

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

50th Legislative Day

May 1, 2001

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Randall Donahue of the Hope Lutheran Church in Countryside, Illinois. Reverend Donahue is the guest of Representative Eileen Lyons. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Donahue: "Thank you, Mr. Speaker, for this opportunity. Let's pray. Gracious, loving Father we ask You this morning to show Your grace to these great men and women assembled here whom we as citizens of this great State of Illinois have entrusted with the process of our government, our well being, indeed with our very lives. In light of the awesome task that they have so willingly and eagerly accepted, give them the energy, the stamina, the wisdom to govern wisely, equitably, graciously and fairly. As they tackle the mundane activities as well as the volatile, give them perseverance where perseverance leads to character and character leads to hope. This hope is what America has always thrived on giving us the drive to equality and freedom. Grant this to them, heavenly Father. We also pray this afternoon that convenient conscience prevails. You have given us the great barometer of what is right and fair and what is unequivocally wrong and unfair. You have shown us that we are to love each other as we love ourselves. Help these women and men see what is right and what is wrong, what is fair and what is unfair. Give them the insight, the strength and the love to model for us how we are to treat each other. Father, there are many other issues that command the attention of these capable men and women. Give them peace as this task may seem overwhelming. Uplift their spirits as they meet each day. Keep them safe

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from harm or illness and show them Your love. We begin in the name of the Father, and of the Son, and of the Holy Spirit. Amen."

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

Hartke - 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. I know you'll all join me in welcoming back Representative Forby. And we have no excused absences."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Stephens, Representative Somner (Sic-Sommer) and Representative Saviano is excused today. And for an announcement, Representative Saviano's father passed away this morning."

Speaker Madigan: "Mr. Clerk, take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Introduction and First Readings of Senate Bills. Senate Bill 1032, offered by Speaker Madigan, a Bill for an Act concerning labor relations. First Reading of this Senate Bill."

Speaker Madigan: "On the Order of Senate Bills-Third Reading, on page 5 of the Calendar there appears Senate Bill 12. Mr. Michael Smith. Mr. Smith. Is Mr. Smith in the chamber? Mr. Clerk, take this Bill out of the record. For what purpose does Mr. Holbrook seek recognition?"

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Holbrook: "On a point of personal privilege, Speaker. In our Speaker's gallery today is Representative Hoffman and my teen advisory board from four of our local high schools. I'd like to have everyone give them a good Springfield welcome."

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

Speaker Hartke: "On page 5 of the Calendar, on Third Reading appears Senate Bill 31. Representative Moffitt. Daniels, Moffitt. Mr. Moffitt. Out of the record. Senate Bill 104, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 104, a Bill for Act in relation to coal. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 104, it takes care of the Coal Rights Act and allows mining where there's joint owners of interest and cannot agree on removal to... sets up a process for them to do that. And should help the coal industry in Illinois as far as making sure that the people are able to mine this coal and the companies are able to purchase access to the rights that they already have. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 104?' 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 104 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. The Chair recognizes Representative Acevedo. For what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Acevedo: "I'd like to introduce Saint Ann's Grade School. It's from the Pilsen community. It's my alma mater from grade school."

Speaker Hartke: "Welcome to Springfield. On page 5 of the Calendar, on Third Reading on Senate Bills appears Senate Bill 114. Representative Mulligan. Representative Mulligan. Out of the record. Senate Bill 172, Representative Bellock. Representative Bellock? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 172, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much. Senate Bill 172 amends the Illinois Vehicle Code and provides that a person who fails to obey a signal indicating the approach of a train will be sentenced to a minimum fine of \$250 for the first conviction and a minimum of \$500 for each subsequent conviction. The local law enforcement agency having jurisdiction shall site the registered owner of the vehicle for the violation."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 172?' 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 172, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared

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passed. The Chair recognizes Representative Zickus."

Zickus: "Thank you, Mr. Speaker. We want to invite everybody for some birthday cake for my office mate, Tom Johnson. Let's wish him a very special happy birthday."

Speaker Hartke: "Happy birthday, Representative Johnson. On page 5 of the Calendar appears Senate Bill 195, Representative Mathias. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 195, a Bill for an Act concerning civil procedure. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "This is an initiative... Senate Bill 195 is an initiative of the Illinois State Bar Association to make the Illinois Civil Procedure track federal civil procedure regarding misidentification of defendants in a civil case. The Bill basically allows, as I said before, it allows you to follow the same as the federal rules in the event that someone was misidentified when he was originally served so long as he has knowledge of the action. Under this Bill, he would still be able to be served at a later date. And I urge... It's a technical Amendment. And I urge you to support Senate Bill 195."

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

Hoffman: "Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Hoffman: "Representative, we have some notes on the file. First of all, what are the circumstances under which the new law would apply? We don't quite understand."

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

Speaker Hartke: "Ladies and Gentlemen, please we're on Third Reading. Let's tone it down a little, please. Give your attention to the speakers. Representative Mathias."

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Hoffman: "Representative, what are the circumstances under which the law would apply?"

Mathias: "This would apply, for example, where a defendant whose identity was mistaken and was not named in the original action may still be made a defendant with leave of court, and in this case, you still have to get leave of court, to the cause of action without the application of the statute of limitations. It requires that the defendant must have received notice of the commencement... of the action within the limitation period and that he should not be prejudiced in maintaining a defense on the merits. And Newer should have known that but because of the mistaken identity the action would have been brought against him originally."

Hoffman: "Well, the concern would be, we certainly don't want to ensure a windfall and an additional mandate on the court. And I think this side of the aisle anyway wants to make sure that nobody's rights are being impaired by this Bill. How... can you address those issues? I believe there are three."

Mathias: "Well, again, the... under the Civil Practice Act... Well, what this is..."

Hoffman: "Mr. Speaker, Speaker."

Mathias: "Again, this follows exactly the same as the federal rules of procedure. If a defendant knows about a lawsuit but let's say he was misnamed in the lawsuit, this would still give an opportunity with leave of court to serve that defendant."

Speaker Hartke: "Ladies and Gentlemen, please. Let's have a little order in here. Proceed."

Hoffman: "I couldn't hear, I apologize. Go ahead."

Mathias: "This would be a situation where let's say a defendant was misnamed in a lawsuit. I think the example brought up

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in committee was let's say it was a situation of a father and son and they misnamed the person's name in the lawsuit, but they have to prove to a judge in order to get leave of court if it's after the statute of limitation that the other party knew about this before the statute of limitations. This would still give them the right to serve that person with summons."

Hoffman: "So, what you're saying this wouldn't impair anybody's rights and it wouldn't be a windfall in the court and it's not really a mandate on the court. What we're saying is, or I understand it's a bar association initiative to ensure that people can get the right individuals into the suit. Is that right?"

Mathias: "That's absolutely correct."

Hoffman: "I urge an 'aye' vote. Thank you."

Mathias: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 195?' 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 195 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. Senate Bill 214, Representative Mautino. Frank Mautino. Out of the record. Senate Bill 290, Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 290, a Bill for an Act concerning Selective Service registration. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Acevedo."

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Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 290 would require any male U.S. citizen or immigrant between the age of 18 and 26 year old who applies for a permanent license or renewal to be registered with the Military Selective Service Administration. The secretary must forward the necessary personal information on applicants to Selective Service. The applicant must be advised that his completion of the driver's application constitutes his approval to be registered with the U.S. Selective Service. I'll be happy to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, we had a discussion about this in the Transportation Committee. Let me just review my memory. The current law is all males upon their 18th birthday, and there's a window in there, must register for Selective Service. That is still the Federal Law, correct?"

Acevedo: "Yes, it is."

Black: "Females do not have to register under current Federal Law, correct?"

Acevedo: "Correct."

Black: "All right. If you are a conscientious objector or a religious... object to the draft or Selective Service or service in the military as a conscientious objector or on religious grounds, you still must register and then file your objection, correct?"

Acevedo: "That's correct."

Black: "All right. So, this is not putting a requirement on somebody... In other words, what I want to avoid is a



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constituent coming to me who says my son is in ... is going to a seminary, hopes to become an ordained minister. We are absolutely opposed on moral and religious grounds to a draft or serving in the armed forces. So, therefore, you would deny me my ability to get a driver's license because I refuse to register for the draft. What I can tell him in defense is, look, you can still be an objector if they reinstate the draft, but to initiate your objection, you must sign up for the Selective Service System before you can initiate any objection. That would be my defense in somebody who said, you're trying to trick me. Correct? I mean that's... I remember that in committee."

Acevedo: "You're absolutely right. He has every opportunity to be an objector, but he still has to register for the draft."

Black: "All right. So, this is not a backhanded way of saying, if you don't register for the draft, regardless of your religious grounds, then you will not get a driver's license. It simply says you must comply with Federal Law and then all of your rights about your objections to Selective Service you can deal with that with the Federal Government after you register, correct?"

Acevedo: "Right. Representative, this in no way is gonna deny any person from receiving his driver license."

Black: "Fine. Thank you very much, Representative."

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

Acevedo: "I ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 290?' 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

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who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 290, there are 112 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 316, Representative Durkin. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 316, a Bill for an Act concerning libraries. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Senate Bill 316 allows for the expansion of library commissions from three to seven members on the board with staggered terms. The present law allows three members who serve at the will of the... pleasure of the board. This is an initiative of... from Oakbrook. This is one of two library commissions in the State of Illinois. They have undergone a massive undertaking of expanding their library and with that they need to expand the responsibilities of their commissioners and expand the commissioners as well. I ask for an affirmative vote."

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

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

Speaker Hartke: "Sponsor will yield."

Scully: "Representative Durkin, how many different villages do you anticipate will be eligible? How many villages will be eligible?"

Durkin: "Two."

Scully: "Which two?"

Durkin: "Oakbrook, which as you recall last week Representative McCarthy... they had a lot of activity over the last week. Last week Oakbrook wanted the prohibition of sparklers on

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their public way and they're also now, the Village of Oakbrook is asking that their library commission to be expanded. I'm not sure what the other one is, but it's..."

Scully: "Do you anticipate that any other villages besides those two would be eligible in the foreseeable future?"

Durkin: "Correct. I'm saying that's the only two library commissions in the state. So, there's... I don't see any ground swell of support to, throughout the state, to create library commissions in other parts of Cook County or downstate or other regional areas."

Scully: "Okay. Thank you, Mr. Durkin."

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

Davis, M.: "Thank you very much. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Davis, M.: "This library commission... Could you give me a little more information on what you're doing here?"

Durkin: "Expanding the board members... the ability of the commission to..."

Davis, M.: "I can't hear you."

Durkin: "...right now the law allows for three board members to sit on a library commission. We are allowing the commission to have up to seven members."

Davis, M.: "You're adding board members to this commission."

Durkin: "Correct."

Davis, M.: "Did you support adding two members to the Illinois Commerce Commission? We wanted to put some average, everyday people on the Commerce Commission. Now, did you support that or were you one of the people who said we were enlarging government?"

Durkin: "Well, I tell you what, if you give me the Bill number, I'd be more than happy to get back to you at a later point,

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but I don't think it's quite relevant, Representative."

Davis, M.: "That brings me to my next point, Mr. Speaker. Mr. Speaker, I am very troubled when I see only Republican Bills coming back to this House from the Senate. Mr. Speaker, I am very concerned when only Republican Bills are being voted on. A number of Democrats have Bills to pass out of this Body and to go over to the Senate that remains locked up in a subcommittee and I just think it's ludicrous for us Democrats to sit here voting their Bills out and ours are not coming out. Now, we are the majority in this Body and I think we need to take advantage of that and insist that some Democratic Bills come out of the Senate if they want Republican Bills to come out of this House. Otherwise, I just think we're ridiculous. Now, there's a Bill over there for racial profiling, there's a Bill over there to increase TANF funds and nothing is coming out that has a Democratic Sponsor. Now, for the past half an hour in this Body, nothing but Republican Bills are up there that are getting 118 votes. There's something wrong."

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

Durkin: "Well, thank you, Mr. Speaker. This Bill apparently has taken on a life of its own and it's gone in all different directions. But it's very limited and it's very straightforward. And I would appreciate the Body's support. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 316?' 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 316, there are 106 Members voting 'yes', 0 voting 'no', and 8

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Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 319, Representative Persico. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 319, a Bill for an Act relating to insurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. Senate Bill 319 amends the Illinois Insurance Code. It provides that licensed clinical professional counselors may provide mental health treatments to be paid under insurance coverage when selected by the insured. Currently, licensed clinical psychologists and licensed clinical social workers are in current law and are able for third party reimbursement. This Bill simply allows licensed clinical professional counselors to be added. And I urge your support of Senate Bill 319. And be happy to answer any questions."

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

Davis, M.: "Mr. Speaker, is this another Republican Bill?"

Speaker Hartke: "Yes, it is."

Davis, M.: "Mr. Speaker, will we hear any Democratic Bills on this floor today?"

Speaker Hartke: "Yes. Senate Bill 504 is coming up on the Calendar."

Davis, M.: "Is it just one?"

Speaker Hartke: "On this page."

Davis, M.: "There will be one?"

Speaker Hartke: "We had the..."

Davis, M.: "You see, Mr. Speaker, we have a problem in this Body. The Senate is not allowing Democratic Bills out of that

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Body and yet we are passing Republican Bills. No wonder they're in the majority over there. Mr. Speaker, we must respect the Members on this side. They have a right to get their Bills heard in the Senate."

Speaker Hartke: "Have you finished with your remarks?"

Davis, M.: "With this Bill, yes. And I'll speak again on the next one."

Speaker Hartke: "Okay. The Chair recognizes Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would rise in opposition to this Bill, with all due respect to the Sponsor and his very well-intentioned piece of legislation. I would suggest to you that there were folks in opposition in the committee. There were concerns raised about the Bill. The qualifications of the individuals who are licensed to be able to accomplish the goals that were set forth in this piece of legislation. There were some opposition, I believe there are some folks who oppose to it as well. And I wish to remind the Members of that. Thank you."

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

Miller: "Will the Speaker (sic-Sponsor) yield?"

Speaker Hartke: "Sponsor will yield."

Miller: "I have a question in regards to a list here that the Illinois State Medical Society is against this. Are they still opponent against this Bill?"

Persico: "I'm sorry, I couldn't hear your question. It's very noisy in here."

Miller: "The question centers around the opponents of the Bill, particularly the Illinois State Medical Society. Are they still against the Bill and do you know why?"

Persico: "Yes, they are. The Illinois State Medical Society, I

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believe, and also the Life Insurance Council are against this Bill. But, however, this is a Bill that allows consumers a choice. And currently, as I mentioned, licensed clinical psychologists and licensed clinical social workers are allowed to, you know, receive third party reimbursement. There are many, many insurance companies that have already been doing this on their own for licensed clinical counselors."

Miller: "Okay. Do you know of any other professions in similar circumstances... let me back track... I guess my concern is... Now, there is an educational requirement put forth here for the licensed clinical professional counselors?"

Persico: "Yes, there is, Representative. Any licensed clinical professional counselor has to receive a masters or doctoral degree in counseling or psychology. This is 48 semester hours or over two years. They have to serve a clinical internship. They have to do two years postmasters work experience under licensed clinical supervision and they also have to pass two examinations in order to receive this designation."

Miller: "Now, within that discipline of study is there a difference in academic requirements than those who are currently performing these services than these... than this?"

Persico: "Representative, like any other profession, you know, other courses I... may be taken by other counselors that may not deal with just counseling. I mean, it's the same thing as for to receive your medical doctoral, you know. Anyone can, you know, a psychiatrist is a medical doctor and this is one of the opponents of this particular piece of legislation, but there are also many other doctors that can because of their degree practice psychiatry."

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Miller: "Now, as far as, let's say, for instance, one of the... I assume they're being reimbursed by insurance benefits, correct, if this Bill becomes law?"

Persico: "Are you talking about clinical social workers and clinical psychologists as well as psychiatrists? Yes, they are being reimbursed. And there are many insurance companies that are currently without this statute of reimbursing clinical counselors. What we're trying to do is ensure that the consumer has every option available to receive, you know, this mental health treatment. And basically, Representative, when a person comes to a clinical counselor and they assess that this is outside their realm, for example, if they're schizophrenic or bipolar or have severe depression, what they do is they refer these patients to a psychiatrist who then prescribes some medication to help the patient out and at the same time may, you know, still receive counseling from the clinical counselors and it's a... you know... But anytime there's any kind of severe illness, mental illness they are always referred to by the clinical counselors to a psychiatrist for medication and further review."

Miller: "Okay. Well, my concern is... and some discussion was brought to me towards this in regards to if a patient has a certain amount of insurance benefits for medical or mental health that they would end up using up their benefits for this as opposed to maybe some other form of... or maybe, like you said, those other bipolar disorders or things like that that might be needed for cases that are more extreme. Does this Bill address any of those issues?"

Persico: "No, and I don't think any Bill or any law that we have right now would address that particular concern that you have. You know, the patient that comes to them, that they



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are receiving mental health treatment are basically people that are maybe have slight depression and they need someone to talk to. And as I mentioned if they are considered or, you know, diagnosed or you know, think that they may have, you know, be bipolar or schizophrenic, they are referred to a psychiatrist for further help. So, it's not that they're taking away the patients of the psychiatrist, it's just giving the consumers another option to receive mental health treatment which is one of the fastest growing illnesses in our society."

Miller: "Okay. To the Bill."

Speaker Hartke: "To the Bill."

Miller: "I respect the Sponsor and what he's trying to do. I understand and it's also my understanding is that it would help increase access for mental health services. However, I do have some great reservations in regards to the educational requirements set forth whether somebody who has a MD degree or a physician that's been trained in this specialty versus somebody who doesn't and I do understand that with additional training they may be able to reach their goal. So, I would urge the Members of our Assembly here to oppose this Bill in regards to a relationship on the educational requirements set forth. Thank you."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation. We passed this Bill with overwhelming support, it has passed. And what it does is allows an option to those who are in need of health care, an option other than going strictly to a psychiatrist, sociologist. And it takes care of a lot of the problems which may not rise to the level where they

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need medication. This authorizes payment to and it also broadens the available quality of health care for those people within the State of Illinois. And I would just simply ask that all Members support this measure. And please ask for an 'aye' vote."

Speaker Hartke: "Representative Persico to close."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As Representative Mautino said this is a Bill that has already passed the House in the last few Sessions. Unfortunately, it was caught up in the Senate. This year it began in the Senate and they overwhelmingly passed this Bill. And I urge your support of Senate Bill 319."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 319?' 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 319, there are 72 Members voting 'yes', 32 Members voting 'no', and 8 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 114, Representative Mulligan. Rosemary Mulligan. Out of the record. Senate Bill 360, Representative Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 360, a Bill for an Act concerning townships. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Johnson."

Johnson: "Yes. Thank you, Mr. Speaker, Members of the House. Senate Bill 360 amends the Township Code and basically provides a participant in an established party, township caucus, may not become a candidate of another established political party in that same election cycle. I would ask

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your support of this. This passed the Senate 56 to 0 and it's on Short Debate."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 360?' 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 360, 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. Senate Bill 400, Representative Mitchell. Out of the record. Senate Bill 433, Representative Mathias. Out of the record. Senate Bill 437, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 437, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill comes from Senator Parker's Mental Health Treatment and Evaluation Task Force and subject to appropriation, has the Department of Human Services establishing private programs to provide the clinical services necessary if any of the counties should get money for the mental health courts."

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

Davis, M.: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Representative Lindner, I didn't hear you tell us about your Bill. Can we hear from you, please?"

Speaker Hartke: "Ladies and Gentlemen, let's tone it down, shhh, please."

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Davis, M.: "Let's hear it."

Lindner: "I said, this is from Senator Parker's Mental Health Treatment and Evaluation Task Force. And the Bill simply says, that subject to appropriation the Department of Human Services shall establish private programs so that the clinical services are there if any county should get funding for mental health courts."

Davis, M.: "Representative Lindner, do you know of any Democratic Bills coming out of the Senate?"

Lindner: "I have no idea who's sending Bills over there. The Bills are on the Calendar that are over here."

Davis, M.: "Well, Representative, you're in Leadership over there. Do you think it's fair that the Democratic Bills are held up in the Senate Caucus, in subcommittees and only Republican Bills are coming back to hit this floor? Do you think that's fair and do you think that's good government, Representative Lindner? Or do you think the Democrats should hold your Bill hostage the way ours are being held hostage? Tell me what do you think, Representative?"

Lindner: "Representative Davis, I think that the Senate holds all our Bills hostage every once in a while and I don't think it is a partisan thing. But that's off the subject of this Bill, so..."

Davis, M.: "Well, since we got here..."

Lindner: "I'm just presenting this Bill."

Davis, M.: "... all we've voted on is Republican Bills. Democrats have worked very hard on their Bills. We deserve to have our Bills come out of the Senate. And if they don't come out of the Senate, we need to stop voting on these Bills. We need to vote 'no'."

Lindner: "Mr. Speaker, I don't think this is on the subject of this Bill."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. If the previous speaker has a problem with the way the Senate conducts business, I would suggest she go visit the Senate. It's an equal opportunity Senate from what I can determine. I have a number of Bills of mine that didn't get out of Rules Committee. I don't know whether it's Democrat or Republican issue or whether they just look at the particular subject matter of the Bills. I don't know how they do that. I don't serve in the Senate. And these comments would best be reserved under good of the order or her right of personal privilege. And we have had Democrat Bills, we had two in a row. We... Representative Acevedo called a Democrat Bill. Representative Reitz called a Democrat Bill. There's been one other in the list. It looks to me like you're just going down the Calendar. If the Lady would like to move or have Rules Committee convene a committee of the whole, for example, to discuss the supplemental appropriations Bill that's hung up in some kind of difficulty between the two chambers. Be glad to join her in that Motion. That's something we need to take care of. All kinds of income assistance for low-income heating assistance program is tied up, Medicaid money is tied up. If we want to convene a committee of the whole and discuss some of these issues, I would stand in support of the Lady making that Motion."

Speaker Hartke: "Representative Davis, you've already spoken in debate. For what reason do you seek recognition?"

Davis, M.: "This Gentleman mentioned me in his speech."

Speaker Hartke: "No, he didn't."

Davis, M.: "And I do recognize..."

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Speaker Hartke: "He referred to you as the Legislator."

Davis, M.: "Thank you, Mr. Speaker. I do recognize the so-called equal opportunity Senate. But I also feel that if we're going to accept, pass out of this Body Republican Bills then they at least must let the Democrats' Bills be heard on the floor. Today in the Senate of the State of Illinois 'Pate' Philip is not allowing any Democrat Bills to be heard on the floor. So since it's an equal opportunity place, Representative Black, maybe we should do the same thing over here. Maybe these Bills should get 'no' votes. But at least the Speaker is giving you an equal opportunity because your Bill is being heard. Our Bills are not being called and it's not fair. It's an unequal process. And I don't know how much longer these people can take it. Our Bills were worked, they were passed out with both sides of the aisle, but 'Pate' Philip is keeping 'em tied up in a Rules Committee and it's wrong. It is wrong. We represent people down here. We're elected down here. And this Body is the majority and we need to stop what's happening."

Speaker Hartke: "Representative Lindner to close."

Lindner: "I just ask for a favorable vote on the Bill. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 437?' 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 437, there are 109 Members voting 'yes', 6 Members voting 'no', 6 Members voting 'present'. Let me back up. 109 Members voting 'yes', 0 voting 'no', and 6 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby

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declared passed. Senate Bill 448, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 448, a Bill for an Act concerning snowmobile registration and safety. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 448 does a number of things. Number one, it requires reporting of injuries on snowmobiles at a \$750 level now with this Bill, it was \$100. It addresses private property and use of toy snowmobiles by children. Evidently, there's some problems now with children and toy snowmobiles that are used on their own ground. They do not have to be registered if they're not gonna be used on public trails. The fee now of 25% of the fee going into a fund for trail creation. Now 33% of the fee increase will go into the Trail Fund. You must register snowmobiles and these snowmobile registrations can be furnished in nonprofit snowmobile organizations for educational use only. So, that's a change there. And also the fee for the snowmobile registration, which is a three-year fee, will go up \$2 per year. So, that's what this Bill does. And I would ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 448?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 448, there are 65 Members voting 'yes', 48 Members voting 'no', 1 person voting 'present'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. Senate Bill 213, Representative Mautino. Out of the record. Senate Bill 504, Representative Bugielski. Out of the record. Senate Bill... On page 6 of the Calendar, on Senate Bills-Third Reading appears Senate Bill 556, Representative Hoeft. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 556, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. For the record and sense of time here, all five of my Bills in the Senate have been killed. House (sic-Senate) Bill 556 authorizes the State Board of Education to transfer all finances directly to the school districts in the State of Illinois, bypassing the regional superintendent of schools. It means that the school districts will get their money sooner. It means the regional superintendents do not have to cut checks. And it means that there'll be an efficiency at the State Board."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 556?' 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? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 556, there are 111 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 624, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 624, a Bill for an Act concerning long-term care facility residents. Third Reading of this Senate Bill."



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Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 624 has two Amendments on it which embody two Bills we passed in the House and sent over to the Senate. This should make Representative Davis happy. These are two Bills that have not gotten out of the Senate Rules Committee that have been attached to this Bill. Both of these Bill passed the House unanimously, I believe. They're both mental health reform Bills. And I would ask your support."

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

Davis, M.: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Okay, I'm sorry, I missed your explanation for this Bill."

Lang: "Well, what I said was, Representative, this ought to make you happy because there's two Amendments in this Bill that were Bills in the House that have not gotten out of the Senate Rules Committee. So, I'm hoping when we send these back they will move them through the system. These are Bills you voted for before. They're both mental health reform Bills."

Davis, M.: "Thank you. I think that they will probably get out because I believe in downstate Illinois they would benefit from this. Is that correct?"

Lang: "Well, I hope so."

Davis, M.: "They would. Thank you."

Lang: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 624?' All those in favor will signify by voting

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'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 624, 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. Senate Bill 627, Representative Daniels. Out of the record. Senate Bill 660, Representative Hultgren. Representative Hultgren? Out of the record. Senate Bill 751, Representative Fowler. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 751, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Fowler."

Fowler: "Thank you, Mr. Speaker. House (sic-Senate) Bill 751 is an initiative to increase the amount of money available for scholarships for those people going into the nursing profession. This action is supported by the Illinois Nurses Association. The money for this increase would go to the \$750 thousand and it is money that comes from the Nursing Dedicated and Professional Fund. Be happy to entertain any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 751?' 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 751 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. Senate Bill 839, Representative Bost. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 839, a Bill for an Act in relation to children. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 839 provides disclosure of information about actions taken by DCFS to assure the safety of a child and/or children who are subject to investigations to extended family members and to... with those who have also been the reporting parties, or required reporting parties. I'd be glad to answer any questions."

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

Black: "Mr. Speaker, we're on the Order of Third Reading and when the Gentleman completes this, I would like to make an inquiry of the Chair as to how you're doing the Calendar. I'll delay that if you'll get back to me until after Third Reading of this Bill. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 839?' 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 839 there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, you had an inquiry of the Chair."

Black: "Yes, Mr. Speaker, you've been doing an excellent job of going down the Calendar, but I noticed that one of my Bills, 823, has been on the Order of Third Reading now for two full weeks. It's never called. Now, in all fairness to the Chair, I've given my word that I wouldn't call it on

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Third Reading until your staff had an ample time to review the Bill. And when I give my word, I keep it. But I would at least like to have the opportunity to have the Bill called and then I can tell you to take it out of the record. You just skip over it now everyday for two weeks and since we seem to be cognizant of how Bills are treated here in the last 15 or 20 minutes, I just wanted to let you know I feel badly that my Bill has been skipped over now for two full weeks. And hopefully, prior to the end of Senate Readings it will have an opportunity to live or die on its own merits. If you would be so kind."

Speaker Hartke: "If you would approach the podium, we will answer your question fully."

Black: "I'm sure you will. Thank you."

Speaker Hartke: "On page 6 of the Calendar, on Senate Bills appears Senate Bill 859, Representative Righter, Dale Righter. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 859, a Bill for an Act in relation to emergency management assistance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 859 creates the Emergency Management Compact Assistance Act. This Bill will allow Illinois to become the 37th state in the country to join this compact that was designed by Congress in 1996. This Bill sets the framework parameters for agreements between individual states for mutual assistance or aid they might render to one another in the case of emergencies. And I'll be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Davis, Monique Davis."

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Davis, M.: "I'm sorry, Representative, I didn't hear you explain your Bill."

Speaker Hartke: "Shhhh, please. Representative Righter."

Righter: "Thank you, Mr. Speaker. Representative, Senate Bill 859 would create the Emergency Assistance... I'm sorry, the Emergency Management Compact Assistance Act. What that Bill does is that Bill will Illinois to be the 37th state in the country that becomes part of this compact that is originally designed by the Federal Government. It sets the parameter of the framework for agreements that Illinois can enter into with neighboring states with regards to assistance in cases of emergencies."

Davis, M.: "Representative, do you think it's an emergency when a family gets \$335 a month?"

Righter: "I'm not sure that this Bill addresses that, Representative."

Davis, M.: "No, Sir, because the Bill that addresses that is hung up in the Republican Senate. The Bill that addresses that cannot come out of the Rules Committee in the Senate that 'Pate' Philip is in control of. Now, sometimes these issues you bring forth are important but some of them are simply issues that the Republicans want passed. And I'm concerned about the issues that the Democrats want passed. There are people on this side of the aisle who have worked very hard on legislation, representing their districts and 'Pate' Philip will not let their Bills out of committee. We cannot continue to pass your Bills and ignore the Bills that Democrats have worked so hard on, where Democrats have supported the people in their community. I urge you, Representative, to ask your colleagues in the Senate to ask the President of the Senate to bring some equality to the Illinois General Assembly. Let some Democratic Bills out

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of the Senate."

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

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

Speaker Hartke: "The Sponsor will yield."

Lang: "Representative, you indicated something about neighboring states, but does not your Bill talk about every state that is part of the compact?"

Righter: "Yes. It talks... But it does not require any state to render assistance to any other state. This Bill does not do that."

Lang: "And what states are in this compact?"

Righter: "I do not have a list of the other 36 states, Representative. I'm sorry, I do not have that."

Lang: "Well, so... But any state that's in the compact could request aid directly from us. Is that correct?"

Righter: "They can request it, that's right."

Lang: "But we don't have to provide it?"

Righter: "No, that's right. This is... And again, Representative Lang, this is not a contract between Illinois and Missouri or Illinois and Iowa or another state. This simply makes us part of a compact and the language in this legislation simply sets the parameters for agreements that can be entered into between Illinois and other states. But if Illinois does not adopt the compact, then we are not part of this system of what would be 37 states if Illinois passes this."

Lang: "Well, is this a uniform Bill... a law that already exists, Representative?"

Righter: "Yes, but the other Bill that is currently in existence was never... the compact itself was never ratified by the Congress. And that's important to have recognition by the

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Congress because the Federal Emergency Management Agency oftentimes will be a player in this, perhaps, not only in terms of funding but certainly the coordination."

Lang: "So, this is a federal proposal that hasn't gotten through the Congress and you're trying to put the State of Illinois in an analogous situation on a state level."

Righter: "No."

Lang: "No."

Righter: "This has... Senate Bill 859 contains language that has already passed the Congress. The other language that we have, and I think you're talking about Illinois law, that never did pass the Congress."

Lang: "So, where does this leave us? Let's just simply take an example, right? So, there's a hurricane in Minnesota, right? And so... and they ask Illinois or other surrounding states for some aid. What happens? How does this kick in?"

Righter: "Well, first of all, I mean, I don't know that Illinois would be in the position to render aid to Minnesota, but if one of Minnesota's neighboring states were to be requested by the State of Minnesota to render aid in an instance, the neighboring state could do that. The neighboring state is not necessarily under an obligation to do that if it does not feel it can. But if it chooses to, again, this legislation would set parameters with regards to issues of the emergency personnel that that neighboring state might send to Minnesota and reimbursement issues to that neighboring state by Minnesota."

Lang: "But of course, this doesn't require that we limit ourselves to neighboring states, it could be anyone in the compact. Is that correct?"

Righter: "I'm sorry, Representative. I didn't hear your

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question."

Lang: "It could be anyone in the compact. So, if the State of California and the State of Illinois were both in this compact with 36 other states, it's conceivable that the State of California could be asking our state to render assistance or we could be asking them to render assistance to us. Is that correct?"

Righter: "Sure, they could certainly request. That does not place under, on California or Illinois, a requirement that they do so, though."

Lang: "So, if there is no requirement to do so, what's the purpose of the compact and what's the purpose of your legislation?"

Righter: "Because... Since you are talking about events like disasters that often cross state boundaries, or in this instance may not, this creates a central document to which Illinois and the 36 other states can refer to in conjunction with FEMA, the governors, and whoever else in order to look to for the purpose of reimbursement, licensing issues or permits with regards to emergency personnel that might go across state lines. It's a level playing field. It's a central document that everyone can refer to when it comes to rendering assistance. And remember, Representative, if there's a tornado that comes through, we may not have three weeks or a month to dicker over different issues, but if you're part of the compact, then some of those issues are set forth in this legislation so we don't have to waste time negotiating those issues, we can simply go and render the aid understanding that we're part of the compact, if we choose to do so."

Lang: "What agencies were involved with you in the negotiation of this legislation?"



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Righter: "The Illinois Emergency Management Agency."

Lang: "Did you work with any other states that have similar agencies?"

Righter: "No. Did I work with any other state? No."

Lang: "One other question. How is disaster defined? Would it be a disaster if we had energy blackouts as they did in California? Would that be a disaster under this Bill?"

Righter: "A disaster would be defined by the requesting party, Representative."

Lang: "So, the state that's requesting would determine whether they thought it was a disaster."

Righter: "Exactly."

Lang: "So, we could determine that a blackout was a disaster, but our neighboring state might say, not to us, it isn't a disaster."

Righter: "Exactly."

Lang: "Would that have any impact on the compact?"

Righter: "That they refuse to render the assistance? No."

Lang: "Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Garrett: "Representative, I have a question about this. In regard to transporting nuclear waste..."

Righter: "I can't hear ya. I can't hear ya."

Garrett: "In regard to the transportation of nuclear waste, would this compact act in trying to regulate how nuclear waste would be transported or is it just an oversight committee in case there's a disaster?"

Righter: "Your second statement is correct. This is not designed to regulate the transportation of nuclear waste in any

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way."

Garrett: "If a state was not part of the compact and nuclear waste was being transported, would there be some sort ... I mean, how would you do that? There's talk about nuclear waste being taken out of Lake County possibly to another state, possibly Nevada. Would other states be involved at all in insuring what would happen if a disaster did happen? I mean, does this compact only get involved when there's a disaster or do they get involved to prevent any kind of a disaster and basically makes sure..."

Righter: "This is a response... this is in regards to a response to a disaster, Representative."

Garrett: "It's a response to."

Righter: "Yes."

Garrett: "Is there any legislation out there or is there a way in which this could include a preemptive way of looking at, for instance, transporting nuclear waste?"

Righter: "Well... I don't know if there's any... I can't answer that question whether or not there's any legislation out there, Representative Garrett. This legislation does not have anything in it with regards to guidelines for transportation of hazardous materials though."

Garrett: "So, basically, what this legislation does then is just allow for different states to come together when... after there has been a disaster. Which is very good but my concern is is that shouldn't these same states, this compact, be working together to insure that there isn't a disaster and especially when nuclear waste is being transported from one state to the next that there's a plan in place and that there's oversight in place?"

Righter: "That sounds like a fine idea, Representative. That's not what this Bill does, though."

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Garrett: "Thank you."

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

Righter: "Appreciate an 'aye' vote. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 859?' 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 859, 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. Senate Bill 864, Representative Osmond. Tim Osmond. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 864, a Bill for an Act concerning reinsurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Senate Bill 864 amends the Illinois Insurance Code and it creates special purpose reinsurance vehicles. This is basically the securitization of excess risks. This is a first in the nation. The National Association of Insurance Commissioners have been working on model legislation. If this Bill passes, this should create more competition in the marketplace. It's a concept that's being done offshore now through some international reinsurers. And I support the department's move to create this language. And be happy to answer any questions."

Speaker Hartke: "The Chair recognizes Representative Bassi."

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

Speaker Hartke: "Sponsor will yield."

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Bassi: "Representative, is there some assurance from the insurance industry that there will be enough capital within the insurance industry itself to compensate for the lack of reinsurance?"

Osmond: "Representative, the... any securitization of a risk would have the review of the Department of Insurance to check for adequate capitalization. Actually, this is a step that's more secure than what's being done today as these vehicles are being used in an offshore market in an environment that does not have any regulation at all."

Bassi: "Well, the offshore market though, are the SPRVs, are they not, as opposed to the land based reinsurance companies?"

Osmond: "I did not hear that question, Representative. Could you repeat that?"

Bassi: "I'm sorry. The SPRVs are offshore, are they not?"

Osmond: "Yes, they are and they're not subject to any... "

Bassi: "But what happens to the onshore companies, then? Those who are... have been doing it..."

Osmond: "Well, they are being organized offshore because it's not legal to do so in the United States. And that's what this legislation is attempting to do is to be able to create a domestic market for this where it would receive more regulation."

Bassi: "Is there any indication that the reinsurance industry has been unable to handle the risk so far?"

Osmond: "No. I think the reinsurance market has handled many of the risks, but the reinsurance markets themselves are participating in offshore vehicles such as this. It's a... It's just another device that the reinsurance companies themselves are using..."

Bassi: "But there are a number of reinsurance..."

Osmond: "...that are currently in place."

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Bassi: "Oh, sorry. There are a number of reinsurance companies that are American based like St. Paul, the Hartford, the Berkeley Group and GenRe who do not have SPRVs, I believe. Is that correct?"

Osmond: "That would be correct."

Bassi: "And did you say that there are no other states in the nation that have this particular ruling?"

Osmond: "No... That is correct. There are some other states that are looking at it now. It's my understanding South Carolina and Florida are looking at it. But this is modeled... The National Association of Insurance Commissioners have been working on this for the past 18 months to create legislation that would enable the product to be sold domestically. They feel it will enhance competition, will reduce some costs and to create a new vehicle that our domestic insurers can use."

Bassi: "Thank you, Representative. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Bassi: "I've several points. The first is that SPRVs or the offshore reinsurance vehicles will be seeking favorable tax treatment and will not be regulated as an insurance company. The existing domestic relation... reinsurance companies that are onshore and are... they are already fully taxed and fully regulated. This Bill will put an existing industry, the reinsurance industry, at a severe disadvantage. Secondly, despite a clear message from numerous members of the Insurance Committee asking that the proponents of this Bill at least discuss a compromise, not a single effort was made by the proponents to find any middle ground. Thirdly, this Bill comes from the National Association of Insurance Commissioners who have, as the representative stated, been working on this for 18 months,

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the NAIC, but that association has not yet approved the draft Bill and consequently, I feel this Bill is premature. And with all due respect to the Sponsor, I will be standing in opposition. Thank you."

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

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 864 which will create competition in the reinsurance industry that does not currently exist. With the structure of these special purpose utility reinsurance vehicles, rather, the department will have to approve any and all formations and transactions. It's a way to get domestic Illinois companies involved within a market which is a majority now offshore. This would be your basic Cayman Islands structure. And the National Association of Insurance Commissioners has been working on this legislation. It's a model Bill. It has given some leeway to the states to adjust parameters. But I do believe that what the Bill in its current form will allow for competition in an area where there is currently none. I commend the Representative. He's worked hard, he's tried to answer all of the objections and all the points that have been brought up on this legislation. Many of the original inquiries were found to be not true or unfounded, kind of a fishing expedition. Because what we're talking about is allowing people into an area to participate in business for the purposes of reinsurance that's currently not being done. With that, I think we have a tremendous amount, I believe, unanimous support within the Members who have studied the issue in the course of our Insurance Committee hearings. And I would simply ask for an 'aye' vote."

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Speaker Hartke: "Representative Osmond to close."

Osmond: "Thank you very much. This Bill has been discussed with all of the parties involved. There was an attempt to reach an agreement between the parties, but they've simply met an impasse. The issue that was the bone of contention has still been around for about 12 months, 13 months, they've been debating it. An effort was made to reach an agreement, but we couldn't do so. There was mention of some legislation that was gonna be sought for income tax considerations. That's gonna be done at a federal level, not through the State of Illinois. With or without any changes in the tax laws these units, these vehicles will be a viable tool for business to use. It will increase competition. It will increase jobs in Illinois and it will position Illinois to remain the number one insurer state in the nation. I ask for an 'aye' support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 864?' 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 864, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 866, Representative Mulligan. Rosemary Mulligan. Out of the record. House Bill 867, Representative Parke. Terry Parke. Out of the record. House Bill 935, Representative Poe. Out of the record. House (Sic-Senate) Bill 943, Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 943, a Bill for an Act in relation to insurance. Third Reading of this Senate Bill."

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Speaker Hartke: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. This is a very simple Bill. The reason for this Bill... What it does is it changes... It's a technical change that allows for the exception for automobiles that are now receiving antitheft devices in them. This is something that was brought to us by State Farm. Now a lot of cars are being placed where as when this original legislation was written 20 years ago very few cars had factory antitheft devices put in them, now they do. I'd ask for a favorable vote and... "

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 943?' 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 943, 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. Senate Bill 866, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 866, a Bill for an Act concerning insurance coverage relating to mastectomies and mammograms. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. House Bill 866 amends the Illinois Insurance Code and the Health Maintenance Organization Act. Provides that coverage for mastectomies shall include reconstruction of the breast upon which the mastectomy has been performed, surgery and reconstruction of the other breast to produce a symmetrical appearance and



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prothesis and treatment for physical complications at all stages of a mastectomy. What it is doing it's putting into Illinois law the federal mandates from the Women's Health and Cancer Rights Act of 1998. And I would appreciate an 'aye' vote."

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

Yarbrough: "Will the Speaker (sic-Sponsor) yield?"

Speaker Hartke: "Sponsor will yield."

Yarbrough: "Representative, could you tell me why the Illinois Chamber of Commerce is against this Bill?"

Mulligan: "I'm sorry. Say again?"

Yarbrough: "Why is the Illinois Chamber of Commerce against this Bill?"

Mulligan: "I don't know why they would be against it and in our synopsis of the Bill it doesn't say that they are. I would not think they would be because it's just codifying the Federal Law. They're already bound to do this."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Davis, Monique Davis."

Davis, M.: "Representative Mulligan, I think this is a Bill that's been around for a while. Is that correct?"

Mulligan: "No."

Davis, M.: "You want to tell us what it does, please?"

Mulligan: "What it does is it puts into Illinois law that when you have insurance coverage for a mastectomy that you'll also include the coverage for a breast reconstruction."

Davis, M.: "Well, that's a good Bill, Representative. But what do you think about an increase for TANF recipients who haven't had an increase in 11 years. Do you think they should get an increase?"

Mulligan: "Representative, although it doesn't pertain to this

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Bill, I agree with you and support that."

Davis, M.: "You do support that."

Mulligan: "Yes, I do."

Davis, M.: "Well, Representative, do you think you can talk to your President of the Senate, your Republican colleague and ask him to let some significantly important Bills out of the Senate subcommittee so that we can get some crucial issues resolved in the State of Illinois? Representative, you're a Leader over there on that side of the aisle, do you think you could talk to your colleague, President 'Pate' Philip and tell him in the interest of justice and fairity (sic-fairness) and in the interest of serving the people of the State of Illinois that all people in the state deserve serving. And do you think you can ask him to let some Democratic Bills out of the Senate?"

Mulligan: "Representative, I always think the President of the Senate should be just and fair and I think he usually believes that he is. But I feel that you probably have far better advocates in this Body, particularly your Speaker, than I, with the President of the Senate."

Davis, M.: "Representative, in about one hour I'm gonna read for you the crucial issues that are being held up by the Republican Senate. I'm gonna read for you those Bills that are being held in committee, in subcommittee, in that Body."

Speaker Hartke: "Mr. Black, for what reason do you seek recognition?"

Black: "Mr. Speaker, the rules of the House are very clear. The Bill under debate is what will be debated. What the Senate has or may do can be raised under a point of personal privilege elsewhere in the business of the House. I don't need to sit here and hear page after page of both

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Republican and Democrat Bills that are either in Rules or don't have a Sponsor. We all know that. We all can read the Calendar. The Bill under debate is a good, substantial Bill that will probably get a unanimous vote. The Lady has an opportunity to address her grievance elsewhere in the Calendar of this chamber."

Speaker Hartke: "The point is well taken. Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker. And I appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 866?' 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 866, 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. Senate Bill 1019, Representative Soto. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1019, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Soto."

Soto: "Thank you, Chairman, and Members of the House. Senate Bill... sorry... 1019 amends provisions of the Employee Benefit Contribution Act requiring an employer who has agreed to make payments to the employee health insurance plan to notify its employees of any failure to make payments. If the failure may result in the loss of insurance coverage, provides that the employer must mail the notification directly to each of its employees who are covered under the plan. Deletes language providing that

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notification may be made by posting in a conspicuous place in the place of employment and that the Department of Insurance has authority to inspect places of employment for the purpose of assuring the employers compliance with the notification requirements. I would ask your 'aye' vote and appreciate it."

Speaker Hartke: "The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, who is the enforcement arm or agency of this Bill? The Department of Insurance? Somebody's gonna have to make sure these employers do that. It's a good Bill. I don't see in the Bill where the enforcement of this provision is vested."

Soto: "The Department of Employment, I believe."

Black: "IDES would be charged with the enforcement? Wouldn't they only be the enforcement arm upon default when they get the unemployment claims? I'm trying to figure out how we can be proactive. That's my concern. There are companies that do this. It's wrong. This is a good Bill. But IDES would normally get involved upon default in claims for unemployment insurance then they have the unenviable task of telling these employees their insurance has lapsed because their employer didn't pay the premiums. So, who would be the proactive enforcement entity so that we can ferret out these employers who do this. This is just a dastardly deed that some employers do. I've had it happen in my district. But I want to have some reasonable assurance that somebody will be out there monitoring these people before they lose their coverage, before the employees go through the trauma of finding out that their

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employer has not made payments and thus they are not insured."

Soto: "Right, I understand. Ultimately it's gonna be the Department of Insurance who will deal with this."

Black: "All right. Thank you very much. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "This is an outstanding Bill. It doesn't make any difference what side of the aisle came up with the idea. This is... I feel bad that I didn't come up with the idea because this has happened in my district. I daresay it's happened in almost every district throughout this state. An employer will take not only insurance premiums but in some cases, bond of the month deductions, child support, prior to various Federal Laws, and pocket the money. And then this not only creates a tremendous burden on the employee, but also on, in the case of health insurance, health care providers in that district who assume the policy's in force take care of a procedure and then are often left with a 10, 15, 20 thousand dollar bill. Certainly, they can go after the employee but that employee is not guilty of malfeasance in this case, it's the employer. And I commend you for carrying the Bill. I hope you continue to work on it because we need better enforcement mechanism and quite frankly, a better punishment mechanism for employers who misuse employee funds. This is fraud no matter how you say it. It should be a crime and these people should be held accountable for this. I've seen this happen. It's not a political issue. It's a basic human rights issue. And I think I would love to join you in this Bill. And I hope you continue to work on it because this is a terrible thing that I have seen

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happen in my own district and I commend your efforts."

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

Soto: "Thank you very much. I appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1019?' 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 1019, 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 213?"

Clerk Rossi: "Senate Bill 213 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. The Chair recognizes Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Just the softball players, we have a practice game this afternoon. So, let's get your shoes on boys and girls. Out at the practice field at Washington and Amos. So, let's get as many out there as we can at 5:00 and we're gonna play some lobbyists this afternoon. So, let's get out there and let's get warmed up and we'll meet you there about 5:00. We'll go to about 6:30 and then everybody can go back to the dinners and to the receptions. Thank you."

Speaker Hartke: "The Chair recognizes Representative Erwin."

Erwin: "Thank you, Speaker. As long as we're into announcements, I would ask that we remove the posting requirement or waive the posting requirement on House Resolution 250 so that it may be heard in the House Higher Education Committee

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tomorrow afternoon. And Dave Wirsing, the Minority Spokesman, has concurred."

Speaker Hartke: "You heard the Lady's Motion. All those in favor signify by saying 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Notice of Suspension is suspended. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Just for purposes of announcement. Today's Insurance Committee will meet at 2:30 in 122-B. So, it be delay convening until 2:30. I've already discussed this with the Minority Spokesman, Mr. Parke. And just wanted to let the Members know we'll be meeting there at 2:30 instead of 2:00."

Speaker Hartke: "The Chair recognizes Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. Just a reminder, Financial Institutions will be meeting today at 4:00. We ask that you be on time. We only have one Bill so we'll be in and out pretty quick. So, that's 4:00 in Room 118. Thank you."

Speaker Hartke: "The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. I move that we waive the posting notice for Senate Bill 747. I've talked with the other side. It's for purposes of subcommittee hearing tomorrow morning at 8:15 preceding our regular meeting at 9:00 and it'll be in... I believe they're both in C-1."

Speaker Hartke: "Representative Joe Lyons."

Lyons: "Thank you, Speaker. I rise for the purpose of an announcement."

Speaker Hartke: "State your announcement."

Lyons: "And an introduction. Tomorrow morning, Ladies and Gentlemen, there is the project Irene, which is the religious communities across the State of Illinois will be hosting a breakfast at the state library from 7:30 til 8:30

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in the morning. So, you early risers we'd appreciate it if you could stop over. And representing the community of Sacred Heart Franciscans is Sister Joyce Schonenberg, from St. Francis of Assisi up in Wilmette so I'd appreciate a nice round of welcome for Sister Joyce from St. Francis."

Speaker Hartke: "Thank you. Representative Dart, would you restate your Motion, I forgot to act on it. Would you restate your Motion?"

Dart: "Yeah. It was a Motion to waive the posting notice for Senate Bill 747 so it..."

Speaker Hartke: "The question is, 'Shall the House waive the posting requirements for Senate Bill 747 in subcommittee?' All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the posting notice is waived. Representative Berns."

Berns: "It's been brought to my attention the record indicates I did not vote on Senate Bill 839. I believed I pushed my button, I intended to vote 'yes'. Would the record so reflect?"

Speaker Hartke: "The Journal will so reflect. The Chair recognizes Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker. For the purpose of an announcement."

Speaker Hartke: "State your announcement."

Schmitz: "Rarely, do we in the General Assembly get to experience the competitive nature in sports and I would just like to, while you're in the Chair right now, congratulate you yesterday on your resounding victory in the game of golf over Representative Lang. You're a true sportsman and should the map not go your way, Representative Hartke, you do have a future on the Senior PGA Tour."

Speaker Hartke: "Thank you very much, Representative Schmitz."



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The final Third Bill of the day is Senate Bill 1035, Representative Crotty. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1035, a Bill for an Act in relation to education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Chairman, and Ladies and Gentlemen of the House. Senate Bill 1035 simply clarifies the existing law and recent statutory changes. It does three things: it calls for hearings and a posting requirement, which was not really in the statute before, it allows hearings to be called by either their board or their board president. The second part of this is... has to do with transferring of funds and whatever the resolution and the hearing called for funds being transferred needed to be done so. It seems common sense, but there was never anything actually put into statute. And the third part of this Bill is that if those districts have the money to start the building of a classrooms or school buildings that they should be able to do so. In other times, it would go for referendum if more money was needed, but if all dollars have been secured and especially through the school construction grants which was never really put into statute either. I would entertain any..."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I have a great deal of respect for the bond counsel firm of Chapman and Cutler. Generally speaking, when they speak, if you're on a local government issue... body, you have to listen because if you don't

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satisfy the bond counsel, you can't sell your bonds. But there's a provision in this Bill that, quite frankly, I don't understand. And I want to make sure that we're not doing something that the voters, in fact, may not want us to do. Tell me if I'm right or wrong. If a school district is leasing or renting a building for instructional purposes and decide to go ahead and purchase or remodel or, in other words, take title of that building, they can do so without a referendum by the voters. Now, there's something that doesn't compute there. What am I missing?"

Crotty: "Explain... Ask me that question again. I understand about..."

Black: "Yeah. In the detail... it says, 'provides that a referendum is not required if the purchase, construction or building of any such educational building is completed: one, while the building is being leased by the school district, or two, with the expenditure of: a) funds derived from the sale or disposition of other property of the school district, or b) funds received as a grant under the school construction law or as gifts or donations, provided that no funds to complete such building, other than lease payments, are derived from the district's bonded indebtedness or the tax levy of the district.' I want to make sure, Representative, that we're not circumventing the right of the voters to say, 'I don't think that you ought to buy that building.'"

Crotty: "That is not in the Bill. When we're talking about leasing, many school districts lease a building maybe for a dollar an hour just to be sure that that is not something that needs to be done with referendum. So, we're not changing that part. And if there are added dollars needed for a school district, they most definitely have to still

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go through referendum."

Black: "Representative, thank you."

Crotty: " That part isn't being changed."

Black: "I appreciate your clarification and as usual where would we be without staff, who has pointed out that you're not changing that in current law. If you'll look on page 2 of the Bill, you're striking 'office facility'. Now, I assume... staff tells me that that is to tighten up what, in fact, they can purchase. They are making this say, more or less... this has to be an educational building, not some kind of real estate investment where you could put your administrative offices or what have you. Bond counsel wants that stricken so that we're talking about educational facilities; i.e., instructional facilities. Is that your intent?"

Crotty: "That is exactly what this Bill is doing."

Black: "All right. And it further then, from what staff tell me, it further tightens up so that you cannot use the proceeds from a bond issue that you... maybe you sold bonds and the high school came in cheaper than was expected. So, you can't take your bond fund that's got a \$180 thousand maybe left in it and say, hey, we'll just use this to apply towards the purchase of this building that we've been using as a grade school and that's a good deal, too. So, they can't do that either."

Crotty: "No, they cannot."

Black: "All right, fine. I apologize for my earlier remarks. I should have asked staff because I saw the referendum provision. But as you have assured me and the staff has assured me, that's already in current law. I appreciate your indulgence."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in support of the Lady's Bill. This is a good Bill and it is exactly as the two colleagues discussed just now. One of the things that it will do is if a school district has decided to purchase a building, was leasing it, will then put it under the health life safety standards, so that we won't have children in a building that does not answer those health life safety items that have to be in any educational facility. So, for that reason alone, I certainly think this is a Bill that should pass. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Crotty asks for a favorable vote on Senate Bill 1035. 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? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1035, 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. For what reason does Representative Younger seek recognition?"

Younger: "I thank you very much, Mr. Speaker. I'd like to welcome the Farragut Elementary School, Mrs. Joyce Jones and Marsha Winston. Let's give them a round of applause."

Speaker Hartke: "Welcome to the Illinois General Assembly. Representative Currie now moves that the House... The Chair recognizes Representative Flowers."

Flowers: "Thank you, Mr. Speaker. I would just like to say that the Health Care Meeting will be cancelled this evening."

Speaker Hartke: "Health Care Meeting has been cancelled. Representative Currie now moves that the House stand

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adjourned, allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes have it. And the House stands adjourned till the hour of 12 noon tomorrow."