

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

51st Legislative Day

May 14, 1999

Speaker Madigan: "The House shall come to order. The House shall come to order. We shall be led in prayer today by Pastor John Hartleroad of the United... First United Methodist Church in Metropolis. Pastor Hartleroad is the guest of Representative Fowler. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Hartleroad: "Kind of looks like the Sunday after Easter. Let us bow our hearts and heads together. Amazing and awesome God, You are the God of all creation, with joy and wonder we thrill at the blossom and serenade of spring. Your breath has given us life. Your spirit embraces all Your children with power and possibility. You are God of order, rescued from the abyss of chaos. We dwell secure in Your rhythms. You are the author of law, guiding us into right relationships with You and all humanity. You are God of prophetic word and action, warning Your children of the consequences of rebellion and disobedience. Your prophets forcefully call us to remember the weak, the poor, the powerless. You are God of our redemption, acting with compassionate sacrificial love to rescue us from self-destruction. Renew within us a gratitude for Your gracious mercy. Quiet our hearts and minds this day. We pray for a short day, indeed. These servants need Your strength and Your peace. They are pulled by competing voices and interests. We pray, Oh God, for guidance, for clarity of word and action, for imagination to resolve conflict, for humor to pass the day, for cooperation and charity. And we pray, Oh God, that at the end of this day, that they will be glad that they have done all they can for all the people they can. For we ask it in Your merciful name. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Lang is excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Klingler is excused today and the rest of the Republicans are here."

Speaker Madigan: "This is the Attendance Roll Call. Mr. Clerk, take the record. On this question, there are 116 people responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on May 14, 1999, reported the same back with the following recommendation/s: 'be adopted' House Amendment #2 to Senate Bill 26. Representative Tom Dart, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measure/s was/were referred, action taken on May 14, 1999, reported the same back with the following recommendation/s: 'be adopted' House Amendments 2 and 3, to Senate Bill 349. Representative Coy Pugh, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on May 14, 1999, reported the same back with the following recommendation/s: 'be

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adopted' House Amendment #2, to Senate Bill 37. Representative Doug Scott, Chairperson from the Committee on Urban Revitalization, to which the following measure/s was/were referred, action taken on May 14, 1999, reported the same back with the following recommendation/s: 'be adopted' House Amendment #7, to Senate Bill 1032."

Speaker Madigan: "Is Mr. Hassert here? Mr. Hassert. Is Mr. Turner in the chamber? Mr. Arthur Turner. Has anyone seen Mr. Arthur Turner? Mr. Scott, did you wish to call Senate Bill 1? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1. A Bill for an Act amending the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1, started as an initiative of the Department of Revenue. Really, seeks to put a circuit breaker publication out every year, which explains what the pharmaceuticals are, that are covered by it. As you may remember yesterday, we put on a technical Amendment so it could go back to the Senate, in case there are discussions which will lead to the expanding of the program to include other pharmaceuticals. But even if it doesn't, then we still would like to have the language that's contained in Senate Bill 1. Be glad to answer any questions."

Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, we didn't hear a word you said. Sorry. Could you start all over?"

Scott: "Sure."

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Turner, J.: "And I'm not being dilatory."

Scott: "Sure, John. What this does is it, it would provide for the department to publish a formulary every year, a listing of the pharmaceuticals that are covered by the Circuit Breaker Act. And... and what we did yesterday, is we put a technical Amendment on, because we've been in discussions with the Senate Sponsor, Senator Syverson and with the Governor's Office, trying to see if there may be some additional revenue, so that we could add, perhaps, medications dealing with Parkinson's Disease to it. So, that's why we amended it yesterday, with a technical Amendment. But even if... even if they don't want to do that and the negotiations don't produce anything, we still want to produce this booklet so that the seniors can have a good guide that will show exactly what medications are covered by the Act."

Turner, J.: "All right. So, with the Amendment then from yesterday, this does not become a shell Bill, it still has some substance in it."

Scott: "Exactly, so that even if the negotiations, that we're talking about, with respect to additional pharmaceuticals don't produce anything, we can still have the formulary, or the booklet that gets produced every year."

Turner, J.: "So, your strategy yesterday in putting the Amendment on, which I think, added the or changed the word 'which' to 'that' was to send it back to the Senate for some more work?"

Scott: "Well, send it back to the Senate to keep it alive, because there are other negotiations that are going on with respect to other pharmaceuticals. So in case those come to fruition, we want to have it back there to... to... and to be able to use this vehicle."

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Turner, J.: "I don't recall yesterday when you debated the Amendment, where you changed the word from 'which' to 'that', but was that a very lengthy debate and how did you explain that?"

Scott: "Well, Representative Black asked me several questions about that, as a matter of fact."

Turner, J.: "Did he?"

Scott: "Yes he did, yes, he did."

Turner, J.: "Do you prefer 'that'... like if you're using... since you like to use the word 'that' instead of 'which'?"

Scott: "Well, you've just said it... you've just said it two different ways, so I'm not sure if it's 'that' to 'which' or 'which' to 'that', but either way is okay with me."

Turner, J.: "Pretty much interchangeable then."

Scott: "I think so."

Turner, J.: "Representative, I don't see anything wrong with your Bill. Thank you for answering my questions."

Scott: "Thank you, Representative Turner."

Speaker Madigan: "Mr. Scott to close. Would the Members please give their attention to Mr. Scott? Mr. Scott."

Scott: "Thank you. As I said, we want to send this back to the Senate, in case we're able to add other pharmaceuticals to the circuit breaker program. But even if we don't, the language that's there to provide the booklet will still be helpful to seniors and I'd ask for your support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared

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passed. Mr. Brady. Is Mr. Brady in the chamber? Mr. Saviano, is Mr. Saviano in the chamber? Mr. Meyer, do you wish to call Senate Bill 391, Mr. Meyer? Mr. Meyer?"

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

Speaker Madigan: "Before you begin, Mr. Meyer, Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 391, a Bill for an Act in relation to probation and supervision. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Ladies and Gentlemen of the House. Yesterday, I placed an Amendment on 391 which made a technical change to the Bill. My intention is at this point there is still discussions going on in terms of the under... of the Bill. My intention is to pass the Bill back over to the Senate so that we can form a Conference Committee and keep this Bill alive. The Bill itself has to do with the Juvenile Act. It provides that a minor is placed on probation or supervision as a condition of that probation or supervision may be required to attend an educational program at a facility other than the offense... where the offense was committed, that the minor was convicted of or placed on supervision for a crime or violence as defined in Crime Victims Compensation Act and that offense was committed in a school or the real property comprised in the school or within a thousand feet of the school. The Bill passed out of the Senate with no dissenting votes. In committee, there were several questions on funding of that student being transferred from one school to another. And then also, questions as it related to the alternative school program. We're still involved in discussions on these. My

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intent is not to move the Bill through the process any further than the discussions if we can't reach agreement on all parties on this, on those questions. And I would just ask for your favorable vote, so we can keep that process alive."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Mr. Clerk, take the record. On this question, there are 114 people voting 'yes', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Hoffman, is Mr. Hoffman in the chamber? Mr. Hoffman, do you wish to call Senate Bill 736? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 736, a Bill for an Act relating to home inspection. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker. This is simply a shell Bill, that we're trying to move along with the process, so that over the summer eventually, we would be able to work together with all the various the groups to come up with some sort of licensure for home inspectors."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 51 people voting 'yes', 64 voting 'no'. Mr. Hoffman?"

Hoffman: "Yes, I would request postpone."

Speaker Madigan: "Place this Bill on the Order of Postponed

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Consideration. Is Representative Rich Myers in the chamber? Mr. Myers? Is the Gentleman in the chamber? Mr. Ryder? Is Mr. Ryder in the chamber? It may be Tom Ryder. Mr. Black, is Mr. Black in the chamber? Mr. Leitch, do you wish to call Senate Bill 1032? Mr. Clerk, read the Bill. Mr. Leitch, we want to take that out of the record, temporarily. Representative Hamos, 561. Senate Bill 561. Do you wish to call the Bill?"

Hamos: "Yes."

Speaker Madigan: "Yes. Mr. Clerk, on Senate Bill 561, read the Bill."

Clerk Rossi: "Senate Bill 561, a Bill for an Act amending the Health Care Surrogate Act. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #1 is the Bill and it no longer amends the Health Care Surrogate Act. It does amend the Probate Act. And says that the public administrators should be compensated based on what their county boards decide, as is currently the case in Cook County. And it also adds language that the public administrator of every county is to file with the Clerk of the Circuit Court an annual report of all monies received and disbursed, kind of an audit function. As far as I know, there is no opposition. This is being proposed... this has been worked on with the State Bar Association, and I ask for your favorable roll call."

Speaker Madigan: "The Lady moves for the passage of the Bill. Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, who did you say was in opposition of

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this Bill?"

Hamos: "I... I'm not aware that anyone is in opposition to this Bill."

Turner, J.: "And what's the fiscal impact of this Bill?"

Hamos: "I believe there is no fiscal impact, because the compensation of public administrators will be paid from the fees collected."

Turner, J.: "Did you say fees? There are fees associated with the Bill then?"

Hamos: "Well... I'm sorry, I couldn't hear."

Turner, J.: "Representative, did you say that there were fees associated with this Bill?"

Hamos: "The public administrator steps in... in situations where someone... as I understand it a public administrator steps in to handle estates where there is no testator and the fees are actually collected from the estate, but the compensation under this Bill will be fixed by the county board."

Turner, J.: "So, as I understand it, then, the public administrator will be appointed, will handle an estate, and then will be compensated from the estate that the public administrator is responsible for administering then. Is that correct?"

Hamos: "That is correct."

Turner, J.: "And your Bill speaks then, to the amount of the fees that the public administrator will be allowed to assess against the estate. Is that correct?"

Hamos: "Yes."

Turner, J.: "And how much... how much in fees is allowed under your Bill?"

Hamos: "Well, under a previous version of this Bill, that amount was set by statute. This Bill, Amendment #1, says that it

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should be determined by the county board, which is currently the case in Cook County."

Turner, J.: "So, the county board actually decides how much fee the public administrator will get? Or is that through the court? It was my understanding that the court actually determined what the fee ultimately would be."

Hamos: "No, this Amendment 1 which picks up the current law for Cook County, says that the county board shall appropriate an amount to be paid to the public administrator as compensation. And the county board shall fix the amount for the public administrator's compensation."

Turner, J.: "Does your Bill affect only Cook County or does it affect the other counties in the rest of the state?"

Hamos: "This is already the law for Cook County. Amendment #1 affects the other 101 counties."

Turner, J.: "So the Bill as amended, with Amendment #1, then does cover the entire State of Illinois, all 102 counties?"

Hamos: "That is correct."

Turner, J.: "And with regard to the counties outside of Cook, is it the county board that sets the fee of the public administrator or is it the court? I understand the answer to my last question was that in Cook County it would be the county board, but how about for the other counties?"

Hamos: "Representative Turner, as I understand it, under current law, in cook county the County Board fixes the compensation, but in 101 other counties there is no limit on the compensation. And as I understand it, there have been some abuses in some circumstances. This Bill provides some safeguards by asking the county board of every county to set the limits on the compensation that can be received by the public administrator."

Turner, J.: "Has the Illinois State Bar Association taken a

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position on your Bill?"

Hamos: "Yes, they were the drafters of this Bill."

Turner, J.: "Well, Representative, it sounds like a good Bill to me. I don't see any problem with it, in fact I think it has some good clean up language to the existing statute. I intend to support it, thank you."

Hamos: "Thank you."

Speaker Madigan: "Representative Hamos to close."

Hamos: "Thank you, I think we've had a really dialogue that has helped explain the Bill. And with that, I ask for your favorable roll call."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Hassert, did you wish to call House Bill 2020 on the Order of Concurrence? Yeah, Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 2020. I'll be happy to answer any questions."

Speaker Madigan: "The Gentleman moves that the House does concur with the Senate Amendment. The Chair recognizes Mr. Dart."

Dart: "Thank you. Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Dart: "Rick, can you... this will be for final passage here. Can you just explain to us what the Bill is we're voting on?"

Hassert: "Excuse me? What the Bill does?"

Dart: "Yeah."

Hassert: "Basically, what this does, it resets how a school...

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how a territory can remove itself from an existing school district. And it moves the... basically, the percentage of the EAV from 10% to 5% of the existing and the territory to 5% and puts it back to the regional school board."

Speaker Madigan: "Mr. Hassert moves that the House does concur with the Senate Amendment. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is final action. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does concur with the Senate Amendment. And the Bill having received a Constitutional Majority is hereby declared passed. Mr. Scott, did you wish to call Senate Bill 44? I believe it's Senate Bill 44... 544, okay. Do you want to call that?"

Scott: "Yes, please."

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

Scott: "Senate Bill 544, a Bill for an Act amending the Children's Health Insurance Program Act. Third Reading of this Senate Bill."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 544 places the Children's Health Insurance Act in compliance with the federal program. There was a question about whether children who were at... were under 150% of poverty would comply with it. Our previous Act just said over 150%... this says... or excuse me under 150%, this Bill says that if you're at or under 150%, you do comply with the program. We did put a technical Amendment on it yesterday and like the earlier Bill we talked about, it doesn't make it a shell Bill, but it... there are other negotiations going on with the Kids Care Program, so... but even if we don't do anything with

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further negotiations we're still gonna need to pass this technical change to make it in compliance with the Federal Act. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, how... passing this, you say, brings us into compliance with Federal Law. How does it do so?"

Scott: "Representative Turner, the previous... or the current law, the way we passed it before, said if you're 'below 150% of poverty', then you qualify for the program. This would say 'at or below 150% of poverty'. That brings us in compliance with the federal program. It sounds like a very small change, but for those people who are right at that total, it obviously makes a difference."

Turner, J.: "All right, this seems to be similar to the Bill you ran a few minutes ago..."

Scott: "Yeah, very much so."

Turner, J.: "... but you made a technical change again to send it back to the Senate. What was your purpose in doing that?"

Scott: "It's similar to the last Bill, John, you're right. There are some other negotiations that are going on, both with the Senate Sponsor, with the Leadership here and then also with the Governor's Office, to see if there are some other changes or expansions that could be made to the Kids Care Program. You know, we've had... the Governor's been fairly vocal about all the kids who could sign up for the program haven't been signing up and there... discussions going on about other ways that the program could be improved. If any of those come to fruition, then they can be added to this, but if not, we still need to do this change."

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Turner, J.: "Is there any fiscal impact associated with your Bill?"

Scott: "Well, I don't believe there is, because we've been trying to interpret it at or below 150% anyway. So, I don't really think that there is any and this actually came from the department themselves, too. So if there is any, it's minimal."

Turner, J.: "All right. So, my next question was whether the Department of Public Aid supported the measure. It sounds like they do."

Scott: "Yeah, this is their initiative."

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

Speaker Madigan: "Mr. Scott moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Leitch, are you prepared to do Senate Bill 1032? Mr. Clerk, read the Bill. 1032. Mr. Leitch. The Clerk advises me that there's an Amendment pending?"

Leitch: "Yes, Sir, would you please return it to Second Reading?"

Speaker Madigan: "Place the Bill on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "Amendments 1, 2, 4, and 6 have been adopted to the Bill. No Motions have been filed. Floor Amendment #7, offered by Representative Pankau, has been approved for consideration."

Speaker Madigan: "Are there any further Amendments?"

Clerk Rossi: "Floor Amendment #7, offered by Representative Pankau."

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Speaker Madigan: "All right, Amendment #7 by Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Amendment #7 clarifies a municipal issue in my district. It allows for a sitting trustee, who has voted much in the past on a TIF district, to purchase a unit in an existing TIF district. And I ask for your support of this Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Is there any discussion? There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor signify by voting... by saying 'yes'; those opposed by saying 'no'. The 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been read a second time?"

Clerk Rossi: "The Bill has been read a second time, previously."

Speaker Madigan: "What's the status of the Bill?"

Clerk Rossi: "The Bill is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Fine. Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1032, a Bill for an Act concerning tax increment financing. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. Senate Bill 1032 is essentially the same Bill as House Bill 305, which went to the Senate. There have been a couple of Amendments added to clarify the Bill, but in all respects the Bill is 99.9% the same as what it was when it went out of here some weeks ago. And I would ask for its approval."

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Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Giglio."

Giglio: "Thank you, Mr. Speaker, and I speak to the Bill."

Speaker Madigan: "Proceed."

Giglio: "Ladies and Gentlemen of the House, we've had again, a similar Bill came before us earlier that was suppose to... the intent is to make TIF districts more stringent. It's in my humble opinion that it doesn't do enough. We're opening them up more to day-care centers, too. Our school districts are suffering. Our park districts are suffering. Our municipalities, in fact it's my belief, continue to suffer under the current TIF laws. We see numerous small towns, that... where... multimillion dollar developers come into town and cut these deals with these small town managers and mayors, that have no idea what they're talking about. And they find out after the agreement's been signed, that... that they just lost thousands, in fact, tens of, if not, millions of dollars for their local towns, because they don't have the people trained to deal with these developers. And I would add further, that until we change the TIF and... and make dramatic changes to put in protections for our schools, for our park districts, and for our other taxing bodies, that we vote 'no', that we get rid of the TIFs. And I would further recommend that we take all the TIF funds and perhaps put them into a fund down here in Springfield and let the Legislature, or let individuals that are trained to deal with developers, that are trained in the tax code, that are trained in Illinois law, be the ones that determine how these funds get spent, as opposed to small town economic developers, who don't have the skills, or the knowledge, or the capabilities in doing so. And I would strongly encourage you to vote 'no'.

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Thank you."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. I concur with Representative Giglio. I don't know of one mayor or alderman in my area that agrees with this Bill. They're all opposed to it. It gives you everything you don't want. They're giving money to day-care centers out of this program, instead of developing what the original TIFs were set up for. It's like building moats around our small towns downstate. We have nowhere to go and now we have nothing to offer new business to come in. And I urge a 'no' vote on this Bill. Thank you."

Speaker Madigan: "Representative Sharp."

Sharp: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Sharp: "Just for a purpose of clarification, in regarding to retail businesses which move from municipality to... from one municipality to another, for confirming the legislative intent of such, in 74.3-3 of the Tax Increment Allocation Financing Act. The new provision to be added to the Senate Bill 1032 and dealing with whether the provision of the direct financial support to retail establishments relocating their businesses to a redevelopment project area, located within ten miles of the current location are eligible redevelopment, and eligible redevelopment cause. Is it true that the municipality which makes the responsible finding called for by that paragraph, is the municipality in which the redevelopment project area is located? For example, municipalities in which the retail establishment will be relocating."

Leitch: "Yes."

Sharp: "Thank you."

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Speaker Madigan: "Mr. Leitch to close."

Leitch: "Thank you, Mr. Speaker. With all due respect to the Gentlemen speaking in opposition to the Bill. They made great arguments for this Bill, because this Bill does make changes that school districts favor. It does bring more accountability. It does tighten the boundaries. It is a Bill that is long overdue, by way of reform of TIF. And I would strongly urge that you support this Bill. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are 2 people not voting. There are 2 people not voting. Mr. Clerk, take the record. On this question, there are 94 'ayes', 20 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Hoffman. Is Mr. Hoffman in the chamber? Mr. Turner. Mr. Arthur Turner. Mr. Brunsvold. For what purpose does Mr. Fowler seek recognition?"

Fowler: "Mr. Speaker, I stand as a point of personal privilege this morning."

Speaker Madigan: "State your point."

Fowler: "I am happy to have in the House gallery this morning a group of kids from the Creal Springs School, which is located down in my district. They're up on the west side. Let's give them a good warm House of Representatives welcome this morning."

Speaker Madigan: "Mr. Brunsvold, do you wish to call Senate Bill 150? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 150, a Bill for an Act concerning the Illinois Building Commission. Third Reading of this Senate

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Bill."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was very well discussed last week. It set up the Building Commission which was set up in 1996 by a Senate Resolution and the purpose of the Building Commission is to organize all the building codes within the State of Illinois, so contractors can go to one place and have access to the building codes for the Department of Public Health, the CDB, the DOT, in organizing all those building codes so we can have some measure of... of assurance that the building codes don't conflict with one another and are in fact available to the contractors. Mr. Black put an Amendment on the fund saying that the cost of accessing the database couldn't exceed \$250. So we accepted that Amendment and I would ask for the passage of Senate Bill 150."

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

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, now you... you said that there is... fee increases in this. What will the fee increases be used for?"

Brunsvold: "The fee... there's no fee in this Bill. This sets up the fund, the Building Commission will set a cost of publishing a booklet which may be a couple dollars. And then a contractor would be able to access, paying a access fee to a computer base from the description that the commission members gave me, which would let... have them access to that... to that database on all the building codes."

Parke: "Maybe I..."

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Brunsvold: "It's very, it's very convenient for the contractor's. They are in support of this one stop shopping area for the building codes."

Parke: "Representative, I guess I'm confused. You say there's no fees, but Amendment #1 says fees, each of which may not exceed \$250 which you... which you spoke to."

Brunsvold: "That's Mr. Black's Amendment."

Parke: "All right, but it means there is a fee increase on this..."

Brunsvold: "Well, when you access a database, they're gonna charge you the cost of setting up the database and organizing the codes from all the agencies and that's gonna be the cost of setting it up. It'd be no more. Mr. Black was concerned that... that they might charge more, which they really are not in business to do. They're not a profit making organization. This is here to provide a service for the contractors, provide a service for the state, so our building codes are in line with each other and we don't conflict with one another."

Parke: "According to our staff analysis it says here, that it will allow the commission to charge fees to cover publications of a compendium of state building codes."

Brunsvold: "They can charge... they can set up a cost of accessing the database. Now, you can call it whatever you want. It's a service fee as far as I'm concerned, so they can access and actually save themselves money. And not having to traipse around to every agency accumulating all their building codes and then try to put it all together."

Parke: "Okay, Representative, I don't have a problem with... that you're... what you're doing with this. I just want those Members of the Body to know that there is a fee increase and that may or may not slant how they want to view this."

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And from what I see, I think there's a justification of that, but I just... the Body needs to know what they are voting on. And so, thank you for your time."

Brunsvold: "This... this is actually a service Representative, that was set up by the... by a Senate Resolution that Mr. Sieben sponsored back in, I think it was 1996."

Parke: "Okay, thank you, Representative."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. If I could just cut to the chase. I'm gonna support Representative Brunsvold's Bill. Yes, there is some language in the Bill about fees, there isn't any question about that. So, for those Members on both sides of the aisle, who... who are worried about direct mail and worried about the word 'fee', fine we understand your 'no' vote. But I can tell you that businessmen and women who try to do business throughout the state, this compendium of codes and regulations and rules will be useful to them. And they will pay the fee. And I appreciate Representative Brunsvold making it clear that we're not talking about taking general revenue dollars to produce a document that will benefit only those few people in the construction business. So, you know, if you're nervous about the word 'fee' and you're nervous about direct mail, and I know, we've all been there, and we have to do that. But, when all is said and done, I think we can find 61 votes on the Bill, as amended, to perform a service that contractors could use and would pay for. It's a reasonable Bill. So, all those who need to vote 'no', vote 'no'. I think we ought to find 60 or 61 votes who can vote 'yes'. And I appreciate Representative Brunsvold's acceptance of the amendment."

Speaker Madigan: "Mr. Rutherford."

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Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong support of Representative Brunsvold's effort here to... to bring this forward and his cooperation and trying to put a better definition of what may be opportunities of fees is, is good and I would anticipate that we should pass this overwhelmingly."

Speaker Madigan: "Mr. Brunsvold to close."

Brunsvold: "Thank you, this is a service that the contractors want. They want to be able to come and do business here in one place and they're willing to pay a small amount of money to do that. This is a service we're providing and there's no tax money involved at all. So I'd ask for your support and pass this Senate Bill 150."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Would someone record Mr. Tim Johnson as 'yes'? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 70 'ayes', 45 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Hartke in the Chair."

Speaker Hartke: "On page 2 of the Calendar, appears Senate Bill 336, Representative Brady. Representative Brady. Out of the record. Senate Bill 368, Representative Saviano. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill..."

Speaker Hartke: "Out of the record. On page 2 of the Calendar, appears Senate Bill 27. Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 27, a Bill for an Act amending the Illinois Marriage and Dissolution of Marriage Act. Third

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Reading of this Senate Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen in the House. Basically what this would do is it would establish a task force to look into the issue of retaining assistant public defenders and retaining assistant state's attorneys. The various Amendments have been adopted to insure that this is in proper form and that the task force members will be able to do the work of insuring that we can stop the revolving door of assistant public defender and assistant state's attorney system."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 27?' All those in favor signify by saying 'aye'... or voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 27, 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 322. Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 322, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I bring to you Senate Bill 322 which creates a new position in the health care arena known as the resident attendant. And basically, that is a person who would... is a noncertified staff person working in a nursing facility, who helps assist patients with their

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daily living activities, such as eating, drinking and some personal hygiene. The law provides that there will be training and competency evaluation for these individuals. The program that they would be trained under would be a minimum of 13 hours in length. There are additional safeguards and that is that the resident attendant would not count in the minimum staffing requirements under current rules regarding nursing home care and that they would be subject to the Health Care Workers' Background Check Act. And I move for the adoption of Senate Bill 322."

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

Hamos: "Mr. Speaker, on the last Bi... on Senate Bill 1032, I inadvertently voted 'no' and I would like the record to reflect that I intended to vote 'yes'."

Speaker Hartke: "The record will so reflect. Is there any discussion on Senate Bill 322? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 322?' 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? Please record yourselves. Mr. Clerk, take the record. On Senate Bill 322, there were 114 Members voting 'yes', 1 person voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 7 of the Calendar, appears House Bill... or Senate Bill 1088. Representative Righter. Out of the record. On page 4 of the Calendar, appears Senate Bill 1155. Representative Gash. Mr. Clerk, read the Bill."

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

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Speaker Hartke: "Representative Gash."

Gash: "Thank you, Mr. Speaker. We debated this Bill yesterday and we took it out of the record so that we would be able to address the wording in the Bill. And we did look at that and determined that it was clear that 'such', as was discussed yesterday, the word 'such' did refer to a second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material. I ask for your 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Kane, Representative Lindner. This Bill is on Standard Debate."

Lindner: "Thank you, Mr. Speaker. I rise in support of this Bill. This was an initiative of a woman who is a constituent of mine in Elburn, Illinois and she brought it to Senator Chris Lauzen. They have worked with all the trucking associations who have signed on to this Bill. I agree with Representative Gash's interpretation of the Bill that 'such vehicle' applies to a vehicle in the first portion of that paragraph, that has aggregate or dirt in it. And that's the only vehicle whose tailgate would have to be closed. Otherwise, if you're driving a pickup truck someplace, your tailgate would not have to be closed, unless it had aggregate, garbage, or dirt in it. And she, in good faith, did prepare an Amendment and tried to bring that Amendment today and it is simply too late to do that. So, I would ask for support of this Bill."

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

Giglio: "Thank you, Mr. Speaker, and to the Bill. The changes have not been made to... to correct this language. There... it is still very vague. The... the tailgate, if

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it's off the truck... it's wrong. An officer, an overzealous officer, can pull you over and you'll be... you'll be in trouble. You'll be pulled over. You'll be forced to... to leave that vehicle parked to the side of the road until then. And I would urge for a strong 'no' vote. Thank you."

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

Bost: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, you've heard the debate on this Bill several times. There... it's loaded with problems. There are a lot of concerns. This is just a bad Bill. It... it has no... no... good intent, good intent it may be. There are all kinds of problems that'll come back to haunt you. No matter where your district is, this Bill will come back to haunt you. Because it is not only larger trucks, it's pickup trucks. It's everything else that's out there. Those people that live in your neighborhoods, that might be hauling whatever to work on their own homes can get stopped, the problem they can have to leave the vehicle and you'll hear about it again. I... I... urge a 'no' vote."

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

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill had a full debate yesterday and I'm... I'm not going to belabor the point. The idea that the Sponsor is working on, is a good one. The underlying idea, I would support. Truckers need to clean off their trucks, their back bumpers, when they go down the highway, to make sure that the load, that it might have spilled out in transit, is cleaned off. They need to do that. And I would support her efforts in making sure

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that they will do that and they must do that. As we tried to tell you yesterday, there's a sentence in the Bill that one can only surmise that the intent of that sentence is, that a pickup truck must have its tailgate on, up, locked, and in operating condition. Now, Ladies and Gentlemen of the House, these... these pickup trucks in my district are owned by working men and women in the general contracting business, in the roofing business. They're out there trying to make a living so they can pay the taxes that you and I continue to pile on them. Now, you're going to take their... their only means of making a living and make it much more difficult for them to do so. If we take this sentence out of the Bill, I'll cosponsor it with the Representative. I tried to tell you yesterday, if you're not familiar with people who make a living and use a pickup truck to do so, when they haul wallboard, plywood for your house, roofing material for your house, dimension lumber for your house, they can't go down the road with the pickup truck tailgate in an up position. So, many of them take the tailgate off. They're not hauling aggregate. They're not hauling garbage. They're not hauling refuse that will fall out onto the road. If we could simply eliminate that sentence, on line 19 of the Bill, that says, 'in addition', ad infinitum dealing with pickup trucks, I'll cosponsor the Bill. The underlying Bill is a good idea. The law of unintended consequences, as others have told you and I try to reenforce, you're going to penalize working men and women that the Sponsor really doesn't intend to penalize. The Bill isn't fair as drafted. It goes beyond what the Sponsor intends. Once... just once, let's stand up and give working men and women a break, so that they can go out and make a living and pay the taxes that we're going to

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impose on them, later in the Session. I urge a 'no' vote."

Speaker Hartke: "Representative Gash to close."

Gash: "Representative Black, I took this Bill out of the record in good faith to look exactly at that sentence. We had an Amendment drafted that would have been duplicative, but we felt might address what you were saying and I would have been happy to put it on and since the Rules Committee isn't meeting we couldn't do that. In fact, what we found was, it isn't at all necessary, because it says very specifically and I totally understand your concerns, but it became unnecessary when it became clear that the sentence says, 'no person shall operate on any highway, such vehicle unless the tailgate' so and so. The 'such vehicle' was at issue. 'Such vehicle' refers directly to the previous sentence, which is any second division vehicle loaded with dirt, aggregate, garbage, refuse. The legislative intent is clear, right now, that it is intending to address the vehicles loaded with dirt, aggregate, garbage, et cetera, and not just any second division vehicle. I think without the legislative intent, that's also clear, because it would be read to have some, to make sense, it would be read to, to be not absurd. And that obviously isn't what the legislation means. Since we determined that that was not necessary, we would like to move the Bill forward. As I said yesterday, and let me just read into the record, 'second division vehicles, those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed for... or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo, or implements of husbandries, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.' Let me

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just say that this Bill is supported by many different groups. This is something that the Transportation Association and truckers... Midwest Truckers has said is a great compromise, because they did not want a 'tarp law'. It's supported by the Illinois State Police, IDOT, the Illinois Association of Chiefs of Police. We had police officers in committee. It's supported by the Midwest Truckers Association, the Transportation Association, Township Officials of Illinois, the Northern Illinois Truck Enforcement Society, the Lombard Police Department, the Du Page Mayors and Managers Conference, and many other groups. This is something that most of... most of us have heard from our constituents about. It's something that matters very strongly about... to them. It's something that has been editorialized all over the state, in favor of, even before it was amended in the Senate to become much, much weaker. And I would urge your 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 1155 pass?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1155, there are 69 Members voting 'yes', 46 Members voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed."

Speaker Hartke: "Senate Bill 1227. Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1227, a Bill for an Act to amend the Military Code of Illinois. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Black."

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

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Gentlemen of the House. Senate Bill 1227 amends the Military Code of Illinois to state that the adjutant general and assistants adjutant general of the Illinois National Guard shall have had ten or more years of active, commissioned service in a component of the United States Armed Forces and have attained at least the grade of or equivalent to colonel or lieutenant colonel, respectively. I'd be glad to answer any questions that you have."

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

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

Speaker Hartke: "Indicates he will."

Dart: "Representative, I've... I've gotten a load of calls and letters and actually had some individuals come in and visit me about this Bill. These were people who were in the National Guard themself... are in the National Guard themselves. They voiced concerns about this. What... What is the... the theory or the thinking behind expanding it beyond a requirement of somebody who's... serves on the National Guard as opposed to any Armed Forces?"

Black: "That... That's a good question. And you know, I've had people come to visit me and I've had some letters that I wouldn't even share with you. And I've had some phone calls that I don't need to repeat. Those that I can say that were trying to politicize the process. You know I... As I said in a letter I distributed to all of you yesterday, if you can find a bigger supporter of the military and the Illinois National Guard than I have been over the years, let me know. The Governor of the State of Illinois is the Commander in Chief of the Department of Military Affairs. That commander in chief is not limited to his appointments to any Cabinet level position except,

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by current law, the Department of Military Affairs. To the best of my recollection, the Governor feels that he might like to have a wider pool of military officers from which to choose an adjutant general than the current pool of commissioned officers in the Illinois National Guard, as fine a group as that can be. And, you know, I... I don't know what the quarrel is? I... I don't understand people who come to my office and when I say, under our current law and by the way this hasn't been amended since 1991. I can get to that later. Under our current law, General Norman Schwarzkopf could not be named adjutant general of the Illinois National Guard, nor could General Colin Powell. And when I asked a military officer doesn't that seem to be... isn't there an inconsistency there? The officer looked me in the eye and said, 'What does General Schwarzkopf know about fighting a flood?' You know, I didn't have a real good answer for that. I would assume that a military officer of the caliber of a Norman Schwarzkopf or a General Powell would know how to motivate people, how to lead people, how to organize people and I think, they've had a track record of doing that. And I'd be very comfortable with any active duty or Guard officer who could, obviously, lead people and exercise that leadership skill in the multifaceted role of the National Guard. So, if... if the Governor wants to broaden the base of applicants, I... I have to tell you, Tom, and I've tried to look at this from everybody's perspective. I... I don't see a downside. I really don't. If I did, I wouldn't carry the Bill."

Dart: "And... And I... I found the letter, that you had to answer, was upsetting because I... I believe you sincerely on this one. I had individuals from the National Guard

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come to me, though, and they... they made a compelling case. And they weren't talking about the political side of it as much, but they were talking about the uniqueness of the National Guard. And they were saying that some of the other branches of the service are so different that they felt uncomfortable having somebody leading them who did not go through what they had gone through. And it made a... it made a case that I felt was strong. I... one of the things I... if you just clarify for me, here. That... I don't know if the Bill has gone through changes since I talked to them or not. I'm not sure. But one of the things they mentioned, when they were talking to me, I think, references the part of the Bill where it says 'they reached a grade or'... then you inserted 'or equivalent of colonel or lieutenant colonel'. They led me to believe, but, once again, I don't know if they had this Bill or if they had a version of it, or what they had, they led me to believe that by inserting that language it greatly expanded, not just the... the branch of the service someone came from, but by that you could also substantially lower the experience or the grade that somebody was at. And I could understand if that language was just meant to say that because certain branches don't have lieutenant colonels, they have admirals or whatever it is, I could understand it. But they made it sound as if this would substantially lower, in certain branches, almost to the level of some type of sergeants, even, could get this position. Could you clarify that for me? 'Cause as I say, I'm not sure what they were looking at."

Black: "I'll clarify it as best I can in the conversations that have I... that I've had with the supporters of the legislation. Do I think that this would allow the Governor

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to appoint a chief master sergeant of the Army as adjutant general? I don't think so. But I'll tell you something, a lot of people in the Guard would probably tell you a chief master sergeant in the United States Army might be a pretty doggone good adjutant general. I believe the language is in there to reflect the differences in rank in the active duty military because the Navy doesn't use the same ratings, as you indicated. I could not imagine a commander in chief of the Illinois National Guard, reaching into an active duty military and asking a 90-day wonder, for example, a recently commissioned ROTC lieutenant and elevating him or her to the rank of adjutant general. That would not be in the... in the Governor's best interest. It would, obviously, not be in the best interest of the National Guard. And when all is said and done, the Governor is the commander in chief. He or she will be, and is responsible for their call up in case of a state emergency or a natural disaster. And when all is said and done, the same way we... the same way we're... the same position that we're in today in Kosovo. There are people in the active duty military who probably, in an unguarded moment, would tell you they don't have a great deal of confidence in their current commander in chief. But, you know what, when the Commander in Chief, President Clinton, called 33,000 reservists to active duty in Kosovo, they went. And that is a cornerstone of this democracy. Our commander in chief is a civilian. Always has been, I pray to God, always will be. And when they order our Armed Forces to action, your choice is clear. You either follow the orders of your commander in chief or you resign your commission and you leave military service. I can't believe and I don't speak for Governor Ryan, I've not talked to him

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personally about this Bill. I can't believe that any Governor, particularly this Governor, who is a military veteran by the way, would endanger anybody in the National Guard by making an unwise choice for someone to lead the National Guard in what are very difficult times today."

Dart: "Mr. Speaker. To the Bill, just briefly. I... I share a lot of the sentiments of the Sponsor of the Bill and I... I no doubt, question sincerity of both the Sponsor and the Governor in doing this. There's two people that truly are looking out for the best interests of this state on a regular basis. And I found that the letter that you distributed to be upsetting that someone would make some of those statements that they had made and I enjoyed your response. The constituents, all that I talked to, the individuals from the National Guard that I had... a couple different meetings with, were adamant though, that they... they felt that this was not in the best interest of the National Guard. They felt that though there was... there was arguments to be made on the other side of it, that the National Guard is a very unique branch of government. A unique branch here, that requires that someone comes up through their ranks, that someone that knows what they went through, someone that shares their experiences is the one that's leading them. And though I share some of the sentiments of the previous speaker, I... I have to agree that that makes some degree of sense and for that reason I am... I stand in opposition to this Bill."

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

Bost: "Thank you, Mr. Speaker, Members of the House. I rise in support of this Bill. You know, as a... as a veteran and understanding the position of the Guardsmen of the State of

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Illinois each one of us feels we're all best in our own branch. I was in the United States Marine Corps and I would automatically say, well, we as Marines, we are the best branch. However... however, each one of us, I know Representative Stephens would not agree with that. But it is important to realize we, as the State of Illinois, want the best possible commander that we can have. We can do that by expanding this pool and allowing any of those branches that have been trained and have great people in them that can handle the command of major military units, like the Illinois National Guard, this will give the opportunity for us to increase the pool that we can... that our Governor can choose from. It's sensible. We would only want our... the opportunity for our Governor to choose the best that he can possibly choose to take the task of operating and managing and controlling our Illinois National Guard. This is a military turf battle is what it's turned into. As I said when I first started, each one of us want to protect our own, but now it's time to put the best person that we can possibly put in, here in the State of Illinois, to be the commander of our National Guard's units. And I think that this is a very good Bill. And I ask for your 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Scott: "Representative, do you know offhand what the num... the current pool would be of... of under the way the law reads right now, the people who would be qualified to be chosen from... for this position?"

Black: "Representative, depending on who you talk to, the numbers

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range from very low to very high. The best information I have that there are... there would be 38 people currently on the roster of the Illinois National Guard who could meet the qualifications to be adjutant general. I have also heard that only four of those people are actively seeking that post."

Scott: "Now, I've been in government awhile... not as long as you have, but I've been in government for a while. When I've seen Bills like this in the past they're usually done for one of two reasons. Either there's somebody who... who we would like to have in this position who doesn't meet the current qualifications, so we need to change them or we've looked at the current pool of applicants who would be eligible for the position and we don't think any of those particular individuals would be able to... to meet the muster that we want for that position. Do you know, I mean... believe me, I take as absolutely sincere the answers you gave to Representative Dart, but do you know if either of those conditions was part of the reason for the onset of this Bill?"

Black: "Representative, I can give you my perception, but I honestly don't know. I have not talked to the Governor personally, about this. I... therefore, I don't know if the Governor finds that the pool is not what he would like to choose from. I do not know if the Governor has someone else in mind in the active duty military. My perception is that there is a problem currently in the headlines and on the news that's going to impact the National Guard. My perception is that the Governor feels that perhaps someone from the outside is necessary to come in at this point in time. And I don't want to get into that problem. I think all... I think we all know and have read and have seen... "

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Scott: "Sure."

Black: "... the news... "

Scott: "Sure."

Black: "... about that problem. It's very unfortunate. I don't know what the result of that's going to be. My perception is that that problem, I think, has motivated the Governor to say perhaps he needs someone from outside the current pool."

Scott: "The other question I'd have is we leave alone the air... the assistant adjutant general for air, we leave alone the qualifications for him. Wouldn't the same rationale kind of apply here?"

Black: "The only thing I know about that is that in 1991 we changed the Military Code. I don't recall this Bill, quite frankly. But in 1991, we changed the qualifications for the assistant adjutant general for air. We changed that from having had a... from having to have a rating as a pilot to having a rating as an air crew officer. And I imagine that that broadened the pool and I don't recall that debate, quite frankly. I think I should, but I don't, And I would imagine some of the same arguments were raised at that point."

Scott: "Have... Have you gotten... Representative Dart made reference to calls he's gotten from... from people in his district. I've gotten the same things, including the same visits. Have you... Have you also gotten those? I'm sure you have."

Black: "Yes, I've had some people that I've known for years. One of my very good friends spent 28 years in the Guard. And I talked to him at some length. He favors this Bill. He's a strong supporter of this Bill. I've had people that I've known... my brother served in the National Guard years ago

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in the Danville unit when it was an armored cavalry unit. He favors this change. I've also talked to people who grew up in my hometown and served in the Illinois National Guard out of the Danville unit who don't favor the change. And it's been interesting in talking to them and in my close, I'd like to give you some reasons why some people have told me that they think the change is in order. And it's because of the change of the mission of the National Guard that has evolved, in really, just the last half dozen years."

Scott: "But if there's a change in the mission of the Gu... I guess this is where I'm having a problem and again, I'm coming at this from an outsider's perspective and I haven't had the benefit of having people in the Guard who are in favor of this come to me and talk to me, so I haven't had that. But if there's been a change in the mission of the Guard in the last few years, you... your natural reaction would be to say, 'Well, who better to try to lead the Guard than somebody who's been part of that changing mission over the last few years.'"

Black: "Well, I think it's just the opposite, Doug. I think what many people who favor this Bill are saying, in fact, the mission of the National Guard has changed dramatically. Thirty years ago, when my brother was a member of the Guard, it was really the state militia and he did serve civil disturbance duty in several cities throughout Illinois back in the '60s, in fact, came under fire in Joliet, as I recall, at a civil disturbance. But that mission 30 years ago was primarily a state militia, and I think that's where they picked up the term that I don't like and they don't like today, the term 'weekend warrior'. They would drill one weekend a month. They would go to

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summer camp two weeks out of the year. The training... you know, I respect these guys so much I don't want to use a derogatory name. But I don't think anybody would say that 30 years ago the Illinois National Guard could be activated and sent to Viet Nam within 30 days and that was not their mission."

Scott: "And that's happening now..."

Black: "Right. Now... "

Scott: "... of course, with some other conflicts, right."

Black: "... what has happened, dramatically, in the last 10 years, the National Guard, as well as the Ready Reserve, have become key components of our National Defense. And without being critical of our leaders in Washington, the draw down of the active duty military has been dramatic. So, consequently, as we get into Kosovo, the President has had to call up 33,000 Reservists and Guardsmen and women because they now make up a major, major role in our active military defense. And so what people are telling me, Doug, is that more than ever you might need an active duty military officer with combat experience, with mobilization experience, with the rapid deployment of forces to 'hot' zones that the Guard didn't worry too much about after Korea. Korea was the last time the Guard unit in Danville was activated, for active military duty. But today we have Guardsmen and women from Illinois all over the world and in harms way. And so, I think the people who support the Bill say this certainly wouldn't hurt the Guard to have an active duty officer come in and be adjutant general because that's now the primary mission of the Guard. And we want someone who understands how we have to mobilize quickly, how we might be in harms way quickly, and that these men and women must be trained differently today and have a

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different state of readiness today, than they did even 20 years ago."

Scott: "Well, I appreciate your answers. And you know, I respect you and your intentions. I don't know that... that you... you've swayed me, but you ... "

Black: "Sure."

Scott: "... certainly made some good points. I appreciate your forthrightness. Thanks, Bill."

Black: "Thanks. Thank you."

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

Hamos: "Thank you, Mr. Speaker. I rise in strong opposition to this Bill. Actually, as I'm told, there are 46 or more people who are... who have the qualifications to fulfill this job. Federal Law recognizes that this is a unique service of... of the military and does require that the Chief of the National Guard Bureau have at least 10 years of National Guard service. The National Guard Association has taken a strong position against this Bill and I think the reason is because they're worried that politics has reared its ugly head. There's been editorials against this Bill because the... for the same reason. And I say when the military uniform goes on, politics should come off. Thank you."

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

Stephens: "Thank you, Mr. Speaker. The... this Bill's getting a lot of attention, but I... I have to tell you, when I first heard of this legislation and met with some of the people that were interested and some who are... are with us today, I bought into the argument because it is a very legitimate argument, that the experience in the National Guard is and

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has been a requisite for leadership of the Guard. But, you know, I have to tell you that times are changing. The... what... what we should be thinking about today is that the Illinois National Guard is not a political entity and shouldn't be a political entity. It's not just about dealing with tornadoes and hazards like floods and those other developments that sometimes we associate with the National Guard. We're talking about a military unit and who should lead that military unit. The arguments that were made to me and ones that I... that I understood by the opponents to this Bill, were that you needed the experience of having had served in the National Guard to be a real leader of the National Guard. And I have to admit to you that I believe those arguments based on the facts. The truth is that if you were a member of the National Guard and you were the leader of the National Guard, those were... those were not mutually exclusive. But there is the issue of the military leader of this National Guard and who it should be. And let's not forget that it's not just about fighting floods or responding to a tornado or being knowledgeable about Illinois politics. With all due respect to the past leaders of the Illinois National Guard, we are growing into an era where we have to look at this in a national sense. A national defense issue is actually what we're talking about today and who is the best military leader for our troops. That's what this is about. And so with understanding that the opponents to this Bill are very sincere and have real concerns, let's not politicize a combat leader position. Let's trust our Governor to stand before the people of Illinois and choose the person that he or she thinks is the right military leader for the military men and women of the State of Illinois. There's a lot of

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people on this House Floor that have military and combat experience and you and I both know, that in times of dire need you don't care about the politics of your leader. You don't care about whether they were National Guard or Marine Corps or Airborne Infantry. You care, do they have the military ability and the courage to lead you today? And that's what this is about and we should be able to choose the right American to lead these American troops. That is the issue that you're voting on now. The right vote, with all due respect and honor to the opponents of this legislation, is a 'yes' vote and I urge you to vote 'yes'. Thank you, Mr. Speaker."

Speaker Hartke: "Seeing that no one is seeking recognition, Representative Black, to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I think most of you that know me know that I don't bring legislation to you that I don't have some personal belief in and feel strongly about. Let me try to summarize this and I... I'm under no illusion that I'm going to change anybody's mind. I know how hard this has been worked. And I know that it's been worked by people, honorable people who I respect. But let me just tell you folks, if you just look at this unemotionally and don't get yourself all wrapped up in newspaper editorials when they only listen to one side of the issue, as sometimes the press does, in all due respect to the local paper. Most states, the vast majority of states in this country, have this law. We are in the minority of states that do not. I'll just... one of our neighboring states of Iowa. The Governor of Iowa, I believe it was Governor Branstad, reached into the active duty military 25 years ago and tapped a man with some 20 plus years of experience to be

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the adjutant general of Iowa. That was in 1985. He is still the adjutant general of the State of Iowa. So, most states do what this Bill would let Illinois do. We're a distinct minority of the states that do it the way we do. And I want you to understand how much respect I have for veterans and members of the Guard. I've had family members suffer horribly in World War II, so I know a little bit about, personally, what it's like to be a veteran. And without those people, none of us would be here. We wouldn't have the privilege of serving in this Body. There would not be a representative government in this country, had it not been for the greatest generation this country's ever produced marched off to Europe and the Pacific Theater in World War II. Do I respect them? I owe everything I am and everything I have to our veterans and you'll never see me stand on this floor and denigrate any of them. But I want to tell you something that scares me folks, and this is the bottom line on this Bill, and I may have let this Bill sit, but I got scared when I saw some of the tactics being used to oppose this Bill. Ladies and Gentlemen, whatever you think about this Bill ask yourself one question, what is the constitutional cornerstone of this country? It is civilian control of the military. That's been that way since our founding fathers realized that if we were going to avoid some of the difficulties that European countries have had, where the military routinely made coups, our founding fathers made it very clear. A cornerstone of our constitutional government is that the civilian control of the military is not debatable. And ask anybody in Kosovo today whether or not they have personal feelings toward their Commander in Chief, President Clinton, they follow the orders of their commander in

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chief. And now ask yourself, who has politicized this issue? Who has lobbied extensively and said... let's just boil it down. Who has said, 'You do it our way or you don't do it anyway'? Members of the Illinois National Guard wearing the uniform of the United States military. If you don't have any other reason for voting for this Bill, that's a good enough reason for me. Civilian control of the military has never been debatable in this country, and I am somewhat incredulous that members of the Illinois National Guard have come to my office, wearing the uniform, telling me that you either do what the military tells you to do or you don't do anything. And in all due respect to the men and women who wear that uniform, that's not what this country was founded on and it's wrong. The Commander in Chief, Governor Ryan, right now, should have the right to name his adjutant general. The commander in chief is in charge. The commander in chief should have that right. And if you can't think of any reason other than that, that's why we ought to vote 'yes'. And by the way, I didn't want to bring this up, ask yourself of the pool, and you can't even get a good answer as to how many people are in the current pool, how many are women? How many are minorities? None. The time for this Bill has come. Civilian control of the military has never been debated in this country. Vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1227?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Wait a minute. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1227, there are 75 Members voting 'yes', 36 Members voting 'no', and 3 Members voting

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'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Jackson, Representative Bost."

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

Speaker Hartke: "State your point."

Bost: "Members of the House, I'd like to, if you would, to welcome up in the gallery today, we have the fourth grade students from Carruthers School and McElvain School of Murphysboro School District, which includes my daughter and their teachers, if you could please welcome them."

Speaker Hartke: "Welcome to the General Assembly. On page 3 of the Calendar, appears Senate Bill 398... 498, Representative Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 498, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. This Bill basically provides that the Department of Public Aid will promulgate rules so that services regarding optometry, optometric services can be provided without discrimination to... from other like service providers. And I move for the adoption of Senate Bill 498."

Speaker Hartke: "Is there any discussion? Seeing that no one seeking recognition, the question is, 'Shall the House pass Senate Bill 498?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 498, there were 114 Members voting 'yes', 0 voting 'no', and 0

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voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 4 of the Calendar, appears Senate Bill 1088, Representative Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1088, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1088 is a result of a directive from the Federal Government, specifically, the United States Environmental Protection Agency, which requires the State of Illinois and 21 other states to file a plan with regards to the reduction of emissions of nitrogen oxide by September of this year. Right now, as this Bill stands, it has a technical Amendment on it. We pass it out of this House; it'll go back to the Senate, and subsequently, to a Conference Committee. The parties being the environmental groups and the business groups are very close to an agreement, and we expect that they will have one very soon. I would be happy to answer any questions and would ask for your favorable consideration."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1088?' 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 1088, there are 113 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 3 of the Calendar, appears Senate Bill

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1010. Representative Novak. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1010, a Bill for an Act in relation to local governments. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1010 is a... is a new initiative of the Metropolitan Pier and Exposition Authority. This... This legislation deals with about a \$270,000,000 transaction with respect to refinancing of bonds to save a large amount of interest for the Authority, as well as some improvements at the... at McCormick Place and Navy Pier. So... we certainly want your help on this Bill. This is going to provide much needed assistance to the Metropolitan Pier and Exhibition Authority. They have a new CEO, Scott Fawell. We met with him the other day, and he outlined the plans. We have to use every resource, we... every resource we can muster to make sure our conventions stay in the City of Chicago, not only benefits the people of the City of Chicago, but it benefits everyone in the state because of the revenue it generates. There are no new taxes in this legislation. There are no bonds being extended. This is just the use of certain bond money that is being created by existing taxes that exist within the City of Chicago. Be more than happy to entertain any questions."

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

Ryder: "Thank you, Mr. Speaker. I also rise to support the Gentleman's Bill. Those of us in downstate don't receive direct... direct benefits from the Metropolitan Pier and Exhibition Authority, but over the years I've been a supporter of this effort for a number of reasons. One is that they... since an earlier investigation, they've been

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very responsive in dealing with their work practices, with the manner in which they have constructed their buildings and other projects on time and on budget, the manner in which they operate their facility. This has been a showplace for the State of Illinois and for the City of Chicago. Many of my constituents go to McCormick Place, go to Metropolitan Pier and Exhibition Authority for conferences and trade shows. It brings to Illinois millions and millions of dollars. What we have now is a wonderful opportunity to expand their operation, to make it more consumer friendly with the connection, direct connection, to the downtown hotels, and yet to do it without any new taxes simply by using the current stream of revenue, the favorable economic conditions, in order to achieve a premier facility, not just in the State of Illinois or the City of Chicago, but indeed, in the world. I'm happy to support the Gentleman's legislation."

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

Rutherford: "Speaker, thank you very much. I rise in support of this piece of legislation, as well. The... The idea and the opportunity for the City of Chicago through McCormick Place to increase its tourism and convention participation actually does help the General Revenue Fund. The more sales tax that's generated, it helps and it does then, of course, enhance the opportunity for revenues throughout the state. So I stand in support of the legislation."

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

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

Novak: "Yes."

Speaker Hartke: "He indicates he will."

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Parke: "Now, let me... let me understand what we're doing here. You're saying that we're going to use the current revenue stream..."

Novak: "Correct."

Parke: "It's not going to increase taxes for anybody."

Novak: "Correct."

Parke: "This only applies to the taxes raised in the area of the City of Chicago that is already in place."

Novak: "Yes. Yes, Mr. Parke. The sales tax receipts are growing. They are exceeding expectations, so we have to take the cap off, so they can issue more bonds. There are no new taxes involved in this legislation."

Parke: "Do you know of any opposition to your proposal?"

Novak: "No, I do not, Sir."

Parke: "There are no general revenue funds involved in this?"

Novak: "No general revenue funds. They're all local taxes that generate this revenue."

Parke: "Well, I was... On Mother's Day, I was there with my wife and some friends at Navy Pier, and I will tell you that it was a phenomenal opportunity to enjoy the city, enjoy the sites, and a fairly, relatively clean and safe environment. I'm... I'm pleased with what they're doing there. I was also at the Auto Show for the Metropolitan... McCormick Place. I think it's... What we're doing in the City of Chicago and drawing people there is outstanding, so I will support this legislation."

Novak: "To give you an example, Representative, I think they wanted to start developing the north side of the Pier. Most of the activity, you know the ferris wheel, the restaurants, are on the south side of the Pier. They think maybe a marina and some other food court developments on the north side would... would be another attraction to

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bring people into the City of Chicago."

Parke: "Well, I think all the... all the people of Illinois can be proud of what we offer to the world. Thank you."

Novak: "Thank you."

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

Mautino: "Thank you, Mr. Speaker and Members of the House. Sponsor yield?"

Speaker Hartke: "Indicates he will."

Mautino: "Just to reiterate, this would increase the amount of their authority itself?"

Novak: "Yes."

Mautino: "There, and because of the noise level in here, specifically, what projects are they looking at doing at this point in time?"

Novak: "First of all, they're going to refinance some bonds, Representative Mautino, so they can save some money on interest, take advantage of some lower rates. And then they're going to take part of this \$270,000,000 and use it for various incentives and projects to keep, to retain, groups like the Radiological Society that draws hundreds of thousands of people from the country, develop... begin to develop the north part of Navy Pier. As you know, the south side of the Pier is completely developed with Reva's Restaurant and the ferris wheel and all kinds of other food courts. The north side is kind of bare. They're looking at more food courts there and possibly a marina."

Mautino: "And this would... I think some of these we saw last year, like some of the work on the parking garage, the bus lanes."

Novak: "Right. This is in addition. What we did last year was the parking garage and the direct transit line from

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downtown Chicago, the hotel area, right to the Pier. So you can make it much more convenient for the conventioners."

Mautino: "I appreciate those answers..."

Novak: "Thank you."

Mautino: "... And also that, you know, I just wanted to... wanted to see. It's important that we help promote tourism in that economic engine up in the City of Chicago. I'd like to also see maybe a program that works in, that looks after some of the downstate civic centers, the marinas. Days gone by, there would have been more discussion on that."

Novak: "Well, I think, Representative, that's a good idea, Representative Mautino. That could probably fall into this 'Illinois First' umbrella, maybe."

Mautino: "Well, that's... that's something that I was kind of wondering about, where there are other projects and programs that are vital also to the interests of all the State of Illinois."

Novak: "I'm sure. I'm sure that wonderful Starved Rock State Park in your district would... could benefit by it."

Mautino: "That remains to be seen. This is kind of where the money comes from and where it goes to type of discussions coming up in the future. But I appreciate your answers."

Novak: "Right. Right. These are all local dollars, so they're not coming from GRF or they're not coming from anyone's legislative district, other than the geographical boundaries of the city where the taxes are imposed. Thank you."

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

Cowlshaw: "Thank you, Mr. Speaker, and I'm sorry to interrupt in the middle of this debate, but I failed to vote on Senate

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Bill 1088. I just didn't get the button pushed in time. I wonder if the record might please reflect that I wished to have voted 'yes' on Senate Bill 1088."

Speaker Hartke: "The Journal will so reflect."

Cowlshaw: "Thank you, Sir."

Speaker Hartke: "The Chair recognizes Representative Novak, to close."

Novak: "Yes, Mr. Speaker, once again, Ladies and Gentlemen, I think we have the honor of advancing this legislation back to the Senate for concurrence. It came over as a shell Bill. It is a \$270,000,000 partial bond refinancing. And with the remainder of the refinancing aspect, it will be used for improvements at the beautiful McCormick Place and Metropolitan Pier Authority. So, many of us... Many of us have visited this facility. Anything that we can do that can enhance its esthetics, make it more appealing to more people in the state, around the country, it's going to serve the interests of our citizens in the state and the City of Chicago, as well. And I ask you for your support. Thank you."

Speaker Hartke: "The question is, 'Shall Senate Bill 1010 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1010, there were 91 Members voting 'yes', 24 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. On a point of information, I guess..."

Speaker Hartke: "State your point."

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Wirsing: "You know, we all have an opportunity here in the House, and we do this quite often, recognizing particular individuals. And today, I would like to raise Representative Ron Lawfer as one of those to be recognized, cause we are going to celebrate his birthday today. And I'm not sure what his age is, although on his cake, it appears to be a quote from Abraham Lincoln, something about having met Ron Lawfer and today wishing him a happy birthday. So, there's cake down in front, and if you want to come see it before it's cut, why I think it'd be worthwhile. I think the Tribune's coming in to take pictures of it and all that, but happy birthday to Ron Lawfer."

Speaker Hartke: "Happy birthday, Ron. On page 3 of the Calendar, appears Senate Bill 392. Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 392, a Bill for an Act relating to charitable organizations and activities. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Senate Bill 392, as it's been amended, contains just one provision, but it's a very important provision. And it deals with charitable trusts that had been set up by individuals, other than the parent or guardian of somebody. This came to light as a result of numerous stories, numerous articles and papers on TV and everything else. The case of Girl X in the City of Chicago in the Cabrini Green homes where she was brutally raped and attacked and left to die. Individuals set up trust funds and set up fund-raising mechanisms under her name, never informing her family of such. And lo and behold, it turns out that most of the

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money that they raised, which was in the hundred of thousands of dollars, are all gone now. There are some type of criminal proceedings going along now, but it's after the fact. The recipient of this has received none of the money that was raised under her name. And what this Bill does, it requires that when an individual is not a minor's parent or guardian, they're required to report to the minor's parent or guardian that they've set up a fund. And they're also required as well. To name the address to the trustee, the address of the financial institution, the amount of the funds raised, and an itemized list of the expenses that the administrator has. It's a way to try to close this and prevent something like this from happening in the future. I don't know of any opposition to this. And I'd appreciate a favorable vote."

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

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

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, could you give me an example... an example of how this would work?"

Dart: "Yeah. The way this would work would be an individual would... Say that I had a child who had something go wrong. And some other individual, say yourself, wanted to set up a fund-raiser for my child, under my child's name. This would require you to inform me, the parent, that you're setting up this fund-raiser, where you're going to have the financ... the money put, how much money is raised, and the expenditures of yourself in administering this type of trust fund. I tried to make it as simple as possible, yet try to get at it, so that we don't have people setting up fund-raising mechanisms, trust funds and the like, where

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they're doing it under the guise of somebody else's name to raise money, and the money's never getting to that person. So, mechanically, I believe that is how it's going to work. I have time frames of... of when these reports have to be given to people and that is... They have to do it immediately and then they have to do it after every six... They have to do it within 30 days after the formation, and then they have to keep a... notifying them if there's changes in it every six months."

Turner, J.: "All right, obviously, this is a great idea. I'm... I'm just... a little concerned and maybe you could answer my questions on it. Does it cover any situation where there is a fund-raiser, like in your example for a child that needs some kind of special care, or does it actually require that a trust has to be established? And when you say trust, I assume you mean a trust document that is prepared and signed to make it a valid trust document that would be enforceable in a court of law."

Dart: "This is purely limited to the situations where a charitable trust is established for the benefit of a minor. It's on... It's just for those narrow instances right now. It may very well be the case that it should be something to expand it to beyond that, but for right now, I was trying to get after, not one particular case, but a particular problem that seems to be greater than I originally thought."

Turner, J.: "All right, and finally, I want to make sure by passing this, that we're not going to discourage persons who want to assist children or whatever the case may be... We don't want to make it so burdensome so that they were going to have a fund-raiser or set up this trust and say, 'Well, I don't want to jump through all the hoops in the

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statute, so I'm just not even going to do anything.' Do you feel as though that the Bill perhaps goes too far in... in making the procedural requirements that it does, or do you feel like that you've addressed it and made it loose enough so it's not discouraged people from having...?"

Dart: "Sure. Sure, that's a good question. And that was the last thing from my mind is trying to discourage individuals to give of themselves or try to help someone in a bad way. And for that very reason, the... the requirements are simple and can be done very quickly and easily. And I tried to make them crystal clear so there is no type of mystery here that you'd have to be a lawyer to figure out what it is that's required of you. It's real basic. The name of the financial institution, the executor of it, the amount of money and how much of that money is being taken by the executor to be used to administer the fund. So it's minimal, but yet I think would get at the heart of the problem where you have people setting up these fronts."

Turner, J.: "Has the Bar Association examined the Bill and have they taken a position?"

Dart: "I had this as a House Bill and I do... We just ran out of time. So it was filed before, and they did not take a position as such. I talked with individuals from the Bar Association in an informal basis, and they had no problems at all and thought it was a good idea."

Turner, J.: "Thank you, Representative. Sounds like a good idea to me, as well."

Dart: "Thanks."

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

Dart: "Thank you, Mr. Speaker. This Bill was debated well enough. I won't go on, but it's something that's overdue

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and could really make a big change in an area that has been abused by certain people against some of the most vulnerable people. So I'd appreciate a... a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 392?' 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 392, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 4 of the Calendar, appears Senate Bill 1114, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1114, a Bill for an Act regarding health care professionals. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This legislation is based upon a recommendation from a legislative created task force entitled the 'Health Care Worker Background Check'. We have attempted to toughen up considerably some of this language. I would suggest to you that perhaps it may not be as tough as some would like, but I can guarantee you that it's far tougher than others wish. We did adopt an Amendment yesterday that brought into the fold the folks from AFSCME who had some concerns, and we believe that their concerns have been addressed through that Amendment and the way the Bill now stands. Many of the changes were simply language changes. It does, however, prohibit employers from continuing to employ a person when they have knowledge that that person has been convicted of committing

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a crime in another state. That crime would have similar elements of the crime listed in this Act. I'd be happy to answer any questions that you may have for this piece of legislation."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1114?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1114, there were 115 Members voting 'yes', 0 voting 'no'. And this Bill having received a Constitutional Majority is hereby declared passed. On page 3 of the Calendar, appears Senate Bill 537, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 537, a Bill for an Act to amend the Counties Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 537 would authorize counties by front door referendum to place a sales tax on at a quarter of a percent. This Bill as negotiated, its original factor allowed up to 1% increase, and so it has been capped at a quarter percent. And the use of the money has to come by front door referendum and be only applied to a county board resolution. Appreciate an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Cross: "Representative, I just had a couple of quick questions. It appears as I look through my notes here that this is a Bill that Lake County is supporting and pushing."

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Mautino: "This is correct. It's brought up... It would affect all the counties in the State of Illinois, if they had an emergency project that they needed to do. And it would have to be front door referendum and specifically by board resolution."

Cross: "The Metro-Counties, I understand also support this Bill, Representative."

Mautino: "This is correct."

Cross: "As do the... As does the United Counties Council. Is that correct?"

Mautino: "Yes."

Cross: "Representative, I... If you could, and it was a little hectic out here, just having trouble hearing. Can you explain to us again what the Bill does?"

Mautino: "Very simply put, the county board by resolution could define a need for a local sales tax. The original Bill started out at 1%. It was then amended down to a maximum of 1/4%. And it's a front door referendum. So if the people of that county vote for a project which is needed, that must be funded, they can come up with these dollars."

Cross: "So it would allow the imposition through the front door referendum of an additional one quarter percent sales tax. Is that correct?"

Mautino: "And no more than that. Correct."

Cross: "All right. Are there... Would all counties be eligible for this?"

Mautino: "Yes."

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

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is... Representative Mautino to close."

Mautino: "Simply ask for an 'aye' vote."

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Speaker Hartke: "The question is, 'Shall Senate Bill 537 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 537, there are 74 Members voting 'yes', 39 Members voting 'no', 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 937. Representative Myers, Rich Myers. Out of the record. The Chair would like to recognize Senate Leader Emil Jones is on the floor. Mr. Clerk, what is the status of Senate Bill 1136?"

Clerk Bolin: "Senate Bill 1136 has been read a third time, previously. And is on the Order of Consideration Postponed."

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

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

Speaker Hartke: "Representative Burke."

Burke: "Mr. Speaker, if you'd be so kind as to take this out of the record for a few moments."

Speaker Hartke: "Take this out of the record."

Burke: "As you can see, there's pretty empty House here."

Speaker Hartke: "Senate Bill 336, Representative Brady. Is Representative Brady in the chamber? Out of the record. Senate Bill 1009, Representative McKeon. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1009, a Bill for an Act to amend the Illinois Governmental Ethics Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McKeon."

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McKeon: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1009 was amended in the House, makes it identical to House Bill 38, which was passed unanimously out of here a couple months ago. What this Bill does is require that statements of economic interest be filed at the discretion of the Secretary of State, electronically and be made available by the year 2000 for elected officials and by 2001 for all other persons required to file. I'll gladly respond to any of your questions."

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

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

Speaker Hartke: "Indicates he will."

Cross: "Larry, does Amendment #2... Did Amendment #2 become the Bill?"

McKeon: "That is correct."

Cross: "And we're talking only... This Amendment or Bill deals only with statement of economic interest. Is that correct?"

McKeon: "That is correct."

Cross: "Those are the long, yellow forms we file in May and before we... and when we file our petitions for...?"

McKeon: "That's correct."

Cross: "Does this... It applies to Members of the General Assembly, I assume."

McKeon: "And Constitutional Officers or candidates for the General Assembly or..."

Cross: "What about all of the local officials?"

McKeon: "It... It applies only to all other persons required to file with the Secretary of State."

Cross: "As opposed to the County Clerk."

McKeon: "That is correct."

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Cross: "All right. Now... Provides for the electronic filing of all statements of economic interest. Whose burden is it to file it electronically?"

McKeon: "Mr. Speaker, I can't hear. Could we have a little order in the House?"

Speaker Hartke: "Could we have some order in the chamber, please?"

McKeon: "Representative Cross, could you restate your question?"

Cross: "Whose burden is it to file the statement of economic interest electronically?"

McKeon: "By the year 2000, it would be all Members of the General Assembly, Constitutional Officers or candidates, therefore, and by 2001, all other persons required under current law to file statements of economic interest with the Secretary of State."

Cross: "All right, so we're not talking... I think we've determined we're only talking about... We're not talking about local candidates or local..."

McKeon: "That's correct. Absolutely right."

Cross: "Now, is this optional or mandatory for those that are going to be required?"

McKeon: "It is mandatory for elected officials and optional by rule-making authority for the Secretary of State by all others."

Cross: "Why... What's the cost? Tom Cross all of a sudden now is going to have to file a statement of economic interest electronically. Can you tell me what I need to go through to accomplish and follow the mandate of this Bill? What will I need to do?"

McKeon: "It authorizes the Secretary of State to develop a mechanism to do that, just as we have done for the D2's. And because the cost is difficult to estimate, in

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consultation with the Secretary of State's Office, we phased it in so that the Secretary of State can report back to the General Assembly if this cost is burdensome as we move forward."

Cross: "Representative, we're having a little confusion over here. And I want to get back to your... We read it as optional, and you're saying it's mandatory. Now, let's just, I guess we'll for the moment, we'll talk about just the responsibility of everybody in this room to have to find out how to file their statement of economic interest electronically. Do we need to come up with the software to do that?"

McKeon: "Representative, I misstated my response to your question. It is optional. It allows for the optional filing of statements of economic interest in electronic format. It would require the Secretary to develop the mechanism for you to do that. Just as we did with the electronic filing of D2."

Cross: "Right now, if you don't file your statement of economic interest in a timely manner, I believe there's a fine. I don't know if it's a \$100 a day, but it's a... it adds up. Is there a similar penalty for filing... failing to file electronically once this gets implemented?"

McKeon: "The fine structure would remain the same."

Cross: "What... I guess I'm puzzled as to what the rationale is behind filing. I mean why do we... These... Right now, there's not an issue now, at least I'm not aware of one, of the inability to... I mean these get filed at the Secretary of State now, do they not?"

McKeon: "That is correct."

Cross: "Why do we need to electronically file it?"

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McKeon: "What this Amendment as cont... contained in House Bill 38 that we passed out of here, number one, eliminates the requirement for someone that's inspecting those records to fill out a form, identify themselves, and then that form is sent to whomever the statement of economic interest pertains to. That's identical as to what we did two years ago, Representative, with the statements of eco... or rather campaign finance reporting. So this makes it consistent with that law. And I'm not sure if I answered your question."

Cross: "Well, so now under your Bill, if it becomes law, right now if someone comes and looks at my statement of economic interest, we all know who it is."

McKeon: "That is correct."

Cross: "And the reason behind it. That's no longer the case if you're... under your Bill?"

McKeon: "This would... This Bill would make it identical to the law that we passed two years ago, such that that requirement would be eliminated. And as you recall, the General Assembly eliminated that requirement for the inspection of campaign finance reports."

Cross: "So I... The answer is, 'yes'. You no longer... No one's... We're not going to know who's looking at our statement of economic interest."

McKeon: "That is correct."

Cross: "And why... why are we... I mean this is a pretty vicious business some days, as you know, at least in some races. It seems like there's obviously was a rationale for requiring that. Why do you want to eliminate that?"

McKeon: "I believe, Representative, that it inhibits citizens from making those inquiries, because of that fact. And quite frankly in many cases when that's done, given the

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existing system, they find somebody to do it that's not known or not connected to it, so we... We play this sort of game of charades anyway to get around the existing system anyway. It's an unnecessary burden on the general public."

Cross: "So the net result of this is that all statement of economic interests are going to be available on the Internet or the World-Wide Web within the next year or two."

McKeon: "That is correct."

Cross: "And we don't know at this point the cost to implement this plan."

McKeon: "And that's the reason we're carefully phasing it in, such that the Secretary of State can come back to the General Assembly if that cost becomes burdensome."

Cross: "And... And I apologize for going back to this, but I... I don't see anything in your Bill that... It seems like if I read this Bill and Amendment correctly, regardless of what the Secretary of State's Office does in developing a format, the burden still is placed on each individual Member or candidate to have the ability electronically to file this. So I have to... That's something I have to do as a candidate. I have to... I have to have the mechanism to do it electronically. It'll be up to me."

McKeon: "That is correct."

Cross: "Do you have any idea... I mean if I decide I want to run for State Rep. and I don't know anything about computers, what do I need to do?"

McKeon: "Find someone that can help you out, just as you would have to find someone to help you manage your financial reporting."

Cross: "Okay, all right, Representative. Thank you."

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

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seeking recognition, Representative McKeon to close."

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

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1009?' 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. And on Senate Bill 1009, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 37?"

Clerk Bolin: "Senate Bill 37, the Bill has been read a second time, previously. Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Mulligan, has been approved for consideration."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #2 amends the Property Tax Code. Exempts from taxes and counties with more than 200,000 inhabitants which classify property, property of a corporation which is an exempt entity under the Internal Revenue Code used by the corporation for conducting continuing education for professional development or personnel and energy related industries, including coal, gas and oil and electric; maintaining a library of energy technology information available to students and the public free of charge and conducting research and energy environment, which research results could be ultimately accessible to persons involved in education."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Lady moves for the adoption of Amendment #2 to Senate Bill 37. All those in favor signify

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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. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 37, a Bill for an Act concerning tax objections. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 37 amends the Property Tax Code concerning the filing of tax objection complaints in counties other than Cook. And it provides that the county clerk shall notify each taxing district that may be affected by the complaint of the reason for the tax objection. And there was a previous Amendment that the objector had to provide that information. I would urge your favorable vote."

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: "Indicates he will."

Mathias: "Yes."

Black: "Representative, as amended, some language in the Bill as amended, I'm a little concerned about. If a property tax abatement is granted, it appears to me that this language now says, it can never be revoked."

Mathias: "Is this the section on the Amendment we just passed?"

Black: "Yes, it is."

Mathias: "Can I defer then to Representative Mulligan, whose Amendment was added?"

Speaker Hartke: "Representative Mulligan, can you answer that question?"

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Mulligan: "Could he state the question again?"

Black: "It appears that your Amendment adds some language that says, if a property tax abatement is granted, it cannot be later revoked."

Mulligan: "Representative, it's not an abatement. It's an exemption for a specifically-classed research institute. They already have an abatement, but that's not what we're asking for. It's an exemption that would specifically be for this type of educational facility."

Black: "In your original Bill, I believe it was 1144, was there not language in there that said if at some point in the future, a local taxing district wanted to revoke their decision to abate property taxes, that they then would not be able to do so."

Mulligan: "I don't think so. They have an abatement now, and what we're trying to move to is an exemption and to clarify what this type of research institute does. It's a not-for-profit corporation and to give them an exemption. But it doesn't say that you... If you got an abatement, that you could never not get an abatement again."

Black: "Well, again, and I... in all due respect to you, staff has indicated it very clearly states that this Bill prevents any of the local taxing districts from revoking their decision to abate the property tax at some point in the future. I'm... I'm not sure that that's what you intend. If so, fine. But I just, I don't know that that's your intent."

Mulligan: "I think you stating what this will do for the particular institute, but that's not what the legislation does. The legislation changes in the Property Tax Code and specifically includes a not-for-profit research institute, which is narrowly drawn for this particular institute that

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used to be on IIT's campus. But it does not... It does not say in the legislation. It might do it for this area and this institute, but it has nothing to do with any abatement anywhere else in this state. And that's not what the legislation says."

Black: "Well, it... it's... It comes from the language that you had in Senate Bill 1144."

Mulligan: "This is the same language."

Black: "I understand that. So, any of the local taxing bodies in what you're attempting to do that later decide or may want after an election where things change, any of those taxing bodies in the affected area that your Bill is addressing, would then never be able to revoke that decision. It's a decision in perpetuity. And those are somewhat unusual."

Mulligan: "That's what an exempt... If you change... change the statute to read that this type of institute, which does a special type of technology, that other states are courting to try and get there, it does state that they would have an exemption. And right now, the taxing bodies and have all, except for the two school districts, agreed to an abatement. But the school districts and all the taxing bodies would prefer an exemption, so that it takes it out of the base. But that's what you do when you change a statute. You change the law to allow something that we think is a good thing for Illinois to be there. But, as far as staff saying, what it would do, it would change the fact that now they are currently abating and that wouldn't be the status anymore. But it does not change, if anyone else gets an abatement for something, the people would never be able to..."

Black: "All right, it... The language, as I read this, the language says in the impacted area, that if they... And I

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realize you're changing the statute, and I believe the change says that if 20 years from now, a unit of local government in this area wants to revoke its decision to grant that property tax abatement, they could not do so."

Mulligan: "I think we're disagreeing on the semantics. What it would do would change the current abatement that it has, but it does not say in the statute anywhere that anything other than an institute that is narrowly defined the way we're putting in the statute would get other than an exemption. It does not say that. It just changes for this particular situation because they're abated. But it doesn't change the statute to say that any abatement could not be changed. It doesn't even address abatement the way we're writing it."

Black: "Okay. Well, I... I appreciate your answer, but it appears that there may be a law of unintended consequences that once you've agreed in this district and to the entity that you refer to, that if the abatement is granted, there may not be any escape clause at some point at a date uncertain. And that... I think that represents a significant change in current law. But I appreciate you're trying to straighten me out on that. Thank you."

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

Mathias: "I urge your favorable vote on Senate Bill 37 as amended."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 37?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 37, there are 80 Members voting

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'yes', 33 Members voting 'no', 1 Member voting 'present'.
And this Bill having received a Constitutional Majority is
hereby declared passed. The Chair recognizes the Lady from
Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. Since there's a lull in the
House and since I have Senate Bill 956 on page 3 waiting to
be called, I'm wondering what's happened. I've gone to see
the Speaker. I've asked to have the deadline extended. Do
you think we can extend the deadline on this Bill?"

Speaker Hartke: "I'm not sure. We'll check."

Wojcik: "I would really appreciate it. Thank you."

Speaker Hartke: "We're not in a lull. We're giving the... the
p.a. system a rest."

Wojcik: "You're allowing us to have lunch. Is that right? We're
just resting. Well, let's rest a little and then let's
call this Bill, okay?"

Speaker Hartke: "We'll take it under advisement. For what reason
does the Gentleman from Whiteside, Representative Mitchell,
seek recognition?"

Mitchell: "Thank you, Mr. Speaker. We have a dilemma on our side
of the aisle. We've got a young man here that's searching
desperately for someone that ordered a cheeseburger, and he
doesn't know who ordered that. Is there anybody here
that's real hungry and needs a cheeseburger or has ordered
a cheeseburger? Honestly, did you order a cheeseburger
from this young man, not that you want one, but did you
order one? 'Cause this guy would sure like to unload this
cheeseburger."

Speaker Hartke: "Mr. Clerk, what is the status of Senate Bill
1136?"

Clerk Rossi: "Senate Bill 1136 is on the Order of Consideration
Postponed."

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

Clerk Rossi: "Senate Bill 1136 has been read a third time, previously."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. Senate Bill 1136, if the Members would recall, was being discussed yesterday. And I asked that it be placed on Postponed Consideration. Just in brief, the matter deals with delays that occur at railroad crossings. And this legislation would insist that no train could block an intersection for longer than ten minutes within a 30 minute period. And that provision and prohibition would exist during rush hour, seven to nine and four to six, weekdays. I don't think it's an extraordinary measure. It's a matter that is of very serious concern to my constituency. It only deals with Cook County. And I'd be happy to answer any questions."

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

Johnson, Tim: "I guess I have two primary questions, Representative. First, would you construe this as a Bill that would more strictly limit what railroads can do in terms of blockage of crossings? I hope the answer is 'yes'."

Burke: "The answer is 'yes'."

Johnson, Tim: "Secondly, why... why do you want to apply this only to Cook County? We have major problems with railroad crossings downstate, and I would hope that at some stage in the process that we could solve some of our problems, as well. I'm not being critical of what you're doing. I'm just indicating to you that we have huge problems downstate as well."

Burke: "You know, Representative, it's interesting that you bring

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that up. It wasn't until after the debate and discussion yesterday that it was brought to my attention that Members here representing downstate districts were indeed concerned with this particular activity. And I was hoping that I would have had the opportunity to amend the matter to include the entire state. But at this point in time, as you know, we're at the last day for consideration and I was unable to have that Bill amended. But I certainly would work with you and others to ensure that the rest of the State of Illinois could be protected from this particular activity."

Johnson, Tim: "This Bill is in a posture then, we're simply going to approve the Bill as it was approved in the Senate, so that we have no options with respect to this as a vehicle."

Burke: "Yes."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Yesterday this Bill was presented. Nothing has changed in it. It still tries to solve a problem that is going to be difficult to be solved. What we're going to do is we're going put restriction on trade in Illinois that will interfere with the private sector being able to do their jobs. There's no doubt in my mind that the railroads do not want to put their trains in a position to interfere with people having to go back and forth, whether it's an emergency or not, but they have a business to do. And that business is moving produce and commerce throughout Illinois and specifically, in the City of Chicago. This further restricts that ability. I understand the frustration. But, Ladies and Gentlemen, ten minutes, ten minutes is absolutely the wrong thing to do. And then we're going to

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fine them for more than ten minutes. They have to move the cars back and forth. And sometimes it requires a little bit more time. And I know that probably some people will be very frustrated, especially if they have trains in their backyard. But Ladies and Gentlemen, this is not the way to solve this problem. This is inappropriate for us to be putting a stipulation on the commerce of this state. It makes it more difficult for us to do business in this state. I do not think this is a good idea, and I rise in opposition to this legislation."

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

Hoffman: "Thank you, Mr. Speaker. I rise in strong support of this legislation. The only... My only concern is I think it just doesn't go far enough. I wish that this was a statewide concern, and I view this as a first step towards attempting to address this situation statewide. When we talk about rail safety, we talk about safety of grade crossings. Essentially, what we're talking about is ensuring that people pass the grade crossings in a safe manner when the gates are up. However, what happens is people get frustrated because of some of the things that are happening throughout the state, not only in Cook County, but everywhere, that cause individuals to be delayed from family matters, as I said yesterday, from business matters, from important... important meetings that they may need to attend, because a train is blocking the grade. So what happens so very often, is I think that because of that fact the next time that individuals go through that area and the gates are down, they attempt to many times run through illegally, and they shouldn't be doing it, illegally through the grade causing problems and

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safety concerns. Unfortunately, sometimes they don't make it. I'm not making excuses for people who go through grade crossings when the gates are down. I'm only saying that we need a reasonable approach here in this state that stops the type of time limit obstructions that eventually cause people to do those types of things. I think that this is a good first step. What I'm going to do is I'm going to support this Bill. I wish it contained provisions for the entire state, and I'm hopeful that we will be able to address that next legislative Session. I urge an 'aye' vote."

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

Wojcik: "Thank you, Mr. Speaker and Members of the House. I would rise to support this legislation. Originally, we had opposition to this Bill, but shortly, a little short while ago, the opposition was removed. So I ask for our side of the aisle to vote in favor of the Bill. Thank you."

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

Burke: "Thank you again, Speaker. The matter has been debated extensively. I would simply ask for the Body's favorable consideration."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1136?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1136, there are 67 Members voting 'yes', 47 Members voting 'no', and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does

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the Lady from Cook, Representative Wojcik, seek recognition?"

Wojcik: "A little while ago, I asked if we could extend the deadline on Senate Bill 956. I've asked the Speaker to write a letter on its behalf. And I'm wondering if we've heard anything from the Speaker as to what the status of the Bill is."

Speaker Hartke: "No, I haven't heard."

Wojcik: "Perhaps the Gentleman to your left might know something or have an idea..."

Speaker Hartke: "We're not talking."

Wojcik: "... The hub of the House."

Speaker Hartke: "Mr. Clerk, what is the status of Senate Bill 1014?"

Clerk Rossi: "Senate Bill 1014 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No further Amendments have been approved for consideration."

Speaker Hartke: "Third Reading. In the absence of the Speaker, the Body asks leave to have Representative Scott handle the Bill for Representative Madigan. Is there leave granted? Leave. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1014, a Bill for an Act concerning the State Treasurer. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1014, it's being carried on behalf of the Treasurer Topinka. There's some negotiations going on with a particular program that she'd like to implement. Those negotiations are still going on with the Senate. So on behalf of the Senate and the Treasurer, we'd ask that this be moved over to them so we can get into a conference

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and develop the legislation."

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

Rutherford: "Sponsor yield?"

Scott: "Yes."

Speaker Hartke: "Indicates he will."

Rutherford: "Could you explain one more time what we're trying to accomplish with this, Representative?"

Scott: "Yeah, certainly, Representative. Treasurer Topinka has asked that we move this along. There's a program that she's trying to develop right now that is in conjunction with some of the savings programs that Representative Burke and others on your side of the aisle had last year. They've asked that this be moved along because it's not quite ready yet. And so on behalf of the Senate and the Treasurer, they've asked that we just pass this in the shell form that it is right now."

Scott: "Okay, and then the idea that obviously nothing else will be brought into it unless it's signed off on by Treasurer Topinka and..."

Scott: "Yes, absolutely."

Rutherford: "Great. I would stand in support of the legislation, Representative."

Scott: "Thank you."

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

Scott: "Thank you again. This is on behalf of the Treasurer and of the Senate so we can keep this moving."

Speaker Hartke: "The Gentleman asks for the passage of Senate Bill 1014. 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

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voted who wish? Mr. Clerk... Mr. Clerk, take the record. On Senate Bill 1014, there were 105 Members voting 'yes', 10 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Gentleman from Kane, Representative Schmitz, seek recognition?"

Schmitz: "Thank you, Mr. Speaker. While we have this downtime, I just want to make sure you are enjoying lunch and if there's anything we can get you."

Speaker Hartke: "I'll remind you of that, okay."

Schmitz: "Thank you."

Speaker Hartke: "Clerk, call House Resolution 36."

Clerk Bolin: "House Resolution 36, offered by Representative Acevedo."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present to you today House Resolution 36. It speaks directly to hundreds of thousands of working-class residents of the State of Illinois. I'm talking about the state-matched 20%, what the Federal Government has committed to get the CTA funding it needs to make necessary repairs. We owe it to our state, and more importantly, to our constituents. The workers rely on the CTA to get to and from work; the students to get to and from school. This is not a Chicago thing. CTA serves 38 suburbs, carrying more suburban residents than any other transit line. We need to stick to our commitment and make transportation our priority. A big portion of Illinois' workforce lives in Northeastern Illinois. The region continues to be the center for commerce and transportation in the Midwest, generating... generating revenue for the entire state. This is a win - win situation. We get four

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federal dollars for every one we invest, all of which get reinvested in our local economy. I ask you, Ladies and Gentlemen, to be pro-active and act upon the wishes of the people who employ us. Our communities want us to do this. So, please, let us do this. I ask for an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Fritchey: "I rise in strong support of this Resolution. As everybody in Chicago is keenly aware of, and people throughout this state if they read the papers and watch the news are aware of as well, our transportation system and our transit system is in dire need of repair and immediate funding. When you listen to Governor Edg... Ryan's Illinois First Program, the dedication commitment to fixing that is clear and strong. This Resolution will simply make sure that we can urge this state to go forward, that we don't leave money on the table. We've left hundreds of millions of dollars in the federal coffers in the past by not making a state commitment. We're seeking here, through this Resolution, to make sure that we don't do that again. As Representative Acevedo said, to make sure that people have a way to get to work, that kids have a way to get to school, that commuters in the suburbs can get to the city and vice versa. This is a tremendous idea, and I commend him for doing it. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 36?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 36 is adopted."

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Representative Currie in the Chair. Representative Hartke back in the Chair. For what reason does Representative Black seek recognition?"

Black: "Mr. Speaker, parliamentary inquiry."

Speaker Hartke: "State your inquiry."

Black: "Pursuant to Rule 63, subsection (a), if the Chair is vacated for more than five minutes on deadline day of Senate Bill Reading, the Rules say that the House stands adjourned. And I would ask, since you were gone for five minutes and 32 seconds, and I... I'm not even going to ask you where you were. I don't care. The Chair was clearly vacant. This is Third Reading deadline of Senate Bills. Since the Chair was vacant for more than five minutes, I would ask the Chair to rule that we stand in adjournment."

Speaker Hartke: "Mr. Black, would you specify which Chair? Senate Bill 163. Mr. Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 163 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Hartke: "Representative Davis. Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 163, a Bill for an Act concerning recreational hunting and trapping. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 163 amends the Department of Natural Resources Act. The Bill provides that the department shall recognize, preserve and promote recreational hunting and trapping by providing opportunities to hunt and trap in accordance with the Wildlife Code. It also makes a

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technical correction in... with a reference to the Illinois Science and Technology Advisory Committee. It also contains House Amendment 1, which was offered by Representative Bost, and it inserts language it had previously passed out of the House from House Bill 216. And the Amendment amends the Wildlife Code to create a grandfather provision for blinds and pits over ten years old that were believed by both the landowner and DNR to be in compliance with minimum yardage requirements. The blind pit... blind or pit may remain in place even if a survey or other evidence indicate that the minimum yardage requirements are not met. I would be happy to answer any questions on the Bill, and I would ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 163?' All those in favor... 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 163, there were 113 Members voting 'yes', 1 person voting 'no', and 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 965, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 965 has been read a second time, previously. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

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

Clerk Rossi: "Senate Bill 965, a Bill for an Act concerning nursing. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

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Reitz: "Thank you, Mr. Speaker. Senate Bill 965 is a Bill for the Department of Human Services. We're trying to codify some language to allow them to dispense medication in facilities that... that they are associated with. We have negotiations going on with a number of entities, one being the Illinois Nurses' Association. And I do have a note here that I need to read into the record as far as legislative intent. The... This Bill deals with dispensing medication, allowing people that are not nurses to dispense with medication or... and I'm going to read this in for their part. This authorizes the development of training program for the delegation of medication administration by registered professional nurses to authorize direct care staff of DD facilities of 16 or fewer residents in a facility licensed by the Department of Human Services or the Department of Public Health. The training program must be developed in consultation with professional associations representing physicians licensed to practice medicine in all its branches, registered professional nurses and pharmacists. Senate Bill 655... 965 establishes requirements that must be met for authorized nonlicensed staff to administer medications. These include a nursing assessment of the resident and prescribed medications to be done annually or more frequently at the discretion of the registered professional nurse. Nonlicensed authorized staff must take and successfully complete a basic health care course and a delegation of medication administration class. If at any time upon assessment of the resident's health status or competency of authorized staff, the registered professional nurse deems it unsafe for a non-licensed staff to administer medications, the privilege is revoked. Any authorization of nonlicensed staff to

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administer medications is specific to an individual receiving services in a specific agency and does not transfer to another agency. Senate Bill 965 changes the policy of medication administration in Illinois to meet the standards of a specific population residing in DD facilities with 16 or fewer residents. It is in no way intended or should be interpreted to be precedent setting for any other facility or population. As I said earlier, we're trying to clarify a situation that we've had on as far as federal guidelines and regulations for DD facilities that were... continue to be in negotiations. The plan is to send this over. Senator Syverson has assured me that he will nonconcur and we will send this to Conference Committee. So we should have this Bill back here at a later date with an agreement by all associated parties."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 965?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Senate Bill 965, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Page 4 of the Calendar, appears Senate Bill 1018, Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1018, a Bill for an Act to amend the Civil Administrative Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is a

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vehicle Bill that we have added an Amendment to so that it can go to Conference Committee. It is intended to be used for the Governor's Illinois First Program. I'd appreciate your support."

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

Cross: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Cross: "Representative, it was just a little difficult on this side of the aisle to hear. Could you tell us the subject matter of this Bill again? I apologize."

Currie: "This is... This Bill has been identified by the Governor as a Bill that would be appropriate to include whatever language we agree upon for implementation of the Illinois First Program."

Cross: "All right, thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1018?' 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 Senate Bill 1018, there are 80 Members voting 'yes', 35 Members voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 1028, Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1028, a Bill for an Act in relation to transportation and transportation financing. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is

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more of the same, another Bill that we're planning to position to go into a Conference Committee to incorporate some of the provisions of Illinois First."

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

Cross: "I'll withdraw the recognition... the seeking of recognition."

Speaker Hartke: "No one else is seeking recognition, the question is, 'Shall the House pass Senate Bill 1028?' All those in favor signify by saying 'aye'; opposed 'no'. The vote... Please indicate 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 1028, there are 74 Members voting 'yes', 39 Members voting 'no', and 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 1203, Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1203, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This, again, makes a technical Amendment to the measure. Again, positioning this Bill so that it can incorporate elements of the Illinois First Program."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1203?' All those in favor will indicate 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

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Bill 1203, there were 74 Members voting 'yes', 39 Members voting 'no', and 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 349, Representative Moore. Representative Andrea Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 349 has been read a second time previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Andrea Moore, has been approved for consideration."

Speaker Hartke: "Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the Telemarketing Registration and Fraud Prevention Act. Floor Amendment #2, actually, makes several different kinds of changes, went through committee this morning. It has some cleanup language and some agreed to language by several different organizations that have negotiated with the Attorney General's Office over a period of months. I would be happy to answer any questions."

Speaker Hartke: "Is there any discussion on Amendment #2? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Yes. Representative, your explanation of Senate Amendment #2 was quite perfunctory. What exactly does Floor Amendment #2 do?"

Moore, A.: "It covers some areas of definitions and covers, coverage only outbound calls made by the seller, telemarketer. It covers some areas of registration of bonding. It has recordkeeping requirements; mandatory

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disclosures are discussed in the do not call list; written confirmation and unlawful acts or practices."

Black: "What does it say about the... "

Moore, A.: "This is an agreed to Amendment by a number of different organizations that have negotiated with the Attorney General's Office. As you know, the Telemarketing Fraud Act is... has been an initiative of the Attorney General's Office and the AARP. They have worked on it long and hard and addressed a number of issues for specific people."

Black: "... What's a... what language is in the Amendment that relates to the Federal Law on the do not call provision?"

Moore, A.: "The do not call issue, the right is... still remains under the Federal Law."

Black: "Does it mean the Illinois Statute... "

Moore, A.: "The same, yes."

Black: "... does it mean the Amendment is silent as to the do not call provision?"

Moore, A.: "No, it doesn't say that but, it's the same as the Federal Law. It's not silent."

Black: "What's my remedy under this Amendment if I have a do not call request and I get called? What's my remedy?"

Moore, A.: "They can file a federal lawsuit."

Black: "A federal lawsuit?"

Moore, A.: "Yes."

Black: "You mean I'm... I'm blocked from going to my circuit court..."

Moore, A.: "Excuse me, let me correct that, Representative. I'm sorry. They can file either a state or federal lawsuit."

Black: "... I was going to say, because see the Federal Government took the federal courthouse out of my home county. So, I have to travel to another county. I was a

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little concerned about that. What's the difference between an inbound call and an outbound call?"

Moore, A.: "Outbound is made by the telemarketer to the consumer."

Black: "What's an inbound?"

Moore, A.: "The consumer to the telemarketer. Or to the company."

Black: "Is there anything in this Bill that would regulate new technology? Does this... is this Bill... this Amendment only cover hard wire telecommunications?"

Moore, A.: "Yes."

Black: "What if I set up shop and I do everything wireless or by radio telephone?"

Moore, A.: "If it's telephone, yes. It would be covered."

Black: "You said, you said, 'hard wired'. What if I set up a shop that is only wireless or radio communication? Can I get around the law that way?"

Moore, A.: "As far as we know, it's covered under the Telecommunications Act. So, it would be covered in this."

Black: "Does the Telecommunication Act reference wireless communication?"

Moore, A.: "I... I can't answer that, Representative."

Black: "Does it reference radio telecommunication?"

Moore, A.: "My understanding is that it does, but I am not absolutely certain about that."

Black: "Representative, if the language, if the language isn't ...

Moore, A.: "I'm being told by the Attorney General's office that radio is in it."

Black: ".... if the language isn't in this Amendment, Representative, then all I have to do is just switch directions. All I have to do is go wireless. I don't

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think, I don't think you can touch me. Do you... is it your intention that that... that exemption be in here?"

Moore, A.: "Yeah, we are just talking about for registration purposes, now, just so that you understand. And in Section 10 the language specifically says, 'radio telecommunication service provider'."

Black: "Okay. What does it do with the proliferation of shopping channels that are coming into my home versus cable... on cable television?"

Moore, A.: "Those are inbound calls, Representative."

Black: "Every time I turn on, every time I turn on the television, whether I want it on there or not, my cable TV company gives me a choice of about eight shopping channels. They run 24 hours a day. I can't get away from them. Can I unplug them? Can I call them and say, 'I don't want... I don't want your buyers channel'? Can I... is there a way I can keep it out of my house or do I have to have a referendum? That's right, I have to have a referendum, don't I?"

Moore, A.: "Only if you're going to set up your own cable company."

Black: "Yeah, oh God forbid, that we'd want any competition. So, there... isn't anything I can do about the proliferation of these 24-hour-a day buyer channels on my television set. Call us, look diamond earrings... "

Moore, A.: "You can unplug... you can turn your TV off."

Black: "... Rolex watches, new cars, teddy bears, dolls made by Donny and Marie. No way I can get rid of those, huh?"

Moore, A.: "Those are shopping opportunities, Representative."

Black: "Yeah, they are shopping opportunities."

Moore, A.: "You may turn you TV off, Representative."

Black: "Yeah, they are shopping opportunities, all right. So, I

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have to turn my TV off, huh? What am I going to do when AT&T owns the cable TV, as well as, my telephone? Then what do I do?"

Moore, A.: "You are not being telemarketed under those, at least, not what you're talking about with the... home television shopping is not a telemarketing."

Black: "Well, when... when, AT&T owns most of the phone service and they are already buying up most of the... are wanting to buy up most of the cable television services, Who am I going to, who am I going to deal with?"

Moore, A.: "In what regard?"

Black: "On anything, they're going to own everything. They're going to own my telephone, they've already got the technology. They can use, they can come into my house through cable television today. That can be my telephone. I don't need a separate line. How we going to regulate an industry that changes literally every 24 hours? How we going to regulate them?"

Moore, A.: "Well, the definitions in the Bill are pretty clear between inbound and outbound and helping you to understand what is regulated. Certainly, your television is not intended to be regulated and the programs that are on it."

Black: "Well, would you, would you be willing...."

Moore, A.: "You may choose those."

Black: "... would you be willing to put an Amendment on its face that says, if people in my community don't want to be bothered with this that we'd have to have a referendum?"

Moore, A.: "I believe that might be a little onerous, Representative."

Black: "That's kind of what I thought. But, a lot of people didn't share the views of small town Illinois couple days ago, did they? So, I don't share the views on this Bill."

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Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to Senate Bill 349?' 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?"

Moore, A.: "Thank you, Mr. Speaker."

Speaker Hartke: "Further Amendments?"

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

Moore, A.: "Thank you, Mr. Speaker. Amendment #3 came to committee this morning from the Illinois Bankers Association and it exempts them from the Act."

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

Black: "Thank you very much, Mr. Speaker. Now, we get to the heart of the issue. Will... Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Black: "Representative, is it your intent that the banking business be exempt from any of the Telemarketing Registration Rules and Regulations Act? Is that your intent with this Amendment?"

Moore, A.: "This... this was not an Amendment that was sponsored by the Attorney General's Office. This was the Illinois Bankers placing an Amendment on the committee and it was based on information... "

Black: "I wonder why... could you tell me why they wanted this Amendment on?"

Moore, A.: "... I believe that they thought that they were covered, federally."

Black: "Oh, really? What... what might... what product might the

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Illinois Bankers Association want to be calling my house for? What product might they be wanting to sell me?"

Moore, A.: "There are many different telemarketing products that the Bankers Association, I believe, uses in telemarketing."

Black: "Name one."

Moore, A.: "Credit card protection."

Black: "Oh, credit cards, credit cards. So, if we adopt Floor Amendment #3 I could take care of people trying to sell me a dog, or a cat, or a washing machine, or a new... a new car. But, I can't exempt people calling me seven times a day wanting me to buy a Visa, a Master Charge, a Discover, no credit checks, unlimited... unlimited credit, Mr. Black. We'll send you one in the mail today. They call six times a day and this Amendment says they can continue to call six times a day, is that right?"

Moore, A.: "You're correct, Representative. But, to clarify, telemarketing for credit cards is regulated under tele... the truth in lending, credit card protection is what bankers telemarket."

Black: "Mr. Speaker, I'd request a record vote on Floor Amendment #3."

Speaker Hartke: "Representative Black."

Black: "Thank you. I just got a call from a telemarketer, so I'll withdraw my request for a record vote."

Speaker Hartke: "Representative Moore to close."

Moore, A.: "Thank you, Mr. Speaker. Amendment #3, I think, was discussed here, it exempts the bankers from the provisions of this Act."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 349?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the Amendment fails. Further Amendments?"

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Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 818, Representative Sommer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 818, a Bill for an Act concerning disabled adults. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker. Senate Bill 818 is an initiative of the Attorney General. It amends the Abuse of Adults With Disabilities Intervention Act. The current statute requires reporting and investigating an abuse, neglect and exploitation of adults with a disabilities in settings which are state operated, licensed, certified or funded. It does not address domestic settings and that is the purpose of this legislation. The Attorney General had a select committee reviewing this problem and found that, perhaps, the majority of abuses would be in a domestic setting. The Bill directs the office of the Inspector General to set up a 24-hour-hotline to receive and assess complaints and to forward those to the appropriate offices in DHS. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 818?' All those in favor signify, all those in favor of the Bill indicate by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mulligan, 'aye'. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 818, there are 114 Members voting 'yes', 0 voting 'no', 1 person voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 452?"

Clerk Bolin: "Senate Bill 452 is on the Order of Senate

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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. Senate Bill 368, Representative Saviano. Out of the record. Senate Bill 336, Representative Brady. Out of the record. Senate Bill 937, Representative Myers. Out of the record. Representative Myers, for what reason do you seek recognition?"

Myers: "Thank you, Mr. Speaker. Just an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Myers: "Since Senate Bill 937 has been called several times today, I was just wondering what is the status of that Bill? It seems to float around from one... one Calendar to the next."

Speaker Hartke: "(sic-Senate Bill) 937 is on Third Reading and ready for passage to the Senate or to the Governor. Senate Bill 336, Representative Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 336, a Bill for an Act to amend the Bingo License and Tax Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. (sic-Senate Bill) 336 is a Bill which allows charitable entities to apply for a two day, per year license to provide bingo services to raise money for that charity. It, also, has a provision in it, which will require local counties to approve that issue. So, it provides for local county authority as well as state authority. I ask for your favorable vote."

Speaker Hartke: "The Chair recognizes the Gentleman from Winnebago for discussion. Mr. Scott."

Scott: "Thank you Speaker, will the Sponsor yield?"

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Speaker Hartke: "He indicates he will."

Scott: "Representative, this is a really similar to a House Bill that you had but, didn't call before that deadline. I forget the number, but didn't you have a similar House Bill?"

Brady: "Representative, the concept was similar to a House Bill. This, this is the corrected language to make sure we're doing what we wanted to do. And because we had the Senate Bill coming over, we didn't take the time to amend the House Bill here, so it is different."

Scott: "Now, I've heard from some smaller organizations that run bingo that are talking about the... the \$10,000 being something that's... that's very difficult for them to do. Have you... have you received similar calls from... from people in that regard?"

Brady: "Representative, no one has contacted me about this language. The previous language would have created some difficulties. It was my... I had a group come to me about the previous language, but no one has come to me about the language in this Bill. There have been people who have come to me who would like to expand this legislation. As you may or may not know, there's an entire report on rewriting the state's bingo. We had hoped maybe to be able to do these together. It doesn't appear that we're going to be able to do that. So, we'd just like to move ahead with this issue and resolve the overall report issue at a later date."

Scott: "Well, I guess that's part of my question, Representative, that if there's a... and I know there's a committee that's been doing it. In fact, the person who works in my office has been on that committee, that's been... that's been working on the rewrite. So, the... the question that I've

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got is, if this... there is a potential and I... I can see their point for some of the small organizations, who are already getting hurt right now by some of the people who can... who can offer some of the bigger prizes. If that's already the case, why do we want to do this on it's own, why wouldn't we want to just let this get into the mix of all of the rewrite, too? I mean, who are we doing this for?"

Brady: "Representative, the only thing I can tell you is that the reason we're doing this, a local charity, the McLean County Retarded Citizens Association came to me and said that like organizations, like charitable organizations, in this case, this organization is a non for profit charitable organization which helps retarded citizens in Illinois and McLean County. They came to me and said that, like organizations have used this for a very valuable way to raise charitable money for their charitable contributions. This works well in Indiana. We discussed the affect it would have on the system. They articulated in others that it didn't have any negative effect on the smaller because it's only two times per year. Let me also suggest to you, that one of the provisions we added to this requires county authorization. If there is a risk for what you're talking about, I believe, that that county could determine not to issue this license. There's no mandate that a county issue it, under any provisions. They have the absolute authority to issue it or not. So, where I understand the nature of your question, I'm not sure it will be applicable to the effects of this legislation."

Scott: "Okay. But what are the grounds... are there grounds set out that... I don't have the legislation right in front of me, but are there grounds set out on which the county can

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deny that? Because if somebody complies with the other portions of the statute how... how does the county deny that? What authority do they... I mean I know they've got authority under that, but what are the grounds that they're suppose to use to do that?"

Speaker Hartke: "Mr. Brady."

Brady: "Just a second, Mr. Speaker, if I could have a minute. I'm trying to recite the language that the Representative inquired about. Representative, the language reads, 'notwithstanding the provisions of the item, the department may issue a special prize license to the licensee, if the county in which the licensee conducts bingo approves the special prize license.'"

Scott: "Right. So, my question is, since there aren't any conditions on which the county is suppose to look at, how would the county deny it, because they think that there may be an adverse problem for some other... I mean legally how in the world would they do that? And how would something like that ever stand up to a court challenge?"

Brady: "They could simply choose not to... they could simply choose not to issue any of these. They could... they could say, 'We're not going to do it.' And I... it's my belief and understanding in the drafting of this, that that would stand up. And there are circumstances by authorizing the county to do similar situations. And I'm not sure that's it's identical, but in the case of liquor licenses, one time liquor licenses, the county has to approve those."

Scott: "Yeah, but they've got a special set of criteria that they have to find in order to be able to award them and here we don't have anything like that. That... that... I guess that was part of my point."

Brady: "But... but it's also my understanding that they can add

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to that criteria."

Scott: "Sure."

Brady: "So, just as, we're saying make up your own criteria, that's the same as adding to it?"

Scott: "But you don't say that."

Brady: "I think... I think it's my understanding that it allows for it. Just as it already allows for it in the case of the county liquor license."

Scott: "Let me just ask one more thing. If you've got... now... now I come from a town that has lots and lots of people who offer bingo and a lot of them have expressed concerns that... that they're smaller people and they get hurt and they will get hurt by having the extra licenses. Just saying it's only two a year doesn't help. If there's 200 people who do... who do bingo in town because then theoretically more than one every day of the year, somebody is going to be offering one of these bigger prizes. And... And the amount of money to the smaller people isn't... that... that they can make from having their... their one or two a year, isn't going to make up for what they lose on a consistent basis every night. And so, if you've got a lot of bingo in your community and there's smaller churches or there's smaller groups, like the one that you spoke about that benefits a good cause and most of them do. I really think we're doing something that's counterproductive here and I really think we're hurting the smaller bingo providers by doing this. Because if you are in a town that has any size and a large number of providers, I really think you're going... you're going to create a situation where somebody every night of the week is going to be offering a bigger prize and that's going to work against the smaller group of people. So, to my colleagues, thank

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you for answering, Representative Brady. And I'd urge a 'no' vote."

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

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I echo the... many of the comments of Representative Scott, however, I have a question of the Sponsor."

Speaker Hartke: "The Sponsor will yield."

Mautino: "Okay. What's the... what's the current status of the Bill? Has the Bill been amended over here on this side, or is this final passage? As far as straight from here to the Governor's desk, or is this going to be going back to the Senate?"

Brady: "I believe I know the answer, but I ask the Clerk to respond."

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "No Amendments have been adopted in the House to Senate Bill 336."

Mautino: "With that, the reason that I... I wanted to find out on this was simply because I do have, here on my desk, the work of basically, a group of people where over a thousand people, had come together at separate public hearings to do changes to the overall Bingo and Charitable Gaming Act. And I believe... do you know whether the department is going to convene other meetings on this language? They've had it since February."

Brady: "Representative, it's... as you know I'm sympathetic to the... your... your cause here. In fact, I asked you if you wanted to file two Amendments to this Bill. And I... I... as far as I know, what I've been told is that they have not been able to get the Department of Revenue to move

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at the speed, the report and the commission wanted them to. I don't know if that's answering your question. And as you know, I've held off on calling this legislation...

Mautino: "No, I... I appreciate your..."

Brady: "... final minute of the final hour of our deadline, and I'd love to have your Amendment adopted but I just checked and that's not a possibility and therefore I felt an obligation."

Mautino: "Not a possibility without extending the deadlines. Okay, thank you for that. Hopefully, we will see the work of that task force come up in the Veto Session."

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

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd ask for your favorable consideration. I think this is a very good way that we can help local charitable institutions raise money and I... I'd like to see this passed. I ask for your favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 336?' 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? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 336, there are 50 Members voting 'yes', 58 Members voting 'no', 4 Members voting 'present'. Mr. Brady."

Brady: "Postponed Consideration, please."

Speaker Hartke: "Place this Bill on Postponed Consideration. Senate Bill 235, Representative Granberg. Excuse me, Representative Mautino. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 235, a Bill for an Act in relation to

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Fire Department Promotions. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 235 is a shell Bill. It's our intention to use it as a vehicle in case there are successful negotiations between downstate firefighters, downstate police chiefs and downstate fire boards. This Bill will not be used for any other purpose. It will only be used if there is a successful culmination of those negotiations in the upcoming week. I would simply ask for an 'aye' vote."

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

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, can you again share that this is... just review one more time what this Bill does?"

Granberg: "It is a shell Bill, Representative Parke."

Parke: "And what will you want to achieve? What's your ultimate goal for it?"

Granberg: "If negotiations are successful between downstate firefighters, downstate police and fire chiefs and their respective boards in regards to promotions, then this would be used as a vehicle to reflect that agreement. They are in the process of meeting. There is a meeting scheduled for next week. That would be the only intention, that would be the only use of this Bill. It would never be called unless there is successful negotiations."

Parke: "So, if the Fire Chiefs Association isn't on board you will not call the Bill?"

Granberg: "That is right, that's correct."

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Parke: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall this House pass Senate Bill 235?' All those in favor will indicate by voting 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 235, there are 95 Members voting 'yes', 18 Members voting 'no', and 1 Member voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does the Lady from Cook, Representative Wojcik, seek recognition?"

Wojcik: "I just want to know if you're alert up there, Mr. Speaker? Wondering if you have happened to have written a letter yet regarding extending the deadline on the Senate Bill 956?"

Speaker Hartke: "I haven't checked my mail box, but let me... let me check. You know, I sent mail and I haven't gotten my mail back."

Wojcik: "We could really make our life a little easy and just... if you just called the Bill. It'd be very simple, it's a merely Bill. It has some relationship to the way things are done in Cook County... in another county, though."

Speaker Hartke: "Would... Would you define 'merely' for me?"

Wojcik: "I think I'd get a lot of people to vote for it. Thank you."

Speaker Hartke: "Agreed Resolutions."

Clerk Rossi: "House Resolution 300, offered by Representative Howard and House Resolution 302, offered by Representative Stephens."

Speaker Hartke: "Representative Currie now moves for the adoption

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of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Representative Currie now moves that the House stand adjourned until Monday, at the hour of 4 p.m. All those in favor... 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 does stand adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 301 is assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 2869, offered by Speaker Madigan, a Bill for an Act to amend the Illinois Pension Code. First Reading of this House Bill. There being no further business, the House Perfunctory Session stands adjourned."