

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

50th Legislative Day

May 13, 1999

Speaker Hartke: "The House shall come to order. The House shall come to order. We'll be led in prayer today by the Reverend Greta McDonald with the United Methodist Church of New Lenox in New Lenox. Reverend McDonald is the guest of Representative Kosel. Guests in the gallery may wish to rise for the invocation and the Pledge of Allegiance. Reverend McDonald."

Reverend McDonald: "Thank you. Let us pray. God, we pray that You would refresh these Leaders who serve You as they serve all the people of our state. Refresh them we ask with your gift of wisdom that they may discern the best of all the possible choices before them. Refresh them with courage that they may think and speak and listen and act from the truest part of themselves. Refresh them with compassion so that they will always remember the power of their work to build up the lives of those whom they represent. Keep always in their hearts those whose voices are not the loudest but, whose needs are great and those without unrecognized, without recognized power who hunger for hope. We pray that these servant Leaders will, today know Your love, Your wisdom, Your courage, Your compassion poured upon them, as they once again devote themselves to carrying out the responsibilities entrusted to them by the people of Illinois. Amen."

Speaker Hartke: "We'll be led in the prayer or the pledge today by Representative Sharp."

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

Speaker Hartke: "Roll Call for Attendance. Representative Poe, a report on the Republican side."

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Poe: "Yes, Mr. Speaker, let the record show that Representative Klingler is excused today. And also, Representative Jerry Mitchell is excused today. The rest of the Republicans are present."

Speaker Hartke: "Representative Currie, on the Democrat side."

Currie: "Thank you, Speaker. Please let the record show that Representatives Feigenholtz and Schoenberg are excused."

Speaker Hartke: "Mr. Clerk, take the record. 114 Members answering the call. There is a quorum present and the House is in Session."

Clerk Rossi: "Committee Reports. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measures were referred, action taken on May 13, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 574."

Speaker Hartke: "The Rules Committee will meet immediately in the Speaker's Conference Room. On Third Reading, on page 2 of the Calendar, appears Senate Bill 336, Representative Brady. Mr. Brady, are you ready to call Senate Bill 336? Out of the re... out of the record. On page 4 of the Calendar, appears Senate Bill 1168, Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1168, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1168 after the Amendment we put on in the House has removed all of the disagreements that were with the Bill as it came over from the Senate. It simply instructs the State Board of Education to adopt rules and to advocate for our school districts across the state to

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adopt rules concerning the use of 'time out' procedures and also, physical restraints. The... we've talked to the Illinois Association of School Boards, they've agreed with the amended version of this, also the people with Equip for Equality, the Illinois Association of School Social Workers who had some complaints with the original Bill as it came over from the Senate. And also, the Illinois State Board of Education has also worked on this agreement. And I think we've come up with some reasonable measures that will make sure that the children of the state who are put in these 'timeout' procedures are handled fairly and safely. So, I would appreciate your positive recommendation of this Bill."

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

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

McCarthy: "Yes."

Speaker Hartke: "Sponsor indicates he will."

Black: "Representative, Floor Amendment #2 is not on the Bill, is that correct? Is that, that's still in the Rules Committee?"

McCarthy: "It's in the Rules Committee and I've asked for it to remain there..."

Black: "Okay."

McCarthy: "Ad infinitum."

Black: "Okay. The, Committee Amendment #1 is the one I'm interested in and that, that has been adopted to the Bill?"

McCarthy: "Yes, it has and it is the Bill."

Black: "I see, it becomes the Bill. And that's the agreed language?"

McCarthy: "That's the agreed language with all those

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organizations I mentioned before this."

Black: "Okay, I appreciate that. Thank you for clarifying that for me, Representative. Mr. Speaker, if I could, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Thank you very much. You know, you and I might as well take over they're not paying any attention, I'll tell ya."

McCarthy: "I was going to sing an Irish song."

Black: "Thank you very much, Mr. Speaker. I just simply rise to support the Gentleman's Bill and to express my gratitude for his willingness to work with all interested agencies and individuals who have concerns with this issue. I, I was involved with this four or five years ago, I know it can be a very emotional issue. But, I commend Representative McCarthy for this diligent efforts to reach, what in effect, is now an agreed Bill. And I hope that everybody will vote for it and again, I thank Representative McCarthy for his indulgence and his hard work on a very difficult issue."

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

Mautino: "Thank you. Representative McCarthy, I apologize with some of the commotion in here, I didn't here the, the answers. What, what changes have been made since the original Bill came over from the Senate?"

McCarthy: "Well, some of the changes were, especially, with the 'time out' procedures. The original Bill came over from the Senate, it prohibited a locked room at any time and the Illinois Association of School Social Workers had a real problem with this. And they said that in, especially, in behavioral disordered situations they do need a room that can be locked."

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Mautino: "Whether it be with, I mean, they have a device that they use which is almost like a foot peg where someone can operate it if a emergency arises."

McCarthy: "Right, we have included in the Bill that the locking mechanism has to be one that a person has to be physically present in order to keep the mechanism working. So, that if there was another emergency in the building at the time and that person who was observing, which is also mandated by the Bill, that the person has to be able to observed visually at all times while they're in these 'time out' rooms. But, if that person had to leave for some other emergency, by them leaving it would automatically alleviative the locking mechanism."

Mautino: "Okay, that's a good change. Is there anything else that's in there?"

McCarthy: "The... well, the part about the fact that they have to be continually observed in the room."

Mautino: "Okay. Now, have the..."

McCarthy: "It also, ..."

Mautino: "... superintendents or any of those folks who will be having to administer these changes in the laws, taken a look at it or made comments on the changes in the Bill?"

McCarthy: "Well, they have, in this, Association of School Boards has gone along with the changes. And also, local school districts that I have talked to, actually, have already implemented procedures that are probably even stricter than in the Bill here. But they... all the groups that were involved in the discussions now feel that these is something they can certainly work with."

Mautino: "Thank you, I appreciate your work on this Bill."

McCarthy: "Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is

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seeking recognition, Representative McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker. I... would like to say that I appreciate the kind words, especially the Speaker from the other side of the aisle. And truthfully, the organizations that worked so hard on this Bill deserve more of the credit. But, I would appreciate your favorable consideration of this, Senate Bill 1168."

Speaker Hartke: "The question is, 'Shall Senate Bill 1168 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? There are two people not voting. Mr. Clerk, take the record. On Senate Bill 1168, there were 114 Members voting 'yes', 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken May 13, 1999, reported the same back with the following recommendation/s: 'direct floor consideration' for Amendment #1 to Senate Bill 1, Amendment #5 to Senate Bill 27, Amendment #1 to Senate Bill 150, Amendment #1 to Senate Bill 235, Amendment #1 to Senate Bill 391, Amendment #4 to Senate Bill 392, Amendment #1 to Senate Bill 544, Amendment #3 to Senate Bill 556, Amendment #2 to Senate Bill 561, Amendment #1 to Senate Bill 818, Amendment #2 to Senate Bill 910, Amendment #1 to Senate Bill 941, Amendment #1 to Senate Bill 1018, Amendment #1 to Senate Bill 1028, Amendment #1 to Senate Bill 1114 and Amendment #1 to Senate Bill 1203."

Speaker Hartke: "Mr. Clerk, what is the status of Senate Bill

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311?"

Clerk Bolin: "Senate Bill 311 is on the Order of Senate Bills Third Reading."

Speaker Hartke: "Move that Bill back to Second for the purposes of an Amendment at the request of the Sponsor. On page 3 of the Calendar, appears Senate Bill 937, Representative Myers. Out of the record. On page 3 of the Calendar, appears Senate Bill 1061, Representative Fowler. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1061, a Bill for an Act regarding the delivery of medical services in correctional institutions and facilities. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Fowler."

Fowler: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. Senate Bill 1061 is a Department of Corrections Medical Service Continuity Act and it would provide for a 90 day transition period when a correction medical contract changes hands. It would provide for continuity in staffing while a new vendor is getting his program up and running, that correctional facilities having skilled employees is vitally important to the security of correction officers, inmates and the general public. While the employees who work for the State Correctional Medical Vendors must be medical professionals, they must also know how to function in a secure setting. If they do not, the public safety may be compromised. So, Senate Bill 1061 would ensure that qualified staff are on hand during the transition to new medical vendors. It would prevent any disruption that might compromise the safety of correctional officers, inmates and the public. Try to answer any questions you might have."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. First, an inquiry of the Chair if I could?"

Speaker Hartke: "State your inquiry."

Black: "I just want to make certain that all of the Amendments that are on the Bill have, in fact, been adopted. Would the Clerk inform the Body of Committee Amendment #1 and Floor Amendment #2? Have those both been adopted to the Bill?"

Speaker Hartke: "Mr. Clerk?"

Clerk Bolin: "Amendment #1 was adopted in Committee and Amendment #2 was adopted on the House Floor."

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

Speaker Hartke: "Sponsor indicates he will yield."

Black: "Representative, there's nothing in this Bill that precludes continuing a contract for health care services at a correctional facility with an outside entity, is that correct?"

Fowler: "That's correct."

Black: "Why isn't there a provision in there to do that? Didn't anybody approach you and say that many of these contractual services are out of Minnesota, North Dakota, Florida? I've always wondered why we didn't say, 'if you can't find a contractor who's based in Illinois, you don't need to sign the contract.'"

Fowler: "With all due respect, Representative Black, I'm not aware of the answer to your question."

Black: "Okay. But, this is, this is the provision that if your contractor should change, those staff members that remain in place will do so with their seniority, pay schedules and benefits intact. In other words, they don't have to start

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all over, is that the intent of the Bill?"

Fowler: "That is correct."

Black: "And does the Bill also extend certain job protections to those people who may be working for contractor 'A' who after a contract expires in three years and then contractor 'B' comes in and wants to fire all of the workers who work for contractor A? Will those workers now have a measure of protection from capricious and arbitrary dismissal?"

Fowler: "For a period of 90 days under the provision of this Bill, Representative Black."

Black: "Okay. If, if a new contractor comes in and gets rid of all of the current staff who worked under the previous contractor providing health care services to a prison, would there be any grievance rights on behalf of those people who are being replaced?"

Fowler: "Representative Black, under the Section 25 there are enforcement provisions of... of this Bill."

Black: "Okay, all right. Now, under your legislation, who is exempt? Should this become law, who is exempt from the provisions of said law? I'm trying to figure out the language in Amendment #2 on page 5, I'm sorry page 1, line 5, Subsection(a). Where it says, 'if a labor organization is the exclusive bargaining agent of the new contractors employees on the effect date of the new contract this Act shall not apply to the new contractors.' In plain language, since you and I are both country boys, what's that... what's that mean?"

Fowler: "Okay."

Black: "Yes, Sir."

Fowler: "Yes, Representative Black, under... under that provision that you just read, that would protect those employees that are currently working in that facility there."

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Black: "Those employees who are members of the bargaining unit, evidentially, right?"

Fowler: "That's correct."

Black: "Okay. What, what rights then would the contractor have? If the contractor comes in and does an evaluation, and say three of those protected employees have terrible evaluations and in fact, are deemed to be a security risk, can the new contractor by showing cause remove those protected workers?"

Fowler: "Yes, Sir, that would be in accordance with their bargaining agreement."

Black: "Other words, covered under the existing contract, correct?"

Fowler: "Yes, Sir."

Black: "Okay, fine. Thank you very much, Representative. I appreciate your indulgence. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I appreciate the work that the Representative has done on this. One argues that it, some people may argue that it goes too far, I may take the position it doesn't go far enough. We have had some serious problems in the correctional center in my home district with continuity of health care services. It seems as if every time we bid, a new contractor comes in and there's always a period of time where they have to get acclimated. And I think that's what the Representative is trying to do with this Bill, by perhaps, not allowing wholesale personnel changes and what have you. So, when all is said and done, I think the Bill is probably a good step in the right direction and I urge my colleagues to vote 'aye'."

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

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Skinner: "I wonder if the Gentleman would yield for a few questions?"

Speaker Hartke: "The Gentleman will yield."

Skinner: "As you explained the Bill, or at least as I understand how you explained the Bill, an employee of a current medical provider would have 90 days grace period before that employee could be fired by the new medical contractor? Is that correct?"

Fowler: "Mr. Chairman, I can't hear Representative Skinner's question."

Speaker Hartke: "Shh. Could we have some quiet in the chamber, please?"

Skinner: "Does this Bill allow an employee of an old medical contractor 30 days grace period, 30 days employment, excuse me, 90 days employment with the new medical contractor before that employee can be let go by the new medical contractor?"

Fowler: "I think the proper answer to your question, Representative Skinner, if the new contractor decides that he doesn't need the same number of employees, he does have the right to dismiss those employees and it would be by seniority."

Skinner: "Well, what's the 90 day period?"

Fowler: "Other than that exception I just gave you, those employees would have 90 days employment under the new contractor."

Skinner: "Okay. Would that be the rule even if the employee were found to be a drug user?"

Fowler: "Yes, that employee that you just described would be dismissible under the old contractor, as well as, under the new contractor."

Skinner: "Okay, thank you very much."

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

Fowler: "Thank you, Mr. Chairman. I would, think this is a good piece of legislation and I would just ask for an 'aye' vote from my colleagues on this Bill."

Speaker Hartke: "The question is, 'Shall Senate Bill 1061 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 Senate Bill 1061, there are 110 Members voting 'yes', 2 persons voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. Ladies and Gentlemen, we have a distinguished guest on the House Floor, the voice of Illinois Agriculture, the broadcasting legend, Orion Samuelson. Welcome to the General Assembly, Mr. Samuelson. On page 3 of the Calendar, appears Senate Bill 786. Representative Parke. Representative Parke, are you in the chamber? Out of the record. Senate Bill 368, Representative Saviano. Out of the record. Senate Bill 801, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 801, a Bill for an Act to amend the Collection Agency Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. As you remember, yesterday Senate Bill 801 came up. There was a little uncertainty as to exactly what the Bill did. We had House Bill 1837 which passed this chamber and since has passed the Senate and gone on to the Governor. That wasn't exactly the same Bill as this, but that was the Bill that raised the interest rate from 5 to 9%. This Bill is a related Bill which solves the problem of disciplinary

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action within the Department of Professional Regulation. This clarifies, with the passing of the other Bill, this Bill enables the collection agencies to go ahead and charge that new interest rate as passed this week and now sitting on the Governor's desk. And I would ask for your favorable vote on this matter. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 801?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are still 4 people not voting. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 801, there are 47 Members voting 'yes', 60 Members voting 'no', and 5 Members voting 'present'. Mr. Saviano."

Saviano: "Put that on Postponed, please."

Speaker Hartke: "This Bill will be placed on Postponed Consideration. Mr. Clerk, what is the status of Senate Bill 965?"

Clerk Bolin: "Senate Bill 965 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Place that Bill on Second Reading for the purposes of an Amendment at the request of the Sponsor. Senate Bill 460, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 460, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker and Ladies and Gentlemen. (460) has two sections. The underlying Bill codifies certain

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provisions that authorize a court to waive court costs and other fees for indigent persons. It doesn't change the law, all it does is bring together sections of existing law into one place to make it easier for courts to use in an efficient and effective manner. The second part of it, Amendment #1, actually, applies to situations where there is a party to... a civil suit has subpoenaed an expert witness and a conflict arises over the fees charged. Amendment #1 provides that the court, after determining a reasonable fee, must order payment by the subpoenaed party to the expert witness. And I don't think there's any opposition to this Bill and I ask for your favorable support."

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

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

Speaker Hartke: "She indicates she will."

Durkin: "Representative, what you're doing is that we're waiving fees in civil cases for indigence, correct?"

Hamos: "Yes."

Durkin: "Now, what type of cases are you envisioning that people are going to have these fees waived? Is it all civil cases?"

Hamos: "I believe it is. This is under the Code of Civil Procedure and I believe it will also apply in cases like guardian ad litem, as well as, other kinds of civil lawsuits."

Durkin: "Cause I think it's approximately \$400 to file a lawsuit in Cook County. I mean, are you saying the cost of filing a civil lawsuit is going to be waived for a person who meets the criteria under this Bill to show that they are

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indigent, correct?"

Hamos: "Yes, but, it is in the discretion of the court."

Durkin: "Yeah."

Hamos: "And after a certain set of procedures that are outlined in this Bill, where that can happen."

Durkin: "Well, what about the situations where the person who is indigent, however they are a victim of some type of catastrophic accident, and there is a lawsuit filed in which a jury returns a verdict in the multi-million dollars of... in multi-million dollars? Now, are we going to ask that person to, at least, repay the county or the court for the cost which have been previously waived?"

Hamos: "Representative Durkin, I don't believe that this is the Bill that applies to that situation. There are four criteria for... for determining who is an indigent person. The first criterion is those people receiving public assistance, the second one is available income of 125% or less; the third is where he or she in the discretion of the court, is unable to proceed in an action without payment of fees, costs, or charges. And the fourth is, applies to another section of the Code. So, I don't believe, if you think that's a good idea, I think that might be another kind of Bill. I don't believe that's what this Bill..."

Durkin: "No, I'm just trying to say, use an example. I am an indigent violinist in Chicago and my leg gets cut off in a tragically, in an accident and a jury returns a verdict for 30,000,000 dollars of which, other than the 1/3 that will go towards me, will they be required to... will, are those fees still going to be waived, even if they do receive a verdict of some sort, which is quite favorable to them? Are those, are they going to obligated to pay back the, the court for the costs in which it had previously been waived?"

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But, though, do you envision that as possibly something which will be coming on the horizon in which people will say, 'well, this person, while they are indigent, they have just been... a jury has just returned a verdict in the multi-millions of dollars. Are we still going to waive court fees for them?'"

Hamos: "... It does say, Representative Durkin, I think this applies more directly to your question. Subsection (f) says, 'the court may order an indigent person to pay all or a portion of the fees, costs, or charges waived pursuant to this section out of the monies recovered by the indigent person, pursuant to a judgment or settlement resulting from the civil action.' So, I believe, that is in response to your question that that... this will allow the court any discretion to do that."

Durkin: "Could you repeat what Section under your... under the Amendment is that?"

Hamos: "That would be Subsection (f). And I believe that's directly on point to what you were asking."

Durkin: "Okay. Yeah, my only concern was that, you know we have a situation while they are indigent and the variety of the court fees on a negligence action are going to be waived. And then they turn around and there is a landslide verdict which comes in favor of that person, and whether or not they are to reimburse the court for something which had previously been waived. That's the only question I had and I think you've answered that question. Thank you very much."

Hamos: "Thank you."

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

Hamos: "I... I think that we've answered the only question out

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there. Again, this codifies existing law and I ask for your support."

Speaker Hartke: "The question is, 'Shall Senate Bill 460 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 Senate Bill 460, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 2 of the Calendar, appears Senate Bill 53. Representative Stephens. Representative Ron Stephens. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 53, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This... this Bill originally had language that affected only the City of Breese and it extended, extends the life of the TIF district in the City of Breese from 23 years to 35 years. The... the Bill has been amended, I believe, in committee. Mr. Clerk, if I... is that correct? And that, that Amendment has been adopted on the House Floor. I believe the effective... Majority Leader Currie's Amendment was to indeed extend the life of all Enterprise Zones. They are now limited... in the general statute on Enterprise... on tips excuse me, from 20 to 30 years. That was the affect of the Currie Amendment and I've previously explained the underlying Bill. I'd appreciate the chance to answer any questions and your 'yes' vote."

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

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Novak: "Mr... thank you, Mr. Speaker. Yesterday, the Chair said I was from Cook County. Now today, this Chair says I'm from Champaign County."

Speaker Hartke: "Oh, excuse me, that's Kankakee."

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

Speaker Hartke: "He indicates he will."

Novak: "Representative Stephens, correct me. I might be standing up on the wrong Bill here. Is one of those Amendments dealing with the gas and electric facilities that... that impacts utilities? Is that in there?"

Stephens: "Are you talking about the numerator, denominator..."

Novak: "Wrong Bill. All right, sorry."

Stephens: "You'll get a chance to get me on that one later."

Novak: "The denominator and the nominator. Okay, thank you, I apologize."

Stephens: "Yeah."

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

Cross: "Thank you, Mr. Speaker. I intend to vote 'present' as I have a potential conflict. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seek in recognition, Representative Stephens, to close."

Stephens: "Well, Mr. Speaker, I did... I did overlook an Amendment that was adopted prior to the Currie Amendment. There is an Amendment that Representative O'Brien, I believe, had adopted an Amendment. I can try to explain that if I can just find it here real quick."

Speaker Hartke: "Chair recognizes Representative O'Brien to assist in closing."

O'Brien: "Thank you, Mr. Speaker. House Amendment #1 was adopted in committee and what is does is it puts the arsenal property, the army arsenal on the same footing with other

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bases that have closed. But, because it wasn't a troop base, it was munitions factory, they weren't eligible for some of the same things that the bases were. And this would allow for the creation of a TIF on that arsenal property near Joliet, Illinois."

Speaker Hartke: "Representative Stephens and O'Brien ask for the passage of Senate Bill 53. 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 Senate Bill 53, there are 111 Members voting 'yes', 0 voting 'no' and 2 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 3 of the Calendar, appears Senate Bill 946, Representative Stephens. Mr. Stephens. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 946, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "First of all, is Representative Novak in the building?"

Speaker Hartke: "Yes, the Gentleman from Kankakee is in his chair."

Stephens: "I wouldn't want him to miss this. This... this Bill was amended in committee, the Amendment becomes the Bill. The... it amends the Gas Revenue Tax Act to change the manner in which the invested capital tax is calculated for utility companies that engage in both electric and gas utility operations and have undergone corporate restructuring as a result of electric deregulation. The... there were some unintended consequences of electric deregulation. And one of those was... that if a portion of

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a combined utilities electric facilities are sold or moved to an affiliate, the utilities total invested capital may be unchanged, but it's electric plant goes down while the ratio of the gas plant to the total plant goes up. The result is an increase in the ICT paid by the gas utility. This occurs even though the actual investment in the gas utility has not changed, and even though the electric utility part of the company pays the full tax on the kilowatt hour... on the kilowatt hours distributed. That was the method that we chose under electric dereg (sic-deregulation) to cover what used to be the personal property tax that that was done away with. This, this Amendment which became the Bill eliminates this unintended consequence. It caps the gas utility portion of the ICT, paid by a combination utility at an amount based on the utilities 1996 gas utility plant in service. The base year used for that was 1997, by the way, plus, any growth in the utilities gas plant since 1996. Therefore, as the gas utility plant grows, the utilities, ICT continues to grow as well. The electric utility part of the combination company would continue to pay the full amount of the tax on kilowatt hours distributed as required by the Electric Deregulation Bill in... of 1997. I'd be glad to answer any questions. I would ask for your favorable consideration on Senate Bill 946 as amended."

Speaker Hartke: "Ladies and Gentlemen, this is Third Reading. Would we please lower our voices, please? This is a very important piece of legislation. Shhh Representative Novak."

Novak: "Mr. Speak... Sponsor yield, please."

Speaker Hartke: "He indicates he will."

Novak: "Yes. I just... Representative Stephens you did a very... you did an excellent job explaining this highly complicated

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Amendment. And just for the benefit of the Members on my side of the aisle this is not a tax increase. This is noncontroversial. Let me try to put it in its simplest forms if I can. This prevents combination gas and electric utilities from being double taxed. When we passed the Electric Utility Restructuring Act, two years ago, we allowed utilities to restructure themselves with the advent of an open market and incidentally, the open market will begin on October 1st of this year. So, as an unintended consequence of this Act, the invested capital tax would apply to both gas and utilities. There are a number of utilities in this state that are combination gas and electric utilities. This makes sure that they're not double taxed. That's all it does. And I'd ask my... ask my colleagues to support this Bill."

Stephens: "Representative, I... I appreciate you pointing that out and that just... I wanted to ask you while you had the floor just a brief question because you are the expert."

Novak: "No, I'm not."

Stephens: "I wonder if you could help us understand the language that begins, 'an amount equal to 0.8% of a persons invested capital for the taxable period ended December 31, 1996 multiplied by a fraction of the numerator of which is the average of the beginning and ending balance of the person's gross cash utility plant in service and the denominator of which is the average of the beginning and ending balance of the person's gross electric and gas utility plant in service as set forth in the person's annual report to the Illinois Commerce Commission for the taxable period ended December 31, 1996, modified by an adjustment factor.'"

Novak: "You did an excellent job, Representative Stephens and I agree with every word you said. And your permutations are

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correct."

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

Stephens: "I would appreciate everybody who understands this Bill so well, voting 'yes'."

Speaker Hartke: "Question is, 'Shall Senate Bill 946 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 Senate Bill 946, there are 113 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Chair recognizes the Gentleman from Du Page, Representative Daniels."

Daniels, Lee: "Mr. Speaker, Ladies and Gentlemen of the House. Many of you have met my daughter, Laurie, previously on several occasions. For those of you that are new to the assembly, Laurie visits us every year. She is a member of the Bethshan Organization and joined today by Mr. Joe Lanaga and Candice. And Laurie is here to... for her annual visit and of course, Mr. Speaker, her annual message with your permission."

Speaker Hartke: "Yes."

Daniels, Lee: "All right, this is my daughter, Laurie Daniels."

Daniels, Laurie: "I really want to tell you that you do a good job for the new... the new house that I wanted and thank you for your help everyone. And God Bless."

Daniels, Lee: "Thank you, thank you."

Speaker Hartke: "Thank you very much, Laurie. Chair recognizes the Gentleman from Saline, Representative Fowler. For what reason do you seek recognition?"

Fowler: "Thank you, Mr. Chairman. Let the record reflect on the

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previous vote, on Senate Bill 946, I intended to cast an 'aye' vote on that."

Speaker Hartke: "The Journal will so reflect. On page 3 of the Calendar, appears Senate Bill 480. Representative Turner, John Turner. Mr. Clerk, take that Bill out of the record. What is the status of Senate Bill 906?"

Clerk Rossi: "Senate Bill 906 is on the Order of Senate 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. Now, on page 3 of the Calendar, appears Senate Bill 480. Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 480, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Turner."

Turner, J.: "Mr. Speaker, you trying to confuse me today?"

Speaker Hartke: "No, Sir, I'd committed to Mr. O'Connor that I'd call his Bill next for him to have the time and opportunity to file an Amendment. And I was living up to my commitment. I came right back to you."

Turner, J.: "Thank you, Mr. Speaker. Senate Bill 480, Senate Bill 480 provides that charges imposed by an attorney, hospital, or physician, for copying records may not exceed a \$25 handling charge, plus, 25¢ per page and it includes 75¢ per copy of microfiche or microfilm and actual shipping costs provides that the handling charges shall include the first ten pages or copies. It also provides that reasonable charges may be imposed for duplication of materials that cannot routinely be copied by conventional methods such as, X-Ray films or pictures. I'd be glad to answer any

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questions."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Representative... explain to me the genesis of the Bill, why we need to do this?"

Turner, J.: "Representative Hoffman, the actual genesis of the Bill was... I like to think it was my idea, although I understand there are others that had the idea as well. As you know, I have just a very limited practice of law, but about a year and a half ago I had attempted to obtain some records for a client. The records were from a physician and I had sent for those records pursuant to having provided a medical information authorization form. And this particular physician had hired a corporation to actually copy the records and mail them on to me. And in this particular case, I received one page and was charged \$35 and obviously, that's charge that, although, the attorney pays up front, it's passed on to your client. Well, this wasn't the first time that this had happened in my very limited practice, in fact, it was a routine thing that did occur. That was the most outrageous example, however, I had ever seen of that occurring. And based upon that, I subsequently had discussions with a member of the Illinois State Bar Association and with a member of ITLA and I found that it was a... an occurrence that was going on not only in, obviously in Logan County, where I was practicing law, but all over... all over the state. And that being the genesis then and then getting some corroboration from other attorneys that this indeed was a practice. I thought it was high time that we tried to put

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some reasonableness into the statute with regard to persons who want to obtain their medical records from their physicians or from their hospital. And after the Bill was originally filed, pursuant to the request of the Illinois State Medical Society, we also, added attorneys into the Bill which I think was an excellent idea as well."

Hoffman: "And what we're really talking about here, we're talking about a fee that ultimately gets passed on to the client or the consumer. Some people may say, Well, people who are against this Bill may say well, 'this is really helping out the lawyers.' But, it doesn't help out the lawyers, because ultimately, the client or the consumer when a settlement occurs, pays for this. Is that right?"

Turner, J.: "That is exactly right. The client, obviously, has to pay for these records if the client is getting those from the attorney or the patient, ultimately, has to pay for his or her own records that he or she obtains from the physician or from the hospital. So, you're exactly right, the consumer being the patient, and/or the client ultimately absorbs the cost."

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

Speaker Hartke: "To the Bill."

Hoffman: "I rise in support of this Bill. Let me... let me give you just some examples of how corporations and entities are, really, in my opinion, taking advantage of injured individuals. A hundred and forty-three pages, a hundred and ninety- six dollar charge; that's for hospital records, 247pages, \$292 charge; 320, \$368 charge, we're just talking about photo copies. With this Bill, is a reasonable approach to say that we're not going to allow these entities, we're not going to allow these institutions to take advantage of injured individuals. It's time that we

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stand up for the people who are injured. It's time that we make sure that, ultimately, you're paying a reasonable fee when you need these medical records. Because what we're talking about is, essentially, getting your own records, the records you're entitled to. So, you've already not only paid for the medical process, you're just trying to obtain your own medical records. I ask for an 'aye' vote."

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

Ryder: "Thank you, Mr. Speaker. I wish to... if I can, I wish to stand in opposition to this Bill. And I would like to draw your attention to a few of the items in this Bill. The Trial Lawyers have... have indicated that they have been negotiating on this item, but I don't believe that the result of this Bill is the result of any negotiations that have concluded in an agreement. Rather, it's simply the Trial Lawyers attempt to cut down on some of their expenses. It attempts to cut the cost or at least cap the cost of their expenses, but there are a lot of other items that have not received any... that have not received any discussion as a result of this. The University of Illinois Medical Center opposes it because it says that, 'under this piece of legislation the University of Illinois will cost \$12,282 per month', and that's even if they raise some of these fees. This Bill which is placing or attempting to place caps on these costs are the caps that are set by the Trial Lawyers. It is not the caps that have been offered which some of the opponents indicate that they would be willing, if you just do two things: raise it to \$.50a sheet and allow us to have a COLA. This Bill is opposed by many folks, not the least of which is the Illinois State Medical Society, and many other... organizations and also

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the Illinois Hospital Association, Hospital and Health Systems Association. The fees in other states are considerably more fair than the fees that are listed in this. We should tell these parties that they need to go back and negotiate to an agreement; not to come to the floor and say, 'This is our side, take it or leave it.' We should tell the parties that they need to go back and come to a point that puts some reasonableness in providing these records, some reasonableness. Otherwise, we're going to require the consumer, in many cases the patients, to pay far more for this than they do now in order to spread the unfair costs that are being mandated by this Bill. At this point, this represents one side of the story. I would strongly suggest those of you that have considered this piece of legislation, have been approached by persons on behalf of this legislation, to suggest that your 'no' vote is a determination, a direction, to the parties to go back and continue negotiating to an agreement. We have one side of the story here, the other side opposes. The other side says, 'For \$.50¢ and a COLA, we agree.' Well, let's put that on the table, too. Let's have a chance to vote for that, as well. We won't get that chance unless we defeat this Bill today, defeat it today and come back with an... a Bill that does have an agreement by all the parties. And I think that that is eminently doable. I would strongly urge your opposition to this piece of legislation. And Mr. Speaker, if I may, I do request a verification in the event that it receives a requisite number of votes."

Speaker Hartke: "Your request will be granted. The Chair recognizes the Lady from Cook, Representative Coulson."

Coulson: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

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Coulson: "Mr. Sponsor, I'm right here. I have some questions.

Is this going to require providers who may at this time not be charging their patients for copies of records to charge their clients?"

Turner, J.: "No."

Coulson: "So, who... who does this mandate, this who does the Bill mandate to pay?"

Turner, J.: "The Bill is not a mandate. The Bill places limitations on what an attorney, a physician or a hospital may charge their clients or their patients for the records of those clients or patients. There is not a mandate, however, within the legislation."

Coulson: "But, my question on the Bill then becomes it's a \$25 handling fee. If I go to my physician and want one page of my medical record, let's say my immunizations, they must charge or they can charge me \$25 for that one page?"

Turner, J.: "Well, I... yes they could charge it. It doesn't mandate that it be charged. But, right now they could charge you \$45 or \$85 or anything they wanted. This puts some reasonableness into...."

Coulson: "But, right now I get it for free."

Turner, J.: "... and you could still get it for free. And if you've been informed by someone that this would prohibit you from getting medical records or records from your attorney for free, you've been misinformed. This Bill doesn't mandate that an attorney, hospital, or physician charge for copying costs."

Coulson: "To the Bill. Thank you for clarifying that. I... I'm still concerned that because we now have a handling fee that patients will end up being charged \$25 in order to get copies of one or two pages of their records, because this is in law. And I really think we should continue to look

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at this Bill and make sure that we're not causing consumers to have increased costs that are not right now part of the costs. Thank you."

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

Turner. J: "Mr. Speaker, I'd like to take this out of the record."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. On page 4 of the Calendar, appears Senate Bill 1121, Representative Kenner. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 1121, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker, Ladies Gen... Ladies and Gentlemen of the House. (1121) (sic-SB) is a very simple piece of legislation passed out of the Senate unanimously and also, committee unanimously. And what it does, primarily, is clarify existing law, and makes explicit a merchants discretion to notify police in cases where the merchant has detained a minor suspected of shoplifting. I would appreciate a 'yes' vote and will entertain any questions at this time. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1121?' 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 Senate Bill 1121, there were 113 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Clerk, what is the status of Senate Bill 656?"

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Representative Fritchey."

Clerk Rossi: "Senate Bill 656 had 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. Senate Bill 171, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 171, the Bill has been read a second time, previously. Amendments 1, 2, and 3 have been adopted to the Bill. A Motion to Table Amendment #2 has been filed by Representative Reitz."

Speaker Hartke: "Gentleman has moved to table Amendment #2. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #2 is tabled. Further Amendments?"

Clerk Rossi: "Representative Reitz has filed a Motion to table Amendment #3."

Speaker Hartke: "Motion is to Table Amendment #3 by Representative Reitz. All those in favor will signify by voting 'yes'; those opposing, by saying 'yes'; those opposing saying 'no'. In the opinion of the Chair, the 'ayes' have it and the table, Motion #3, Amendment #3 has been tabled."

Clerk Rossi: "No further Motions. No Floor Amendments have been approved for consideration."

Speaker Hartke: "Third Reading. On Second Reading appears Senate Bill 1. Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1 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."

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Scott: "Thank you, Mr. Speaker. Floor Amendment #1 just makes a technical change, so that we can keep the issue alive and send it back to the Senate, in case there's more we need to do with the Bill. There is substantive things on the Bill, so it's not a shell."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing no one, the Chair recognizes Representative Black."

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

Scott: "Sure."

Speaker Hartke: "He indicates he will."

Black: "Representative, it's a very technical Amendment."

Scott: "Yeah."

Black: "Does nothing to the Bill."

Scott: "Right."

Black: "Is... is your intent to move this Bill to conference?"

Scott: "Well, here's what we'd like to do, Representative. Yeah, that's the intent. We're... the underlying portion of the Bill is still good. It would provide for a booklet on the pharmaceutical portion of circuit-breaker. That's a good thing. We've been in discussions with both the Senate and with the Governor's office about whether or not there might be the possibility to add more prescriptions to the circuit-breaker program. So, we're keeping it alive in case there's an agreement that can be reached. If there can't, we'll just go ahead with the booklet portion of the Bill. So, this is the way to do that."

Black: "Well, it might also, be safe to assume that we might need a circuit breaker Bill for something that comes up late in the Session, wouldn't we?"

Scott: "Well, that's not my intent. I mean, my... my intention is to... my intention is to try to make sure we could take

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care of this if there is an agreement on, for example Parkinson's, is one of the things we been talking about. So, that... that's the idea behind this."

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

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

Clerk Rossi: "No Further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 544, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 544 has been read a second time, previously. No Committee Amend... Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker. This is really the same kind of situation as Senate Bill 1 that we just talked about. There's an underlying change that's a department initiative, that's a good change. But there are more discussions going on about if there's other things that we can do to the Children's Health Insurance or Kid Care Program. So, we're just trying to keep it alive by sending it back to the Senate."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Senate Bill, Floor Amendment #1 to Senate Bill 544?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor

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Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 27, Representative Hoffman. Representative Hoffman in the chamber? Mr. Clerk, read... read the Bill."

Clerk Rossi: "Senate Bill 27 has been read a second time, previously. Amendments 1, 2, and 3 have been adopted to the Bill. No Motions have been filed. Floor Amendment #5, offered by Representative Hoffman, has been approved for consideration."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Yes, Senate... Amendment #5, essentially, just takes a provision out of the Bill that the Administrative Office of Illinois Courts wanted out of it. Essentially, what it does is just make sure that they're okay with the Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Black: "Representative, is there anything in Amendment #5 that would require the task force to study why we can't recruit and retain attorneys in the Illinois Justice System?"

Hoffman: "No, essentially, it's my understanding what Amendment #5 does is there was some concern from the Administrative Office of Illinois Courts that we would, this task force would get into the issue of qualifications for attorneys. Okay? And that, essentially, is the purview of the courts and not the Legislature. So, what we did is we just cleared that up. The whole idea is to do, essentially, what you're saying. We're trying to... to figure out how we can keep and retain assistant state's attorneys and

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assistant public defenders, in the public sector."

Black: "Well, when you say the qualification of attorneys, I mean isn't that rather straightforward, a law degree, pass the bar? I mean, what other qualifications could there be?"

Hoffman: "Yeah, that's why we took this out of the, of course..

Black: "Oh, so that's out?"

Hoffman: "... That's what we took out, yeah."

Black: "Okay, well I... that makes me... I can sleep better at night because I didn't know we were having any trouble recruiting attorneys."

Hoffman: "I... I know that... you're in favor of more attorneys, Representative."

Black: "But, so... so we're not going to study why we're not able to recruit or retain, is that right?"

Hoffman: "Attorneys generally?"

Black: "In general, not the Attorney General but, in general."

Hoffman: "In general, right."

Black: "Attorneys as a group, as a protected class."

Hoffman: "Right, that's not the intent, I think we probably, as an attorney, I think we have enough attorneys. I'd like less attorneys. But... what we're talking about is just the public sector, assistant state's attorneys, assistant public defenders."

Black: "Okay. Sounds like a wonderful idea to me, thank you Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #5 to Senate Bill 27?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #5 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Hartke: "Third Reading. Senate Bill 150, Representative Granberg... or Brunsvold. Would you like to call that Bill? Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 150 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. House Amendment to (150) (sic-SB) addresses the problem that was brought up by Representative Black in dealing with a cap on the fees. And the Amendment simply states that, 'the fees each of which may not exceed \$250 or an amount approved by the Joint Committee on Administrative Rules.' So, this would be subject... the whole... the whole Bill would subject to the... appropriations, be subject to JCAR and put a fee on... a cap as was requested by Mr. Black."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Yeah, I... just a couple of questions. I appreciate the Gentleman's attempt to clarify this Bill that we discussed the other day. Staff has brought up a very interesting question and that is, that the Amendment says plural, it says, 'fees (plural), each of which may not be more than \$200.' For legislative intent, do we have any idea how many fees are we contemplating?"

Brunsvold: "This Bill may be... and really talking to the commission members, the fees here will only be fees for actual costs of supplying the program of codes to the

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contractors. This agency ... or this commission is not in the business to make any money. So there may be a fee for a booklet, a very small fee, maybe \$2. And there may be a fee for access to a computer database that would be used for the building codes, of which they would buy a password and be able to use it to identify plumbing codes, for example."

Black: "All right, and then I heard you mention something about subject to appropriation. I don't understand, what would be subject to appropriation?"

Brunsvold: "The original Bill... the original Bill in the language with the revolving fund, which this Bill really sets up a fund for the building commission, is subject to our appropriation. And so we would be scrutinizing what they do and it'd be subject to the audits..."

Black: "Okay."

Brunsvold: "... that would be done by the Auditor General."

Black: "Fine, thank you very much, Representative. I appreciate your forthright answers."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, ' Shall the House adopt Floor Amendment #1 to Senate Bill 150?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 391, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 391 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Meyer, has been approved for consideration."

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Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is simply added as a technical Amendment to be adopted, hopefully, and passed out of this House, which would send the Bill back to the Senate so that we could form a Conference Committee on it. The Bill itself passed out of committee with the no dissenting votes, but I agreed to try and work on some language and this just keeps the ability for us to reach that language over the course of the next week, to a few days. I'd appreciate your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 391?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 392, Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 392 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Dart, has been approved for consideration."

Dart: "Can you pull this for one moment? I move to table Amendment #3."

Speaker Hartke: "The Gentleman withdraws Amendment #3."

Dart: "Withdraw Amendment #3."

Speaker Hartke: "Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Dart."

Speaker Hartke: "Representative Dart."

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Dart: "Thank you, Mr. Speaker, Members of the House. Amendment #4 pulls out the original contents of the Bill. This is a Bill that's going through the Senate right now and it's on Third Reading. I'm led to believe that's the Bill that's going to finish in a clean fashion. This would leave it with just the Amendment I'd placed on committee. I'd informed the committee members about my intention to do this if the Bill was moving through the Senate. And I talked with Minority Spokesman yesterday, I don't know of any opposition to the Amendment."

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

Stephens: "I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Stephens: "If the Senate's on Third Reading, may we ask leave of the Body to introduce people?"

Speaker Hartke: "State your inquiry."

Stephens: "If the Senate is on Third Reading, may we ask leave of the Chair to make personal introductions?"

Speaker Hartke: "We are not on Third Readings. If you'd like to do a personal introduction that's, your... you may."

Stephens: "No, I have no one here to visit me."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 392?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #4 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On page 11 of the Calendar, appears Senate Bill 1010, Representative Novak. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1010 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Novak, has been approved for consideration."

Speaker Hartke: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill. It is a 270,000,000 initiative of the Metropolitan Pier and Exposition Authority. There are no increases in taxes. This simply would allow them to take some of this bond money that they are... that they currently have through the current taxes that are imposed and to refinance some of their debt. And also, to use some of the balance of this money to initiate some projects to keep some of our convention business in the City of Chicago, which benefits not only the city, but... the entire State of Illinois. To give you an example, the Radiological Society, which is probably one of the most premiere conventions, has been held at McCormick Place for many years and... due to conditions and competition with other areas around the country they decided to pull out and go to another venue. Well, some changes were made last year in the McCormick Place legislation that I was happy to, to Sponsor and they were lured back to the City of Chicago. So, we have to do everything within our resources to make sure that we keep a lot of convention activity going on at McCormick place. It's very important that we keep this Bill going along, so we get it to go back to the Senate for concurrence and back to the Governor's desk. Be more than happy to entertain any questions."

Speaker Hartke: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

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yield?"

Speaker Hartke: "He indicates he will."

Black: "Representative, in Floor Amendment #2, do you have specific language that prevents any of this bonding authority being used to construct a sports stadium for any professional, well wait a minute let's back up we're talking about Chicago, any semi-professional football team accessing this money for a stadium?"

Novak: "Well, Representative Black, I'm sure you're a Chicago Bear fan."

Black: "Absolutely."

Novak: "I mean, you know, they won it a few years ago."

Black: "Well, they have fallen on hard times, Sir."

Novak: "We hope that with their new coach they will get back up there again and compete."

Black: "I'm a Cub fan, I'm an eternal optimist."

Novak: "To answer your question, there is anything, there isn't anything in this legislation that allows any type of sports facility to be built."

Black: "In fact, is there language that specifically prohibits any of this bonding authority to be used for a sports stadium?"

Novak: "That is in the current law. You are exactly correct."

Black: "Okay. Now, with... with and these are big figures for a country boy like me. It's hard for my little old calculator to get up into these hundreds of millions. Is there anything in this Amendment...."

Novak: "You ain't seen nothing yet, but go ahead, Representative."

Black: "... that's what I understand, somebody mentioned that to me. Is there anything in this Amendment... I've got a little civic center down in my district and you know, we

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need... we need some additional parking. There wouldn't be any way I could access some of these bond funds for that would there be?"

Novak: "No, this revenue stream is, maybe for the benefit of the Members I should reiterate what the revenue stream is. The legislation was passed, I believe, in 1991 and there were extra taxes at restaurants within a certain geographical area in the City of Chicago, egress and ingress fees on taxes or on taxicab services for O'Hare airport. So, these are Chicago-based fees and taxes that are generated..."

Black: "Oh."

Novak: "... specifically and exclusively for the Metropolitan Pier and Exposition Authority."

Black: "I see, so these are only Chicago taxes. Hotel, motel, restaurant..."

Novak: "When you take your lovely wife to Chicago..."

Black: "... taxis..."

Novak: "... and you go to one of their premiere restaurants..."

Black: "... oh, love to."

Novak: "... you will pay that extra tax."

Black: "Oh wait, what? Well, you didn't explain it that way. I don't live in Chicago. You mean if I go visit that beautiful city, I have to pay the tax, too? Can I get a refund?"

Novak: "Anybody... anybody that goes to a certain restaurant within that geographical area, where these extra taxes are imposed, has to pay that tax."

Black: "Well, would this include that restaurant that Representative Fritchey fronts for? You know, his pictures in the paper, full page picture."

Novak: "Is that sort of an Irish name restaurant?"

Black: "Yeah, I can't remember the name but, I think

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Representative Erwin has had her picture..."

Novak: "Is it Mrs. O'Leary's restaurant or something like that?"

Black: "... yeah, I think Representative Burke has endorsed it. I've never seen a downstate Republican being featured in the ad, but is it..."

Novak: "You know I haven't either but, you know I have a seat mate over here and her last name, I think, is the same name as this restaurant."

Black: "... Does she have an ownership interest in that restaurant?"

Novak: "I would have to ask the legislator in Coal City. I don't know if she does."

Black: "All right. Now that you mention it, it is the same name."

Novak: "Yes."

Black: "Now, if you..."

Novak: "I believe the name of that restaurant that Mr. Fritchey promotes is the same last name as..."

Black: "... well, downstate we call it shilling, but whatever you want to call it. If... if... if you promote the restaurant, are you then exempt from the tax when you go to eat in that restaurant?"

Novak: "... you know, I don't know. I've, I wish I was fortunate enough to promote that restaurant, Representative Black."

Black: "Oh, I do, too."

Speaker Hartke: "Further discussion to the Amendment? The Chair recognizes..."

Black: "Representative, this is... Mr. Speaker, this is to the Amendment. This goes to the heart of the Amendment. This is how we finance these bonds. And you know what Mr. Speaker, as a fellow downstater, Representative Novak has done an outstanding job of making this Amendment totally

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and thoroughly confusing and I commend him for that."

Novak: "Thank you."

Speaker Hartke: "Chair recognizes the Gentleman from Livingston, Representative Rutherford. He declines. Further discussion? Seeing that no one is seeking recognition, Representative Novak asks for the adoption of Floor Amendment #2 to Senate Bill 1010?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. On Third Reading appears Senate Bill 1141, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1141, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill simply provides that no municipality can own a cable tv system, unless they put it to referendum first. I would ask for your support."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, this is a very interesting Bill, very interesting Bill. In other words, if I live in a city of 2000 people and my elected city government is not happy with the quality of service that a cable tv company is giving to us, if we want to band together and build our own cable tv system, if this Bill becomes law we have to have a

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public referendum. Is that... is that right?"

Lang: "Mr. Black, once the municipality gives a franchise to a cable franchisee, they spend millions of dollars to put that cable system into place. Under the Federal Laws now municipality can have a competitive cable system locally. But it seems to me for a municipality to, after allowing a cable franchise to spend millions of dollars to lay cable and to market the system, to then go into competition with them themselves, is inappropriate. Now, the Bill does say that, 'a municipality can't have a competitive system that they own for a fee.' They could have a competitive system that they give away, which certainly would be in competition with the cable company. But, there's good... it seems to me good public policy reasons for saying to the municipality, it's inappropriate to allow these companies to spend millions of dollars and then have them turn around and turn the tables on them particularly since it's the local municipality that gives the franchise. They draft the agreements. It's up to them to put proposals and clauses in that contract with the cable franchise to make sure that they have a way to go back to the cable company and say, 'You're not doing a good job. This is inappropriate.' Most municipalities, I know the one I live in, has a cable committee and they work very closely with the cable franchisees to make sure that they're toeing the mark.' That's what the cable franchise contract is all about."

Black: "Thank you, Representative. I... you know I... I hope everybody was paying attention to your answer, because I... I disagree with a couple of parts of your answer. You said, and almost a direct quote if I could, 'if a municipality grants a franchise allowing a cable tv company

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to spend millions of dollars to build it.' Excuse me? Allowing a cable company to spend millions. In my experience, cable companies come and compete with each other and fall over themselves wanting to spend millions of dollars to establish a cable tv company. Why? Because they expect to make a profit, a return on that investment. I don't think it has anything to do with a community allowing a cable tv company to come into their fair community and allowing the cable company to spend millions of dollars. On the contrary, cable companies are first to get in line. They want to spend these millions of dollars in communities. And Mr. Speaker, if I could, to the Bill."

Speaker Hartke: "To the Bill."

Black: "This goes to the heart of my opposition to the Bill. The cable company wants to service your community, and expects and rightfully so rightfully so expects to make a profit on their investment. Well, I sponsored about 6 years ago, the very Bill, that this Bill will render neutral. And I did so on the behalf of many small communities in my legislative district. And let me tell you why I sponsored the Bill that said, 'if a community wants to build it's own cable tv system, it was free to do so.' Now, you've also heard the Sponsor say that, 'the Federal Government has now allowed a competing television cable company to come in. And I think that's being done in some communities right now. And competition is supposed to be good. Mr. Speaker, if we could have some order in the chamber."

Speaker Hartke: "Ladies and Gentlemen, let... the discussers of the Bill have asked for you to pay attention. So please, could we give the... SHHH."

Black: "Ladies and Gentlemen of the House, if you live in a large city, with a high population density, you're not gonna have

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to worry about the quality of cable tv and the service you get. But the diversity of this state and why I sponsored the Bill six years ago that said a cable... a community could get in the cable business if they wanted to, is because of the differences in this state. If you live in a town and the district in my... the little town in my district that precipitated this is a town of fewer than a thousand people and when they had service complaints, if your grandmother's cable television didn't work, you know what the cable tv company told her, 'we'll come out to your little town when you get ten people, ten people to call us, ten people to call us, and say that your cable doesn't work.' Now, that's... you stop to think of that, that's service, that's what I'm paying money for? Well we had a public meeting in that community and the citizens of that community were outraged. And so they asked me to Sponsor a Bill that said, 'If we can't get any better service from our cable tv company than that, then we want the ability for us to band together as a small community, and we'll get in the cable tv business.' Once we passed that law, you know what happened? Those little bitty towns got service. When your grandmother called and said, 'My cable doesn't work, they came right out. Why? Because they knew that the community had a weapon to use. And that is, if you don't give us good service, if you don't give us competitive rates, we have the ability in a very small compact community, we'll get in the cable tv business and we'll compete directly with you. Now, what does this Bill do? That Bill... this Bill takes that club away from the hundreds of small communities throughout Illinois. So, you have no club, if you're in a town like many of them are in my district of a thousand people or less, and you're not

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happy with your cable tv system, you're out of luck. Because they're just gonna tell ya, 'We have the franchise, you can't build a system, and furthermore another cable system isn't gonna come in and want to do business in a small town. So, you're out of luck.' These, I would submit to you that small towns need the ability to say, 'if you can't provide the service, we will look into providing our own cable service and we will go into business against you.' That's the club that keeps small communities able to access quality cable television. You take that club away, and you put many of our small communities, particularly downstate, at considerable risk at the whim of large cable companies. It isn't like it is 20 years ago, when cable companies were owned by your friends and neighbors in your community. They are huge conglomerates. If the idea of a referendum is so good... let me ask you a question. In my home town, Warner, Time-Warner Cable is being absorbed by TCI. Why don't we have the opportunity to go to a public referendum and say 'we are happy, we're very happy with Warner Cable. We would prefer not to be absorbed by TCI.' We don't have that right. There's no referendum. Warner, TCI get together, one's gonna buy the other and it says, 'we're your cable company and if you don't like you can disconnect your cable.' Well, that's hardly a system of business that I grew up with. For towns of a thousand people or less, do you think if the community doesn't want to get in the cable tv business that a mayor or a city council member will proceed? Absolutely not, all of these people know each other and if they go against the wishes of their constituents in a small town, they won't last through the next election. This Bill does not benefit the consumers in small downstate rural areas one bit. And if

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it's fair for communities to have to do it, then I would suggest that we amend the Bill on its face, and say, 'When we get bought out, when our cable company that we know and like and enjoy gets purchased, why don't we have the right of referendum?' Why isn't that in the Bill? Well, no, for obvious reasons. Ladies and Gentlemen, I've been there, I've conducted... town meetings. I've been in communities, and I'm telling you right now, if you take away a small communities leverage to say, If we don't get service from you, we will look at going into business in direct competition with you. If you take away that leverage to small communities, then our small communities are at the complete mercy of the cable conglomerates. And these companies are getting bigger and bigger and bigger every day. This business... this Bill does absolutely nothing to protect the consumer in rural areas and I hope anybody who has those small communities in their district will vote 'no'."

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

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Representative Black could not be more correct. This isn't a consumer Bill, this is a Bill to prevent communities from having some tool, some means, to express themselves to the arrogant and the very difficult cable companies who are impervious to public opinion in our communities. This Bill to borrow from Representative Black, is an outrage, as far as the smaller communities are concerned. This just reminds me of a few years ago when all of the sudden, these \$5.00 charges started appearing as late fees on the \$19 bills that most people were getting for their cable. And I called them

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then, and I said, 'What is the deal on these five dollar charges?' And they said, 'Oh, that's just for people who are being delinquent after a month or two or three, we would have the authority to impose these \$5.00 charges on \$19 bills.' Well, that was just ridiculous. I went on vacation, came back, missed by a couple of days and sure enough there was that \$5 bill. And I called them up, and they said, 'Oh, well, we were misinformed and corporate headquarters had imposed this thing anyway.' These companies are out of control. They are not paying attention to the communities in Princeton and other communities where they are moving to try and develop their own cable systems. This Bill simply is means by which the large cable companies with their millions and millions of dollars can come in and prevent those communities from exacting their will. I strongly urge a 'no' vote on this Bill. And I hope that you will join with me in preserving the ability of our smaller communities to have some small leverage against the large cable companies and their arrogance. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross. For what reason do you seek recognition?"

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

Speaker Hartke: "Indicates he will."

Cross: "Representative, as I look at this Bill, there is nothing in this Bill that prohibits a cable company... I'm sorry a municipality if they want to get into the cable business, from doing that. Is that correct?"

Lang: "That's absolutely right. It simply says if they want to do it, they need to ask the voters for permission to do it. After all, if they're going to lay cable... if they're

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going to get involved in the cable business, it's going to cost the taxpayers of that community a sizable sum of money."

Cross: "My understanding of the law, Representative, and you can correct me if I'm wrong, is if a municipality wants to get into the electric business, the water business, or the sewer business, they have to do it by referendum. Is that correct?"

Lang: "You are correct."

Cross: "In reading this Bill and my understanding of the cable industry, or of this issue in dealing with cable as well as electric, et cetera, if the city gets into the business of their own of running a cable company, independent of a separate company, if they go belly up, if they don't make any money, everybody in the municipality is on the hook for that. Everybody in the municipality pays for the debt. Is that correct?"

Lang: "You are correct."

Cross: "One of the other things that I find interesting, and once again please correct me if I'm wrong. There isn't example of a municipal-run cable company in the country that's made money. Do you know if that's accurate or not, Representative?"

Lang: "Well, I don't know, but I'm sure that you've done the research on it, Representative. So I'm certainly gonna take you at your word."

Cross: "I think the answer is probably 'yes', Representative."

Lang: "Well, then my answer is probably 'yes', also."

Cross: "Very briefly, Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Cross: "I think it's very crucial to understand what this Bill does and what it does not do. This Bill simply says,

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'Municipality, if you want to get into the cable business, you have to do it by referendum.' How can anybody on this House floor argue with the letting people in their own municipalities make the decision whether or not you want the municipality to get into the business of running a cable company? Who can argue with letting the people decide whether or not they want their municipality to get into an industry that is changing on a day-by-day basis? It's an industry that does not make money all the time. And why on earth do you want to let your municipality run the risk of getting on the hook? And it is simply fair that everybody in the municipality ought to have the opportunity to vote on whether or not they want the municipality to go into the cable business. If you believe in referendums and if you believe in letting people decide, then you ought to be 'yes'. If you don't, you can vote 'no' on this Bill. Thank you Mr. Speaker."

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

Durkin: "Thank you, Mr. Speaker. I rise in support of this Bill. Senate Bill 1141, like a Representative Cross just said is not prohibited. Does not prohibit a municipality from moving in this direction. But this is something which is a nontraditional function of local government and I think as a resident I would be concerned about my municipality moving in this direction. Because this is a proprietary industry, something which I think is very risky, as Representative Cross said. And if I live in my community and the town wants to have a local-run cable tv sit... or show or run a station, I think it should be left best left... to the voters to make that decision. I would want that and everybody in this chamber would want that. We're

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not saying you can't do it. Just do it by local referendum. I think it's reasonable and I'm supporting this legislation."

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

Rutherford: "Mr. Speaker, thank you very much. I rise in support of this legislation. I think it's important to echo some of the previous speaker's comments in regards to local decision-making and referendum opportunity. The capital investment that it is going to take enter into some type of cable program for a municipality is a significant investment and it's imperative that the citizenry in the community do have the opportunity to voice as to whether they should be at risk for something like this. And I do stand in support of Representative Lang, Durkin, Cross, Persico, and Wojcik's Bill."

Speaker Hartke: "Further discussion? This Bill's on Standard Debate. Three people have spoken in favor. Is there anyone standing in opposition? Seeing that no one is seeking recognition, Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Just briefly, I appreciate the comments of all who have supported. For those who have a problem with it, take another look at it. All it says is that if a municipality is going to spend the money of the community to put down a competitive cable service after they've given a franchise, they ought to let the voters decide. And if you're having trouble with your cable system locally, look to your municipal people to write better franchise agreements. That's how you fix a cable problem in your community. This Bill will help you have better cable service. Vote 'aye'."

Speaker Hartke: "The Sponsor's asked for the passage of Senate

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Bill 1141. All those in favor will vote 'yes'; all 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 Senate Bill 1141, there are 82 Members voting 'yes', 31 Members voting 'no', and 1 Member voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. The Chair would like to make an announcement. We will be in Session on Friday. There will be no Session Saturday or Sunday. But we will be in Session Monday, at 4:00 p. m. On Second Reading, appears Senate Bill 561, Representative Hamos. Out of the Record. Senate Bill 818, Representative Sommer. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 818 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Sommer, has been approved for consideration."

Speaker Hartke: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker. Floor Amendment #1 addresses the section regarding, reporting of abuse. There was concern expressed in committee regarding that section and it was to be held on the Second Reading for that. The Amendment addresses reporting of abuse, makes that voluntary and makes the testimony also voluntary. The Attorney General agrees with this change in this Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall the House adopt Floor Amendment #1 to Senate Bill 818?' 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 Rossi: "No further amendments."

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Speaker Hartke: "Third Reading. Senate Bill 918. Representative... excuse me 910, Representative Stroger. Out of the Record. Senate Bill 941, Representative Currie, Barb Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate..."

Speaker Hartke: "Out of the Record. Out of the Record. Senate Bill 1018, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1018 is been read a second time, previously. No Committee Amendments. Floor Amendment #1 offered by Representative Barbara Currie has been approved for consideration."

Speaker Hartke: "Representative Currie. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is a technical Amendment so that this Bill can be used to incorporate some of the provisions of Governor Ryan's Illinois First initiative. I'd appreciate your support, happy to answer your questions."

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

Skinner: "The Representative is in the great tradition of Zeke Giorgi. I wonder if she could elaborate a bit on what this Amendment does?"

Speaker Hartke: "Representative Currie."

Currie: "Thank you for the compliment, Representative."

Skinner: "You're welcome."

Currie: "This is a shell Amendment to a shell Bill. The point would be to put this in Conference Committee and use it to incorporate provisions that will be relevant to the implementation of the Governor's Illinois First Plan."

Skinner: "That was clear as a soap bubble. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one seeking

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recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1018? All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1028, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1028, has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This, too, is a technical Amendment to a Bill that only contains technical provisions. It, too, would be available to be used for the provisions implementing the Governor's Illinois First Program. I would appreciate your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1028?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1203, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1203, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1 offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

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Currie: "Thank you, Speaker. This, too, is a measure that will have the effect of offering us a Conference Committee opportunity to implement Illinois First."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1203?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have and the Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1088, Representative Righter. Mr. Clerk, call the Bill."

Clerk Bolin: "Senate Bill 1088, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Dale Righter, has been approved for consideration."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is a technical Amendment. It will allow us to move this legislation out of this chamber and into the Senate. And subsequently into a Conference Committee. This is a EPA Bill, negotiations are ongoing between environmental groups and the business groups, and very close to an agreement or may have an agreement as I speak. I would just ask the floor that Amendment #1 be adopted."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition... no wait a minute, Representative Erwin."

Erwin: "Thank you, Speaker. I, too, rise in support of this technical Amendment. We understand that there is a... a close to an agreement... on this and I... too would urge

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adoption of Amendment #1."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1088?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Floor Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Mitchell, for what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Mitchell, J.: "I'd like to introduce Tom and Ruth Ann Finley from Greenup, they are visiting today. They are parents of Jeffrey and... Jeffrey Finley from Cumberland High School or Cumberland School in Neoga Lawn, who is my Page today. Thank you."

Speaker Hartke: "Welcome to the General Assembly. Senate Bill 1009, Representative McKeon. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1009, the Bill has been read a second time, previously. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative McKeon, has been approved for consideration."

Speaker Hartke: "Representative McKeon."

McKeon: "Mr. Speaker, I move to Table Floor Amendment 2. I move to table Floor Amendment 2."

Speaker Hartke: "The Motion is to table, withdraw Amendment #2. Further Amendments?"

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

Speaker Hartke: "Representative McKeon."

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McKeon: "Mr. Speaker, I move adoption of Floor Amendment 3. It becomes the Bill. The only difference from the underlying Bill with Committee Amendment #1, it specifies a date for the Secretary of State to make certain records available in digital format and on the Internet."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall the House adopt Floor Amendment #3, to Senate Bill 1009?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Granberg. Representative Granberg in the chamber? Representative Hamos. Senate Bill... Senate Bill 561, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 561, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 actually deletes the underlying Bill. The underlying Bill had to do with a health care surrogate provisions, and that Bill already passed in the Senate. So, to create a clean Bill which I will be presenting on Third Reading, we deleted the underlying Bill and that's all this Amendment does. Thank you."

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

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

Speaker Hartke: "She indicates she will."

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Turner, J.: "Representative, I'm just curious as to the Floor Amendment #1, how does that relate to the underlying Bill? Obviously, the question is, is it germane?"

Hamos: "As I understand it, Representative Turner, both sections of the Bill had to do with changes in the Probate Act. And that was the connection, the single subject connection."

Turner, J.: "Representative, I'm sorry, I couldn't hear you. Could... Could you just repeat it again? I know it was only a short statement."

Hamos: "Just one minute, Representative. I'm so sorry, Representative Turner, I was actually speaking to Amendment #2. Amendment #1, if I can backtrack for a moment, is an Amendment to the Probate Act. It provides for the compensation of public administrators and it provides that the public administrator will be paid... a compensation set by the county board as is true in the County of Cook. That is what Floor Amendment #1 does."

Turner, J.: "Okay. And as I recall, the original Bill had something... had some language in it which it set a ceiling of like 5%, is that correct? Am I thinking of the correct Bill?"

Hamos: "Yes, as I under...."

Turner, J.: "And you eliminate that language?"

Hamos: "Right. As I understand it, the original Bill actually fixed by statute, the limit on what public administrators could earn as... could receive as compensation out of the fees... out of the fees collected by the public administrator. This... this Amendment which was suggested by the State Bar Association doesn't set statutorily the fee, it instead says that the County board shall determine that compensation."

Turner, J.: "Okay, thank you."

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Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is 'Shall the House adopt Floor Amendment... #2, to Senate Bill...'"

Hamos: "No, that was #1."

Speaker Hartke: "... Floor Amendment #1 to Senate Bill 561?' 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: "Floor Amendment #2, offered by Representative Hamos has been approved for consideration."

Speaker Hartke: "Representative Hamos. Representative Hamos."

Hamos: "Thank you. I do apologize for the confusion. It is Floor Amendment #2 that deletes the underlying Bill that has to do with Health Care Surrogates that has already passed in the House and Senate. So, the original, now the entire Bill will be the Bill that I just described, the Amendment that I just described, which is Amendment #1."

Speaker Hartke: "Representative Turner."

Turner, J.: "I... Representative, I have to admit that I am a bit confused. Now, we just passed Floor Amendment #1, but it appears to me that Floor Amendment #2 becomes to the Bill. So, we actually are undoing what we just did moments ago, is that right?"

Hamos: "No, Representative Turner, what we are doing... Floor Amendment #1 becomes the Bill. Floor Amendment #2 tables the underlying Bill which is Senate Bill 561, which actually is Section 5 of the Health Care... Section 5 says that we are amending the Health Care Surrogate Act. With Floor Amendment #2, we are deleting Section 5, that relates the Health Care Surrogate Act, and leaving in place the Section of Floor Amendment #1 that I just described which has to do with the fees charged by public administrators."

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Turner, J.: "Okay, Floor Amendment #1 then, became the Bill, that is what we passed."

Hamos: "Yes."

Turner, J.: "Now, we are doing Floor Amendment #2 which amends Section 5 of Floor Amendment #1, is that correct?"

Hamos: "No, it it deletes Section 5 of the Bill. And Section 5 of the Bill has to do with Health Care Surrogates."

Turner, J.: "Okay. It deletes Section 5. It has to do with Health Care Surrogates. One more time then. Section 5 that we're eliminating, what does that say? What is it that we're taking out?"

Hamos: "What we are taking out is a Bill that we have already passed and the Senate has already passed, so it's on the Governor's desk. And it has to do with limits on what kinds of procedures a health care surrogate may agree to."

Turner, J.: "Okay, thank you Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 561?' 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. Senate Bill 1114, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1114, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Tom Ryder has been approved for consideration."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. During the Committee there was some concern expressed by AFSCME. We have discussed with

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them and the Bill, the Amendment #1, contains some technical tightening up of language that was necessary in order to achieve the support of AFSCME for this Bill. I would ask your favorable consideration for the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1114?' 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. Senate Bill 235, Representative Granberg. Senate Bill 910, Representative Stroger. Out of the record. Senate Bill 941, Representative Currie. Out of the record. Representative Mitchell, Jerry Mitchell. Representative Black, Representative Black, would you come to the podium? Senate Bill 235, Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 235, 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 House. Floor Amendment #1 is a technical Amendment to Senate Bill 235. It is a shell Bill. We're trying to keep this Bill alive to move through the process in case there is complete and unanimous agreement between the firefighters, the local fire boards, and the union representatives, on fire promotions. This is strictly be allowed to be used as a vehicle during the end of the Legislative Session in case they came to an agreement prior

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to the end of the... prior to the adjournment dates. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is 'Shall the House adopt Floor Amendment #1 to Senate Bill 235?' 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. Senate Bill 556, Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 556, the Bill has been read a second time previously. Amendments 1 and 2 were adopted in Committee. Floor Amendment #3 offered by Representative Jerry Mitchell has been approved for consideration."

Speaker Hartke: "In the absence of Representative Mitchell today, Representative Black asked leave of the Body to handle the Amendment for Representative Mitchell. Leave is granted. Representative Black."

Black: "Mr. Speaker, in the absence of Representative Mitchell, and if we don't move this today then he's gonna be out of luck."

Speaker Hartke: "That's true."

Black: "I need leave of the House to present the Amendments, I'm not a CoSponsor."

Speaker Hartke: "Leave has been granted."

Black: "Thank you very much. It's my understanding that Representative Mitchell, wants to withdrawal Floor Amendment #3."

Speaker Hartke: "Amendment #3 is withdrawn."

Black: "And it's my understanding that Amendment #4 is still in the Rules Committee and we're expecting that to pop out

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today, I think. Is that the Clerk's understanding?"

Speaker Hartke: "We're checking. It's still in Rules."

Black: "Okay, fine, thank you. As far as I know it's an agreed Amendment, maybe it will come out later today. Thank you."

Speaker Hartke: "Further Amendments?"

Clerk Bolin: "No further Amendments have been approved for consideration."

Speaker Hartke: "Hold that Bill on Second. Page 4 of the Calendar appears Senate Bill 1112, Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1112, a Bill for an Act in relation to Criminal Penalties. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Senate Bill 1112, develops a graduated penalty scheme based upon Governor Ryan's 15/20 25 to life, gun proposal. Governor Ryan, through his staff, has obviously worked extraordinary (sic-extraordinarily) hard in writing this new law. Governor Ryan's proposal, if enacted, will become the toughest and most far-reaching measure in the country to severely penalize felons who use guns in committing crimes. And I think that no matter what your position is on guns, this should be a proposal that all of us can support. The penalties under this measure are indeed harsh, but indeed appropriate. The Bill has several tiers of penalties for the commission of a felony with a gun, and the tiers are as follows; commission of a felony other than a qualified offense, and the qualified offenses are enumerated within the Bill, while armed with a firearm, remains the same as the current armed violence a separate Class X felony with 15 year minimum with a concealable gun and a 10 year minimum for a long gun. Commission of a felony, other than

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a qualified offense, during which the defendant intentionally discharges a firearm, is a separate Class X felony with a 20 year minimum, the commission of a felony, other than a qualified offense, during which the defendant intentionally discharges the firearm and causes great bodily harm or death to another person, is a separate Class X felony with a 25 year minimum and raises the maximum to 40 years. And in this instance, this sentence would be consecutive with the sentence imposed because of the great bodily harm. The qualified offenses of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, cannabis trafficking, Class X felony, manufacture or delivery of cannabis, controlled substance trafficking involving a Class X felony, amount of a controlled substance under a delivery section, calculated criminal drug conspiracy, street gang criminal drug conspiracy, and manufacture or delivery of a Class X amount of a controlled substance remain separate Class X Felonies within the armed violence statute. For these offenses armed violence penalties are consecutive to the predicate offense. The qualified offenses of first degree murder, attempt first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated battery of a child, home invasion, armed robbery, and aggravated vehicular hijacking are carved out of the armed violence statute, but the 15-20-25 life enhancement penalties are added into the specific sections of the code, where the elements of the crime are set forth. If the offense is committed while armed with a firearm 15 years is added to the term of imprisonment and imposed by the court

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on the offense. If the defendant intentionally discharged the gun during the commission of the offense, 20 years is added to the term of imprisonment imposed by the court on the offense. If the defendant intentionally discharges the gun during the commission of the offense, and causes great bodily harm or death to another person, 25 years or up to a term of natural life is added to the term of imprisonment imposed by the court on the offense. A legislative intent section is added to armed violence to spell out justify... justifications for the enhanced penalties where a gun is used and finally, the Bill reenacts the Safe Neighborhoods Law of 1994, which is threatened by an Appellate Court decision that the law violates the 'single subject' rule. Be glad to answer any questions anybody might have on this good piece of legislation."

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

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

Speaker Hartke: "He indicates he will. Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I... I think the the Sponsor has understated this... this Bill, this Bill is not just a good piece of legislation, it's a great piece of legislation. Let me ask you a couple of questions though. What is the intent of Senate Bill 1112 as amended?"

Turner, J.: "Representative, I'm surprised you asked that question. But the purpose behind the sentence enhancements in Senate Bill 1112 as amended, is to deter the use of fire arms in the commission of criminal offenses. It seeks to do this through a penalty scheme in which the penalty enhancement increases as the seriousness of the offense increases."

Winkel: "Well, I understand, Representative, and I appreciate

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your response, but Senate Bill 1112 raises the penalty for commission of an offense with a firearm, but does not do so for using other types of weapons. Representative, why is this?"

Turner, J: "That's a good question, Representative. Unlike other weapons, such as knives and clubs, a criminal use of a firearm significantly escalates the potential for bodily harm and increases the potential for harm to more persons. The victims and any bystanders are at a greater risk when a firearm is used in the commission of a criminal offense, as well as law enforcement whose duty is to confront and apprehend armed suspects. Firearms are used to facilitate a criminal offense because of its more lethal nature and the increased fear produced in those confronted by a person wielding a firearm. Therefore, it is appropriate for a greater penalty to be imposed when a firearm is used or discharged in the commission of a criminal offense, than the penalty imposed for using other types of weapons."

Winkel: "Well, thank you, Representative, but now that you've answered that question, I wonder are these general or specific intent crimes?"

Turner, J.: "To which particular crime in the Bill are you referring to, Representative?"

Winkel: "Well, let me go back to... to another issue on this. The largest penalty enhancements in Senate Bill 1112 as amended is applied to offenses that are either specifically exempted from the current offense of armed violence or have consecutive sentences applied through armed violence. Why were those offenses selected?"

Turner, J.: "Those offenses, Representative, other than the drug offenses, are the most serious offenses and involve a significant threat of harm or use of force against others

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including our most vulnerable victims, children and senior citizens. All are currently a Class X felony or higher with mandatory imprisonment, many have been selected before as some of the most serious offenses by designation as a truth in sentencing offense. The selected drug offenses are those related to drug trafficking, drug conspiracies, and big time dealers in which firearms are used to defend the illicit network of trade in dangerous substances that represents such a significant threat to the public health and safety. Other less serious felonies are covered by the expanded armed violence offense. But the penalty enhancements are not as large because of the less serious nature of the offense."

Winkel: "The Bill amends various criminal offenses other than armed violence to which a set amount of imprisonment is to be added to the term of imprisonment imposed by the court on the offense, what does this mean?"

Turner, J.: "For those offenses, all of which are already mandatory imprisonment offenses, the court won't pose one sentence of imprisonment. The Bill will require the sentencing judge to decide what the terms of imprisonment should be on the offense, based on sentencing factors other than the firearm. After determining that, the judge will then determine the amount of imprisonment specified because of the firearm, to arrive at the amount of imprisonment to be imposed on the offense. For example, if an armed robbery is committed while armed with a firearm, the judge must sentence the defendant to a term imprisonment of 6 to 30 years, plus 15 years because of the firearm. Therefore, if sentencing factors other than the firearm lead the judge to decide 6 years is appropriate, 15 years is added for the firearm, resulting in a sentence of 21 years for the armed

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robbery."

Winkel: "Representative, thank you for bearing with me on these questions that help express the intent of the Legislature in passing this excellent Bill. Representative, I do have another question. Who... who are the organizations that would be in support of this Bill?"

Turner, J.: "Thank you, Representative. Obviously, the Governor is in support of this. As you know, the Governor worked very hard on this and talked about it during the last campaign season very... at length. And he's certainly following through on his promise to deliver the 15-20-25 to life Bill. The NRA is in support of this, the Illinois Rifle Association is in support of this Bill, the Illinois Sheriffs' Association is in support of this Bill, the Illinois State Police is in support of this Bill, the Illinois Association of Chiefs' of Police is in support of this Bill, the Attorney General supports it, and the City of Chicago, as well, supports this measure."

Winkel: "Representative, are there any opponents to this measure?"

Turner, J.: "I am aware of no opponents to this Bill as amended, Representative."

Winkel: "Well thank you, Representative, to the Bill."

Speaker Hartke: "To the Bill."

Winkel: "This is Governor Ryan's 15-20 life proposal, which he promised he would advance during the last campaign, and has done so. And I want to congratulate the Governor for bringing this measure to the General Assembly, and thank the Sponsor for presenting the Bill. I believe that, truly, this is one of the most significant Crime Bills we'll vote on this Session. It's meant to and I believe will reduce the violent crime in Illinois by targeting

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defendants who are convicted of a crime of violence in which a firearm was carried or used. I would urge a 'yes' vote on this Bill. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Hartke: "He indicates he will."

Brunsvold: "Now, Representative Turner, you and I talked earlier. What... I... I'm concerned about the Safe Neighborhoods Bill that we passed... about three or four years ago. What provisions... there was one provision in there that dealt with felonies for having firearms in a pickup for example, and we went about arresting farmers for having a rifle in their pickup to shoot varmints with. And is this a... is this redoing the whole Safe Neighborhoods Bill?"

Turner, J.: "Representative, is your question, does it redo the whole Bill?"

Brunsvold: "Yeah, you said the court action had put the Safe Neighborhoods in jeopardy because of the single subject matter issue. Does this redo that whole Bill? Because that was quite a lengthy Bill as I recall."

Turner, J.: "No, it does not. Just two sections of the armed violence, Representative."

Brunsvold: "Two sections of... do you have any idea what... what those two sections are?"

Turner, J.: "The definition section of armed violence, and the sentence enhancement for handguns."

Brunsvold: "I think... yeah, that's... I think that's fine. And I would stand in support of the Bill and think the enhanced penalties for gun violence is the way that we ought to be going. And I'd ask everybody to vote 'yes'."

Turner, J.: "Thank you, Representative."

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

Hamos: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hamos: "Representative Turner... I my fiscal note indicates that this Bill will cost the state \$115,000,0000 over ten years?"

Turner, J.: "I believe that's correct. There was a fiscal note."

Hamos: "And it will enhance... it will expand the inmate population by about 1500 people. Is that right?"

Turner, J.: "I don't know... 1550, I'm advised."

Hamos: "1550."

Turner, J.: "Yes."

Hamos: "I... I'm because I really don't know. I'm curious. Are we talking about building another prison to deal with this Bill, or do we have the prison capacity over the next ten years to really absorb the inmate population that this is expected to create?"

Turner, J.: "Well, obviously, we'll have to on a yearly basis, make the appropriations in order to house felons who use hand guns or long guns in the commission of their crimes. This Bill doesn't speak to that funding issue, but I think it's incumbent upon us as Legislators to provide enough funding to make sure that these kind of dangerous people are incarcerated for a long long time, if not for life."

Hamos: "Well... will... will the prisoners be in maximum security prisons as a result of this Bill, or medium security? Do we know?"

Turner, J.: "The Department of Corrections makes the ultimate decision. I think you're aware, as to where a person is placed. They go... they first go to a receiving station at the Department, and then depending of the seriousness of

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the crime, they are assigned either to the maximum prison facility or perhaps medium or minimum. And those that are originally assigned to maximum at some point if there is good behavior, are moved from maximum to medium, except in some rare circumstances. The kinds of penalties that we're talking about here that apply to felons who have committed violent crimes and used a gun and/or discharged a gun, and/or hurt someone while doing so, or killed someone, are probably for the most part persons who are going to be assigned to maximum security facilities where they belong."

Hamos: "And so do you anticipate that the \$115,000,000 will just be a part of our growth, our GRF growth, or is there a funding source that's attributed to this?"

Turner, J.: "I don't envision us funding Corrections any differently because of this Bill, than we currently do. We will have to appropriate the sufficient funding in order to make sure that the people are incarcerated and other than to state it in that fashion, I'm not sure what you're getting at. Do I envision... are you asking some kind of new revenue source is seen as gonna be created? No, I don't envision that."

Hamos: "Okay, thank you, to the Bill. I... I'm going to support this Bill, probably everybody else is too. But it... this is the first Bill I have to say that we have voted on so far, this Session, that really has very big price tag, \$115,000,000. And as somebody who's been sort of working with other Members here to scrap for a little million here and there, it just feels like a very big momentous moment. Thank you."

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

Turner, J.: "Well, thank you, Mr. Speaker. I think that I went

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to great length to explain the Bill when I made the first introduction of it several moments ago. Certainly, Rick Winkel's questions I would think would have clarified any other questions that may have still been held by any of the Members of the Body. And then the latest round of questions regarding the financing, were certainly appropriate as well. This is Governor Ryan's Bill and it is, obviously, as I have already indicated, I think it passed to become one of the most... severe and far reaching Bills in the entire country, with regard to imposing penalties on felons who use guns during the commission of their crimes. I think that everyone should vote for this Bill. And I anticipate getting all the Members to for it. I certainly hope that they will. It's a chance for all of us, no matter where we stand on guns, to come together and vote 'yes' on this particular measure to punish those people who do use guns in the commission of their heinous offenses. I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1112?' 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 Senate Bill 1112, there were 108 Members voting 'yes', 0 voting 'no', and 6 Members voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. On page 3 of the Calendar, appears Senate Bill 656, Representative Fritchey. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 656, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Fritchey."

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Fritchey: "Thank you, Speaker. Senate Bill 656 was a Bill introduced in the Senate by Senator Rauschenberger. It amends the Liquor Control Act to address two specific situations, one in Representative Lopez's district and one in my own. These are situations that have the support of the local communities and the local community leaders, and the local officials. We'd appreciate your support."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, it's my understanding that this Bill, as amended, when we boil it right down to the essence would allow for a restaurant and a grocery store to sell liquor within 100 feet of an elementary school. Is that correct?"

Fritchey: "Within a hundred feet of a public school."

Black: "Public school."

Fritchey: "Let me speak to the situation in my district, Representative. There is a chain grocery store that is located in a strip mall near a large technical high school. That grocery store had looked to add a liquor department within the grocery store, in seeking to do that. They found they were precluded from doing so under the Liquor Control Act as it presently reads. Accordingly, they went and met with the principal of the school, the local school council, the local aldermen, and the local community group, and because they have been for a long time, a very good tenant and community member, all members that were contacted supported... supported this issue. It's a very similar situation with the restaurant in Representative Lopez's district, where all local officials supported this,

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the change that we are seeking to do here."

Black: "Representative, the difficulty that I have, previous Bill notwithstanding, I have a lot of little small communities in my district. We don't even have a grocery store. And some of the small schools... some of the small communities have even lost their schools. But those that haven't, try very hard to hold onto that school as long as they possibly can. Is there anything in this Bill that I could... I could go back to my district and tell people in small communities that this Bill will not allow someone to come into their town and build a convenience store or a gasoline/convenience store and sell liquor within a hundred feet of their school?"

Fritchey: "Absolutely. This legislation was tailored in such a way to deal with a specific... the specific situation without being special legislation. And with the respect to the grocery store, it provides that it's a grocery store having a minimum of 56,000 square feet of floor space and it has to be in a single story building, in an open mall of at least 3.96 acres and has to be adjacent to a public school that opened as a boys technical high school in 1934."

Black: "Okay. Would... would it not have been possible to draft this language to only apply to a city of more than 500,000 people for example?"

Fritchey: "There are probably a lot of different ways that you could have gone about getting to the same result. We worked on this with our staff, with the Retail Merchants Association, in such a way to address a situation that would not infringe upon other communities unintentionally."

Black: "Has the school that would be impacted by this, the school that would be within a hundred feet of an establishment

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selling alcoholic beverages... has the school been contacted, and if so, do they have a position?"

Fritchey: "Yes, they have been contacted and yes they do have a position. The school in question is Lane Technical High School, which is... as I said which is in my district and actually in my neighborhood. The principal of Lane Tech is in support of this. The local school council is in support of this. The local alderman is in support of this. And the local community group is in support of this."

Black: "I... I had heard that there might be a letter from the local school council indicating that they have no objection to a... an establishment selling alcohol within a hundred feet of that school. Is there, in fact, such a letter?"

Fritchey: "I have not... to be candid with you, Bill, I have not seen such a letter. However, I have been informed, as I said, by member of the local school council themselves, who told me this matter was taken up and approved and by the local principal who said that he was informed that the local..."

Black: "Okay, yeah, I I had heard that there was a letter. We don't have one in our file..."

Fritchey: "I... I don't have one in my file. As I said, it would not surprise me if there is such a letter."

Black: "Okay, Representative, I appreciate, as always your... your ability to answer the questions in a forthright manner. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I... I don't want to stand in the way of any economic development in anybody's community. And I think the Bill is drafted narrowly enough that it isn't going to impact me. But I want... I want to tell you there's a couple of things that aren't debatable in small town Illinois. And

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one of those things that is not debatable at least in my experience and I have an awful lot of small towns and I go to a lot of festivals and parades and what have you. And the one thing that I have never found small town Illinois to be very tolerant of, is any establishment that sells alcohol that close to a school. I think the current law is a thousand feet, some towns would like it to be much further away. I think in a time when we prohibit billboards advertising tobacco, I think in a time when... we are very concerned about DUI and alcohol induced crimes, I cannot in good conscience vote for the Bill. I can't go back to my district and tell people who live in small communities, that under some quirk it... and I don't think this would happen, I believe Representative Fritchey is a man of his word. And I think, I've looked at the Bill. I think it's drafted in such a way that I wouldn't have to worry about it in my district. But you know that's what, that's not what happens in this business a great deal. What happens in this business a great deal, is you vote for a Bill like this to help Representative Fritchey, and I'd like to do that, I really would. But the direct mail piece doesn't say that I'd like to help Representative Fritchey in an area that needs economic development. The direct mail piece says I voted to allow alcohol to be sold within a hundred feet of a school. And you know until we both, until both sides of this aisle get together and put a stop to that kind of misleading and quite frankly untruthful advertising, you have to be careful how you vote on a Bill like this. If I... if I lived in Chicago, I'd... I'd vote for the Bill. But I have too many small towns that would be very, very concerned with me if they got a direct mail piece that I allowed alcohol to be sold within a hundred

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feet of the school. Personally, I hope the Representative can pass his Bill. I think he's tried to draft it as narrowly as possible. I just want him to understand, that in my district it's just not an issue that's debatable, and I will reluctantly vote 'no' on the Bill."

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

Lopez: "Thank you, Mr. Speaker. I would like thank Representative Fritchey for carrying this Bill. This Bill is included a section where, it's for a restaurant within my district. Actually, the restaurant comes within a foot of being beyond a hundred feet. So it's like 99 feet from the school. And actually it's not from the school, it's actually from the parking lot, that is used as a parking lot not a playground. So, I ask my colleagues, this is an issue that I've been working included with the restaurant for about a year and a half, close to two years, trying to get language to satisfy everyone. And I think we've come to an agreement. The City of Chicago is neutral. The school is not against this legislation, and I urge for an 'aye' vote. Thank you."

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

Davis, M.: "Thank you, Mr. Speaker. As much as I would really like to help, I really would appear to be violating what Father Flager in Chicago is fighting so hard against. He's fighting hard against alcohol and tobacco being sold very close to schools. And I understand that this Bill is extremely specific. I... I still would be very concerned that it would be misconstrued by those who would see the availability of alcohol within a hundred feet of a school. And with all due respect to the Sponsor, I would have to

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vote 'no' on this Bill."

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

Delgado: "Thank you, Mr. Speaker. I rise in strong support of this. It's very important that our colleagues understand what is going on here. These are two establishments that is not selling liquor as a primary source. This is an incidental. We all go to supper, we have a steak, we have some rice and beans, and you might have a libation. It is not a... it's an incidental. It is not a liquor store. In the case of Representative Fritchey's district, it's a large, large Jewel. Everyone does their mass shopping. For the restaurant in Representative Lopez's district, the school sent a letter saying, 'This is a high-class restaurant. If we close that restaurant, it's on a corner and it's gonna attract maybe undesirables and we don't need to have people hanging on to corners.' So, this isn't a liquor Bill. This is some business that is trying to survive and at the same time serves it as an incidental. And mind you, to sum up, it's after the closing of most of the school. The school is closed by 3:00 p. m. and so at that point supper is served. And in this case Jewel, many shoppers go in and buy a variety of things. So, please, colleagues, let's look at the specific language that Representative Fritchey and others put together, so that we can get an 'aye' and we can continue to economically develop our sections of our districts. And I would please ask for an 'aye' vote on this."

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

Fritchey: "Thank you, Speaker. While I am very sympathetic to the issues raised by a couple of my colleagues, I would

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again say that this boils down... this has nothing to do with liquor stores, selling liquor next door to a school. This is a large grocery store. This is a well-regarded restaurant in the community. These are technical Amendments to allow these businesses to continue to operate. This legislation has been brought forward with the full and solid support of the community, of the school officials, of the parents, of the families. And I request your support. Thank you very much."

Speaker Hartke: "The question is, 'Shall Senate Bill 656 pass?' All those in favor will vote 'yes'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 656, there were 61 Members voting 'yes', 50 Members voting 'no', 3 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 1136, Representative Burke. Out of the record. Senate Bill 786, Representative Parke. Oh, excuse me. Out of the record. Representative Bellock, you're recognized for an announcement."

Bellock: "Mr. Speaker, I rise on point of personal privilege."

Speaker Hartke: "State your point."

Bellock: "I know we're all honored today to honor the firemen of the State of Illinois. And I'm especially proud to honor the firefighters from my district of Downers Grove, and three firefighters especially William Lumino, John Bockroth, and Jeff Pindelski, who were honored today in a ceremony and received the Medal of Valor for saving a woman's life in burning flames, in a building in Downers Grove last year. Thank you very much in honor of them, and

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their families in the gallery."

Speaker Hartke: "Congratulations. Senate Bill 786, Representative Parke. Mr. Clerk read the Bill."

Clerk Bolin: "Senate Bill 786, a Bill for an Act Promoting Micro Enterprise and Self Employment in Illinois. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In Senate Bill 8... 786 creates 11 member micro enterprise assistance council within the Department of Commerce and Community Affairs and specifies the manner in which the members shall be appointed. Provides that the council shall develop initiatives to promote micro enterprise and self employment as alternative to welfare and traditional wage labor employment and as far as I know there's no known opposition. The Department of Financial Institutions is neutral on the issue. I would ask for it to be passed."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition except Representative Black."

Black: "Mr. Speaker, inquiry of the Chair."

Speaker Hartke: "State your inquiry"

Black: "Yes, would you have the Clerk tell us, just to make sure before we vote, what Amendments are on the Bill."

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #2 is the only Amendment that has currently been adopted to the Bill."

Black: "Floor Amendment #1 was tabled? Thank you very much, Mr. Speaker."

Speaker Hartke: "Since no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 786?' All those in favor signify by saying 'aye'; opposed 'no'. In

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the opinion of the Chair the 'ayes' have it. All those in favor of the Bill will vote 'yes'; all those opposed will 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 Senate Bill 786 there were 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 2 of the Calendar appears Senate Bill 7, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 7, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill #7 is very similar to House Bill 1079, which this Body passed out earlier this session. Senate Bill 7 makes it a Class IV felony for a child sex offender to knowingly be present in a public park, in a park building or on the park grounds and to approach contact or communicate with persons under the age of 18 years old present in the park. It also makes it a Class IV felony for a child sex offender to knowingly loiter on a public way within 500 feet of a public park, in a park building or on the park... or on the park grounds and to approach, contact, or communicate with a person under the age of 18-years-old present in the park. I'd be happy to answer any questions."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Yes, representative, I think it would be easier if you

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could just tell us in one sentence, is there any place left that a sex offender can go?"

Brosnahan: "Actually, Representative Black, as far as..."

Black: "Maybe, he could go to a restaurant that serves liquor within 100 feet of a school, but I don't think so."

Brosnahan: "You know, I could work on some legislation for maybe next week. We'll see."

Black: "Well, you know, I... I... I really... obviously Representative, I'm not gonna vote against your Bill. But I think it might be easier if everybody in the chamber would just get together, and why don't we just pass one Bill that; a) they can never leave prison; b) if somehow the judge lets them out, they can never leave their home. Wouldn't that just be simpler? And we'd get... God, look at all... look at all the language we could get out of the Criminal Statute."

Brosnahan: "Well, actually, I understand your point. And I know we're going kind of far in some situations, but this Bill actually came to my attention from some police chiefs in my district, where there actually is a..."

Black: "I... I understand exactly what you're doing and I don't think anybody can obv... can honestly stand in opposition. But at some point, I think each of us are gonna have to say at what point do we just make an omnibus Bill and how many add-ons can we continue to do? I raised two children and now I'm a grandfather, and obviously when we go to the park, I take a look around to see who's in there or who's around the park. And last week I saw Representative Tenhouse in a trench coat and it scared me to death. But be that as it may, I think this Bill is probably a good idea."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from DuPage, Representative Johnson, Tom
Johnson."

Johnson, T.: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Johnson, Tom: "Yes, Representative, I think Representative Black really hit on it, and we've debated this before. So, I'm not going to take time to go back over this. But I think that that is absolutely true that pretty soon we better just say no sex offender ever better be found anywhere and we begin isolating this, but one of the questions I have is, if you are a convicted sex offender, married with children and you want to take your child to the park, would this prohibit that?"

Brosnahan: "The way this language is... is drafted, it would not prohibit it if the person, the child sex offender, is in the park and he does not try to approach or communicate to another child. That's ... that's my understanding of this Bill. And I've talked with the Senate Sponsor. We worked on this Amendment because House Bill 1079 that we passed, I know there was some concerns that you expressed and some other Members expressed about the constitutionality of it. So, we... we added this Amendment that would require them to actually to be to be guilty of this offense. They'd actually have to try to communicate or approach a child in the park."

Johnson, T.: "Okay. I think you answered that portion of it. But now, if I take my child to the park, and I meet my neighbor there with his child at the park, can I speak to my neighbor's child?"

Brosnahan: "Tom, the way that this Bill is drafted, the answer would be 'no.' However, I... I think again and maybe sometimes it's overused, but I think that would be at the

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discretion of the police officer or the prosecutors. And quite honestly, I don't think that would be an offense where they would place a person under arrest. But technically, yes. But I think we would rely on the police officer's discretion, as well as the State's Attorneys discretion."

Johnson, Tom: "Okay. ...And to the Bill. I am certainly not going to urge anybody in here to vote 'no' on this, because this again, is what campaign brochures are made out of. But I do think that it's very important to realize that what we're doing here is, you can have a sex offender who has served his time, been certified that he's okay to be out, because we now have civil proceedings to keep them in, if we don't think they are. And now we're saying stay out of schools, stay out of park, but I can park myself on the street right in front of the entrance to the park and look at every child and if, in fact, they're still so dangerous even though we've certified they're not. and that's okay. And that's where I think the absurdity of what we're doing here becomes more evident, because there are children everywhere in our society, on our public streets, in all our buildings in all our neighborhoods. And if in fact, we're not satisfied with the system in terms of deterring this, and in terms of keeping dangerous people behind bars, which Representative Dart, to his credit has worked very hard on this. You know, I think we are at a position that we better come to grips with this big time and say that no convicted sex offender is ever, ever gonna be safe anywhere and they shouldn't out there, because there are children everywhere. It's not just parks. And I think that this really also shows that I can go. I might have served my time. I might be certified as being okay, I might be

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married have my children, take them to the park, but I can't even talk to my neighbor's children in the park. Some of this just doesn't make good public policy sense. Again, everybody in here probably will vote for this, and I'm certainly not gonna tell anybody not to but it's for those reasons that I will vote 'no'. Thank you."

Speaker Hartke: "Further discussion? Representative Biggins, do you stand in opposition to this Bill?"

Biggins: "No, no Mr. Speaker, but I would like to speak to the Bill if I may."

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

Biggins: "I'll be brief. Well, the question was asked by... where could sex offenders go? We know one place where they can go, they have to go to City Hall to register. And since Representative Sharp had a Bill earlier about requiring that prisoners when they are released from prison be registered to vote as they are exiting the facility. I don't like to mandate that type of thing, but perhaps while they're there at the City Hall, they could go down the hall and register to vote, but that would make all felons eligible to vote in all elections, which would include the next primary. And I wonder what primary they'd choose to vote in. It's a very interesting idea. I'm gonna vote for this Bill."

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

Brosnahan: "Thank you, Mr. Speaker. I appreciate the discussion on the Bill and I'd just ask for an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 7 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 7 there were 107 Members voting 'yes', 1 person voting 'no', and 6 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 1136, Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1136, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Mr. Speaker. This matter is of... very urgent concern to my community. It deals with the blocking of railroad crossings. This legislation would call for railroads to be prohibited from blocking railroad crossings during rush hour in Cook County. Currently, there is the provision in law that they may not block an intersection for longer than ten minutes. There is additional language in this Bill that would require that they not block longer than ten minutes in a 30 minute period. Again, it's a very serious concern to my constituency. Can you possibly imagine yourselves or a member of your family being trapped at a railroad crossing when emergency vehicles can't get through? It's a constant problem. It's a major source of consternation for my constituents and those surrounding my district. This is a matter that affects Cook County only. And again, it's a serious concern and I think it's only common sense that we would insist to the railroads that they not block railroad crossings for longer than ten minutes during rush hour, particularly. And I would ask for the Body's favorable consideration and I'd be happy to answer any questions."

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

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

Speaker Hartke: "He indicates he will."

Turner, J.: "Representative, you indicated that this applies only to Cook County. Why is that?"

Burke: "It appears that this is a specifically a major concern in that community due to the number, the high number of railroad crossings. It's a higher concentration in terms of population and we believe that there are far more crossings in Cook County than any other in the state."

Turner, J.: "Well, what is your Bill designed to accomplish? I'm not sure I can tell just from reading it."

Burke: "We're insisting that the railroad not block a railroad crossing for longer than 10 minutes during a 30 minute period, during rush hour, both morning and early evening."

Turner, J.: "Okay. Well, what's the rationale? I understand that people are in a hurry and people don't like to be stopped, but what's the rationale behind it? Is it a safety issue, or...."

Burke: "It's absolutely a safety issue. It's not my concern that people be inconvenienced. And I would think that 10 minutes is quite sufficient to permit a train to transgress a crossing. We're talking about emergency vehicles. There are hospitals situated around these crossings. When emergency vehicles are responding, they are held up as well. My immediate concern would be, with respect to emergency vehicles, ambulances, fire trucks, police vehicles being able to cross a specific crossing."

Turner, J.: "Okay. What if it is.... what if there's violation a train blocks a crossing for 11 minutes. What's the penalty and how's it enforced?"

Burke: "Well, currently, it's a monetary fine."

Turner, J.: "Okay, it's a monetary fine, but who pays it?"

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Burke: "The railroad."

Turner, J.: "The railroad pays it? Is it possible.... I'm just curious and I obviously don't know the train scheduling in Chicago at all. Is it really possible for the trains to schedule how they... well, their travel patterns or their traveling schedule, I guess I should say, in such a fashion, so that they can necessarily even have any control whether or not they might be blocking an intersection for more than 10 minutes during rush hour?"

Burke: "Representative, I would submit to you that the railroads would be out of business if they couldn't schedule their trains properly. They're all computerized now. They know that the speed of the train, the length of the train would determine how long a crossing would be obstructed. It's a very simple matter. It's simply a case of mathematics. You take the length of the train and use the factor of the miles per hour and you know exactly how long you will be blocking an intersection."

Turner, J.: "Okay and I appreciate that response. I think I inartfully asked the question. Sure, they can schedule themselves, being the railroads, on a timely fashion. But there are going to be delays, are there not, out of their control? For example a freight train needs to pick up the cargo, whatever it is they're hauling, and could easily get off schedule by several minutes in different locations. And, if that were to occur, I'm not sure that they will in.... they will be able to make absolute certain, even if we pass this law, that they wouldn't block..."

Burke: "We're trying to be very reasonable with this legislation."

Turner, J.: "...for more than 10 minutes in rush hour."

Burke: "We're trying to be very reasonable, Representative, in

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this legislation. We have a provision that would insist that any reason over which the rail carrier has no reasonable control would be not... would be not construed as a violation. So there are circumstances, and let's face it, there are human beings involved and there are mechanical situations that would cause the train possibly to be, you know, going through a intersection longer than the 10 minutes. We've taken that into consideration. We're talking about any reasonable control."

Turner, J.: "I've got a note in my file that if this is the law in Cook County, that it is likely to cause such blockages that you're trying to prohibit in Cook County, to occur downstate. And certainly, being a downstater, I'm concerned about that. Do you have any comment on that particular assertion that's noted in my file with regard to making this a problem downstate by only including Cook County within your legislation?"

Burke: "Well, maybe, to go back to your original line of questioning with respect to why only Cook County, and my response was that do to the population of Cook County, being the largest in the state, and the number of railroad crossings. I know in my district I can tell you that there's a railroad crossing approximately every five blocks right in the center of my constituency. You're not seeing that in the downstate areas or the rural areas as often. So we're talking about trains that could be several miles long and we're talking about possibly blocking railroad crossings for a 10 mile stretch. How in the world could an emergency vehicle with a victim be expected to cross that to get to the nearest hospital?"

Turner, J.: "Well, exactly. And I would have the same concerns as you would about blocking an intersection or railroad

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crossing section, I should say, when an emergency vehicle is trying to get through it. The particular passage that I'm referring to says that, 'one train movement is dependent upon another train movement. If a train is held out of Chicago, it will block traffic in another location in Illinois or a neighboring state and interfere with other train traffic.' That is a concern of mine, being a downstater. And will that occur if we pass this measure?"

Burke: "Well, Representative, as you know there are currently provisions to provide that a ve... a train not block an intersection for longer than 10 minutes, and that could be 10 minutes at a point. This Bill, again, will refer to during a 30 minute period. I would suspect that the railroads could take proper steps to ensure that other crossings would not be blocked for the 10 minute period, longer than the 10 minute period, as is current law."

Turner, J.: "Is there any fiscal impact on this?"

Burke: "I don't see any."

Turner, J.: "Are there any opponents?"

Burke: "I beg your pardon."

Turner, J.: "Are there any opponents?"

Burke: "Oh, certainly. The railroad industry."

Turner, J.: "And who are the proponents? My.... And I'll just tell you that my analysis says, 'the County Highway Engineer Association is the proponent. Is that the only proponent of the Bill?"

Burke: "Representative, Senator Molaro is a proponent. I am a proponent. The constituency of the 23rd Legislative District of Illinois is a proponent. Congressman William Lipinski is a proponent. Several of my surrounding colleagues in the City of Chicago are proponents. They understand this is a very serious matter. We are

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constantly receiving calls from constituents with respect to this unfortunate delay at every railroad crossing. It's a major, major problem in my community and those that... are immediately adjacent."

Turner, J.: "No further questions, Mr. Speaker. Thank you, Representative."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentleman of the House, I rise in opposition to this legislation. I grew up on the south side of the City of Chicago, in the Dalton area where we had two railroad crossing areas. And sometimes we were caught in between trains as they went along. And that is frustrating and I appreciate what is trying to be done. But I will tell you that we ought not to get involved in the marketplace in deciding what is a half hour, fifteen minutes, ten minutes. Because the backbone of America travels on trains, and for us to be limiting on how much a train can go through a town, I think, is the the wrong public policy. In the State of Illinois, in this area of Chicago.... excuse me. In the area of Chicago, besides the four belts and seven main line railroads, the metropolitan area is home to seven local railroads handling local industry, that combined, are 109 miles long. In addition, the Chicago area yearly rail traffic - 16,000 cars pulling... trains pulling some 10,000,000 freight cars according to a railroad industry study. This is the equivalent of almost a quarter of all railroad freight traffic in the United States. We benefit in Illinois and specifically in Chicago, in having a very strong business climate. I believe that this will be a negative impact, have a negative impact in commerce, in

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this state and especially in the metropolitan and Chicago area. So, for that, I think that... I know that the Sponsor feels a sense of frustration and I'm sure his constituency feels that same frustration. But this ought not to be the way we solve that problem. This is a solve one individual problem in one individual area, and therefore, we're going to limit all of the metropolitan area in how they're going to handle traffic, rail traffic. And to put a fine on them because somebody might estimate...misestimate how long a freight train went through a crossing. That's just bad public policy and I would ask the Body to vote 'no'."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Hoffman: "Representative, you talked briefly about some of the concerns that you had with regard to the obstructing of railroad crossings. Is this... is there a specific crossing in your area that causes this type of problem or just generally?"

Burke: "Well, I... I know for myself I have been, indeed, delayed for over 30 minutes at the crossing that's nearest to my residence. But, throughout, as we were talking with the other Representative earlier, there are major problems at all the intersections when they are blocked for greater than 10 minutes."

Hoffman: "And I would assume that the constituents in your area are extremely concerned. If you are going to get your child from day care, you're going to go to work, you're going to... run errands and you're detained for 30 minutes because of the fact that the rail cross... or the crossing,

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the grade crossing is being blocked, that's obviously a concern. I obviously live in a different part of the state and I would like... I wouldn't mind seeing something similar that's statewide. But I understand that this Bill only... only applies to your area, and I'm going to support you because I know that you understand what your constituents need, the problems that they have. And, particularly, I think everybody in this chamber needs to understand, half the reason that we see people going around grade crossings and half the reason we see people trying to beat trains is because so often we get in a situation where we have to go somewhere and a train is blocking the grade crossing and you can't get there. That's what this Bill's designed to... to stop. Not only to design to stop the inconvenience that families feel or individuals feel or businessmen feel because of the grade crossing being blocked, but also, but also, to make sure that we avoid the type of incidents that can occur and accidents that can occur and safety risks that occur when people try to beat the train because they know that the train may stop there for 30 minutes. I think that.... I wish that this didn't only deal with the city, I wish it dealt with the entire state because where I live, many times when you try to go through places like Granite City, where many... or Madison, Illinois, you'll be stopped for 20/30 minutes. I've had people call my district office from cell phones, upset because they have been... needed to go somewhere they were... had some kind of an obligation, family or otherwise, they couldn't get to it because their way is being blocked. I think this is a good first step. I urge an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Lady from Cook, Representative Crotty."

Crotty: "Thank you very much. I will keep my remarks to the Bill."

Speaker Hartke: "To the Bill."

Crotty: "If... If there has not been, in your district, a problem with trains stopped for any length of time, it will only be that length of time before you will have a constituent call. In our area, in the south suburban Cook area, we have in fact had trains stop for a very long period of time where even children trying to come home from school have climbed in between the train cars in order to get across, so they can go home. Representative Brosnahan and myself have met with the railroads. We will continue to meet with the railroads because as a previous speaker has said, the railroads are very important to our neck of the woods. But they need to be good neighbors. They need to be safe neighbors. And I know that I have found, along with some of my other colleagues, some great problems with the railroad. Again, I will continue to work with them. But they need to address the problems that our constituents. And we that represent those constituents here in Springfield, need to make sure that safety, not only with the vehicles, the emergency vehicles, but especially kids that have found themselves compelled to climb over those trains in order to get home. The railroads need to be more cautious and be more of a good neighbor. So, I again, support this. I ask that the rest of you... join us in supporting this legislation and we will continue to be good Representatives in our districts. Thank you."

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

Davis, M.: "Thank you, Mr. Speaker. I rise in support of this

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legislation, because not only is the driver of an automobile being inconvenienced, very frequently these trains are stopped by someone's house, right outside of someone's home the motor is running. Very often the engineer may even leave the train and it's a very dangerous situation. And you hear all of this rumble, rumble, rumble by someone's home for 30 or more minutes and that is wrong. We have asked through letters and through meetings to have this kind of incident halted, to have some solution and we have received absolutely nothing. I commend Representative Burke for bringing this Bill. We should all be 'aye' votes. There are some people who want to vote 'yes', but they're afraid their community will ask, 'Why don't we have that law in our community?' So they want us to extend it for the whole state, Representative. And, perhaps, if we have to, we'll certainly do that. But I believe this is one of those votes to protect the working people, to protect the homeowner, and give them the safety and security that they have deserved, that they earned by... by being citizens of this state."

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

Burke: "Thank you, again, Speaker. One of the previous speakers had suggested that the backbone of commerce travels on trains. I certainly agree with that statement, but let me ask you this. What if you or a member of your family had their backbone crushed in an automobile accident and you're in an ambulance that could not get to the hospital and you had to sit there for 35 minutes waiting? How do you respond? There have been many, many situations such as this. We're not only talking about inconveniencing people. Let's face it, we're in a fast moving society. People want

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to get from point A to point B as quick as they can. We are having serious problems. Kids are climbing on the trains. People are racing to avoid the gates going down. There have been tragic accidents in our communities as a result of the delays that these trains cause our society. This is a common sense approach. The railroads can make provisions to see to it that the trains don't block these crossings for longer than 10 minutes in a 30 minute period. It's very simple. It's the cost of doing business. We don't want to shut the railroads down, but certainly we don't want to continue to inconvenience our constituencies. I would certainly, as many of you asked, consider legislation for the entire state. And for those of you that have a concern about downstate, let me remind you that 57 Senators voted in favor of this initiative. And some of them do, indeed, represent downstate areas. So I would urge everyone in this Body to consider not only our urgent concern in Cook County, but the source of great consternation across this state with the blockage of these railroad crossings. And I would ask you, most respectably... respectfully, for your 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 1136 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 Senate Bill 1136 there were 51 Members voting 'yes', 30...51 Members voting 'yes', 63 Members voting 'no', and 2 Members voting 'present'. And the Gentleman asks for Postponed Consideration. Mr. Clerk, place this Bill on Postponed Consideration. For what reason does the Lady from Cook, Representative Wojcik, seek

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recognition?"

Wojcik: "Yes, Mr. Speaker. Thank you so much. I rise for point of personal privilege."

Speaker Hartke: "State your point."

Wojcik: "In the balcony we have... the students from Hoover and Campanelli School in Schaumburg. So let's give them a great welcome."

Speaker Hartke: "Welcome to your Capitol here in Springfield. On page 2 of the Calendar appears Senate Bill 458, Representative Winters. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 458, a Bill for an Act in relation to automated external defibrillators. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr.... Mr. Speaker, Ladies and Gentlemen of the House, I also have trouble saying defibrillator. But this Bill creates the Automated External Defibrillator Act; provides for training, maintenance and oversight; provides that the Department of Public Health shall adopt rules concerning training and does carry an exemption from civil liabilities for certain parties. The Trial Lawyers have reviewed it and have no opposition. As far as I'm aware, there is no opposition to the Bill, would urge its adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 458?' 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 Senate Bill 458 there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a

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Constitutional Majority is hereby declared passed. Senate Bill 171, Representative Reitz. Take that Bill out of the record. Senate Bill 727, Representative Fowler, 725. Excuse me. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 725 has been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading."

Fowler: "Thank you, Mr. Chairman (sic-Speaker), fellow Representatives. This Bill is the Aquaculture Bill...."

Speaker Hartke: "Mr. Clerk, read that Bill a third time."

Clerk Rossi: "Senate Bill 725, a Bill for an Act concerning aquaculture. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Fowler."

Fowler: "Thank you, Mr. Chairman (sic-Speaker). This is the Aquaculture Bill. It's the one that promotes fish farming, not only in my area of the state, but throughout the State of Illinois. We view this as a... Economic Development Bill and I'd be prepared to answer any questions that you might have concerning this."

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

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Lawfer: "Representative, could you explain the... what the Amendments do? What... how they... Amendments 1 and 2 provisions?"

Fowler: "Yes, Sir, Representative Lawfer. Amendment #1 requires that there be an audit, each year, report on this. And Amendment #2, it creates a special fund. Originally, the

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money to promote this would be taken out of the sales tax fund. That impacted some other funds, the school fund for one thing. So Amendment #2 provides that the funds for this shall be transferred from the General Revenue Fund in the amount of \$1,000,000 a year for 10 years."

Lawfer: "And that \$1,000,000 was what the original proposal was, only it was being funded a different direction. Is that correct?"

Fowler: "That is correct, Representative."

Lawfer: "Did Amendment #1 broaden this in addition to the accounting procedures, broaden it and include some other facilities?"

Fowler: "Yes, it did. Originally, it was only SIU at Carbondale, but Amendment #1 will... included the Illinois State University at Blooming... Bloomington/Normal and Western Illinois University at Macomb."

Lawfer: "Representative, are you aware of any opposition to this Bill?"

Fowler: "None, whatsoever."

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

Speaker Hartke: "To the Bill."

Lawfer: "I think that this is a good Bill. The Representative has worked very diligently on this. This is part of agriculture... the agriculture industry and expanding the markets, not only for fish but also for the products needed to produce it, such as corn and soybeans and so on, and I would urge a 'yes' vote. Thank you."

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

Fowler: "Yes, Sir. This is an excellent piece of legislation regarding economic development, and I would urge my colleagues to vote 'aye' on this Bill. Thank you."

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Speaker Hartke: "The question is, 'Shall Senate Bill 725 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 Senate Bill 725 there are 115 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority is hereby declared passed. It is the intent of the Chair to work until about 4:30 and then there will be respective caucuses for each party. House Joint Resolution 10, Representative Slone. Mr. Clerk, read the Resolution."

Clerk Rossi: "House Joint Resolution #10, offered by Representative Slone."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is the Resolution that we adopted an Amendment that was the entire language of this Resolution the other day. This would essentially reenact the Growth Task Force that we had last year, but expand it to include members of the Senate and Members of the... a larger number of the state agencies that are concerned with some of these issues and keep the dialogue moving forward in Illinois about dealing with some of these issues. I'd be happy to answer any questions and I'd appreciate your 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?"

Slone: "Certainly."

Speaker Hartke: "Representative Parke."

Parke: "Thank you. Representative, you are now creating a task force of 24 people with this. Is that correct?"

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Slone: "It would be up to 24, Mr. Parke. That's right."

Parke: "And...."

Slone: "Twelve legislative Members."

Parke: "And it will be six appointed by the three of the four leaders; six in the House, six in the Senate?"

Slone: "That's right."

Parke: "And... they'll be non-voting members, 12 nonvoting members. Where will they come from and who will appoint those nonvoting members?"

Slone: "The nonvoting members would be appointed by the legislative Members and they would... they would come from the fields that are listed in the Resolution itself; agriculture, environment, business, real estate, and so on."

Parke: "All right, let me go through a litany. Is the... is the realtors... neutral or supportive of this legislation?"

Slone: "The Amendment language that was adopted, that becomes the Resolution, is agreed language with the realtors."

Parke: "The realtors are okay now?"

Slone: "Yes, that's my understanding."

Parke: "How about the home builders?"

Slone: "I believe they are as well."

Parke: "Do you know of any known opposition to this?"

Slone: "Not anymore. No, Sir."

Parke: "Will the people who serve on this commission, will they be compensated?"

Slone: "I beg your pardon?"

Parke: "Will the members of this task force, this Illinois Growth Task Force, will they be compensated? Will they have a salary?"

Slone: "Oh, no. No, Sir. Uh uh."

Parke: "Will their expenses be paid?"

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Slone: "Well, the... the task force provides for that, but in the previous task force we found out that we don't usually appropriate for those. So what happens, is that the task force language permits the legislative Members to receive their per diem for any meetings. Generally, at least, if it's like the previous task force, the organizations that are represented will cover the expenses of their non... of the public members."

Parke: "And what do you want to.... With this, what do we achieve now? What is achieved by establishing this... Illinois Growth Task Force? What do you... what do you see happening a year from now?"

Slone: "Well, it is our hope that by the time the 91st General Assembly wraps up, that we will have held some public hearings and discussed land use, transportation, and housing issues with a number of people around the state and set some goals up for some of these issue areas that everyone can have a consensus on."

Parke: "Who will be the Chair?"

Slone: "The Chair would be selected by the legislative Members from among the legislative Members."

Parke: "So the Chair will be a Legislator?"

Slone: "That's correct."

Parke: "And... do you see them taking this... in the form of legislation? Do you think that they'll recommend legislative initiatives from this task force?"

Slone: "Well, I would anticipate that there might be some legislative initiatives to emerge from the task force. Obviously, anything the task force concludes can only be a recommendation."

Parke: "Do you...."

Slone: "It has no force of law."

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Parke: "Okay. Do you perceive that... the legislative leaders will put a balance on this task force of those that might be on one end of the spectrum... wanting a lot of ownership of private property by government entities and those that might opposed you? Do you foresee a good balance that will... be healthy for public discussion?"

Slone: "I would certainly hope that we would have balanced representation. And... certainly, by having each of the caucuses represented, we should have a spectrum of views."

Parke: "What do you.... What do you.... What is the purpose of having 12 nonvoting members?"

Slone: "Well, the purpose of.... There are not necessarily going to be 12, Mr. Parke. It is up to... it is up 12, however."

Parke: "Okay."

Slone: "But the purpose of having that is to... is again to offer a spectrum from the private sector of people who are interested in these issues and represent organizations that are interested in these issues."

Parke: "Do you know how...."

Slone: "... And bring different perspectives to bear."

Parke: "Will this sunset? Will this committee sunset at some particular time and if it doesn't..."

Slone: "Yes."

Parke: "...achieve anything? When will that be?"

Slone: "Well, because it's a task force of the 91st General Assembly, it can't outlast the 91st General Assembly. So at the latest, it would end in January of 2001, when the new General Assembly comes in."

Parke: "Thank you. To the Resolution, Mr. Speaker."

Speaker Hartke: "To the Resolution."

Parke: "I... reviewed this. I've... served on the... committee that reviews this kind of legislation and there certainly

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is a lot of discussions, a lot of point of view on the concept of smart growth and open... ownership of private property by government entities. And there is a lot give and take and we have seen any number of referendums passed in the last two or three years where the people in certain counties have agreed to spend their taxpayers money to do certain things in keeping open space. And I think that that's something we ought to look at. But we ought to remind everybody that less than 5% of all property in this State of Illinois is actually developed, less than 5%. So I hope we're very cautious. I hope the members of this task force are cautious. But I think that having discussion about that issue is healthy and so I will support this Resolution and ask the Body to support it also."

Slone: "Thank you, Mr. Parke."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall House Joint Resolution 10 pass?' All those.... 'Be adopted.' 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 Joint Resolution 10 there are 115 Members voting 'yes', 0 voting 'no'. And this Joint Resolution having received a Majority is hereby adopted. On page 5 of the Calendar, appears Senate Bill 171, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 171, a Bill for an Act in relation to public safety. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 171 will allow nonhome rule units of government, less than 130,000, to give them the ability to appoint deputy chief positions."

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If they have 25 or less police officers they are allowed to... to appoint one deputy chief; 25 or more are allowed to appoint two deputy chiefs. It also has criteria in there to qualify them for serving as a deputy chief."

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

Harris: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Hartke: "He indicates he will."

Harris: "Is there any opposition to this Bill?"

Reitz: "No there is not. We worked with different.... FOP is in support of this Bill. The Chiefs of Police, the fire departments have and the Firefighter's Union have withdrawn their opposition. We have tabled Amendments 2 and 3 to this. This is just simply Amendment #1."

Harris: "Thank you very much. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "You're welcome."

Black: "Yes, would we... could we ask the Sponsor of this if he would yield?"

Speaker Hartke: "He indicates he will not. But I think he will."

Black: "Well, I... I need to correct the transcript because when the Sponsor, the outstanding young gentleman that he is, introduced his Bill he said House Bill 171."

Reitz: "Oh, excuse me."

Black: "So I got the wrong file out and the..."

Reitz: "You're right."

Black: "...transcript should clearly.... We are on Senate Bill 171, correct? And that deals with.... Is that right, does the Sponsor acknowledge that....?"

Reitz: "Yeah and I appreciate that..."

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Black: "Okay. Well, now I've got the right file. That's why I was... I couldn't understand the previous Representative cause the other file had all kinds of opposition. But this one's a little different. This one simply says that a community can appoint a deputy chief of police, correct?"

Reitz: "Correct."

Black: "Can't they do that now?"

Reitz: "Apparently not. The ability within the ...within the law, it allows communities above 130,000 to appoint them. This is a vehicle for the Chiefs of Police Association..."

Black: "And it's...."

Reitz: "...so I assume they cannot do that."

Black: "And it's my understanding that this is supported by the Crest Hill Police Department. Is that in your district?"

Reitz: "I don't know where the Crest Hill Police Department is."

Black: "I don't either. I thought it was a toothpaste."

Reitz: "But I'm glad they support it."

Black: "I have no idea. Our file indicates the Municipal League is in favor of this Bill."

Reitz: "I have not talked to the Municipal League on this Bill, so I assume they are..."

Black: "You haven't talked to the Municipal League?"

Reitz: "They have not talked to me."

Black: "Oh, well, their mistake. You want to take this out of the record and we'll go out and talk to them?"

Reitz: "Well, we can, but if they're in support of it...."

Black: "I was going to say, they're in support of this Bill and I say, good for them. It's high time. This corrects an inequity in the law that has bothered me for at least 30 years, Representative. Because I... I have said for years, it's not fair that counties can have deputy sheriffs, when cities over 130,000 population couldn't have a deputy chief

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of police. And it's about time we correct this inequity. I commend the Municipal League for their superb lobbying effort on this Bill and by golly I stand with you. If it's good enough for the counties, it's good enough for the cities. Let's vote 'aye' and send them a message."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition the question is, 'Shall Senate Bill 171 pass?' That's Senate Bill 171. 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 Senate Bill 171 there were 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 4 of the Calendar, appears Senate Bill 1155, Representative Gash. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1155, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Gash."

Gash: "Thank you, Mr. Speaker. First of all, I'd like to just say that this is not a 'tarp' Bill. This Bill will address the problem of stones that would fly at windshields. Current law provides that, 'no person shall operate or cause to be operated on a highway any second division vehicle loaded with dirt, aggregate, garbage, refuse or other similar material when any portion of the load is falling, sifting, blowing, dropping, or in any way escaping from the vehicle.' This Bill will add a provision to the above Section to provide that no person shall do those things. They shall operate a second division vehicle on a highway that is loaded with dirt, aggregate, garbage,

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refuse or other similar material in or on any part of the vehicle other than in the cargo container. The Bill, actually, also provides that no person shall operate such a vehicle on any highway unless the tailgate on the vehicle is in good repair and operating condition and closes securely. Finally, the Bill provides that if a police officer determines a dangerous condition exists, they can... they can require the vehicle to stop until the operator secures the loads. There was no opposition in committee that was.... Proponents include the Illinois State Police, the Illinois Department of Transportation, the Illinois Association of Chiefs of Police, the Illinois Municipal League, the Midwest Truckers Association, the Illinois Transportation Association, Township Officials of Illinois, the Lombard Police Department, the Du Page Mayors and Managers Conference and other organizations. This Bill has earned the praise from trucking companies, as well as those who have sought mandatory tarp laws. Don Schaefer of the Midwest Truckers Association said that he thinks we've struck a... I'm quoting... 'I think we have struck a balance between debris falling off vehicles and a 'tarp' law. Another 'tarp' law is not the answer.' I would urge your 'aye' vote. I'd be happy to answer any questions."

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

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

Speaker Hartke: "She indicates she will."

Black: "Yes. Representative, if there was no opposition to this Bill, why did it fail the first time in committee?"

Gash: "It didn't get enough votes. Actually, I think..."

Black: "Mr. Speaker, chalk one up... chalk one up for the

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Sponsor, but we're not done yet. But keep score, will you?"

Gash: "I would like to, actually, address that more accurately. Representative Black, I think that's a great question and you should... I would like to let you know that there was a misunderstanding in the committee the first time because the Midwest Truckers Association, as well as the Illinois Transportation Association, did not put in their slips in support as I had believed that they were going to. As a result, when I said that they were in... they were proponents, I was technically incorrect. We brought it back the next week and they put in the slips in support of it and then I was made technically correct, as I had believed I was, originally. I really would like to thank them at this point for representing the trucking industry and working with Senator Lauzen and me on this important piece of safety legislation. Their help has been invaluable."

Black: "Mr. Speaker, could you turn the timer on, on her answers? Now, Representative, my next question is, if there's no opposition to the Bill, why does my floor file indicate that the County Highway Engineers are in opposition to the Bill?"

Gash: "Thank you very much for asking that question which I asked myself yesterday when I read the Senate Republican analysis and the House Republican analysis. I went back to the original drafters of those analyses and asked them. It turns out that they had put in slips while it was still in committee. I believe, after the Amendment in the Senate, they're no longer in opposition. And, as of yesterday, they say that they are not in opposition. I'm glad you clarified that."

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Black: "Well, I'm glad you clarified that. Will you clarify something else for me? How did you get a copy of the House Republican staff analysis of the Bill?"

Gash: "No, but thank you for asking."

Black: "Well, yes, I and I'm... I'm waiting with bated breath for your answer."

Gash: "Actually, we do frequently, in a bipartisan manner, work together on legislation."

Black: "Would that explain why the lock on our Bill file drawer was jimmed last night?"

Gash: "No comment."

Black: "You don't know anything about that do you? I'm... so well... all right. Representative, there is a portion of the Bill, in all seriousness, that gives many of us who again, live in 'forgotten tonia' (sic-forgotonia), downstate Illinois, pause and it is on page 1 of your Bill and it begins on line 19. And it says, 'in addition, no person shall operate on any highway such vehicle, definition above, unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue or other material from escaping.' Now, as I read that, that means that I could not drive a pickup truck in this state with what is called a 'Cargo Net' on the back rather than the factory installed tailgate. Is that your intention?"

Gash: "It is my understanding that since that's a postmanufactured change then if the mesh tailgate will contain the material being hauled, it would be okay. If it will not contain what's being hauled, then the solid tailgate should be put back on. This is something that we did bring up in the negotiations. It was discussed. And it was determined that, even with a pickup truck, we wanted

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to make sure that things were secure and not falling off. You may be interested to know, Representative Black, I'm sure you'd be interested to know, that Allstate Insurance did some research and in Illinois, the comprehensive portion of insurance policy accounts for 16% of the total... total auto insurance premium, over 80% of the comprehensive claims are for glass breakage, mostly windshields. Windshield replacement costs can run between 200 and \$400. In a recent year, Illinois drivers suffered about 210,000 glass breakages, totalling 40,000,000 in damages. Most victims of this glass breakage must meet a deductible and therefore, pay 50, a hundred or \$250. This is one of those issues where when you go and talk to your constituents, you learn that almost every single one of them and frankly, almost every single one of us, has had a personal experience with this type of a problem. I should point out that windshields breaking, is of course, a problem, but many times people are actually injured and it's more serious than just the annoyance and the time involved in filling out all the claims and getting it repaired."

Black: "Well, thank you, Representative. I don't know that that has anything to do with the question of whether or not I can drive down the highway with a mesh tailgate, but downstate we've learned a long time ago if we're worried about our windshield being broken, we just drive in reverse. But, obviously, that hasn't gotten up to your area, yet. So, let me again go to the point and the issue at hand. Many, many, many pickup trucks are sold in my area and the tailgate is removed. And this is because general contractors may want to hire... or excuse me, may want to haul plaster board for houses, dimension lumber for

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construction, panelling for construction, roofing material, et cetera. And so they remove the tailgate so that they can get this material, usually by... four foot by eight foot sheets, into the truck easily and unload it easily. Now, as I read the Bill, not the intent, 'cause I don't know the intent, the court will tell me that. As I read the Bill, it says I can't operate my pickup truck in that condition, if this Bill becomes law."

Gash: "As I said, Representative, this was one of those issues that was discussed in the negotiations. It was the belief of... of the people who were discussing it, that since the mesh tailgate is a postmanufactured change it's not addressed in this and if the tailgate will contain the material being hauled, then it would be okay. If it wouldn't, then it would be... then the solid tailgate must be put back on, but the mesh tailgate would be okay if it contained the cargo."

Black: "Representative, I... I... I want you to focus on the issue. The issue in real world Illinois, where I live, if I'm hauling plasterboard to a construction site, I have removed the tailgate from my pickup truck. All of the contractors in my area aren't wealthy enough to get a flatbed or a stakebed truck. So we have a half ton or three quarter ton pickup truck. We remove the tailgate, so that when we go to the lumberyard the lift truck can pick up several sheets of wallboard or dimension lumber, slide it into the back of the truck and away we go to the job site. Now, as I read the language in your Bill, it says on line 19, 'no person shall operate on any highway such vehicle defined above', which means a second division vehicle which is a pickup truck, 'no person shall operate on any highway such vehicle unless the tailgate on the

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vehicle is in good repair and operating condition and closes securely, so as to prevent any load, residue, or other material from escaping.' If I'm hauling wallboard and I have to put my tailgate up, then the wallboard's at an angle and if I hit some rough road, the wallboard could break. It could... it could snap. Now, all I'm asking you, is if general contractors in my district are gonna be pulled over and ticketed for hauling dimension lumber that... We're not talkin' garbage, we're not talkin' refuse, we're not talkin' sand, we aren't talking gravel. We're talking bulk building materials. And to haul bulk building materials it... it works much easier if you take the tailgate off the truck or leave the tailgate down. And as I read your Bill, I can't do that anymore."

Gash: "With... with all due respect, I would love to answer that. In fact, you pointed out... you said, 'we're not talking about these things.' In fact, you're wrong. If you look at... if you look at line 16, going to line 15, 'no person shall operate or cause to be operated on a highway any second division vehicle loaded with dirt, aggregate, garbage, refuse or similar material.' Those are the things we are addressing."

Black: "And can you define 'similar material'? And then on line 20..."

Gash: "I think that would be a reasonable interpretation to suggest that the things you are referring to are not."

Black: "There isn't any original interpretation. No court has ruled on this Bill."

Gash: "Right. And you're asking my opinion."

Black: "What is... what is 'similar material' mean and on line 22, what does 'other material' mean? Could 'other material' be construed as plasterboard, dimension lumber,

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plywood, roofing shingles, the things that people who work everyday for a living haul in their pickup truck."

Speaker Hartke: "Representative Gash?"

Gash: "If... if I'm understanding your question, it's... it's would those types of things be included in this and my understanding of this is 'no'."

Black: "Okay. Representative, thank you very much. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "The Sponsor has worked diligently on this Bill and if we had a clear definition of 'aggregate'... No, I don't want to follow a truck down the road whose operator does not sweep the side of the truck, clean off the bumper or the tailgate. Most people I know don't do that. They operate their truck in a responsible manner. I know there are some bad actors out there and... and I think the Representative is after those people. But, in all good... in all good faith and I say this to my colleagues, particularly who live downstate, I don't want to kill the Representative's Bill. She's worked very hard on it and it is a problem. I... I appreciate that. But, I would ask my downstate colleagues to just look at the Bill. It says, confusingly, that you have to operate it with the tailgate up and in good working order. Now, those of us that know what wallboard is and plywood is and dimension lumber and you know how general contractors haul this material to and from job sites, you cannot have your tailgate up and in good order. You either have to have it down, so you can slide this heavy material in or you secure it with a mesh strap or whatever. That's the problem with this Bill. It is, as somebody said earlier on another Bill not related to this, we often get ourselves into the law of unintended

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consequences. And in my area, I'm not gonna go home and explain to my building contractors why they can no longer haul wallboard, plywood, and dimension lumber the way they have for 40 years, because this Bill to me says, 'You can't do that anymore. You've got to have your tailgate up.' If we could exempt that, if we could make it very clear that this is aggregate, rock, et cetera, I don't have any problem with the Bill. But I'll be doggone if I'm gonna go home and tell my brother, who's out there workin' everyday trying to make a living, that he can't haul building materials in his truck the way he's been doing for 40 years."

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

Lyons, E: "Thank you, Mr. Speaker. I rise in strong support of this legislation. The Sponsor mentioned those victims of driving along the highway and being hit by one thing or another from trucks and I have to say that I have experienced that myself and I have constituents that have, as well. My last experience cost me \$650 to get my windshield fixed and there was no... little or no recourse. I have aggregate businesses in my district and I get calls from constituents all the time, 'Why can't you do something about this?' This is a step in the... in the right direction. I think that the... this will help law enforcement officials to go after those trucks who are guilty of... of not being able to clean up their trucks so that the debris does not fall on... on other victims and... and cost them quite a bit of money. So, I rise in support of this legislation. I commend the Sponsor for the hard work she's done on it and urge your 'yes' vote."

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

Lindner: "Thank you, Mr. Speaker. I also rise in strong support of this Bill. It was, actually, a constituent of mine from Elburn, Illinois, that brought this issue to the attention of Senator Chris Lauzen and certainly, everyone in our area. She worked very hard with Senator Lauzen and they worked very hard with the... both trucking associations to try and get something that everyone could live with. And I think this is a good Bill. It's something that has been worked on for a long time. There have been many concessions and I would ask your support."

Speaker Hartke: "This Bill is on Standard Debate. Two people have spoken in favor of the Bill. The Chair recognizes the Gentleman from Cook, Representative Giglio."

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

Speaker Hartke: "She indicates she will."

Giglio: "Thank you. Representative Gash, prior to the last committee hearing, I had raised a concern and you said it was addressed at the... the last committee hearing. Would you go over that, please? Do you recall what that concern was?"

Gash: "Yes, I have it right here. I'm looking for your actual memo on your letterhead. And I do have it right here. And you were concerned to make sure that truck drivers and trucking companies would not receive multiple penalties when more than one stone or aggregate is found outside the bed of the truck. And I... as I said to you I thought that that was a very good concern. In fact, the way the Bill is written, 'violations of the provisions of this Section shall be a petty offense punishable by a fine not to exceed \$250.' And the provisions of the Section are that, 'no

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person shall operate or cause to be operated.' Not... not that there would be any particular amount, but the actual violation would be 'causing to be operated in a dangerous condition.' So that would be one time."

Giglio: "All right. Well... well, let me ask you this. It... "

Gash: "And... and since you're mentioning the thing about aggregate and... and Representative Black also seemed to be concerned about that. I wanted to say, Representative Black, I hope you're listening, wherever you may be. In fact, your concern about not having 'aggregate' defined would be a very valid concern. Luckily for you, it actually is defined... defined in the Section. It specifically says, 'that aggregate shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral... mineral, which may be mined.' So, we no longer have to be concerned about that."

Giglio: "Well, that may address the word 'aggregate', but I don't know that it addresses the word 'garbage' or addresses the words 'similar material'. Which, I think, are very valid concerns. Now, let me ask you this. You're a small operator. You own one truck and you haul. Now, an over zealous law enforcement official pulls you over and says, 'You ain't movin' that truck until it's tarped.' How are you gonna get to where you have to go? How are you gonna get that truck tarped? You don't own a tarp. To install a tarp on a... on a semitruck may run you five, six, \$700."

Gash: "It actually doesn't require that it be tarped. I understand your... your questions."

Giglio: "It could require."

Gash: "It requires that it be safe."

Giglio: "That's nice that you don't specifically require that. Although it could be one of the resolutions."

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Gash: "It does require that the load be carried safely."

Giglio: "Which means that it could require the load to be tarped."

Gash: "As I would think most of our constituents would want."

Giglio: "So, that the truck driver that we've been referring to that owns one truck, he's, for all intemp... all intents and purposes, out of luck. Correct? And he can walk back to wherever he's gotta go, spend the \$700 to get a tarp installed on his truck, which would probably be more, because he'd have to come to where the truck's at to do it before he could move that load. Is that correct?"

Gash: "In certain circumstances it is possible that he would have to put something on... on the truck, but it would not..."

Giglio: "So, what..."

Gash: "...necessarily have to be a tarp."

Giglio: "...what would he have to put on the truck?"

Gash: "He would have to make it safe. But I should point out also, that AAA did a survey and they found that... I think it was 97% of those asked were very, very concerned to make sure that things were not flying out of trucks."

Giglio: "Ninety-nine percent of who asked?"

Gash: "Three percent were not."

Giglio: "Of who asked?"

Gash: "Motorists, who travel on the highway."

Giglio: "Oh, motorists not... I thought we were talking about the truck drivers."

Gash: "Right. And, in fact... but that's a good point. One of the reasons the truckers were very involved in the legislation and the Transportation Association was involved in the legislation is that they feel strongly that we don't need a 'tarp' law."

Giglio: "I... I... I would disagree with that, but in anyway

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let's move forward. Can... you... you... you bring your dump truck to the quarry and the quarry loads up your truck. And you... you make a conscious effort and you go around the truck to sweep the side rails, sweep the gate, sweep the bumpers. Yet, unbeknownst to you on top of the cab of the truck there's two rocks. And you pull out onto the road. Bam. Could that be considered a dangerous condition?"

Gash: "A police officer would have... would be able..."

Giglio: "I'm sorry. I didn't hear you. Pardon me? Did you answer? I apologize."

Gash: "Repeat your question."

Giglio: "One or two rocks are on top of the cab of the truck. You pull out of the quarry, onto the road, the officer's there, pulls you over, there's two rocks on top of the cab. Could that be considered a dangerous condition?"

Gash: "I would leave this to the officers who would... who would be, actually, enforcing this law..."

Giglio: "All right. Thank you, Representative Gash."

Gash: "We did have officers come to the committee and testify..."

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

Gash: "...about how that, in fact, is done."

Speaker Hartke: "To the Bill."

Giglio: "To the Bill. Ladies and Gentlemen I... I appreciate what Representative Gash, my... my office mate, is... is trying to do here and in carrying this legislation over from the other side of the rotunda. However, this is not the way to address the problem. You're gonna be pulling over truck drivers for one or two rocks on the top of a cab or on the back of a tailgate or on top of a tire. That's wrong. That's targeted legislation for trucks, when in fact, pickup trucks could be doing it, but they're not

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gonna fall under this, when in fact, a minivan with a bucket of rocks is sittin' in the back of it and the back tailgate open could be more of a hazard to the roads when they're not gonna fall under this legislation. I understand what you're trying to do, but you're going about it, I feel, the wrong way. We do need legislation to protect. We do need to ensure that our drivers handle their trucks properly and that they do clean 'em off. We do need better coordination between the job sites and the hauling companies. However, this is not the right way to do it. I feel it's unfair to the drivers, and in fact, the company owners. And I would urge a 'no' vote. Thank you."

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

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

Speaker Hartke: "He in... she indicates she will."

Giles: "Representative... and I... I agree with your Bill in concept and I just want to... just ask you a question to make sure that the actual language does what you want it to do. When I first bought... bought my vehicle, I believe, three days after I bought my vehicle and I was ex... I was entering onto the expressway. And a truck I... I... I think I entered the expressway right behind a vehicle, which I believe it was a truck. And something jumped up... was a small boulder and it hit my windshield and it cracked my windshield. Of course, being a Christian man I didn't say the things that I should have said, but I was very concerned. However, I guess the question I'm trying to ask is what type of recourse in this... is there any type of recourse in this legislation that would have entertained that situation? I think, on page 2, line 4 in the

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legislation, you have where a police officer determines the endangerous condition. In that particular scenario, I am behind the truck and I just got hit with a boulder. I'm worried about my safety, so I'm pulling over to make sure that I am all right. And of course, that vehicle continues to move on and do not know that I have been hit by a boulder. Could you explain to me the recourse... if there's any recourse, or is there a scenario that I can address?"

Gash: "And this Bill does not address the recourse for that. That would be much broader than this legislation actually is. Current law would require, right now, that an officer actually see something falling before he can pull over a truck or she, can pull over a truck, in that situation. What this does is change that, so that... right now, a police officer has to see material falling from the truck and this happens really infrequently. Should by some freak chance an officer actually see that material falling then they can reduce or require reduction or tarping of the load. What this will do is allow that when they see that that dangerous condition exists, which is theoretically preventing the problem it will allow them to pull over that truck. It doesn't go as far as you would like it to go, but many people do feel it should go that far. But... but this... this is an agreement with the truckers, with the Transportation Association, all of whom feel that there should not be a 'tarp' law. Many states disagree, but this Bill does not do that."

Giles: "And... and I... I guess at that particular time my only recourse that I feel... of course, I got on the phone and called my insurance agent. And after having a vehicle three days, he expressed to me that, you know, you can get

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a new windshield, of course, you will have to pay the
deduc... the deductible for that... "

Gash: "A fifty, a hundred, two-fifty."

Giles: "... and of course, that doesn't look good for your
insurance record to be able to get a new windshield. And
I... I just think that what... what you're trying to do
is... is... is a very good thing here for a lot of
constituency who do not have recourse other than to call
their insurance. I... I think some how, some way that...
that vehicle was not... that was not properly secured
should have some part in the recourse of... of that... that
situation. So, I commend you and I plan to support your
legislation and I hope everyone will heed to what your...
what the true intent of this legislation, regardless of
if... if the language do not appease every situation. But
the real intent is to prevent and save lives. Thank you."

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

Skinner: "Mr. Speaker and Sponsor of the Bill. Yesterday
Representative Jack Franks got a lot of... was given a lot
of... "

Speaker Hartke: "Mr. Skinner are you... are you in favor of this
Bill or opposed?"

Skinner: "I'm in favor of the Bill."

Speaker Hartke: "Three persons have spoken in favor of the Bill.
The Chair now recognizes Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "And... Mr. Speaker, this is not the time for personal...
personal privilege, is it or...?"

Speaker Hartke: "Is not."

Cross: "Well, if I..."

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Speaker Hartke: "I will recognize you after we've finished. Are you... want to speak against this Bill?"

Cross: "Yeah. Well, I'd like to ask some questions. I know..."

Speaker Hartke: "The Sponsor will yield."

Cross: "Representative, I'm puzzled. I didn't hear the... I didn't hear the... the answer, if it was given. What's a second division vehicle?"

Gash: "I'm sorry. I didn't hear you. I was talking to Representative Skinner who had not been able to say something."

Cross: "Well, I'm sorry. Is he asking questions, now? All right. What... what's a second division vehicle? I mean, that's... that's the vehicle you're referring to in the Bill. I... you could tell us what it is."

Gash: "I don't have that with me here. I did have that in committee."

Cross: "You what?"

Gash: "I don't have the actual technical description with me here. I did have that in committee."

Cross: "Well, I gu... and I'm... all we're ta... we're talking about this tarp requirement on a second division vehicle."

Gash: "No. This is not a 'tarp' Bill."

Cross: "All right. Whatever you want to call it. It... it up there on the board it says 'tarps', but it's..."

Gash: "It was an amend... it was amend... amended out of what it had been, which was a 'tarp' Bill."

Cross: "So, it's not a 'tarp' Bill?"

Gash: "Correct."

Cross: "All right."

Gash: "May I suggest you..."

Cross: "It smells like a 'tarp' Bill even if it's not a 'tarp' Bill, but we'll call it... it's not a 'tarp' Bill."

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Nevertheless, you need to tell us what kind of trucks... is a second division vehicle a pickup truck, a Suburban, a semi, a motor home, a school bus? I think you need to let us know before we go too much further what a second division vehicle is. I don't think that's un... unreasonable to ask."

Gash: "We will get that. I think that's a valid question."

Cross: "Do you want to pull this out of the record until you get it. I think it's fa... relatively important."

Gash: "I think it's important, too. Do you have other questions we can answer while we're getting that?"

Cross: "All right. Let me ask you... if you could tell us where the Farm Bureau is on this Bill in terms of support or not support, realizing it's no longer a 'tarp' Bill? Is the Farm Bureau for or against this Bill?"

Gash: "Neutral, from what I understand."

Cross: "What?"

Gash: "They do not have a recorded position. But... but, you know, I'm glad you mentioned that. Because actually, 'this Section shall not apply to the operation of', da, da, da, da, da, 'nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.' That is probably why they're not concerned with this. Thank you for asking that."

Cross: "Are you, on record, telling us that the Farm Bureau has no problem with this Bill?"

Gash: "I'm sorry, what?"

Cross: "Are you, for the record, letting us know or telling us, advising us, that the Farm Bureau is not opposed to this Bill?"

Gash: "I am telling you that there is no record in committee of

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any support or opposition to this Bill. That I'm aware of."

Cross: "All right. I'm... in the second sentence of the changes on page 2 of your Bill... really the first page... 'in addition, no person shall operate on any highway such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load residue or other material from escaping.' What if I have one of these vehicles, yet to be... yet to be defined, but I'm not carrying any material? This Bill reads as if I can't operate on a highway if my tailgate doesn't work properly, regardless of whether or not I have material in the back. Is that really what you're after? I mean, a lot of people out in the farming community will have an... you know... second or third truck that they just use to get around. And it appears in your Bill... that I have to have a tailgate in proper order... working order regardless of whether or not I carry anything. And I'm puzzled why."

Gash: "This Bill is focused on making sure that things are securely within the cargo section. That is why their... the tailgate is addressed in this way."

Cross: "No, but... but Lauren, it reads though that if your... the tailgate on the vehicle isn't working, regardless of whether or not you have any material back there, that you can't operate it. I be... Representative Black just gives me an old pickup truck that the tailgate doesn't work, I don't intend to haul anything in it, but I'm gonna go drive down the road in it and your Bill prohibits that, regardless of whether or not I have any material; whether I have aggregate, whether I have garbage, whether I have refuse. Why do you want to prohibit a vehicle that's not

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being used to haul, from operating, if the tailgate's not working? It makes no sense."

Gash: "I don't and I think that this would clearly be read to relate to the part that's discussing material in the cargo container. When it talks about 'such vehicle', that's what they're talking about."

Cross: "No one wo... everybody here knows what you want to do. But as we found out the last few days, the way these Bills are drafted they have unintended consequences and your Bill clearly reads, clearly reads, that you can't drive any vehicle that's second division down a highway of this state if the tailgate doesn't work, regardless of whether or not there's material. And I know you don't want to do that. But why do we want to create an offense, a petty offense? It would be simple just to delete that sentence, Representative."

Speaker Hartke: "Representative Gash. Representative Gash."

Cross: "Representative, maybe we should put a tarp on this Bill for awhile. And just... put it at a second division vehicle and drive it down a road and come back tomorrow. I don't... if that's what you want to do. Heaven forbid if this second division vehicle had a hidden compartment and they were hiding aggregate back there. I don't know what we'd do. Can you forfeit the vehicle if there's hidden aggregate in a compartment on this truck? Representative, I guess I'm also concerned about if there are a bunch of dissected frogs in the back of this truck and they fell out, would this Bill apply?"

Gash: "If the officer felt that it would create a dangerous condition, yes."

Cross: "Pardon me? Lauren, I really do think you can clean this up by deleting that one sentence. I... I think there's

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some other people with other problems, but I really think you have an unintended... you will have unintended consequences with this language. And I don't think... I think you end up risking..."

Gash: "Tom, we are looking at that in good faith to try to determine if there's a way to address that quickly."

Cross: "So, are you gonna take it out of the record for a while or..."

Gash: "Bear with me for 15 seconds."

Cross: "How much faith are we suppose to have?"

Gash: "Okay. Mr. Speaker, can you take this Bill out of the record?"

Speaker Hartke: "Take this Bill out of the record. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I'll tell you, this is the first time this guy's been on the House floor when he hadn't been asking for votes. Bob Churchill is back and let's give him, former Majority Leader, a big round of applause."

Speaker Hartke: "Welcome back to the House, Bob. Mr. Clerk, what is the status of Senate Bill 646?"

Clerk Rossi: "Senate Bill 646 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second for the purpose of an Amendment at the request of the Sponsor. Mr. Clerk, what is the status of Senate Bill 286?"

Clerk Rossi: "Senate Bill 286 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Joint Resolution 12, Representative Black. Mr. Clerk, read the Resolution."

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Clerk Rossi: "House Joint Resolution #12, offered by Representative Black."

Speaker Hartke: "House Joint Resolution 12."

Black: "I'm sorry, Mr. Speaker. I was out talking to the trucking industry. House Joint Resolution #12 simply urges Congress and the United States Department of Agriculture to reexamine our national agricultural policy and give due attention and action to remedy the current agricultural/economic dilemma. For those of you who don't think this means anything, I know some of you think milk, bread, and pork chops, comes from Dominick and Jewel's. Some of us who live downstate know where it really comes from. And I'm going to tell you something, you thought the farm crisis of 17/18 years ago was bad, well, you ought to live in farm country today. And if these people go under, your food chain supply is going to be dependent upon third world... or third party countries and I think we should have learned our lesson on oil, but I'm not sure we have. The Resolution has nothing to do with fast track, has nothing to do with anything except telling Congress, 'You better take another look at your agricultural policy, because something isn't working in the heartland'. Be glad to answer any questions you have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Joint Resolution 12 be adopted?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and House Joint Resolution 12 is adopted. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "House Resolution 291, offered by Representative Granberg; House Resolution 292, offered by Representative Stephens; House Resolution 293, offered by Representative

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Bill Mitchell; House Resolution 294, offered by Representative Bill Mitchell; House Resolution 295, offered by Representative McCarthy; House Resolution 297, offered by Speaker Madigan; and House Resolution 298, offered by Representative Younge; House Resolution 284, offered by Representative Andrea Moore; House Resolution 285, offered by Representative Scott; House Resolution 286, offered by Representative Granberg; House Resolution 287, offered by Representative Lyons, Joe Lyons; House Resolution 288, offered by Representative Joe Lyons; House Resolution 289, offered by Representative Monique Davis; and House Resolution 290, offered by Representative Zickus."

Speaker Hartke: "You've heard the Agreed Resolutions. Representative Currie now moves the adoption of the Agreed Resolutions. All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. There's been a distribution of a committee schedule for tomorrow. Mr. Clerk."

Clerk Rossi: "The following committees will meet tomorrow morning: at 9:00 a. m. in Room 114 the Elementary and Secondary Education Committee; at 9:00 a. m. in D-1 the Human Services Committee; at 9:00 a. m. in C-1 the Judiciary I-Civil Law Committee; at 9:00 a. m. in Room 122B the Revenue Committee; at 9:30 a. m. in Room D-1 the Local Government Committee; at 9:30 a. m. in Room 114 the Registration and Regulation Committee; at 9:30 a. m. in 122B the Urban Revitalization Committee."

Speaker Hartke: "...recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Senator Berman and I invited Chicago Representatives of the General Assembly to meet

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with us in Room 118 right after Session, to talk about local school councils and principal selection. I believe that we're going to have a party caucus, a conference, and I would hope that instead of meeting in Room 118 right after Session, that Chicago Members of this delegation, would meet with Senator Berman and me right after caucus in Room 118. Thanks."

Speaker Hartke: "The Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans will also have a caucus immediately upon adjournment in Room 118."

Speaker Hartke: "Representative Lopez. Democrats caucus in Room 114. The Democrats will have a caucus in Room 114 immediately upon adjournment. The Chair recognizes Representative Saviano. For what purpose do you seek recognition?"

Saviano: "Thank you, Mr. Speaker. The Registration and Regulation Committee will be cancelled in the morning."

Speaker Hartke: "Representative Ryder now moves that the House stand adjourned until the hour of 10:00 a. m. Friday, allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it and the House stands adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 296, offered by Representative McAuliffe; and House Resolution 299, offered by Speaker Madigan are assigned to the Rules Committee. There being no further business, the House Perfunctory Session stands adjourned."