept, and I viewed your Amendment, however well meaning, as a hostile Amendment."

Parke: "But, don't we want to have it heard somewhere? You just want to put it in a Rules Committee and let it die without giving it the opportunity to be heard so it can be debated..."

Hoffman: "Well, I was..."

Parke: "...on the face of it?"

Hoffman: "I would suggest Representative, if you would like that concept to be heard, amend your own Bill."

Parke: "To do what?"

Hoffman: "Amend your own Bill. Find a Bill and amend it. That's yours."

Parke: "Well, that's... that's a trite statement, but the fact of the matter is, I put in a Bill (sic-Amendment) in for the Employees Law Council because they think is not a good Bill without this Amendment. So, I guess to the Bill, Mr. Speaker. There are... there is opposition to it. The NFIB, the Illinois Manufacturers Association, the Employment Law Council, the Illinois Chamber. They are opposed to this Bill, especially without this Amendment on the Bill. So, I would ask the Body to vote 'no' on behalf of these groups, because this now, without the Amendment that I tried to have on, even though the Sponsor chose not to have it debated on the face of the Amendment, he'd just rather put it out so that it'll go up and down. So, I would ask those that are concerned to vote 'no' on this."

Speaker Madigan: "Mr. Hoffman, to close."

Hoffman: "Thank you, Mr. Speaker. I apologize to the Members of

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the Body. I'd forgotten that the NFIB was in committee. You're right, Representative. To the underlying Bill. All this does is it says the Department of Labor shall investigate these prevailing wage complaints within 90 days. And also indicates that we're going to enforce... enforce... have a provision that will enforce when subpoenas are issued pursuant to the Prevailing Wage Act. Everything else that had concern in committee is out of the Bill. The current Representative, with all due respect, I respect his ability to attempt to amend certain Bills. However, that Amendment really did nothing to... would have done nothing, would just added additional provisions to this underlying Bill, which I think, on its face, really has no significant problems and can pass out of this House and the Senate. For too long, we have never had any teeth to the Prevailing Wage Act. This does it. Does it in a reasonable manner, and as I said, the current... the prior Representative voted for this in committee, as did everybody else on that committee. So, I would ask that... on the basis of fairness that you really look at the merits of this Bill, not what could have been. If you wanna do something else with regard to the prevailing wage, I'm certainly willing to listen. But I think this Bill is too important to try and have a hostile Amendment on. With that, I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Mr. Clerk, is the record still open? Okay. The Clerk shall take the record. On this question, there are 76 'ayes', 38 'noes'. This Bill having received

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a Constitutional Majority is hereby declared passed. On page 51 of the Calendar, there appears House Bill 1784. Representative Cowlshaw. Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1784, a Bill for an Act concerning good behavior allowances. Third Reading of this House Bill."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes. Earlier, when I believe Representative Hartke was in the Chair, he said he wanted these Agreed Bill Lists completed by 4 p. m., and since we've not had any at ease time, and in fact, have been debating some rather contentious Bills, some of us still don't have these done. I mean, are you going to extend the time, give a few minutes to finish these up, or what would be the intent of the Chair?"

Speaker Madigan: "Well, the intent of the Chair would be to work with the Members. If people want more time, we'll take more time."

Black: "Well, I..."

Speaker Madigan: "And..."

Black: "I've been dutifully working, Mr. Speaker, and I'm still not through my list."

Speaker Madigan: "Well, Mr... Mr. Black, why don't you sit down and work on that list, and we'll let other people talk for a while."

Black: "I... I... I haven't been talking, Mr. Speaker. With my sore throat, you'll probably notice I haven't been talking very much at all today. That's why I thought my earlier request was certainly reasonable that we stand at ease for five minutes or so, but, Mr. Hartke said 'no'."

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Speaker Madigan: "Why don't we extend it until five o'clock. If we need more time we'll extend it again."

Black: "Thank you."

Speaker Madigan: "Yeah. Thank you. Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I believe this Bill was on the Agreed Bill List that I just turned in about a half an hour ago."

Speaker Madigan: "You're correct, Representative Cowlshaw."

Cowlshaw: "Thank you."

Speaker Madigan: "So, we will take this Bill out of the record."

Cowlshaw: "Hope it doesn't get it off the Agreed Bill List. Thank you."

Speaker Madigan: "You're welcome. On page 52 of the Calendar, there appears House Bill 1837. Mr. Saviano. (1837). Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1837, a Bill for an Act to amend the Interest Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1837 is an initiative of the Illinois Bankers, of the Illinois Collectors Association, and Household International. What this Bill does is, put the percentage rate on default loans at a consistent rate with the percentage rate that is offered through written agreements. This would bring the percentage rate of 5% which was established approximately 60 years ago, up to 9%. This Bill passed out of committee unanimously and I would ask... well it passed 16 to 1 out of committee, and I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Chair recognizes Representative Franks."

Franks: "Mr. Speaker, I have a potential conflict on this Bill,

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and as a result, I will be voting 'present'."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Very briefly, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I intend to vote for this Bill. Looks like a good Bill. I just want to clarify some things. The interest rate increase from the 5 to 9 applies to promissory notes, bonds, and bills, is that correct?"

Saviano: "That's correct."

Cross: "So, if you are a credit union or a community bank, or a national bank or collector, or any type of financial institution, this would apply to you? Is that correct?"

Saviano: "That is true."

Cross: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Saviano, to close."

Saviano: "This is just bringing things up to current trends and I know of no opposition. I would ask for a favorable vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Would the Members please record themselves? Have all voted who wish? The Clerk shall take the record. On this question, there are 98 'ayes', 18 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. My switch did not record my vote on House Bill 1375, and I would like the record to reflect that I would have voted 'aye'."

Speaker Madigan: "Let the record reflect that statement. Mr.

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Clerk."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following item was referred, action taken on March 18, 1999, reported the same back with the following recommendation: 'To the floor for consideration' Floor Amendment #8 to House Bill 999."

Speaker Madigan: "House Bill 654. Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 654, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "...Speaker. House Bill 654 would provide that the Department of Corrections must construct or remodel the maximum security facilities and have sufficient space to ensure that by July 1 of 2004, we are able to have at least 75% of the prisoners in maximum security institutions. And we're doing this mostly on a safety issue. The guards have done a great job in straightening up our prison system and administration has, in working with them, the Prisoner Review Board... the... excuse me... our House Committee for our prisons has done an excellent job. We're moving in the right direction. I just think this will help in the safety of all the guards within the State of Illinois. The maximum... I know the facility in my district, Menard, is moving in the right direction. And if we can pass this Bill and move in this direction, as I said, it's not until 2004. I think it will greatly help safety issues within corrections."

Speaker Madigan: "Mr. Black."

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

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Speaker Madigan: "Sponsor yields."

Black: "Representative, how many maximum security institutions are there designated in Illinois at the present time?"

Reitz: "Mr. Black, apparently not enough. I mean, we need..."

Black: "No, I'm serious I... many of these institutions were placed in communities based on a designation. I'd admit I'm not sure the designation still stands, but many communities were told they were minimum security, medium security."

Reitz: "Right."

Black: "Now, you're telling me that 75% of all the cells in the Department of Corrections will be retrofitted to fit a category of maximum security?"

Reitz: "No. That 70... in the maximum security prisons that we have, and I'm afraid I don't have that number in front of me, that of those, within maximum security prisons, is 75% of the people that are in those prisons will be single celled. It will not... in fact, what it will do hopefully... I mean, we have the medium security and that. There are people that should be in maximum that are moved down. This would just say that 75% in the current maximum facilities that we have, will be in a single cell by the year 2004."

Black: "Other than Tamms, which is super maximum, has the department officially designated... and I don't know the answer to this, I'm not trying to be cute. Is Menard officially designated as a maximum security institution?"

Reitz: "Yes. Menard..."

Black: "Joliet... excuse me, is Joliet?"

Reitz: "Statesville, Pontiac I believe, Joliet. Those I know for sure are. I'm not exactly sure which other ones are."

Black: "Would there be a potential... see, I'm slipping in my old



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age, I didn't ask for a fiscal note on this Bill. Did you... do you have any idea what this will cost to retrofit some of these cells?"

Reitz: "The fiscal note we received from the Department of Corrections is \$480 million."

Black: "Hello. Four hundred and eighty million dollars?"

Reitz: "That's what it looks like."

Black: "Wouldn't it just be easier to replace... for example, I haven't been to Menard in several years, but the last time I was there it would seem to me that we might be money ahead to replace Menard with a new maximum security prison with some state-of-the-art things that weren't, certainly weren't heard of when Menard was built and tear Menard down. Wouldn't that be more cost effective?"

Reitz: "It... well, this Bill does not dictate... does not dictate to the department what they do, it just asks them to move in this direction, says that they will do that if they want to retrofit or remodel Menard and build another prison. I would tend to think we would have to build another facility in order to do this."

Black: "All right. I don't have any notations in any of my material from the Department of Corrections as to whether they stood in opposition to the Bill or said they would work with you or whatever."

Reitz: "The department it says, 'The department supports the initiatives to increase maximum security prison bed space which would help reduce prison crowding in maximum security prisons.'"

Black: "Okay, so they think they're going to get the 480 million, all right?"

Reitz: "I'm not sure. I don't believe... I don't know if they took a position on this. They're... they're moving into

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discussions with the new director. He's working on some other things that may help, but I mean it's... more than anything else, I think it's a safety issue on both ends, more so for the guards is where my concerns lie..."

Black: "Okay."

Reitz: "...but I think it would also be easier for some of the other Representatives that are on the prison..."

Black: "Okay."

Reitz: "...the board that we have here, that would help for the prisoners also."

Black: "What... one last question, Representative. I notice your Bill references the fact that the Department of Corrections can, by rule, designate a maximum security prison. Have they done so recently? And the reason I ask, obviously if they were to designate the correctional facility in my hometown, as maximum security, that may be a breach of faith with people who welcomed them to Danville some years ago, because at no time was the word 'maximum security' ever mentioned."

Reitz: "Right."

Black: "And I just... your Bill references that the department can, by rule, designate a maximum security institution."

Reitz: "That's... you know, that issue was not raised in the..."

Black: "Okay."

Reitz: "...the hearing..."

Black: "All right."

Reitz: "...on it, and we don't, you know, it's not in there..."

Black: "Well, I..."

Reitz: "...for any reason to allow them to do that."

Black: "And I would think that if you and I would've joined forces if a rule change was requested, to name some of these that were not constructed to be maximum..."

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Reitz: "Right."

Black: "...security, would suddenly be by rule, named maximum security."

Reitz: "Right."

Black: "I think some of them that have built in the last ten years aren't equipped for that, so..."

Reitz: "No, that's exactly right."

Black: "...so, I appreciate your indulgence. Thank you very much."

Speaker Madigan: "Mr. Morrow."

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

Speaker Madigan: "The Sponsor yields."

Morrow: "Representative Reitz, I'm real concerned about the fiscal impact of this Bill, of House Bill 654. If this Bill was to become law, where do you propose that the revenue to fund this Bill would come from?"

Reitz: "Well, for one thing Representative, I'm sure... we don't... we're looking prospectively at 2004, that's why they put a future date on it, and if the Senate so wishes, they can work on this and do whatever they think is needed. You know, we have a number of excess revenues within the state. I think this is a good source to spend some of those on."

Morrow: "Well, normally, and I've been around here a little while now, normally though, when we pass a Bill of this impact, there's a trailer Bill that goes along with the substantive Bill which deals with the money, appropriation part. Have you introduced any a appropriation vehicle to this Bill?"

Reitz: "There are Bills out there that could be used for that purpose, but we're still looking at not, you know, addressing this until 2004. And hopefully, you know, there

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will be other work with the Department of Corrections and let them help us in that thing and they can..."

Morrow: "Yeah, but..."

Reitz: "...we don't know exactly what we're going to need."

Morrow: "Yeah, but the language as I read it on my laptop, says that by December of this year the Department of Corrections must have a plan. So, I'm concerned... is it going to be this fiscal year or the next fiscal year that you're going to deal with the revenue part of House Bill 654? I'm very concerned about that."

Reitz: "We would deal with the revenue in the year that it's spent. I mean, the plan will be this year and hopefully, the department will be able to promulgate a plan that... how they are planning dealing with this... with this situation and try to get it moved toward single celling, but we will appropriate the revenues in 2004, hopefully... or 2003, so we'll be prepared to move to single celling by 2004."

Morrow: "I guess I don't haven't any questions, but I guess I'm going to have to address the Bill. To the Bill, Mr. Speaker. I'm going to have to reluctantly oppose House Bill 654. A Bill with the fiscal magnitude of what House Bill 654 is, and I know that we've got a surplus in revenues, but until I can get some more complete data on how House Bill 6...6... excuse me, excuse me, on how House Bill 654 is going to be paid for, it's going to be hard for me to vote 'green' on this. I'm not lobbying against the Bill, but a half... a half billion dollars, and as Representative Black said before, for almost \$480 million, we can build almost five super max prisons."

Speaker Madigan: "Mr. Reitz has spoken in support of the Bill. Mr. Black and Mr. Morrow have stood in response to the

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Bill, and therefore, there will be one more in response.

Mr. Giles, for what purpose do you seek recognition?"

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative, you have presented a Bill before us that's going to cost approximately a half a billion dollars. Once again, we stand here and I assume, I believe Representative Morrow tried to ask you, did you have a trailer Bill, Appropriation Bill, that will justify how we're going to pay for this. Once again, we stand here, and I believe that the only way that we're going to be able to pay for this is, we're going to have to use state revenue dollars, clean dollars from our taxpayers of the State of Illinois. Now, I am not against imprisoned, individuals that should be in prison. I'm not against building a super max. I'm not against that. But, what I am against, for this Body to continue to give the okay to spend clean tax dollars of a magnitude of this. Last time we passed a Bill and it was... we passed a Bill that would float bonds that will pay for a super max prison. And of course, you know who's going to have to pay for those bonds, your son and daughter and their grandkids. So, this magnitude of appropriation is... is... deeply saddens me once again, because I believe if we could truly fund education at the level that we should, on the front side, we can prevent this type of expenditure that we have to bring to the Legislature. And it's nothing against you. And I truly respect you, but on the front side, we could prevent some of this high tag, this high price that you're proposing for us. On the back side we have to do this. Because we do have individuals in our society that needs to be locked up. But, however, if we were to fund education at the right level, public education at the right level in

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this state, we would not have to spend this money on ills in our society. So, Representative, I want you to join with me whenever we have to deal with funding education, to get out and cry out and stand out and say, 'We need to fund education', right along with funding a Bill like this."

Reitz: "I agree with you, and I will."

Giles: "And Representative, for that reason, because this is such of a high price tag, and we have not dealt with the public education problem, I'm going to have to give you a 'present' vote on this Bill. Thank you."

Reitz: "I appreciate your comments, Representative, but what we have..."

Speaker Madigan: "Mr. Reitz, to close."

Reitz: "Thank you, Mr. Speaker. The questions that we've had have mostly dealt with the appropriation process and where there is not a trailer Bill, simply because we will appropriate the money in the year that it is spent. I agree with Representative Giles that we need to, you know, we need to work on education, and unfortunately we're going to have an increase in a number of people, according to the Department of Corrections in the inmates that are in. This... you know, this is a safety Bill for the men and women that work in the corrections institutions. It's supported by most of the labor groups. It's supported by AFSCME. And the main reason is to try and protect the people that are there. But, it will also help the people that are held in these institutions and make it safer for them, also. So, I'd appreciate everyone's support. Appreciate an 'aye' 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?"

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Record Mr. Schoenberg. Have all voted who wish? The Clerk shall take the record. On this question, there are 53 'ayes', 49 'noes'. Mr. Reitz."

Reitz: "Yes, Mr. Speaker. I'd request that this be put on Postponed Consideration."

Speaker Madigan: "Place this Bill on the Order of Postponed Consideration. On page 52 of the Calendar,... for what purpose does Mr. Dart seek recognition? Could the Members give their attention to Mr. Dart, please?"

Dart: "Thank you, Mr. Speaker. A point of personal privilege. Mr. Speaker, I was wanting the Body to greet... we have a contingent here from Belarus, the Minsk area. They're here. They work with nonprofit organizations that work with children and the like, and they came down here to watch how government work. I wish the Body would join me in welcoming the contingent from Belarus."

Speaker Madigan: "On page 52 of the Calendar, there appears House Bill 1830. Mr. Hoeft. Is Mr. Hoeft in the chamber? Mr. Hoeft. Do you wish to call the Bill? Take the Bill out of the record. On page 55 of the Calendar, there appears House Bill 2733. Mr. Tim Johnson. Mr. Tim Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2733, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Johnson. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. This is virtually, if not exactly identical to House Bill 1168, sponsored by Representative Crotty, passed as this did, the Elementary and Secondary Education Committee, by a vote of 27... 23 to 0. It amends the School Code. Revises the School Aid Formula and changes the manner of computing

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available local resources for high school districts. And the manner of adjusting and equalize the assessment evaluation by reducing the component of formula used to make the computations from 1.2 to 1.0. This came out of committee unanimously. I believe Representative Crotty's Bill has already passed this chamber by a very, very, large vote and I would hope that I could get a similar vote here."

Speaker Madigan: "The Gentleman moves 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 1975. Mr. Acevedo. Mr. Clerk, read the Bill. Mr. Acevedo. House Bill 1975. Yes, change the Board. The Sponsor is Mr. Acevedo."

Clerk Rossi: "House Bill 1975, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1975... currently the premium charged to an employer is set at a percentage of wage payroll. Premium rates are varied according to the riskiness of each work being performed. Under the current system, an employer's premium will go up as its wages payroll increase. There is therefore, an incentive for employers to hold wages down. Since nonunion employes typically depend... demand lower wages than union workers, the



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employer has an incentive to hire nonunion labor. This legislation shall be based upon the total hours worked of each job category or classification instead of a payroll wage. This change will remove the incentive of employers to reduce their insurance premium by hiring low wage labor. Washington State has adapted a similar system for computing workers' compensation insurance premiums. And I ask for your favorable vote."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I'm in strong support of House Bill 1975. There's really no good reason for two people doing the same job to have different workers' compensation premiums. That's why this Bill is supported both by organized labor and by most of the major contractors in the State of Illinois. This won't really affect insurance companies. They'll be able to set their rates what they want to set them. But because of the current law, because of the current policy where workers' compensation premiums are set by salary, it's a disincentive to employers to raise salaries. Because when they raise workers salaries the workers' compensation premiums go up. Likewise, it's a disincentive to hire union labor, because union labor salaries, due to prevailing wage and et cetera, are higher than nonunion members wages. And so there's an incentive to hire nonunion members to do the work, just to keep the salaries low to keep the workers' compensation premium down. This Bill simply allows all to be insured on the same basis and would say that your premium should be based on the hours you worked, not the wages you make. It's good for labor. It's good for business. It's good for the contractors, and I would urge your 'aye' votes."

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Speaker Madigan: "There being no further discussion, Mr. Acevedo, to close."

Acevedo: "I ask for a 'yes' vote."

Speaker Madigan: "Mr. Turner."

Turner, J.: "Mr. Speaker. I thought my light was on. I pushed the button. Would the Speaker allow me ask some questions on the Bill?"

Speaker Madigan: "Sure. Mr. Turner."

Turner, J.: "Thank you. Representative, how does your Bill change the existing law?"

Acevedo: "This... this new legislation will base premiums calculated by hour rather than wages."

Turner, J.: "And how are they... how are rates calculated now then?"

Acevedo: "Right now, they are calculated as a percentage of pay scale."

Turner, J.: "Pay scale being salaries of the employees?"

Acevedo: "Wages."

Turner, J.: "Wages."

Acevedo: "Yeah."

Turner, J.: "I guess it seems to me that calculation by using salary or wages would make it easier to project cost, and that would make sense. And I'm wondering, do you agree with that? And if so, why do you have the Bill?"

Acevedo: "Representative, could you please repeat that? I couldn't hear a word you said."

Turner, J.: "It just strikes me that if the rate is based upon the salary it would make it easier to project the cost because of loss experience. And if that's the case, I have a hard time understanding why we would want to pass this Bill. Is that not the case?"

Acevedo: "Representative, if you could read the analysis, this

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change would remove the incentive of employers to reduce their insurance premiums by hiring low-wage labor. It will discourage them from hiring low-wage labor."

Turner, J.: "Well, I'm not sure I'm reading from the same analysis. Is that your analysis? I mean, do I have that document?"

Acevedo: "Yeah, if you have the same analysis I do, it should read the same way."

Turner, J.: "All right. I'm not sure what you're reading from. If I have that, I don't see it here in the file. Does this in anyway change the benefits? Workers' comp benefits, if we pass the measure?"

Acevedo: "No, it will not."

Turner, J.: "Excuse me?"

Acevedo: "No, it will not."

Turner, J.: "Well, what is the workers' comp benefit based upon that is paid?"

Acevedo: "The benefits are based on wages on the time of injury."

Turner, J.: "Right. That's what I thought. The workers' comp benefit will be based upon a wage and it just seems logically consistent therefore, that rates would be based upon the wage, as well. Is that not logical?"

Acevedo: "Representative, this has nothing to do with benefits. This is just the premiums."

Turner, J.: "I'm sorry, go ahead. I didn't hear you."

Acevedo: "This has nothing to do with the changes of benefits. This deals strictly with the premiums."

Turner, J.: "Yeah, but the benefits certainly are a consideration in setting rates. Do you agree with that? That is how much benefits are paid? I mean, that is a consideration in setting the rate?"

Acevedo: "Representative, I don't know, maybe you're a little

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confused, because you're mixing two different things, premiums and wages."

Turner, J.: "All right. Do other states do... set the rates the way you're suggesting in this piece of legislation?"

Acevedo: "Washington State has a similar system."

Turner, J.: "Only one other state then?"

Acevedo: "I believe so."

Turner, J.: "Are there any opponents to this Bill?"

Acevedo: "I believe the only one is the nonunion contractors."

Turner, J.: "So, there's only one opponent to the Bill?"

Acevedo: "I'm sorry, and the business association."

Turner, J.: "All the business associations are opposed to this?"

Acevedo: "Not the union contractors. They support the Bill."

Turner, J.: "All right. As to the opposition, have you spoken with them to address the concerns that you have in bringing this legislation and the concerns that they have in changing the way the rates are set now?"

Acevedo: "Representative, this is a way to encourage employers to not hire low-wage labor, and to promote full-time employment, and thus encouraging the economy of the State of Illinois."

Turner, J.: "Is the Department of Insurance opposed to this?"

Acevedo: "Representative, I really don't know."

Turner, J.: "I'm sorry, couldn't hear you."

Acevedo: "To be honest with you Representative, I really don't know."

Turner, J.: "Well, I can't say that I know either. I can tell you that my analysis states that the Department of Insurance is opposed to this. I'm kind of curious why. I guess then, if you don't know, then you haven't had any communication them and couldn't address why they may be opposed to this. Thank you, Representative."

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Speaker Madigan: "Mr. Black. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I thought one of the basic reasons that you had workers' comp figured on wages paid, would be the loss ratio. If I'm being paid \$21 an hour and I become temporarily disabled, my workers' comp compensation is going to be based on my wages paid, correct, not my hours worked?"

Acevedo: "Yes, yes, you are correct."

Black: "All right. Why would you want to take that basic identifying factor out of the equation?"

Acevedo: "Can you repeat that Representative? I'm sorry."

Black: "Why would you want to take the basic identifying factor on workers' compensation, that is, I'm going to pay you two-thirds of your average weekly wage. But now you're telling me I'm not going to figure workers' comp rate based on wages, I'm going to figure it based on hours."

Acevedo: "Right now, Representative, the current... right now, as it currently stands... right now the employers are urged to hire low-wage labor from out-of-state."

Black: "Under union contracts I'm going to hire low-wage workers out of the State of Indiana? I know a guy who used to be in Illinois politics who did that in the trucking business, but..."

Acevedo: "Representative..."

Black: "...that was a long time ago."

Acevedo: "Representative, you know as well as I do, there's a lot of nonunion contractors out there."

Black: "Okay, well, thank you, Representative. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill. You know,

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instead of trying to paint by numbers on the workers' compensation system in Illinois that is, I think very complicated, most everybody would agree with that. And I think most everybody would agree, even labor people have told me in unguarded moments, that our workers' comp system passed 20 some years ago, is an extremely expensive program. Now, I don't want to be like Indiana, but that's my bordering state. I don't want to mirror Indiana's workers' comp system. Don't wanna to do that. But, I can tell you I've lost a lot of jobs to the State of Indiana because our workers' comp program in Illinois is extremely expensive. Now I expect Indiana to come up and I'd like Illinois to maybe stay the same, but that issue is not addressed in your Bill. Your issue is saying, let's base workers' comp premiums on hours paid. There are construction industries who try to keep certain key people on the payroll during the winter. And they may have these people do yard work. They may do some truck maintenance work. They may do some cleaning up around the construction yard. They may even work in the warehouse. That isn't what they normally do, although they're paid the same amount of money. And yet now, you're going to take workers' comp and figure it on hours worked rather than wages paid. At some point, that is not going to be, in my humble opinion, a good idea for workers' compensation. Hours can sometimes be rather difficult to track. Wages are relatively simply to track. So, I don't know the real reason behind this Bill other than what you said publicly, it encourages people to go out and hire low wage people. Have any of you looked around lately? Have any of you looked around the City of Chicago, the County of Cook, even here in Springfield or in Sangamon County? You're telling

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me that it's an employers' market that they can go out there and hire somebody for five-fifty an hour? Who are we kidding? I see signs all over Northern Illinois. My daughter lives in Aurora. I go up there to see my grandson once a month. I see signs out in front of fast food chains saying, 'If you'll come in and apply, we'll give you fifty bucks.' Minimum wage, I don't think so. Right now, competition for workers who will show up every day, is probably as intense as it's ever been. If there's ever been a workers' market, it's now. I can see maybe where you want to come back in two or three years when things cool, off as the cycles always do, and do this. But holy mackerel, don't stand here and have the audacity to tell me that work employers are going out and hiring low-wage people. If there was ever a time when workers could be in the category of saying, 'I'm not going to work for that amount of money', it's now. This Bill has very little merit, except I guess, somebody in the construction business thinks it's a great idea. And I think when they examine it, they're going to find it isn't. It doesn't do anything but tinker at workers' comp, and what we really ought to be doing is trying to reform workers' comp from top to bottom. I suppose one could say the Bill is harmless, but I don't think it is. Historically, you've tracked workers' comp on wages, not hours worked. And if you persist in doing this, and it becomes law, then you're going to find construction employers are going to work you almost as a day laborer. And the minute the job is done, you're done. They're going to cut the hours of work to the very bare minimum. And that is not going to benefit the people you think you're trying to benefit. A 'no' vote would be advisable in this case."

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Acevedo: "Thank you, Representative."

Speaker Madigan: "Mr. Acevedo has moved for the passage of the Bill and spoken on behalf of the Bill. Mr. Turner and Mr. Black have stood in response. There are no other people seeking recognition. Mr. Acevedo, to close. Mr. Acevedo, to close."

Acevedo: "Yes, we're all here to debate. Thank you Representative Black for sharing your thoughts with us. I hope I can count on your support, and I ask 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? Will the Members please record themselves? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 55 'ayes', 62 'noes'. Mr. Acevedo. Do you request Postponed Consideration?"

Acevedo: "Yes."

Speaker Madigan: "Place this matter on the Order of Postponed Consideration. The Chair recognizes Mr. Lang for an announcement."

Lang: "Thank you, Mr. Speaker. The Mental Health Committee, which has been working on a bipartisan fashion trying to come to some mental health reform agreements, will have a subject matter hearing on Monday morning at 10 o'clock in Room D-1 in the Stratton Building. Mental Health Committee, Room D-1 in the Stratton Building, Monday morning."

Speaker Madigan: "Mr. Clerk, what is the status of House Bill 999?"

Clerk Rossi: "House Bill 999 is on the Order of House



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Bills-Second Reading. No Committee Amendments have been adopted to the Bill. Floor Amendment #7 has been adopted to the Bill. Floor Amendment #8 has been approved by the Rules Committee for consideration."

Speaker Madigan: "Mr. Daniels on Amendment #8."

Daniels: "I think that's a Daniels-Madigan Amendment, so I know your Clerk will want to make sure that's recorded properly there, because I think this is a historic occasion."

Speaker Madigan: "Mr. Clerk, who are the Sponsors of this Amendment?"

Clerk Rossi: "Representative Daniels and Madigan."

Daniels: "I'm very proud to join you on this Amendment. This Amendment creates the Fund Education First Act that had passed this House previously, 96 to 18. Beginning with Fiscal Year 2000 and each fiscal year thereafter, provides that until the sum of state and federal spending for elementary and secondary education for the fiscal year represents 50% of the total revenues, that the State Superintendent's education estimates are available, that we will then put in 51% of the available revenue funds. And this would be added to House Bill 999, and I move for your favorable consideration."

Speaker Madigan: "The Gentleman has moved for the adoption of the Amendment. The Chair recognizes Mr. Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Lang: "Representative, isn't this exactly verbatim, the same language as House Bill 710, which we passed with 98 votes and is already in the Senate?"

Daniels: "Would you like me to give you credit? I know it's important to you."

Lang: "Well, no, I don't need the credit. Ninety-eight Members

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can take the credit. I'm just asking you if it's the same language, Sir?"

Daniels: "Yes."

Lang: "Why do we need to do this again?"

Daniels: "Because what you sent over there isn't going to pass the Senate. This will."

Lang: "Well, I suppose that's a pretty good reason to add the Amendment to the Bill and then vote 'no' on the Bill."

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

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 999, a Bill for an Act amending the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 999, I'm sure that everyone is well aware of this legislation. I wrote everyone in the House a letter about a week and a half ago explaining the legislation. The legislation is a tax credit for educational expenses that are incurred by the families of the State of Illinois. This tax credit is triggered when a family incurs educational expenses exceeding \$250. Every dollar they spend over the \$250 would be given to them as a tax credit or 25% of those dollars would be given to them as a tax credit. The maximum tax credit would be \$500 per family. The \$500 per family would be reached if a family could prove that they had \$2,250 in educational expenses. The rationale behind this legislation is the fact that in

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many, many areas of our state, what was a striving two-party process, as far as the education of our children, between public and private, has now been reduced to where the private schools in many, many areas of the state, especially the hard pressed economic areas of our state, are no longer in existence. I think as a public policy issue, this is a bad trend and a trend that we should do everything we possibly can to stop. I think these families have the right to choose what education they think is best for their children. I think that parental choice in education is probably one of the most important ingredients, if that education is going to be successful. And I think that the parents of our state through exercising in the option of non-public education, which is about 99% of the people who'll get the credit that we're talking about here today, or at least to get the benefit of the credit. These people are saving us quite a bit of money, as far as tax dollars and I truthfully think that all parents have a right in deciding what school they go to. Now some people say, 'Well they already have that right.' But I think it's unfair of us as a public policy to say, 'You can go to the other place, but leave every single one of your tax dollars behind.' I don't know where we think we have the right to say that. Parents know what is best for their children and this will hopefully, maintain the option for people who are losing that option on a daily basis and will also give them some recognition for the financial sacrifices that they have made in order to provide the education to their children that they say best suits their children's educational needs. I welcome any questions on the matter."

Speaker Madigan: "Mr. Daniels."

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Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. During my tenure here in the General Assembly, we've worked hard to provide all Illinois children with the opportunity to receive a quality education. In 1995, we passed historic legislation that revamped the Chicago Public School System, which has drawn national praise from Legislatures everywhere and now serves as a national model for urban school renewal. These reforms saved millions of dollars in waste and abuse and raised test scores. Over the past several years, we have provided record increases in funding to improve our public school system. Since 1996, the Illinois General Assembly has provided increases totaling more than \$2,000,000,000 in public education funding. This trend of record funding will most certainly continue with Governor Ryan's pledge to dedicate 51% of new state revenue funds directly to education. In addition, we have passed major reforms to raise academic standards, eliminate social promotion, and institute a minimum foundation level of funding for education. In 1997, we created a new multiple... multi-billion dollar state school construction bond program to repair and replace dilapidated school buildings. Providing our schools with the means to give their students a quality education is the most important and honorable duty we have as State Legislators. Education gives the children and young adults of Illinois the foundation to realize their dreams and live more fulfilling and purposeful lives. To quote author Herbert Spencer, 'Education has for it's object the formation of character, to curb propensities, to awaken dormant sentiments, to strengthen the perceptions and cultivate the tastes. To encourage this feeling and repress that, so as finally to develop the child into a man of well-proportioned and

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harmonious nature, this is the aim of parent and teacher.' I would add that it is also the aim of the State Legislature, to ensure that those parents and teachers have the necessary funds to provide opportunities through education. As I said in the beginning, it is our goal to help all Illinois children receive quality education. We have before us today a chance to help those parents who struggle to provide their children with the best education they see fit. I stand in support of House Bill 999 based on its desire to give parents of private school students a modest tax break. I have been assured that the proposed tax break would not, I emphasize, would not divert funds from that well intended to go to our public schools. In fact, I offered Amendment #8 to ensure that 51% of all new state revenues will go to public schools. This Amendment is identical to an Amendment that passed this Assembly recently. If we can implement a tax credit that helps the parents of the state's 310,000 children in nonpublic schools, without taking money away from our public school system, then I say, we have a duty to say 'yes'. Nonpublic schools make up a viable and important part of our state's education system. If we allow the private school system to fall into ruin, it will be the public school system that will bear the burden of educating those students. In addition, private schools provide parents with the fundamental right to choice. House Bill 999 works to protect a parent's right to choose the proper education for their children without hurting our public schools and for that reason I urge you to vote 'yes'."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you. First of all, Mr. Speaker, I'm joined by the requisite number to remove this from Short Debate."

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Speaker Madigan: "That the Bill shall be put on full Debate. Mr. Lang."

Lang: "Thank you. Mr. Speaker, Ladies and Gentlemen, I rise in very strong opposition to this Bill. There's a lot of reasons. I'll try to keep it under an hour. Mr. Speaker, Ladies and Gentlemen, our first and foremost obligation as Legislators is to protect public education. And when I say that's our first and foremost, I don't mean public education versus private education. I mean public education against anything. We have to fix roads. We have to take care of health care. We have to put people in jail that belong in jail. We have many priorities in the State of Illinois. But all of us on this floor have said and all of us in our reelection campaigns have said that there is nothing more important in the State of Illinois than public school education. Now, it is recognized that private school education is important. It's recognized that people should have a choice and they do today, have a choice to send their people to private schools, to parochial schools. But to siphon off any dollars from the General Revenue Fund of the State of Illinois and give those dollars to private schools is wrong. It's wrong in several ways. First, it's wrong because if there's less money in the pot to take the 51% from, there'll will be less money to give to public schools. Secondly, it's wrong because much of these tax credits are going to go to parochial schools. Now, I'm not against parochial schools. I've got many Jewish schools, many Catholic schools in my district who would like to see me vote for this Bill, and they support me, Ladies and Gentlemen. But I cannot support them on this Bill because when we take public tax dollars and give them to private schools and particularly parochial schools, we're violating

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the Constitution of the United States of America, the Constitution of the State of Illinois. Now, some will say, 'Well these are just tax credits. This is not money we're giving to the private schools.' But you know and I know that's a red herring. You know and I know that that money does go to the private schools through the parents that we're giving these credits to. And then someone will say, 'Well anyone can use them, anyone can use them.' But the fact is that there's a \$250 floor on this. And so public school parents in 99.9% of the cases will not have an opportunity to avail themselves of these credits. And someone will say, 'Well next year, let's take that floor away and let's make it 0'. So that it costs us 3 or \$400,000,000 out of the General Revenue Funds of our schools. So we give 2 or \$300,000,000 less to public schools next year. That may cure the constitutional problem, relative to unfairness to poor people or unfairness to people whose kids go to public schools, but it will not solve the problem of siphoning off money from the public schools to provide to private school education. Ladies and Gentlemen, we have a responsibility here. We can take it seriously or not. We can take it seriously and take care of our foremost responsibility as Legislators, not just public versus private education, but our foremost responsibility as Legislators to take care of the public schools of the State of Illinois. That is our number one job here, more important than anything else we do, despite the other important matters that we take care of. Ladies and Gentlemen, do not abandon the public school children of Illinois. And don't say, 'Well, just taking a couple of hundred million dollars away from them in a billion and billions of dollars that we provide is hurting them.' It

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is hurting them. When we passed House Bill 710 the other day, with 98 votes, the Fund Education First Act. We said on this floor that we want education funded to the best it can be funded for the public school students of the State of Illinois. This Bill flies in the face of that and don't be fooled by Amendment 8. Amendment 8 adding the language from Fund Education First is simply there to try to convince some of you that this Bill is okay. This Bill is not okay. You cannot say we're going to take care of the public schools with Amendment 8, and then say in the original Bill, that we're going to take away from public schools. So, Ladies and Gentlemen, take care of the children of the State of Illinois that go to the public schools. These are public tax dollars. This is a public Body. Take care of the public school children. Vote 'no'."

Speaker Madigan: "Mr. Black."

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

McCarthy: "Certainly."

Black: "Representative, in your underlying Bill, would home schoolers qualify for the credit?"

McCarthy: "Home schoolers would qualify if they can justify educational expenses over \$250."

Black: "And how would they justify said expenses?"

McCarthy: "They would have to have, like a receipt from... like buying some sort of curriculum that would be, obviously, educational in nature and if it exceeded the price of \$250 in that tax year, they would get 25% of all the money over the \$250."

Black: "All right. And so the purchase of, the purchase of books or materials would qualify?"



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McCarthy: "We included book fees and lab fees in order to include those curriculum items."

Black: "Okay. All right. Okay. Have you heard from home schoolers? Do they want to be included in this or have they expressed some concerns to you?"

McCarthy: "There's one very minor group of home schoolers that have expressed some concern. The vast majority that have called me, especially the ones from my district that I work with quite a bit, are totally in favor of it."

Black: "Okay. Thank you, Representative. Mr. Speaker, I have a Parliamentary inquiry, if I might? I'd like the Parliamentarian to look at this Bill as amended, rule on the single subject matter. It's my understanding that House Bill 999 amends the Illinois Income Tax Act. Amendment #8 creates an entirely new Act. It would seem to me that the Supreme Court has told us quite frankly and quite clearly, that that will not be allowed. And that you cannot put an Amendment on a Bill to entice someone to vote for the Bill because the Amendment, perhaps, looks better than it might in the light of day. And I would ask the Parliamentarian to rule on my question."

Speaker Madigan: "Mr. Black, I'm sure you'll let us defer that until I have a chance to confer with the Parliamentarian."

Black: "I would hope that the Parliamentarian, certainly, would give us an answer before the final vote. Mr. Speaker, to the Bill."

Speaker Madigan: "Sure."

Black: "If I might?"

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

Black: "Thank you. I've stood on this floor and I've voted. I have voted to make education the number one priority in this State when it wasn't popular to do so. So don't come

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at me with some ice cream, sugar-coated thing and say, 'Now this is the way we're going to do it.' If you want to do that, put it up there on it's own and vote for it. When we meet our 50% obligation, K-12 public education in this state, when we meet that obligation, I'll vote for 999. Not until."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I think the previous opponents have made a good point. But let me say why I would not be voting for House Bill 999, even were we to have met our basic responsibility and our basic commitments to public education. And that's because I believe that the way this particular measure is drafted, it violates the Constitution of the State of Illinois. Much is made of the fact that tax credits have been upheld in other jurisdictions. That's right. But I don't believe that this tax credit would be upheld in this or any other jurisdiction for several reasons. First, this is not a neutral aid to all parents of children in schools, whether public or private. The \$250 threshold has never been upheld by any court in the land and the point of that threshold is certainly a point that discriminates against parents and families of children in public schools. If we did a neutral kind of approach, as has been done in Mueller, I believe in Iowa, then perhaps you would not be violating the 'establishment clause' of the Illinois Constitution. But the threshold means that the effect of House Bill 999 is not equal, does not cover all children. It clearly is targeted toward the parents of children in private and parochial schools. I think on its face, that means that House Bill 999 as drafted, does not meet it's constitutional responsibilities. Second, the measure does

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not segregate monies that are spent by parents for religious purposes, as was upheld in an Iowa decision. In that crafting of the legislation, parents were asked to prorate the expenditures that they spent on their children's education, so as not to get a deduction for the parts of the expenditure that were for purely religious purposes. Nothing in House Bill 999 makes that distinction and an important distinction, in my view, it is. Finally, another way that we could help the students in private and public schools would be to make expenses, contributions to educational institutions, public or private, make them eligible for tax deductions. That too, would be neutral and would not violate the 'establishment clause'. But that is not the methodology, that is not the craftsmanship in House Bill 999. Even if you think we can afford it, even if you think that we've met our responsibilities to public education, and I believe we have not, I do think that all of us who have sworn to uphold the Constitution of the State of Illinois and the Constitution of the United States should reject this approach to helping the families of children in private schools because it is not neutral. It discriminates against the parents of children in public schools. It does not do the job. I urge a 'no' vote."

Speaker Madigan: "Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I hope I don't go greatly in excess of my limit, but in case I do, Representative Mitchell and Klingler, Bassi, Jones and Beaubien, I certainly don't intend to use that amount of time of agreed to it and Righter, have agreed to defer their time to me. I think the decorum here is, is appropriate. But I do think that anybody who's not paying attention to this debate ought to. I don't think there's a

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issue that could come before us, both on a practical basis or a philosophical basis, that's more important than this one is. And I must say, to begin with, that my respect for the Sponsor, for Representative Daniels, Representative Madigan, for Governor Ryan and those who are supporting this now, is of the highest nature. But I must tell you that I'm strongly opposed to this Bill. I must also tell you that some of my comments were prepared before this Amendment that we adopted a few minutes ago. And so while, they apply for the most part, they may not apply dollar for dollar. I don't think there's anybody in this General Assembly, in fact, I'm certain there's not, who has more to personally gain than I do from this legislation. I've had six children attend private Christian schools throughout their education, in fact, one who's still there now, soon to be two and then countless numbers of grandchildren after that, who are also in private Christian schools. And the amount of benefit to me over time in the past and for that matter over the future, would number in the tens of thousands of dollars if this Bill were to pass. So, those of you in the public, I'm speaking to the public who accuse Legislators of having a self interest, I have a self interest of a major nature and I'm voting against it. I think there's three basic reasons or three basic categories why people ought to oppose this and I'm being repetitious to some extent. To those who consider themselves libertarians or of a liberal stripe, so to speak, the Constitutional argument is a very compelling one. To those who consider themselves more moderate and pragmatist, there's certainly compelling arguments with respect to what this does to the public education system, as well as to the economy of Illinois. And to those who consider themselves

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conservatives, as I do for the most part, there's every bit as many reasons to vote against this on philosophical grounds, as well. On a Constitutional basis, and I think Representative Currie did a good job of covering this. Article 1, Section 3, of the Illinois Constitution, the First Amendment to the U.S. Constitution and specifically Article 10, Section 3, of the Illinois Constitution provides, 'that neither the General Assembly, et cetera, shall ever make any appropriation or pay from any public fund, whatever, anything, in aid of any sectarian purpose or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by a church or any sectarian denomination whatsoever.' That's pretty clear. The court's interpretation over the history of the United States and Illinois Supreme Court has been even broader. And I would suggest to you that this, this Bill, as framed, clearly does not meet the tests of either the U.S. or the Illinois Constitution. I don't know what Representative McCarthy's district's like, but I know in my district, private schools are flourishing. As a matter of fact, Judah Christian, where my son attends and my grandson, soon to be others, is a flourishing institution and there's just about to be, at least within the next two or three years, a new Catholic high school that's gotten rave reviews and already presignups by people all over our area. So private schools, notwithstanding, whatever criticism there might be about what we have to pay, it's a choice we make. And private schools are doing well. On a practical basis, subject again to this Amendment, 100 to \$150,000,000, almost half our new dollars, that we are dedicating to education can be drained off by this Bill. I would quote

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to you from the Rockford Register Star, February 25, 'The crisis in public education is not merely a crisis of confidence, as some private educators suggest. It is a crisis of crumbling buildings, of massive retirements among seasoned teachers, of too few young people entering the profession, and of escalating costs. The attendant layoffs, the increase in size of classes, the decrease in quality of education would be badly damaged by this legislation.' And I believe this Bill, in many ways, flies against everything that we try to do. During the period of Republican control, the General Assembly and we're not, we're certainly don't have a monopoly on this. We talked about and the Democrat controlled Legislature has, as well, accountability in our education system. What could work more dramatically against accountability than a measure such as this? It clearly provides benefit to higher income people, such as myself frankly, or ones who have a higher income than perhaps the average. And really, in some cases, and I'm quoting again from a recent publication, 'actually provides that with respect to 160 public school districts in the collar counties, they'll actually receive less per student in state assistance under the current school aid formula than the \$500 that we're providing for parochial and private schools under House Bill 999.' To my conservative friends and those who I listen to with great care, I would indicate to you, as you know already, that it's a choice we make to send our children to private schools. And you also know that the history of government in this state and in this country is that what we give with the right hand, we take away with the left. And maybe not this Legislature, maybe not this Governor, maybe not this court, but at some time in the future there's going to be a

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Legislature and a Governor, if we pass this Bill, that's going to say to the private schools that we're in effect, giving you \$500 or a \$1000 or \$1500 per pupil, by then. We are in effect, giving you that money by this Act then we're also gonna to tell you what you have to teach. We're going to tell you how you have to teach creationism versus evolution. We're gonna have to tell you how you can teach the Old and New Testament and how those fit into our scheme of greater wisdom at a state level. And I would also suggest to you, that there's a number of Acts, both federal and state, that could very well apply to private schools and home schoolers if they accept these dollars. So, that if I, as a parent, Judah Christian as a school, or a home schooler, in effect accepts this tax credit, what they're doing is subjecting themselves to the auspices of the federal, various Federal Acts and State Acts that deal with areas that home schooler and private schools send their kids to there to avoid. So, clearly, clearly, there's no question that this has an intransigent effect on the ability of private schools to do their job and to do it in an unencumbered way. These are some of the opponents of House Bill 999: the PTA, the Municipal League, the Association of School Boards, the Association of School Business Officials, the Association of School Administrators, the Principals Association, LUDA, the American Civil Liberties Union, The Illinois Federation of Teachers and the Illinois Education Association, EDRED, Concerned Christian Americans, Protestants for the Common Good, The American Jewish Congress, People for the American Way, Citizens for Tax Justice, League of Women Voters, AAUW, the State AFL-CIO and on and on and on. This in effect, also, delays what we've all been saying we want to

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do for so long. Each one of us has run a campaign, or least a lot of us, and said we rely too heavily on the real estate tax to fund our schools. Well, in effect, what we're doing by this, by lessening state aid, and by the effect of this Bill, is to delay the possibility of real real estate tax reform and in effect to put more burden on the local real estate taxpayer. And if you don't think that will happen and if you don't think there will be the finger of government in these private schools as well, then you don't understand the history of this state, the history of this country, the history of the courts or the way they're interpreted. This is a costly, dangerous, unconstitutional, ill-considered, but I'm sure well intended, attempt at a time when we're trying to buttress our private schools or public schools, to make them better and still allow choices. I respect the proponents of the Bill and the Amendment for trying to make a very, very bad Bill a little better. But it doesn't make it better enough for anybody in here who cares about public schools and who also cares about the choice of people who want to send their children to private schools without government intervention. They ought to all vote 'no' on this Bill."

Speaker Madigan: "Mr. Johnson, are you finished? Are you finished, Mr. Johnson?"

Johnson, Tim: "Yes, I am. Thank you for your courtesy, Mr. Speaker."

Speaker Madigan: "Thank you. Mr. Arthur Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen. Would the Gentleman yield for a question?"

McCarthy: "Certainly."

Turner, A.: "Mr. McCarthy, is there any provisions in this Bill that deals with sunset of this particular piece of



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legislation and will it be sunsetted over a period of time?"

McCarthy: "No, Sir."

Turner, A.: "To the Bill. I find it very ironic that last year when we were dealing with school funding for public schools in this state, that we decided that we could only find a temporary fix and that in two years we will be looking at this whole school funding question again. In fact, when I first came to the Assembly 19 years ago, I was told because school funding has been an issue that we've been discussing every year for the last 19 years. It was a senior Member here who told me that it's nothing new, that we will always be discussing this issue. As school funding is probably one of the most complicated, in terms of the formulas, probably one of the most complicated issues before us and very few Members in the Assembly even understand how the formula situation works. Let me first of all say, that I too have kids in private schools. So, there is some benefit for me personally, if I were to vote for this legislation. It was my choice to send them to that school. They went to public schools for elementary school and I decided to do different or likewise for higher education or I should say for secondary education. I'm opposed to this legislation and yet, when I look at what goes on in my community and many of you know I represent the west side of the City of Chicago. One of the hardest problems we have in the city in terms of redeveloping our communities is the quality of schools. We often talk about affordable housing, there is no, no clear cut answer as to what is affordability, but regardless to how affordable we make that home and regardless to how many new homes we put in that area, in the City of Chicago and in particular on the

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west side of Chicago, it's still an issue selling those homes because education and the quality of schools is a concern to parents and so for that reason, they still choose not to come into the city. Let me also say that the arch diocese, and I'm a product of parochial schools, has closed a number of schools in my community. It's probably safe to say that of the list that the Cardinal came down or has spoke of earlier this year, that he intends to close, I think two are in my community that they intend to close. And so you would say, 'Well, Art, you should be voting for this Bill because this would mean that your schools are going to stay open.' The reality is the schools are not going to stay open. One, because the people in the community will not be able to afford the tuition, which is the problem right now. This tuition tax credit that we're putting in front of us will do nothing to help them pay that tuition. I think it's hypocritical for us to stand here today and talk about doing something for public and private schools, when last year we only dealt with the public school question and decided we're going to put a Band Aid on it for two years. This issue is not a two year fix. This is something that we intend to do for parochial and public, I should say for private and parochial schools for however, for (sic-ad) infinitum I guess. But, the bottom line is, I think we were, it is our responsibility to take care of school funding. The City of Chicago has said, and the record is proving that things are improving. The one thing that's lacking is money. And we decided to give them a Band-Aid. We'll be back here two years dealing with public schools and I venture to say that we will not resolve the public school funding next year or two years from now when that question comes up again. I'm opposed to

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this legislation. I have a lot of respect for the Sponsor. I have respect for parochial schools and the job that they're doing. But I think that that's the parents choice. It was my choice and I ought to pay the cost to be the boss."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. I would like to speak to the Bill. You know, I, I've heard a lot today and I can hear a lot of emotions being struck regarding the Amendment that we're placing on this Bill. I'd like to give this Body some statistics and make you look at what we're really talking about here. Everybody's afraid that we're taking all this money away from education. Let me tell you what local taxes have been to the State of Illinois; \$8.1 billion. Educational dollars are at \$15,000,000,000, that is 2/10 of 1%. We're talking about giving \$30,000,000 back, two-tenths of 1%. We're getting all excited. We're talking about the school systems and what have you. Who is this going to help? It's not going to help the person who's sending their children to parochial school who are in the upper income bracket. It's going to help those people who are in the lower income bracket, up to \$500. How... I mean, we're getting a little silly in this House. I've heard so much. Why would we deny this process from going through, when we're talking about actually 2/10 of 1%? I would say shame on all of us. These people need help. These schools are going to close. Do we want to put them back into our school system and have to face more problems? They're taxpayers in their communities, just like you and I are. Yes, it's their choice. They've made their choice to go to parochial school. But by golly, when you're looking at the figures that I'm giving you, what are we talking

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about? I think it's a great Bill. I think it's time to start helping this process instead of hindering it. I think we should vote for the Bill."

Speaker Madigan: "The next person will be Mr. Morrow. Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Many of my colleagues who rose on this issue keep talking about the revenue part. What House Bill 999 does not address, it doesn't address the real duty of what we were sent here to do. And that's to educate all the students of the State of Illinois. And when I say all the students, I mean the 'haves and have-nots'. And when I say 'the haves and have-nots', I'm not talking about those who have the money and those who don't have the money. I'm talking about those that the public school system that must accept that the parochial and private school system does not have to take. I'm talking about the child that is mentally and physically challenged, that the public school system has to accept, but the private and parochial school system does not. I'm talking about the child who has a parent on drugs and will not assist that child to get a better education because the parent's messed up. The parochial school system can say, 'You got a messed up parent, we don't want you either.' That's what this Bill is addressing. It's addressing the discrimination against those who have the ability to succeed and those who can succeed if given the same opportunity. That's what this Bill denies. It's discriminatory against children who aren't able to protect themselves. And I thought my duty, when I was first sent here 13 years ago, was to fight not only for those who have protection, but for those who do not have protection. I have schools in my district where

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almost 40% of the students in that school have some mental deficiency. Will they be accepted to De La Salle or to Leo, or to Mount Carmel, or to Saint Ignatius? No. They have to go to Simeon, to King, to Hearst because that's the only school that's going to accept them. This Bill shouldn't even be considered until we address all the needs of all the students of the State of Illinois. Should be 118 red votes because all of you have kids in your district, in your district that can succeed regardless of their mental or physical deficiencies if you would stand up and protect them. Vote 'no' on House Bill 999."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 999 and in the conversation with the office of the Attorney General, our staff has heard him say that this Bill is constitutional. I know it's a concern for many of them, but people are asking that question before we vote on this. Additionally, you're all receiving a letter being circulated now from the Attorney General supporting the Bill and understanding along with Governor Ryan that he's supporting these measures and the Attorney General wholeheartedly endorses his position. So do I and urge an 'aye' vote."

Speaker Madigan: "Representative Crotty. Crotty."

Crotty: "Thank you, Mr. Speaker. I didn't have time to prepare a long speech, nor do I plan on giving one. I think everyone here who spoke had some very good points. But if we truly are looking at education, we have had an opportunity to do that for a long time. As we start again to talk about education, if we truly want to help those parents that have made a different choice by sending their kids to a parochial or a private school or even if you have home

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schoolers, then look at giving all of them a fair break by the way we fund education and that's on our property taxes. Don't give it to a certain group just for the amount of time that they happen to have kids in school. We should be looking at giving long-term relief to everybody. Not just those that chose to send their kids to private and parochial school, but to the seniors, like my mother who sacrificed to put all four of us kids through private... really through parochial schools and now as a senior she never complains, but pays her property taxes when she makes \$15,000 a year. When this first came up about crediting persons with kids in private and parochial schools, even my mother is opposed to this Bill. She made a choice, her and my father, to send us to a different school. Public schools did not deny us entrance. So, if we're talking about helping people, then I think we need to help people across the board. And I mean our seniors that are paying exorbitant property taxes, people who have never had children and they also pay for the price of public education, along with those who made a choice that yes, it's true, on their taxes they pay for public schools, but they also made a choice to send their kids elsewhere. No one respects the Sponsor of this Bill and considers them... him a friend more than myself. But as an elected official, I will be voting 'no' on this Bill because I feel very strongly that every single one of my constituents deserve a tax break and I urge everyone else to please consider that when you vote. Thank you."

Speaker Madigan: "Representative. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Before I proceed with my questions and comments, I'm joined by the requisite number of Members to request a verification."

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Speaker Madigan: "You got it."

Schoenberg: "Thank you, thank you, Mr. Speaker. Question for the Sponsor, will he yield?"

Speaker Madigan: "Sponsor yields."

Schoenberg: "Under the... under the Bill as amended, Representative McCarthy, is this matter subject to appropriation?"

McCarthy: "Thank you. The beauty of a tax credit is that it doesn't take an appropriation. The money never gets here. So therefore, there is no appropriation."

Schoenberg: "So, it's free money."

McCarthy: "People who pay for their own education would have a hard time understanding how you say it's 'free money' when they have to spend \$2,250 to get \$500 back. Many of them spending 10 and 12 and \$15,000 will still only get the \$500 back. Now, you may call that 'free money'. The 'free money' is the free education they could take, but they have chosen that the, they think, that the private education is better for their children. I think parents have a right to make that decision."

Schoenberg: "Pardon me, Sir, before I proceed any further with my questions or comments, I'd like to share with you that I am a product of parochial schools myself and I am fully cognizant and aware of the sacrifices that families make to send their children to parochial schools, having experienced that in my own household. Having said that, I think that as an elected official I have a broader responsibility to a broader constituency and also, a legal responsibility to not only the State Constitution and the Federal Constitution. But I won't be labor the constitutional issues because I think both Representative Barbara Flynn Currie and Representative Tim Johnson did an

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excellent job at articulating those problems. And despite Mr. Biggins best effort to wave a letter of support from the Attorney General, I don't believe that that qualifies as a formal legal opinion on the constitutionality of this matter. When I... to go back to my original question, Sir. Do we lose... what is the revenue cost that you project in your best estimate, what would be the revenue cost to the state if House Bill 999 were to become law?"

McCarthy: "The best estimate has been totalled out to \$70,000,000 in lost revenue."

Schoenberg: "I see. Seventy million dollars in lost revenues. Mr. McCarthy, are you aware of what the Bureau of the Budget in general and Economic and Fiscal Commissions projections are for revenues in the State of Illinois over this fiscal year and the coming fiscal year?"

McCarthy: "I don't know the exact numbers, but I know that they project a healthy increase."

Schoenberg: "Quite the contrary, Sir. The General Fund which is in this fiscal year is going to see \$1.1 billion for the FY 2000 fiscal year. Our General Fund will see a decrease of approximately \$860,000,000. The decrease in those fund projections stem from a couple of factors. One, the state and national economy is not as sound as it was in the prior fiscal year. Two, there's already compelling evidence that that, those revenue projections will continue to stagnate and perhaps even decrease in the out year because the economy does not have the same strength and momentum as it did before. So what you're proposing, is that correct, is a 7... an additional \$70,000,000 loss in funding to the state. Is that correct?"

McCarthy: "That's what the Department of Revenue said was the best estimate."



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Schoenberg: "I see. Mr. McCarthy, do you believe that the state provides any form of legal and constitutional assistance for private and parochial schools presently?"

McCarthy: "I do."

Schoenberg: "In what form, Sir?"

McCarthy: "There's text book loans and there's transportation program currently available."

Schoenberg: "The text book loans and the transportation program. Is there any other... Is there anything else that you can think of?"

McCarthy: "No, Sir."

Schoenberg: "Are you aware of the fact, Mr. McCarthy, that the Illinois Development Finance Authority which recently sought to have their bonding authority increased to \$2,000,000,000, that for the past several years the Illinois Development Finance Authority has been conducting a program where they provide low interest, below market... low interest below market rate loans to private and parochial schools for major capital fu... programs? Are you familiar with that?"

McCarthy: "I'm not familiar, but I'm happy to hear that. And I hope you're true. And I hope you're correct."

Schoenberg: "It's, it's more than true. It's, it's, it's more than true, Sir. It, indeed, involves a great deal amount of money. I'm looking at the winter '99 newsletter from the Authority for example, where the auth... in October, the Authority approved \$3.1 million for a non-for-profit bond issuance for the Creative Children's Academy in Palatine, a private school that's Pre-K through eighth grade. In November, the Authority approved a \$9,000,000 not-for-profit bond issuance for Wheaton Academy in West Chicago, a four year college prep school, which is private.

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And in December, the Authority issued approximately \$6.3 million in non-for-profit bonds on behalf of St. Patrick High School in Chicago, one of the city's oldest Catholic high school for boys, with the proceeds going to finance construction of new buildings, the purchase of equipment and the renovation of existing buildings. The Authority has been carrying out this program for the past several years, having run it through the constitutional traps previously. There are no constitutional land mines out there with this program, as there are plenty with House Bill 999. And moreover, one could argue that the most... that if we really wanted to help parochial and private schools in need the most, we would address the most expensive part of their program. And the most expensive part of their program is bricks and mortar, more so, than personnel. Mr. Speaker, to the Bill. My friends, if your neighbors thought that the General Assembly was disingenuous when it came to making sure that the lottery money actually saw its way year after year to education, then let your imagination run wild with how they'll view your vote on this particular issue. And in closing, I'd like to make one final point. I remember very vividly some impassioned appeals from colleagues of mine in the Southern Suburbs and in down and in collar counties and downstate Illinois about the need to provide equity funding for education and I have... have accommodated that request even though my area, having the most affluent per capita per household income in the state, though my area, was net loser. And I was willing to incur that political cost because I saw the larger picture. This makes me think twice before seeking any further remediation for those who came to me last year. Thank you very much."

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Speaker Madigan: "Representative Monique Davis."

Davis, M: "Thank you, Mr. Speaker. Ladies and Gentlemen, first of all, I think if we look at Article 10, Section 1, of the Constitution, of the Illinois State Constitution, we find it states 'a fundamental goal of the people of the state, is to educationally develop all people to the limits of their capacity.' And then it states 'education in public schools, through secondary level, shall be free.' According to the Constitution of the State of Illinois, our responsibility is to fund a free education to our citizens or students to the limits of their ability. We have had, going through this Body, talk about tax credits. Should we give a tax credit to property owners? Should we give a tax credit to senior citizens? Should we give a tax credit to people who are in nursing homes? Well, we've come to a decision, it appears. Some of us and the decision we've reached is to give a tax credit to those who are financially able to send their children to private school. In order to send your children to private school you have to have some resources. Are you saying to me, Representative, that the people who can afford to send their children to private school are more deserving of a tax credit from the State of Illinois, than the poor people who have to send their children to a public school? Are they some way more pious? Are they more religious because they send their children to a Catholic school? Are we supposed to give them more than the others get because they've already got? I believe that if you actually want to do something to support education and support it fairly, then you would adequately fund education, public education, so that all people may want to attend there. Unless of course, they want to get some religious teaching during the

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day, 'cause that's what our religious schools do. They make sure that their religion is taught part of that day. And I don't believe that the State of Illinois should be in the business of helping to promote the idea that one religion is a little better than the other, and so that those who go to these private schools, we're going to give them some additional money. Someone talked about the small amount, \$500. Well, I'd like to tell you what \$500 means to some families in the State of Illinois. Five hundred dollars means you can pay your rent or you can't. Five hundred dollars means you have a car or you don't. Five hundred dollars means maybe one kid'll go to college or others won't. Did you ever consider that people who have kids in college, maybe they should get a tax credit? There's some people that are sending 3, 4 and 5, children to college at one time. Do they not deserve a tax credit? How did we arrive, how Representative, did we arrive at this particular group of people who are only the one, the only ones deserving of a tax credit in the State of Illinois? According to the fiscal impact, you claim it's unknown. You claim the fiscal impact is not known. Well, certainly, the cardinal who prayed with us the other day knows how many students are attending parochial schools. And based upon that figure, you would take each family and multiply it by \$500 and that will give you the estimated amount. I do not believe that any citizen in the State of Illinois, by accident of birth, is any better than any other citizen. Because you have the dollars to send your children to a private school does not automatically, in my opinion, give you the right to a \$500 tax credit from the state. That is so unfair to senior citizens. It is so unfair to property owners. It is so unfair to people in

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nursing homes. It is so unfair to people who are trying to send their children to college, whose tuition's are much higher than elementary school. We shall not set up a system in the State of Illinois where those who got shall get more. This should be a 'no' vote."

Speaker Madigan: "Mr. McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. When I first stood up here today I thought I was going to have a lot more interaction with the speakers, but the vast majority of them chose to speak to the Bill and I respect them for that. And I appreciate the fact that so many of them mentioned that they have respect for the proponents of this, as well as the Sponsor. But there were quite a few things stated, first of all on the constitutionality of this. In a Supreme Court Case, Mueller vs. Allen, which is kind of famous out of Minnesota, that went to the U.S. Supreme Court. We have so many constitutional experts in here, let me just read the quote, and then I will tell you who gave us this quote. 'A state's decision to defray the cost of educational expenses incurred by parents, regardless of the type of schools their children attend, evidences a purpose that is both secular and understandable. An educated populace is essential to the political and economic health of any community. And a state's efforts to assist parents in meeting the rising costs of educational expenses, plainly serves this secular purpose of ensuring that the state's citizenry is well-educated. Similarly, Minnesota, like other states, can conclude that there is strong public interest in ensuring the continued financial health of private schools, both sectarian and nonsectarian.' That quote was written by a man named William Rehnquist, who

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happens to be Chief Justice of the United States Supreme Court. In deference to all the constitutional arguments that were made here earlier today, I think that Chief Justice Rehnquist, certainly has a little bit higher credentials than most of us sitting in this Body. We had many questions, my good friend from Urbana spoke about the fact that he didn't know about my area. My area is a pretty well off area. I'm not doing this for the schools in my area. I'm doing this for the schools all across the state, the schools that are closing today. This is not going to send them... this is not a panacea for them, but it's a light at the end of the tunnel. A light that says, maybe we are going to get some help. And I agree with my Representative from the south side of Chicago, \$500 means a heck of a lot to these people. I got letters written on the back of newspapers, bags, and old worn out notebook paper from many of the Hispanic, and many of the Black residents of the City of Chicago, telling me how important this \$500 credit to them was. The west side Representative talked about the fact that he did avail the people of his district and I'm proud that he did. But there's a lot of people in his district that maybe this would make the difference that they could do it and could not. I want this to be open to everybody. Educational choice should be at the hands of the parents of the State of Illinois and not held in just one system. Many of you think that if we just had one system we'd be served very well. I don't think so. Last year we had a big fight in here about electricity and how monopolies never served us in anything. Well, if we want to have a monopoly in the education of our children, especially in the hard-pressed areas of this state, that's what we're heading for. And we better open

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our eyes because once the horses are out of the barn, we can all say we should have done something, but it's going to be much too late then. I appreciate a few of the proponents who spoke. This is for 16% of the families of only the private school families were eligible. There will be a few public school families, not many. There are public school students who actually pay tuition there because they come from out of district, where they want to attend a certain public school, not the one that they live in. They would, of course, probably get the full credit because their tuition is probably up in the 5, 6, \$7,000 range. But for the 16% of the people who chose nonpublic education in this state, I say that this money, which even if it was taken out of an educational appropriation, results in less than 2/3 of 1% of the money we spend on K-12 public education. That's an education that is mandated by this state. Folks don't have a choice in that, they have to send their children to school. They have a choice in which one they do and as I said earlier, they shouldn't have to abandon all of their tax dollars just 'cause they choose school 'A' instead of school 'B'. We talked about the religious purposes of this Bill. Well, let me tell you, ask the 90% of people who attend the inner city schools in Chicago, that 90% of the Catholic school students in those inner city schools are not Catholic and they're not in any program to become Catholic. Was that decision made for religion? I don't think so. That was because their parents and maybe they were right and maybe they were wrong, they said this place best suits my son, or my daughter's educational needs, and I think we should do something to encourage them. We all talk about representing all the students in our district. I say I

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represent 100%, not 84%. I'm not forgetting the 84% who attend the public schools. I have more nieces and nephews in public schools than I do in private schools. I chose private schools for my own children, I don't run from that. But let us not pretend that we're going to be better served as a society if we continue this trend and allow all these schools to close. I think we're ready to make a great step forward in this state. I think we're ready to say to the people, 'We recognize the sacrifices you're making, and we honor those sacrifices', and we don't just say, 'Hey, thanks, you're helping us out, but you're not going to get anything back for it.' I don't know who we think we are that we have a right to do that. I think the Supreme Court told us we can do otherwise. As far as the property tax and people in this Body worried about property taxes, the parents of the private schools in the South Suburbs are the best friends of the taxpayers. The property tax, their property tax would be higher if they didn't choose that option. So let us not pretend that there is any other truth to that. And if all those prop... all those schools disappear, wait 'til you see what happens to your property taxes in the South Suburbs. This is not a Bill for the wealthy. I could take you to private school after private school that within a mile there's a public school that has three times the facilities of that school, that includes the school that my son attends at Providence Catholic in New Lenox. Come out to me at Route 30 in New Lenox. Take a mile ride down the road from Providence, tour Providence first, then go to New Lenox. You tell me who the 'haves' are and of the 'have nots'. These are people that are paying their own money. They're rolling pennies at the end of the month sometimes and they deserve some recognition,



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and not just the recognition of a little pat on the back, 'Hey thank you. Here's some text books, here a little bussing money.' These people have a right to decide where their children go to school and if you believe in parent's rights, you should vote for this Bill. And I respectfully request an 'aye' vote."

Speaker Madigan: "There was early inquiry of the Chair, and the Parliamentarian is prepared to respond."

Parliamentarian Uhe: "Representative Black, in response to your inquiry. As I understand it, it relates to the question of the constitutionality of this Bill. As the Parliamentarian of the House, I am empowered to rule upon questions of germaneness, but I am not empowered to rule upon constitutionality of a Bill such as this, pursuant to the 'single subject clause' of the Illinois Constitution. And so, therefore, I must respectfully decline to answer your inquiry."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you, Mr. Speaker and I appreciate the response from the Parliamentarian and I can understand that and I certainly accept your response. And perhaps I should have focused more on germaneness, but something tells me that this issue will eventually end up in court. And I appreciate your response."

Speaker Hartke: "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? There has been a request for a verification. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 75 'ayes' and 41 'noes'. Mr. Schoenberg, do you persist in your request?"

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Schoenberg: "Yes, Sir. Representative Bill Mitchell?"

Speaker Madigan: "Read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative:  
Representatives Acevedo. Beaubien. Bellock. Biggins.  
Boland. Bost. Bradley. Brady. Brosnahan. Bugielski.  
Burke. Capparelli. Cowlshaw. Cross. Daniels. Dart.  
Delgado. Durkin. Erwin. Flowers. Fritchey. Granberg.  
Hartke. Hassert. Hoeft. Hoffman. Holbrook. Hultgren.  
Johnson, Tim. Jones, J. Jones, S. Kenner. Klingler.  
Kosel. Krause. Lawfer. Leitch. Lindner. Lopez. Lyons,  
E. Lyons, J. Mathias. McAuliffe. McCarthy. McGuire.  
McKeon. Mitchell, B. Moore, A. Mulligan. Myers. Novak.  
O'Connor. Osmond. Pankau. Parke. Poe. Reitz. Righter.  
Rutherford. Saviano. Schmitz. Silva. Skinner. Sommer.  
Stephens. Stroger. Tenhouse. Turner, J. Wait. Winkel.  
Winters. Wirsing. Wojcik. Zickus. and Mr. Speaker."

Speaker Madigan: "Questions, Mr. Schoenberg?."

Schoenberg: "Yes, is Mr. Beaubien in the affirmative?"

Speaker Hartke: "The Gentleman is in the chamber."

Schoenberg: "Okay. Thank you. Representative Bill Mitchell?"

Speaker Madigan: "Bill Mitchell. The Gentleman is here."

Schoenberg: "Representative Shirley Jones?"

Speaker Madigan: "Shirley Jones. Is Representative Shirley Jones  
in the chamber? Remove the Lady from the roll call."

Schoenberg: "Representative Righter?"

Speaker Madigan: "Dale Righter is in his chair."

Schoenberg: "Mr. Tom Ryder?"

Speaker Madigan. "Tom Ryder is recorded as 'no'."

Schoenberg: "Thank you. Mr. Bost?"

Speaker Madigan: "Mr. Bost is in his chair."

Schoenberg: "Mr. John Jones?"

Speaker Madigan: "The Gentleman is in the aisle."

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Schoenberg: "Thank you very much."

Speaker Madigan: "Again, 74 'ayes', 41 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 312. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 312, a Bill for an Act amending the Children and Family Services Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Howard. Mr. Delgado."

Delgado: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 312, House Bill 312, basically, is a law which amends the Children Family Services Act. The Bill requires a certain Department of Children and Family Services employees and contractors demonstrate sufficient knowledge and skills by January 1, 2001, to obtain and maintain a direct child welfare service employee license. And it will provide that a person who is employed by the agency of DCFS on that effective date is deemed demonstrated sufficient knowledge and skills be granted a direct child welfare service employee license and shall be granted a license if he or she has completed his or her probationary period and is a certified employee of the department. Basically, what this will do... under, currently under Section 5C of the Children Family Services Act, it provides certain Department of Children and Family and Services and contractors a certificate of license. At this point, I am open for any questions, Sir."

Speaker Madigan: "Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. Mr. Speaker, is this the last Bill today?"

Speaker Madigan: "No."

Turner, J.: "Okay. Well, Mr. Speaker, would the Sponsor yield?"

Speaker Madigan: "Sponsor said that he's prepared to yield

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because he's been advised that you're a very reasonable and rational person. Sponsor yields."

Turner, J.: "I hope he's not ill-advised. Representative,..."

Delgado: "Yes, Sir?"

Turner, J.: "...is there any opposition to this Bill?"

Delgado: "At this point, Representative, the opponents is the NASW of Illinois, National Association of Social Workers."

Turner, J.: "Have they stated to you the nature of your, of their opposition?"

Delgado: "Right, their opposition to this, right, basically, they don't want exemptions based on their own standing and so they wanted for... they're social workers and they want it for all of them. So, they're basically, against exemptions."

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

Delgado: "Thank you, Representative."

Speaker Madigan: "There being no further discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourself. The Clerk shall take the record. On this question, there are 112 'ayes', 3 'noes'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1325. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1325, a Bill for an Act in relation to mental health facility reporting. Third Reading of this House Bill."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1325 amends the Mental Health and Development of Disabilities Administrative Act. It

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provides that the Department of Human Services shall issue quarterly reports on all state operated facilities for the mentally ill and the developmentally disabled. During the last two years, since I've served in the General Assembly, I've served on the Mental Health Task Force, which I think is one of the more rewarding pieces of the service I give here. With the leadership of Representative Lang, we have visited many of these facilities across that state. We have discussed with the department many, many times some of the problems we find. And one of the things we came up with over and over is that the reporting of different activities in the facilities is always seems to be lacking. During the debate before the committee, the department came forward and was opposed to this Bill, but they had asked... they had also offered the information that almost all of these reports were already there, but for some reason they don't want to give them to us on a quarterly basis. The annual basis that they give them now we have found some problems with that. We have many policies in this state, as far as the length of stay at some of these facilities. And if we only get a report every year, instead of every three months, I don't think we can act as adequately and as quickly as we should. Therefore, I don't think it's that onerous. As I said before, the department in the questioning, while we were in committee admitted to the fact that almost all of these numbers are readily available, it's just compiling them. We told them we wanted this to as concise as possible, but we need this information. We need to look at the people going in and out of our different facilities and try and determine how long they've been there and what beds are really open and what beds aren't open, because all of us have many of our

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constituents who come to us with a loved one who could use these services. And too many times were told to go wanting because they can't even find a spot there. I respectfully ask for your 'aye' vote on this legislation."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative? Representative McCarthy?"

McCarthy: "Yes, Sir?"

Black: "Would you let me amend this Bill on it's face, so I can put a Fund Education First Amendment on it?"

McCarthy: "Only if you put seven other ones first, I guess. No, Sir."

Black: "All right. I guess, I guess you just, certain people can put that Amendment on, huh? Obviously, I'm not one of them. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of this Bill. I thank Mr. McCarthy for his kind comments. The Mental Health Task Force and now the Mental Health Committee has moved it forward in a bipartisan way. This is a bipartisan Bill. It's a good Bill to keep track of what we're doing with the mentally ill in Illinois and I would urge your support."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative McCarthy, all this sounds very good and it probably plays very well with advocates for mental health. Quarterly reports are quite a lot and are you going to be also monitoring... I notice in our analysis,

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would you be monitoring pilot programs, also?"

McCarthy: "Well, there, there's already legislation with the department that the, any pilot program has to be reported on annually. This legislation does not change that in any way."

Mulligan: "If you're doing quarterly reports, what do you think the increased costs would be, which might come out of decrease in services?"

McCarthy: "Since the... you know, since the department has already testified that they are accumulating this data monthly already, I think putting into quarterly reports should not be any financial hardship."

Mulligan: "Don't you think that compiling a report takes more time than just collecting the data?"

McCarthy: "I would, but if you keep the items that you're asking for in the report as concise as what we're asking for here, which are basically admissions, deflections, discharges, bed closures, staff resident ratios, census and average length of stay for each state operated facility for the mentally ill and developmentally disabled, they could do this in half a page. We're not asking them to give us long paragraphs on anything. We want some hard numbers so we can determine what's really happening in these facilities."

Mulligan: "Has the department told you whether their computerized yet or whether they can do this? And we have a big problem with them as far as most of the Department of Human Services, as far as how they handle their computerized services and what's going to happen. I'm just interested in knowing what the department says to you on how, if they're collecting this data, how are they collecting it currently and how are they going to generate the report?"

McCarthy: "Well, they're, they are certainly aggregating

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electronically. They... you know truthfully, when we were in committee and we talked about this, the fact that the department admitted the fact that all of this was being accumulated monthly anyway, I think it really is why this thing came out of committee unanimously."

Mulligan: "I've been informed by staff that this Bill has been rolled into House Bill 182. Why are you doing two of these?"

McCarthy: "Well, there are related provisions in the, in that Bill you just referenced. However, it's not exactly this and plus there's a good, you know, we don't know if (182) is going to be successful. I think this is, I think this is material and information that is essential for those of us who are interested in the mental health field in this state to have at our fingertips. I hope (182) can go through, you know, successfully all the way to the Governor's desk. But if it can't, this can at least help us do our job in ascertaining whether the services needed by this population are being met. And the best part about it is I think it's going to help us ascertain that many of the services aren't being met. We need more numbers. You know, I don't think we're coming anywhere near funding mental health problems fully. And I think a lot of us want to see us do a better job with funding mental health. But we need the data before we can make that next step. So, I think this is a minor thing compared to what's in (182). But I think it's important enough that it should go on it's own."

Mulligan: "Representative, I served on the task force the last two years. This year I'm not on that committee because I chose to do something in tobacco allocation of that money rather than be on mental health again. But I've worked



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with this for the six years that I've been here prior to this year. It was my understanding with Representative Lang when we were serving on the task force the last two years, that we were going to have a large Ominous Bill that would address all of this rather than piecemeal. And rather than do this a little bit at a time without any cost figures and what's actually going to happen or how the department is going to generate these reports, I have some concern about doing this this way. Also, to spend money individually in areas rather than try and do accumulative Bill with some thought of cost and also, how else we're going to provide services, not to take any money that is already allocated to the department for the fiscal year 2000 budget and use it on generating reports rather than provide services for the patients that are there may be a problem. And I'm really curious as to if anybody filed any fiscal notes on this, what costs there would be, and what kind of reports we're going to actually generate quarterly? That's a lot to do quarterly."

McCarthy: "As I testified earlier, I don't think that there is substantial costs involved here. And I would love to see that, that large committee Bill go through, as well, as many other Members in the chamber. But, that thing could happen in six days or six months or six years from now, for all we know. This is information that is vitally important to those of us who are trying to ascertain if these needs are being met. We're looking for the fiscal note right now."

Mulligan: "In two years of hearings and I presume your doing them now, don't you feel that you've obtained some of that information?"

McCarthy: "I think we've obtained a lot of ideas about that

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information, but it... we have very little hard evidence. We... when we go to the department, you know, many times we don't get the bed closure information until after the beds are closed. I'd like to be able to react to that on a more timely manner, which I think the quarterly reports would do."

Mulligan: "You know, we're truly concerned about mental health here, I think and I'm concerned about what the department, what happens with the department. But I would still prefer to see the large Bill come out with the report from the task force that addresses everything in a comprehensive way, with an eye towards: services, money, how we're going to do it, what's going to happen, what direction the department is taking? I really think that you should take a look at this. I'm sure the Bill will fly out of here. But on the other hand, I think that you should not be so proprietary towards it that you wouldn't roll it into a large report and spread this out the way it should be to take a comprehensive look at the department, a lot of time that was spent on the task force over the last couple of years."

McCarthy: "Well, I respect your thoughts and I hope that we can work together with Chairman Lang on the total Bill. And I think is important information readily available and I think we deserve to see it. The question earlier about the fiscal note, there was a fiscal note filed and it said there's no cost."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I do rise in support of this Bill. It did come out of committee unanimously and all Republicans supported it. As Mr., Representative McCarthy has stated through the Task Force we found a lot of

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problems this year. The Tribune did a big series on it. I think the task force has been very significant in addressing these issues and the task force feels that with quarterly reports we may be able to get a handle on this and really improve our mental health system. I would ask everyone to support this Bill. The other ominous (sic-omnibus) Bill is not out, yet. There is still a lot things being negotiated on that. So I don't know if this will be in that Bill or not. So I would urge support of this Bill."

Speaker Madigan: "Representative Bellock."

Bellock: "I just wanted to speak in support of this Bill and to reassure Representative Mulligan that this information is already being collected every month now, the same information, but only issued once a year. So, in this report we're asking that this information be given out on a quarterly basis and the committee was very satisfactory with that. If this Bill does pass now, we will eliminate this from the (182) Bill. Thank you."

Speaker Madigan: "Mr. McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker. I simply ask for an 'aye' vote. I think this is information that will help us better serve the mentally ill and the developmentally disabled people of the State of Illinois. And I think it's about time we get that information. Thank you."

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? Please record yourself. Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is

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hereby declared passed. House Bill 1954, Mr. Murphy. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1954, a Bill for an Act to amend the Minimum Wage Law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Murphy."

Murphy: "House Bill 1954 is a Bill that increased the minimum wages. You know, we have, the President had spoke on this and said that he would like to raise them by a dollar. And we're saying, year 2000 we would like to have it \$1.54. There's seven, nine more states already it would be above the minimum. I don't know of any opposition. There might be some, but I don't know of any. I'd try to answer any questions you might have."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To this, to this Bill. This is a wonderful piece of legislation guaranteed to bring thousands of jobs to Illinois. I can see the employers now, they're loading up their moving vans from Indiana, Ohio, Pennsylvania and Michigan saying, 'Hey, let's go to Illinois where the minimum wage is higher. That's where we want to go do business, Absolutely.' I don't know why we have to have these Bills year in, year out. What, do you just want to roll call? Why can't you just revise and extend the roll call from the previous? You know, I'll just say what I said awhile ago, the economy has created so many jobs, such a strong economy, I don't know who gets hired at minimum wage anymore. I know I... my office in Danville is right behind a McDonald's. That owner tells me he couldn't hire anybody for minimum wage if his life depended on it. The competition for workers is too strong. But, I think we ought to amend this Bill on it's face. Why

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in the world would we want to make it a lousy six and a half and hour? Hell, let's make it \$20 an hour. I mean, come on. Why, why do you guys want to be pikers? You all going to work for \$6.50 an hour, absolutely not. Let's not piddle around the bush. Let's step up to the plate like Mark McGwire, hit one right out of the old park. Let's make the minimum wage 20, no... 25.50. Come on. That'll take care of the Living Wage Bill, too, when that comes up later. Who are you kidding? This is done for some kind of stupid roll call and I'm getting sick and tired of it. If you believe it, go out and by a business and pay 'em ten bucks an hour. If you believe it, go out and put everything you have on the line and go into business and you pay 'em whatever you want. 10, 20, 30 dollars and hour, I don't care. Look around you, smell the coffee. Don't you see employers waiting to come in here by droves? No, on the contrary, the moving vans will be loading up to go to some other state that isn't quite so silly about wanting to regulate every aspect of the marketplace. If the marketplace would be allowed to work, you want to do the Federal Minimum Wage, I don't have any problem with that. But why do you want to put Illinois on a playing field, that not only isn't level, but doesn't even exist in the same hemisphere of an Indiana or a Missouri or an Iowa? Folks, we're in a worldwide economy whether we like it and I don't like it any better than you do. No district has been hit harder by the loss of jobs than mine, but if you think raising the state minimum wage is going correct that, you're reading some kind of magazine that I don't subscribe to. So go ahead take your roll call, make your press releases and when all is said and done nothing happens and you intend for nothing to happen. But, I guess it's good

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press, I guess it's a good Roll Call. So, let's play our games. God knows, Mr. Speaker, we haven't played any games here tonight, have we? Maybe sometime the Leadership of the House will let all of us in the chamber know what's going on. I doubt it, but I guess I can hope for a bright tomorrow and maybe the minimum wage will be \$100 an hour, too, but I doubt that."

Speaker Madigan: "Mr. Cross. Cross."

Cross: "Well, yeah, I'm, I'm just trying to collect my thoughts. I request a verification, Mr. Speaker."

Speaker Madigan: "Mr. Murphy, to close."

Murphy: "I just heard the last speaker. Let me point this out to this House and that is based on the minimum wages that we have now, we were better off 50 years ago, than we are today. Let me repeat this. Based on the minimum wages, we were better off 50 years ago, than we are today. Now, there's nine states that go above the federal guidelines as it relates to, to minimum wages. We're only talking 35% more than the President and we're talking about year 2000. Now, it's about time the State of Illinois step up to the plate and be one, two or three, except being 45 and 50. It's time that we step up. I might want to point something else out to you. I was elected in 1991 and was sworn in in 1992. Now, listen to this very carefully. In 1992, when I was sworn in, every Member in the General Assembly received \$39,000. Remember \$39,000. Today, six years later, we receive \$49,000. Let me tell you, I spoke to small business people and I'm a small, small business man and I wouldn't dare pay anybody under \$6.50 an hour, I would dare not do that. Now, now the small business people I talked to tell me that they would rather pay more and most of them do. But some of them you have to persuade. They

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tell me that training people costs them more money than paying them more per hour. That's number one. Number two, they tell me that they lose so much money with theft because people are not making enough money to take care of their families. But number three, even better than that, we passed Welfare to Work. Well, guess what happened? We passed Welfare to Work and people are now working and homeless. They're now working and able to halfway feed their family, but they're homeless. The average homeless person in the State of Illinois is age 9. The reason that most of them are homeless because they don't have money to pay the rent. These nickels that we're talking about raising would at least pay for low-income housing. These people can't pay for low-income housing. And how is it, how is it that in six years, Members in this General Assembly could accept \$10,000 increase and holler and make games and jokes out of \$6.50 an hour? That's unfair. When these people go to the grocery store, they pay the same amount for a loaf of bread as we do. Twenty dollars an hour, I'd like to have that Amendment on that. Because what happened is when you get good workers and when you have people making more money, they spend more money. We have people making more money, they pay more taxes. And people making more money business flour... we don't have to worry about people going in the back door taking money out. Now, that's what small business people tell me. Vote 'aye'."

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

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this question, there are 63 'ayes', 52 'noes'. This Bill having received a... Mr. Clerk, read the names of those voting 'yes'. Mr. Cross? Yeah, read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, M. Davis, S. Delgado. Feigenholtz. Flowers. Fowler. Fritchey. Garrett. Gash. Giglio. Giles. Granberg. Hamos. Hannig. Harris. Hartke. Hoffman. Holbrook. Howard. Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons, J. Mautino. McAuliffe. McCarthy. McGuire. McKeon. Mitchell, B. Morrow. Murphy, H. Novak. O'Brien. Pugh. Reitz. Ronen. Saviano. Schoenberg. Scott. Scully. Sharp. Silva. Slone. Smith. Stroger. Turner, A. Woolard. Younge. and Mr. Speaker."

Speaker Madigan: "Mr. Cross. Mr. Cross."

Cross: "I'm sorry, Mr. Speaker, my light wasn't working... or my microphone. Representative Giglio?"

Speaker Madigan: "Mr. Giglio is in his chair."

Cross: "Representative Bugielski?"

Speaker Madigan: "Mr. Bugielski. The Gentleman is in the rear of the chamber."

Cross: "Representative McKeon?"

Speaker Madigan: "McKeon is in the chamber."

Cross: "Representative Lou Jones?"

Speaker Madigan: "Lou Jones. Representative Lou Jones, I'm told that she is in the ladies room, Mr. Cross. Did you have any other questions? She would like to come over and talk to you, Mr. Cross."

Cross: "Representative Garrett?"

Speaker Madigan: "Garrett, the Lady, Representative Garrett, is



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Representative Garrett here? Yes, she's in her chair."

Cross: "Representative Schoenberg?"

Speaker Madigan: "Schoenberg. The Gentleman is in his chair."

Cross: "Representative Hoffman?"

Speaker Madigan: "Hoffman is in his chair and Mr. Giles wishes to be verified. Mr. Turner, wishes to be verified. Could I talk with you, Mr. Turner?"

Cross: "Oh, Arthur, you're in big trouble."

Speaker Madigan: "Anything further, Mr. Cross?"

Cross: "Oh, yes, just a couple more. Representative Feigenholtz?"

Speaker Madigan: "Feigenholtz. She's in, she's next to Mr. Hartke."

Cross: "Representative Reitz?"

Speaker Madigan: "Mr. Reitz, Dan Reitz is in the aisle. Mr. Cross."

Cross: "Representative Hamos?"

Speaker Madigan: "Who is the, Hamos is in the aisle."

Cross: "Representative Sharp?"

Speaker Madigan: "The Lady is in her chair."

Cross: "All right. Representative Lang does not appear to be in his chair."

Speaker Madigan: "Mr. Lang is in the front of the chamber."

Cross: "All right. All right. Thank you."

Speaker Madigan: "Thank you, Mr. Cross. There being 63 'ayes' and 52 'noes', this Bill having received a Constitutional Majority is hereby declared passed. House Bill 734, Mr. Woolard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 734, a Bill for an Act in relation to gang controls. Third Reading of this House Bill."

Speaker Madigan: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. I think this is one of those

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issues that we've been dealing with for a long time. I think everyone recognizes that there's a real direction in corrections today to correct the gang problems that have been prevalent for some time. But, this would be a good way for us to send a message that we want this to be real and continued. I would very much appreciate your consideration for this much needed gang control establishment of a committee that would be working to make sure that the Director of Corrections was headed in the right direction. I think it's something we can work with him to get the job done."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 654, Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 654, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 654 will... House Bill 654 will help rectify a situation they have at the Chester Mental Health Center. We have a problem with transporting patients to and from their unit if, if they... Hello. I didn't know we moved back to postponed. We're on postponed?"

Speaker Madigan: "Mr. Clerk, take this Bill out of the record so

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that Mr. Black can sit down. House Bill 1208, Mr. Stroger.  
Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1208, a Bill for an Act to amend the  
Illinois Educational Labor Relations Act. Third Reading of  
this House Bill."

Speaker Madigan: "Mr. Stroger. Mr. Stroger."

Stroger: "Thank you, Mr. Speaker. House Bill 1208 would amend  
the Illinois Educational Labor Relations Act to include  
graduate students employed by institutions of higher  
education and definition of educational employee.  
Currently, graduate students employed by universities have  
an unclear status and we would like to rectify that."

Speaker Madigan: "The Gentleman moves for the passage of the  
Bill. The Chair recognizes Representative Cowlshaw.  
Cowlshaw."

Cowlshaw: "Yes Sir, Mr. Speaker, thank you very much.  
Representative, are you aware of the fact that the  
University of Illinois is opposed to your Bill?"

Stroger: "Yes, I am."

Cowlshaw: "Do you have any idea why the University of Illinois  
is opposed to your Bill?"

Stroger: "No, I don't."

Cowlshaw: "That answer seems to imply that you don't care  
whether the University of Illinois is opposed to your  
Bill."

Stroger: "Well, I guess that answer means that they didn't care  
to tell me."

Cowlshaw: "Mr. Speaker, I rose to ask the questions, not to  
respond to them."

Stroger: "She asked me..."

Cowlshaw: "...May I speak to the Bill?"

Stroger: "...a question, Mr. Speaker."

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Cowlshaw: "If the Sponsor does not even know that the University of Illinois is opposed to this Bill and has no idea why they are opposed to it, maybe we just all ought to vote 'no'. Thank you."

Speaker Madigan: "Mr. McKeon. Decides not to talk. Mr. Black."

Black: "Yes, Sir. Thank you very much, Mr. Speaker. To the Bill. I don't think the Bill goes far enough. I think all students, community college students, university students, high school students should all be unionized. Should all be full-time employees. That way we could increase the value of the General Assembly tuition waiver so that each waiver could be worth a million bucks. You know, at what point tonight are we going to stop the silliness? You going to go out an advertise and hire graduate assistants for the University of Illinois? How would you do that? I don't know how you'd do it. I always thought graduate assistants, they were the ones that taught most of my classes. I guess that's what went wrong, huh? I always thought they were attracted to a world class university for the waiver of tuition so they could work on their Masters Degree or they could work on their Doctorate Degree. I didn't know they were going out on the street and hiring these people. I've been misinformed all these years. So, I think we really just ought to amend the Bill and anybody, anybody that works part-time for a university, let's just reclassify them. Better yet, let's just do away with the University of Illinois Governing Committee. Let's let the General Assembly run the higher education system, that way we could have all kinds of tuition waivers to give. We could hire all kinds of people. God knows we do an excellent job of running the business of the state. Now, we want to run the business of the University of Illinois. Last time I

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looked, it was a world class university doing fairly well, without our direct oversight. I don't know how they do it. This is a great idea. I, gee, I'm surprised it didn't come up 30 years ago. Maybe we'd a had a better basketball team."

Speaker Madigan: "Mr. Scott."

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

Speaker Madigan: "Sponsor yields."

Scott: "Thank you. Representative Stroger, when we talk about... I think we kind of get lost in the definition a little bit because we talk about these people as graduate students. But I mean... for all due... in all respects, they're employees aren't they?"

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

Stroger: "Yes, they are. They..."

Scott: "I mean they paid, they have State and Federal Taxes withheld. They are covered by worker's comp., right?"

Stroger: "...That's correct."

Scott: "Perform the same work as nonstudent employees?"

Stroger: "Yes."

Scott: "Don't receive academic credit for their work."

Stroger: "No, they don't."

Scott: "So, in any respect, other than the fact that they also are students at the time, these are employees of the university, right?"

Stroger: "Well, that's correct."

Scott: "Now, when we start talking about it, this would apply to all universities in the state, right? I mean this just amends the Educational Labor Relations Act. So we're not talking about just the University of Illinois situation?"

Stroger: "Correct."

Scott: "In fact, the University of Illinois' probably the

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strangest situation because they have no union employees anywhere in the university, do they right now? In fact that was part of the reason why all the other, why..."

Stroger: "No, you are correct."

Scott: "...the University of Illinois in Springfield was folded in with that before, when we took the bargaining rights away from those employees. Is this an unusual concept or do other schools, other state university systems, in our immediate vicinity have a similar approach?"

Stroger: "Well, currently, 20 universities have, are doing this in our region, Michigan, Wisconsin and Iowa."

Scott: "So, it's not a... it's not a unique concept for a state university system in the Midwest to have this kind of approach?"

Stroger: "No, this has been going on for at least 20 years."

Scott: "Thank you very much. Briefly, to the Bill."

Speaker Hartke: "To the Bill."

Scott: "This is very different. It's not nearly as simple as was made to sound out, but in some respects it is simple. These are employees. They're employees of the university. If other employees of the university have the right to collectively bargain or at least to organize for the purposes of collective bargaining, these graduate students, employees, should have the exact same rights. It doesn't mandate collective bargaining. In fact, in the case that was just cited in the University of Illinois, it's probably not likely that this is going to occur because of the way that sys... that structure is set up right now. But simply saying that we should not exclude these particular employees from the same rights that are given to all the other employees. It doesn't make sense to set up a second and lower class of citizens among our student employees."

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I'd urge an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Champaign, Representative Johnson. He's declined. The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. Let's talk about what we're really talking about. Remember, what is a graduate student? It is assistants are attracted to the university to pursue a high quality graduate education. Not to earn a living as assistants. There's a definition here. This is part of their academic experience. They're not taking the job to make a living off of it. Can you imagine what this is going to cost the universities in this state to start to provide a full-time cost to these graduates assistants? And that's got to be passed on to the students. So if you vote for this kind of Bill, and people turn to you and say, 'Why is the education in this state so expensive?' You can say, 'Cause we have to pay our graduate assistants. That's why I voted for it.' This is really a not a good idea. The university utilizes assistant-ships as a means of providing financial aid to graduate students, not a job, financial aid. So while they're doing some kind of a job to help the professors out, they earn enough money that they don't have to work full-time. Don't be fooled with this. This is a mistake. Assistants provide students with a monthly stipends and a waiver of a tuition and fees. They get a waiver of tuition and fees. In the Fall of 1999, 7,900 graduate students, 5,500 held assistant-ships. That's 5,500 people we're talking about giving benefits to. You are mistaken if you think you're helping on this. They are there to get an

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education. They are there to learn by being assistants, not to work full-time. This is not meant to give them benefits. You know the University of Illinois has set aside, as a top priority for themselves, to provide health care benefits and services to graduate students. A half a million dollars has been set aside for this purpose. Significant improvements over the last two years include dental insurance, students' health insurance, vision care. The minimum stipends for a halftime assistants have increased by 500 per year for the last four years and stands at \$9,100. The increase in the minimum over the past five years has totalled 40%. That's above \$6,500 in Fiscal Year '94. Graduate students... assistants are doing well at our college universities. We do not need this legislation. This is misguided. All it's going to do is raise the cost of college tuition's for the other students that have to have this passed on to them. The Sponsor is misguided. This is not necessary. I would ask the Body to vote 'no' on this Bill."

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

Currie: "Thank you, Speaker and Members of the House. I think there may be some confusion about what the underlying intent of the student exemption in the original legislation providing for collective bargaining, for collective... for educational employees. I was here in 1983 and I supported that measure. I do not believe it was our intention then to exempt a substantial number of employees of the public university systems, only because they also happened to be graduate students, or that being such a student was, in fact, a condition to being a teaching or other kind of educational assistant. There has been, as you all know,



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continuing litigation over the meaning and intent of the student exemption in the IELRA. I think if we pass House Bill 1208, we would resolve any ambiguity, which has existed with respect to the intended meaning of the exemption. And thereby eliminate the need for continuing disputes, before the Educational Labor Relation Boards and in the courts. As a matter of public policy, it strikes me as crazy not to treat people who are acting as employees as employees, in terms of their rights to collective bargaining. And I would find it hard to imagine that anyone would oppose House Bill 1208. I urge your 'yes' votes."

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

Wirsing: "Thank you, Mr. Speaker. I... comment, to the Bill."

Speaker Hartke: "To the Bill."

Wirsing: "I find this concept, this idea very interesting on the basis that, almost as though there's an assumption here that universities have those extra dollars that it may or will cost and that all current employees at all these universities are earning a dramatically high level of income, so that universities ought to be looking for other opportunities to put dollars for wages. I just find this very curious. Because in my experience, working with the public universities across the state with the community colleges and so on, which this potentially affects all aspects of higher education, and let's not forget the community colleges, as well. But, I find this very curious when, when this very chamber has been working over the last two to three years on, on increasing the availability of money for those who are already employed, full-time employees of our university systems in the public and

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private sector, but particularly in the public sector. I don't know where you're going from... for this. I don't know where you believe that there's a basket that just simply says 'money for universities to add another layer of cost for those who are at those universities.' So, I think that's one part of this and I have a real problem with that concept. The other aspect of it is, part of getting, one getting their higher education, one being a graduate student is that's where they have to do it. That's a part of the process. That's going through the process as to learn whether this is where they really want to be. And so, working as a graduate student and understanding that they aren't... they can't work at that university forever as a graduate student now because they're going to get all the perks, all the benefits of all the other employees at the university system. I stand in strong opposition to this Bill and I would certainly hope that the Members would cast a 'no' vote."

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

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

Speaker Hartke: "Representative McKeon."

McKeon: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

McKeon: "Representative, can you describe the number of courses and percentage of courses for introductory courses currently being taught by graduate students?"

Stroger: "Well, currently, nearly 50% of all the freshman level courses and over 25% of all the sophomore level instructional courses are taught by teaching assistants."

McKeon: "Is it correct that at some state universities over 90% of freshman students are being taught by graduate

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assistants?"

Stroger: "Well, in certain classes, such as in the Department of Spanish, Italian and Portuguese, over 90% of the introductory classes are taught by graduate students."

McKeon: "'Cause my understanding is this doesn't mandate unionization, is that correct?"

Stroger: "Yes."

McKeon: "So there's no mandate in the law that states they have to be unionized? It only gives them the right, like any other group, to unionize if they go through the normal process and choose to do so?"

Stroger: "Correct. They have to go through the normal procedure to join a union."

McKeon: "So let's assume, hypothetically, I'm a graduate assistant, like I used to be at the University of Chicago. Can I negotiate in this collective bargaining, student grades, the grading system, text books, what faculty get hired? What could I negotiate?"

Stroger: "You can't negotiate any educational matters."

McKeon: "So, there's nothing related to my role as student that would be subject to negotiation?"

Stroger: "No, just your work performance."

McKeon: "So, then, it's my understanding that it's only those issues related to my role as an employee at that university that would be subject to negotiation if the students at that university chose to, to organize?"

Stroger: "That's correct."

McKeon: "I also understand that there's at least 13, 14 other states that have been doing this since the 1970's. Is that correct?"

Stroger: "That it is correct."

McKeon: "Good. To the Bill, Speaker."

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Speaker Hartke: "To the Bill."

McKeon: "Many of you know here, I have been on the faculty or staff of 4 universities, 2 here in Illinois and 2 in Southern California. And I've also been a graduate teaching assistant at the University of Chicago. But probably more important, I was an Assistant Dean at the University of Chicago. And I want to assure you that graduate student teaching assistants, when we did budgeting, when we did planning, were no different than any other employee group, whether they be clerical, other support staff or teaching staff. In fact, they were an integral part of the staffing mechanism of that school and they are critical to the teaching function. And as a graduate teaching assistant, my duties had no relationship to my course work or my grades. We were there because we were inexpensive labor. We were there because we were a part of the work force, just as clerical people were part of the work force, grounds keepers were part of the work force and other support staff were part of the work force. This only, this Bill only gives them the right to collectively bargain with their university. It does not give them any exceptional powers to demand or whatever. This is a good Bill. These people work hard. They are employees just like any other employee at the university. I urge an 'aye' vote."

Speaker Hartke: "The last person seeking recognition is Representative Cross."

Cross: "I just request a verification, Mr. Speaker in the event, this gets the requisite number of votes."

Speaker Hartke: "Representative Stroger, to close."

Stroger: "I think the issue we have here is, 'Are graduate students workers?' Well, they are responsible for

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designing and running classes, lecturing, grading, leading discussion groups and meeting with students. When I was in the University of Wisconsin I had classes of 500 people. I'd see the instructor 3 times a week, but the closest I ever got to him was where the speaker's podium was. It was teaching assistants who taught us, we were supposed to go to see, to find out things. He was the guy who I actually would learn from and we must remember that these teaching assistants do not receive academic credit for their work. They are regular workers and all they need, all they ask for, is the opportunity to unionize if that is their wish. So, I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 1208 pass?' There's been a request for a verification, so vote your own switches. Those in favor of the Bill will 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 record. On House Bill 1208... on House Bill 1208, there are 68 Members voting 'yes', 47 Members voting 'no', and 1 Member voting 'present'. And the request for a verification has been withdrawn. And this Bill having received the Constitutional Majority is hereby declared passed. For what reason does the Gentleman from DuPage, Representative Daniels, rise?"

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, for a special announcement if I can. I just finished talking at some length with our Attorney General, Jim Ryan. He is presently, as you know, at Northwestern Memorial Hospital in Chicago and he is suffering from pneumonia now and having a pretty tough time. I, I think, you know, I think it's safe to say he will be fine. But he's going through a

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rough time now in his life and he's going through a real strong battle. I know that there's every person in Illinois has their thoughts and prayers with him. And I would just ask all of you tonight to give an extra prayer for our Attorney General that he can continue to maintain the strength and the fight that he has shown over these years. This is a tough fight that he's in. I think it's important for him to know how much we respect him and love him and that we are with him in, in these days that he's undergoing the extra fight. So, if you can drop him a note, Northwestern Memorial Hospital. And certainly, I know that he would appreciate a little prayer for him tonight just to continue on with his courage in his fight. Thank you very much."

Speaker Hartke: "Thank you. Mr. Clerk, what is the... Mr. Clerk, what is the status of House Bill 2031?"

Clerk Rossi: "House Bill 2031 has been read a second time, previously. Amendment #1 was adopted in committee. No Motion has been filed. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

Speaker Hartke: "Speaker Madigan."

Madigan: "Mr. Speaker, Amendment #2 was presented in the Energy and Environment Committee. It's a technical cleanup Amendment which provides for certain changes in Amendment #1, which was adopted in the committee. And I would move for the adoption of the Amendment."

Speaker Hartke: "The Gentleman has asked for the adoption of Amendment #2, Floor Amendment #2, to House Bill 2031. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #2 to House Bill 2031 be adopted?' All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the

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Chair, the 'ayes' have it and the Amendment is adopted.

Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Speaker Madigan."

Speaker Hartke: "Speaker Madigan."

Madigan: "Mr. Speaker, Amendment #3 does two things. Number one, it provides for a mandate exception and then in addition, it provides that there will be a Home Rule Preemption, but it will be under Section I of the Constitution, because it would not preclude regulation by local governments if those governments meet the standards set by the State of Illinois. I move for the adoption of the Amendment."

Speaker Hartke: "Gentleman has moved for the adoption of the Floor Amendment #3. Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall Floor Amendment #3 to House Bill 2031 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. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 1382?"

Clerk Rossi: "House Bill 1382 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment. What is the status of 7... House Bill 733?"

Clerk Rossi: "House Bill 733 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 26 of the Calendar, appears House Bill 1778. Representative Biggins. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 1778 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 29 of the Calendar, appears House Bill 1905. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1905 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 43 of the Calendar, appears House Bill 2824. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2824 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 7 of the Calendar, appears House Bill 452. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 452 has been read a second time, previously. No Committee Amendments. Floor Amendments 2 and 3 have been adopted to the Bill. No Motions have been filed. The Land Conveyance Note that was requested on the Bill has been filed."

Speaker Hartke: "Third Reading. On page 16 of the Calendar, appears House Bill 1050. (1058). Representative Bugielski."

Clerk Rossi: "House Bill 1058 has been read a second time, previously. No... Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. On page 20 of the Calendar, appears House Bill 1363. Representative Bugielski. Mr.



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Clerk, read the Bill."

Clerk Rossi: "House Bill 1363 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 6 of the Calendar, appears House Bill 386. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 386 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 1282?"

Clerk Rossi: "House Bill 1282 is on the Order of House Bills-Second Reading."

Speaker Hartke: "Put that Bill on Second. For what reason does the Lady from Cook, Representative Davis, seek recognition?"

Davis, M.: "Mr. Speaker, I would like to take this opportunity and ask the House to join me in wishing a happy anniversary, 10th year anniversary, to Tish and Bill Anderson, whose romance started right in that pit. I think you guys remember Tish Anderson and Bill. They both work for Speaker Madigan and they been married ten years and they have two beautiful children. So, let's just say happy anniversary to Bill and Tish."

Speaker Hartke: "On page 8 of the Calendar, on Second Reading, appears House Bill 512. Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 512, a Bill for an Act concerning livestock. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. On page 14 of the Calendar, appears House Bill 807. Representative Poe. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 807 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 29 of the Calendar, appears House Bill 1953. Representative Madigan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1953 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 31 of the Calendar, appears House Bill 2035. Representative Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2035 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 34 of the Calendar, appears House Bill 2216. Representative Klingler. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2216 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. On page 34 of the Calendar, appears House Bill 2261. Representative, Representative Cross. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2261 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. For what reason does the

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Representative Black seek recognition, again?"

Black: "Well, yes, Mr. Speaker, I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "The last six Bills were on the Agreed Bill List that we were asked to, you know, fill out and of course not given any time to do it do the best you can. But, then the last six Bills that have moved are on the Agreed Bill List. Should I retrieve my Agreed Bill List and perhaps redo my Agreed Bill List?"

Speaker Hartke: "I don't think so. They have to be on Third Reading before they can be passed."

Black: "Well, in that case, my inquiry to the Chair would be, 'How the hell can you put out an Agreed Bill List if they weren't on Third Reading to begin with?'"

Speaker Hartke: "Talk to Mr. Tristano."

Black: "What?"

Speaker Hartke: "Talk..."

Black: "No, I don't want to talk to Mr. Tristano, he isn't in the Chair. I want to talk to you. How can you put out an Agreed Bill List if they weren't in the... if they were not in the room for passage? That's ridiculous. I'd like an answer to that question. You mean we spent an hour and a half on the floor going over those damn Bills and they weren't even ready for passage."

Speaker Hartke: "We have not voted on those Bills."

Black: "By God, I voted on them and everybody else who turned one in voted on them. What are you doing here? Are you going to run the House or you just going to sit here and piddle?"

Speaker Hartke: "On page 42 of the Calendar,..."

Black: "No, no, not page 42 of the Calendar..."

Speaker Hartke: "...appears House Bill 2751. Representative Mitchell."

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Black: "I want an answer."

Speaker Hartke: "(2751). I did. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2751 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: "Mr. Clerk,... Third Reading. On page 41 of the Calendar, appears House Bill 2646. Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2646 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 29 of the Calendar, appears House Bill 1905. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1905 is on the Order of House Bills-Third Reading."

Speaker Hartke: "House Bill 1149. Representative Parke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1149 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. Mr. Clerk, what is the status of House Bill 1983?"

Clerk Rossi: "House Bill 1983 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill back on Second for purpose of an Amendment at the request of the Sponsor. What is the status of House Bill 722?"

Clerk Rossi: "House Bill 722... House Bill 722 is on the Order of

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House Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second Reading at the request of the Sponsor for an Amendment. On page 12 of the Calendar, appears House Bill 753. Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 753 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. For what reason does the Gentleman from Champaign, Mr. Tim Johnson rise?"

Johnson, Tim: "Yes, on a, on a point of personal privilege."

Speaker Hartke: "State your point."

Johnson, Tim: "The distinguished Minority Leader, Former Speaker, Representative Daniels, would be to kind to mention this, but simply on his behalf and on behalf of a lot of us in here who are interested in NCAA basketball. His alma mater, he's been honored as a distinguished alumnus and is a major fan, is shortly going to tip off against the University of Connecticut. And he wouldn't want to make that as a point of personal privilege on his own behalf, but since he won't and in honor of our Minority Leader, I would certainly think in order, it would be in order that we adjourn and all go in deference to our Minority Leader and watch Iowa win tonight."

Speaker Hartke: "We have a couple more Bills we would like to move from Second to Third and a few more matters of business before we can adjourn, so we can be prepared for tomorrow. House Bill 1809. Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1809 has been read a second time, previously. No Committee Amendments. No Floor Amendments."

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No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1829. Representative Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1829 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2146. Representative Jones. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2146 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1176. Representative Howard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1176 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1818. Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1818 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 Hartke: "Third Reading. House Bill 2255. Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2255 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed. The Mandates Note that was requested on the Bill has been filed."

Speaker Hartke: "Third Reading. Mr. Clerk, do you have committee announcements? Committee notices have been passed out. Mr. Clerk, would you read the committee announcements for

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tomorrow?"

Clerk Rossi: "A committee schedule for tomorrow morning is being passed out. The following committees will meet tomorrow morning: at 8:30 the Agriculture Committee will meet in C1, the Children and Youth Committee will meet at 9:30 in 122B, the Computer Technology class, Computer Technology Committee will meet at 8 A. M. in 118, the Elections and Campaign Reform Committee will meet at 8:30 in D1, the Elementary and Secondary Committee will meet at 8:30 in 114, the Human Services Committee will meet at 9 A. M. in 114, the Judiciary II-Criminal Law Committee will meet at 9 A. M. in D1, the Labor and Commerce Committee will meet at 9 A. M. in C1, the Local Government Committee will meet at 9:30 A. M. in D1, the Registration Regulation Committee will meet at 9:30 in C1, the Tourism Committee will meet at 8:30 in 122B. Again, those schedules are being passed out to the Members."

Speaker Hartke: "Representative Franks now moves that the House stand adjourned until the hour of 10 A. M. on March 19th, allowing Perfunctory time for the Clerk. The House stands adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. House Bills-Third Reading, it'll be read on the Order of Third Reading and held. House Bill 31, a Bill for an Act in relation to Criminal Law. House Bill 88, a Bill for an Act to amend the Open Meetings Act. House Bill 107, a Bill for an Act to amend the Personnel Code. House Bill 131, a Bill for an Act to amend the Election Code. House Bill 147, a Bill for an Act concerning Respiratory Care Practitioners. House Bill 222, a Bill for an Act to amend the Unified Code of Corrections. House Bill 317, a Bill for an Act amending the Alternative Health Care Delivery

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Act. House Bill 378, a Bill for an Act regarding mental health services community reinvestment. House Bill 384, a Bill for an Act amending the Jury Act. House Bill 423, a Bill for an Act amending the Hospital Licensing Act. House Bill 458, a Bill for an Act concerning vehicles. House Bill 472, a Bill for an Act amending the Illinois Procurement Code. House Bill 498, a Bill for an Act to amend the Criminal Code. House Bill 512, a Bill for an Act concerning livestock waste management. House Bill 543, a Bill for an Act relating to partial tuition waivers for children of retired employees of public universities. House Bill 544, a Bill for an Act to amend the School Code. House Bill 557, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. House Bill 632, a Bill for an Act amending the Illinois Propane Education and Research Act. House Bill 726, a Bill for an Act amending the Narcotic Control Division Abolition Act. House Bill 729, a Bill for an Act amending the Criminal Code of 1961. House Bill 730, a Bill for an Act amending the Criminal Code of 1961. House Bill 753, a Bill for an Act concerning animal torture. House Bill 791, a Bill for an Act amending the Criminal Code of 1961. House Bill 807, a Bill for an Act concerning license plates. House Bill 810, a Bill for an Act to amend the Humane Care for Animals Act. House Bill 811, a Bill for an Act in relation to alternatives to dissection. House Bill 902, a Bill for an Act concerning real estate. House Bill 928, a Bill for an Act amending the Property Tax Code. House Bill 939, a Bill for an Act amending the Election Code. House Bill 943, a Bill for an Act amending the Home Equity Assurance Act. House Bill 1061, a Bill for an Act to amend the Franchise Disclosure Act. House Bill 1100, a Bill for an Act to amend the



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Criminal Code of 1961. House Bill 1163, a Bill for an Act amending the Oil Spill Responders Liability Act. House Bill 1224, a Bill for an Act amending the Civil Administrative Code of Illinois. House Bill 1247, a Bill for an Act to amend the Civil Administrative Code of Illinois. House Bill 1262, a Bill for an Act to amend the Developmental Disabilities Confidentiality Act. House Bill 1272, a Bill for an Act amending the Criminal Code of 1961. House Bill 1286, a Bill for an Act to create the Land Trust Fiduciary Duties Act. House Bill 1334, a Bill for an Act to amend the Property Tax Code. House Bill 1370, a Bill for an Act regarding surrogate parents. House Bill 1433, a Bill for an Act concerning state collection of debts. House Bill 1464, a Bill for an Act concerning gifts to employees and officials of units of local government and school districts. House Bill 1570, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 1676, a Bill for an Act creating the Inter, Intermodal Trailer Chassis and Container Safety Act. House Bill 1686, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1717, a Bill for an Act in relation to home modifications for older persons and persons with disabilities. House Bill 1728, a Bill for an Act to amend the School Code. House Bill 1732, a Bill for an Act to amend the Children's Health Insurance Program. House Bill 1742, a Bill for an Act to amend the Uniform Disposition of Unclaimed Property Act. House Bill 1743, a Bill for an Act to amend the Property Tax Code. House Bill 1784, a Bill for an Act concerning good behavior allowances. House Bill 1805, a Bill for an Act to create the Auction License Act. House Bill 1850, a Bill for an Act to amend the Criminal Code of 1961. House Bill 1852, a Bill for an Act in

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relation to contracts between nursing homes and residents. House Bill 1896, a Bill for an Act in relation to law enforcement officers. House Bill 1926, a Bill for an Act amending the Illinois Housing Development Act. House Bill 1936, a Bill for an Act amending the Illinois Income Tax Act. House Bill 1953, a Bill for an Act amending the State Commemorative Dates Act. House Bill 1962, a Bill for an Act concerning taxation. House Bill 1965, a Bill for an Act to amend the State's Attorneys Appellate Prosecutors Act. House Bill 1967, a Bill for an Act amending the Illinois Farm Development Authority Act. House Bill 1968, a Bill for an Act to amend the Illinois Farm Development Authority Act. House Bill 1980, a Bill for an Act to amend the Sale of Tobacco to Minors Act. House Bill 2008, a Bill for an Act creating the 15th (sic-25th) Avenue Railroad Relocation Redevelopment Authority. House Bill 2011, a Bill for an Act to amend the Environmental Protection Act. House Bill 2035, a Bill for an Act amending an Election Code. House Bill 2038, a Bill for an Act amending the Code of Criminal Procedure. House Bill 2059, a Bill for an Act amending the Election Code. House Bill 2088, a Bill for an Act to establish the Illinois Century Network. House Bill 2096, a Bill for an Act amending the Unified Code of Corrections. House Bill 2098, a Bill for an Act in relation to probation and pretrial service fees. House Bill 2113, a Bill for an Act concerning the Department of Commerce and Community Affairs. House Bill 2130, a Bill for an Act to amend the Fire Protection District Act. House Bill 2164, a Bill for an Act to amend the State Library Act. House Bill 2180, a Bill for an Act amending the Property Tax Code. House Bill 2194, a Bill for an Act amending the Public Accounting Act. House Bill 2216, a

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Bill for an Act amending the Illinois Public Aid Code. House Bill 2261, a Bill for an Act amending the Upper Illinois River Development Authority Act. House Bill 2263, a Bill for an Act amending the Private Sewage Disposal Licensing Act. House Bill 2326, a Bill for an Act amending the Illinois Insurance Code. House Bill 2494, a Bill for Act amending the Illinois Banking Act. House Bill 2590, a Bill for an Act amending the Civil Administrative Code. House Bill 2591, a Bill for an Act amending the Civil Administrative Code. House Bill 2593, a Bill for an Act amending the Women's Business Ownership Act. House Bill 2596, a Bill for an Act amending Displaced Homemakers Assistance Act. House Bill 2597, a Bill for an Act amending the Children and Family Services Act. House Bill 2616, a Bill for an Act in relation to electronic mail. House Bill 2627, a Bill for an Act amending the Nursing Home Care Act. House Bill 2632, a Bill for an Act concerning subdivided land that is located outside the State of Illinois and offered for sale to individuals located in Illinois. House Bill 2645, a Bill for an Act in relation to landscape architecture. House Bill 2646, a Bill for an Act to amend the Public Utilities Act. House Bill 2718, a Bill for an Act concerning electronic communications and amending the Consumer Fraud and Deceptive Business Practices Act. House Bill 2735, a Bill for an Act concerning, a Bill for an Act concerning Atherosclerosis. House Bill 2751, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2771, a Bill for an Act amend the Public Utilities Act. House Bill 2773, a Bill for an Act amending the Illinois Public Aid Code. House Bill 2777, a Bill for an Act concerning financial reports of certain insurers. House Bill 2783, a

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Bill for an Act amending the Uniform Anatomical Gift Act. House Bill 2790, a Bill for an Act to amend the Illinois Civil Administrative Code. House Bill 2827, a Bill for an Act to amend the Illinois Human Rights Act. House Bill 2846, a Bill for an Act to amend the Clerks of Courts Act. House Bill 2848, a Bill for an Act to amend the Criminal Code of 1961. These Bills have been read a third time and will be held on the Order of House Bills-Third Reading. There being no further business, the House Perfunctory Session stands adjourned."