

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "The House will come to order. The Chaplain for today is Elder Charles McMullen of the Greater Jerusalem Apostolic Church in Champaign, Illinois. Elder McMillen is the guest of Representative Tim Johnson. The guests in the balcony may wish to rise this morning and join us for the invocation."

Elder Charles McMullen: "Gracious God, we thank you for this privilege and this opportunity to stand before these your people. Lord, govern our minds, and our spirits, and our hearts today, cause men and women, girls and boys lives lie in the balance, lies in the decision that gonna be made. Lord, You are wise and understanding and merciful God. We ask You to touch from the podium all the way through the building. I'm asking You to lead and guide and direct their mind, their tongue, their speech, and their attitude, not for self gain but for the people, hallelujah, that you might touch and regulate today and give them unity and peace and understanding and realizing and understanding that their lives of mens and women lies in the decision that they make today. And I'm asking You God, give them a wise and understanding and compassionate heart that they might realize and understand this is our prayer, in Jesus' name. Amen."

Speaker McPike: "We will be lead in the Pledge of Allegiance by Representative Murphy."

Murphy - 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 McPike: "Roll call for attendance. Representative Currie."

Currie: "Thank you, Speaker. Let the record reflect that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Representatives Erwin, Morrow and Prussing are excused today."

Speaker McPike: "Thank you, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that Representatives Cowlshaw, Frederick and Walsh are excused today."

Speaker McPike: "Mr. Clerk, take the record. One hundred twelve Members answer roll call. A quorum is present. Mr. Homer, Representative Homer here? SJRCA 123. Third Reading. Mr. Clerk, read the Amendment, the Constitutional Amendment, read it."

Clerk Rossi: "Senate Joint Resolution Constitutional Amendment #123. WHEREAS the Illinois Supreme Court struck down the Child Shield Law. Article 106 B of the code of criminal procedure 1963 in its decision in people vs. Fitzpatrick, docket #74768 on February 17, 1994, and this Amendment is intended to reverse that decision therefore be it resolved by the Senate of the 88th General Assembly of the State of Illinois, that there shall be submitted to the electors of the State for adoption or rejection at the next general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 8 of Article I of the Illinois Constitution as follows:
SECTION 8. RIGHTS AFTER INDICTMENT In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to be confronted with the witnesses against him or her and to have process to compel the attendance of the witnesses in his or her behalf and to have a speedy public trial by impartial jury of the county in which the offense is alleged to have been committed. SCHEDULE This

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Constitutional Amendment takes effect upon approval by the electors of this State. Third Reading of this Senate Joint Constitutional Amendment."

Speaker McPike: "Representative Tom Johnson, would you handle this please?"

Johnson, Tom: "...file on this but, this Bill sets straight a supreme court case here in the State of Illinois which did away with our Child Shield Law and under the Illinois State Constitution as it currently exists it requires face to face confrontation between witnesses. This would allow a child under 18 years of age to testify without having the defendant face-to-face in there, well in the face of a young child. And I would urge that the passage of this. This is very important."

Speaker McPike: "Any discussion on this Constitutional Amendment? This requires 71 votes. The question is, 'Shall the House adopt SJRCA 123?' All those in favor vote 'aye'; opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 112, 'ayes' and no 'nays'. And this Motion having received a three-fifths Constitutional Majority, the Motion carries and SJRCA 123 is adopted. Representative McAfee for what reason do you rise?"

McAfee: "Just a point of privilege, Mr. Speaker. I hope it would not be outside the bounds of the rules, but I do have individuals from the Home School in Edison School from Forrest View here today. I would just like to recognize them here in the gallery if I could."

Speaker McPike: "Resolutions?"

Clerk McLennand: "House Resolution 2566, offered by Representative Tim Johnson; House Resolution 2567, offered by Representative Leitch; House Resolution 2568, offered by

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Representative Currie; House Resolution 2569, offered by Speaker Madigan; House Resolution 2570, offered by Representative Leitch; House Resolution 2571, offered by Representative Andrea Moore; House Resolution 2572, offered by Representative Andrea Moore; House Resolution 2573, offered by Representative Andrea Moore; House Resolution 2574, offered by Representative Andrea Moore; House Resolution 2575, offered by Representative Andrea Moore; House Resolution 2576, offered by Representative Edley; House Resolution 2577, offered by Speaker Madigan; House Resolution 2578, offered by Speaker Madigan; House Resolution 2579, offered by Representative Andrea Moore; House Resolution 2580, offered by Representative Andrea Moore; House Resolution 2581, offered by Representative Novak; House Resolution 2582, offered by Representative Daniels;

Clerk McLennand: "House Resolution 2583, offered by Representative Granberg; House Resolution 2584, offered by Representative Edley; and House Joint Resolution 151, offered by Representative Stephens."

Speaker McPike: "Representative Granberg moves for the adoption of Agreed Resolutions. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The agreed Resolutions are adopted. Death Resolutions."

Clerk McLennand: "House Resolution 2510, offered by Representative Turner, with respect to the memory of Nelson Rice. House Resolution 2541, offered by Representative Daniels, with respect to the memory of Hilbert Roeske House Resolution 2564, offered by Representative Tim Johnson, with respect to the memory of John Bradford. House Resolution 2565, offered by Representative Tim Johnson, with respect to the memory of Grace Isham Auler."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Representative Granberg moves for the adoption of Death Resolutions. All those in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Death Resolutions are adopted. General Resolutions."

Clerk McLennand: "House Resolution 2543, offered by Representative Morrow."

Speaker McPike: "Committee on Assignment. Adjournment Resolution."

Clerk McLennand: "HOUSE JOINT RESOLUTION NO. 152 offered by Representative Granberg RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Friday, May 6, 1994, it stands adjourned until Tuesday, May 10, 1994 at the hour of 12:00 o'clock noon; and when the Senate adjourns on Friday, May 5, 1994, it stands adjourned until Monday, May 9, 1994 at 3:00 o'clock p.m."

Speaker McPike: "Representative Granberg moves the adoption of Adjournment Resolution. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Death Resolutions."

Clerk Rossi: "House Joint Resolution 150, offered by Representative McPike, with respect to the memory of Sam Vadalabene, Senator Vadalabene."

Speaker McPike: "Representative Granberg moves for the adoption of the Death Resolution. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Death Resolution is adopted...Administration Second Reading. ...Administration Third Reading appears House Bill 3274. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3274, a Bill for and Act amending the Corporate Fiduciary Act. Third Reading of this House

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Bill."

Speaker McPike: "Mr. Lang."

Lang: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill as amended embodies an agreement between various insurance companies for a proposal that would allow that investments by corporate fiduciaries do not have to be collateralized if there is an appropriate surety bond. There was a dispute as to what kind of surety bond that should be. That surety bond has been agreed to and so everyone is on board. And I would move the passage of the Bill."

Speaker McPike: "The question is, 'shall this pass?' And on that Motion, Representative Biggert."

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

Speaker McPike: "Yes, he will."

Biggert: "Representative Lang, the Amendment that was filed on the floor, is there an Amendment on this?"

Lang: "Two Amendments on it, Representative. One and two, Amendment two was adopted on the floor."

Biggert: "All right. And this is in addition to what the original Bill?"

Lang: "Well, it clarifies what companies can properly issue the surety bonds, and it clarifies that the Commissioner of Banks and Trust must approve the companies."

Biggert: "All right."

Lang: "And I will also add that the Commissioner of Banks and Trusts was in on the negotiating sessions and they gave complete approval here."

Biggert: "Okay, and this is something you have been working on for a long time, is that correct? Was this introduced last year also?"

Lang: "I believe it might have introduced last year. I was not

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

the Sponsor last year, but we had quite a few meetings to resolve these issues and I know of no opposition today."

Biggert: "Thank you."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in those in favor vote 'aye'; opposed, vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 110 'ayes', no 'nays'. House Bill 3274, having received the Constitutional Majority, is hereby declared passed. House Bill 4088, has been read a second time previously. Mr. Clerk is there any Amendments?"

Clerk Rossi: "House Bill 4088, no Committee Amendments. Floor Amendment #1, offered by, Representative Pedersen."

Speaker McPike: "Representative Granberg, for what reason do you rise? The Gentleman withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "The Lady withdraws the Amendment. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk read the Bill."

Clerk Rossi: "House Bill 4088 a Bill for an Act in relation to taxation of machinery and equipment. Third Reading of this House Bill. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This measure is meant to clarify that the manufacturer tax credit that was approved last year applies not just to the purchase of new machinery for production purposes but also for the lease of that machinery. The Department of Revenue...is the language and the concept are okay with the Department of Revenue and I know of no opposition, and I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

appreciate your support, for Representative Levin's Bill."

Speaker McPike: "On a 'do pass' Motion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentleman of the House. To the Bill, I just rise to support Representative Currie's Motion for passage and on behalf of the manufacturing community of the State of Illinois, we thank her for her diligent efforts on this Bill."

Speaker McPike: "Representative Murphy."

Murphy, M: "Yes, to the Bill, for those in the chamber. We urge support in the spirit of the Revenue Committee's hard diligent working together to remove all remove all Amendments. This was passed in Committee 12-0. It is a great Bill, it will help with jobs for Illinois. And I appreciate how diligent the Revenue Committee worked and in the spirit of compromise you will see this is truly a bipartisan agreed Bill. I urge 118 'aye' votes. Thank you."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 110 'ayes' and 1 'no'. Representative Tim Johnson did your son vote you? Yes, Representative Tim Johnson would like to change his vote from 'no' to 'aye'. On this Motion there is 112 'ayes', and no 'nays'. House Bill 4088, having received the Constitutional Majority, is hereby declared passed. House Bill 3070, has been read a second time previously. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Clerk Rossi: "House Bill 3070, a Bill for an Act amending the Medical Practice Act of 1987. Third Reading of this House Bill."

Speaker McPike: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker and Members of the House. House Bill 3070 amends Clinical Social Work Practice Act. It requires social worker for the Department of Mental Health and Development Disabilities to pass licensor examination in order to practice social work. This passed the House last year, and was caught in the problems we had in the end of session. I ask for a positive roll call."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; oppose vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there 107 'ayes', no 'nays'. House Bill 3070, having received the Constitutional Majority, is hereby declared passed. Representative Wirsing intended to vote 'aye' on that Bill. House Bill 3152. Representative Martinez. The Bill has been read a second time previously."

Clerk Rossi: "No Committee Amendments. Floor Amendment #1 offered by, Representative Weaver."

Speaker McPike: "...withdraws the Amendments. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk, please the Bill."

Clerk Rossi: "House Bill 3152, a Bill for an Act regarding scholarships. Third Reading of this House Bill."

Speaker McPike: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3152, provides that Southern Illinois University, the Board of Regents, and the Board of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Governors, will provide scholarships to children of persons who serve in the armed forces during the time of hostilities with a foreign country. The scholarships awarded should be determined by the individual board. Awardees are entitled to receive a tuition waiver for four years. Full utilization of the county scholarships would likely occur among the larger schools, such as Southern Illinois, Northern Illinois, and Illinois State. Since 1947 U OF I has offered one scholarship per each county in Illinois for children of veterans. This Bill merely expands these scholarships to the other state schools. Sangamon State and Governors State, for example, provide only upper division courses and they and the smaller four-year universities have more of a centralized enrollment. This legislation is supported by the Illinois Department of Veterans Affairs, the American Legion, and the Veterans of Foreign Wars. I urge every Member support this measure."

Speaker McPike: "On the Gentleman's 'do pass' Motion, Representative Meyer."

Meyer: "Thank you, Mr. Chairman. I have...or Mr. Speaker...I have a question of the Sponsor. Will the Sponsor yield? Representative, if I understand this Bill correctly this would increase the number of scholarships that would be granted by currently we give one scholarship per county to University of Illinois and this would increase it by an additional nine scholarships per county. Is that correct?"

Martinez: "We are trying to bring in two other state universities. Currently only U of I is...."

Meyer: "...So in fact it would increase the scholarships by nine scholarships per county."

Martinez: "That is correct. You are right. You are absolutely

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

right.

Meyers: "And it's my understanding these will be four year scholarships or are they granted on one year at time?"

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

Meters: "Mr. Speaker, the Representative cannot hear my question. If we could have a little order in the chamber, I would appreciate it."

Speaker McPike: "All right, it's mostly it's in the balcony. There is not a lot I can do about it. Let's give the Gentleman's some attention, please."

Meyers: "Again the question centers around the number of scholarships granted and my question is, are those one year scholarships? Are they four year scholarships?"

Martinez: "Four year scholarships."

Meyers: "And what would happen if the student who received a four year scholarship dropped out of college after the second year, would that be granted to somebody else then?"

Martinez: "That, yes it would be granted to somebody else. Providing they meet the requirements."

Meyers: "And what would the approximate, what would the cost be in terms of the dollar amounts involved?"

Martinez: "The cost would be 8.7 million after four years."

Meyers: "8.7 million after four years."

Martinez: "After four years."

Meyers: "After four years."

Martinez: "Right."

Meyers: "Well, that would be approximately 8.7 million dollars a year. Because every year you would be adding another nine scholarships per county each year. Is that correct Representative?"

Martinez: "You're are absolutely correct."

Meyers: "Okay, have you identified the source of the 8.7 million

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

dollars?"

Martinez: "It would come from the budget that the school get from the State Board of Education."

Meyers: "Thank you Mr. Chairman, thank you Mr. Speaker."

Martinez: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Have all vote who wish? The Clerk, will take the record. On this Motion there are 108 'ayes', 4 'noes'. House Bill 3152, having received the the Constitutional Majority, is hereby declared passed. House Bill 3735 has been read a second time previously. Mr. Clerk, any Amendments?"

Clerk Rossi: "No Committee Amendments. Floor Amendment #1, offered by Representative Tom Johnson."

Speaker McPike: "Representative Tim Johnson. I apologize, Representative Tom Johnson, withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Withdraws the Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendments #3, offered by Representative Laurino."

Speaker McPike: "Mr. Laurino. Turn on Mr. Laurino."

Laurino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Amendment #3 to House Bill 3735, essentially adds exemptions to the Bill as it was drawn up, and its...what it has done is really it has satisfied the NRA's situation or resolved for the concern that we have with the people owning firearms."

Speaker McPike: "And on the adoption of the Amendment, Mr. Cross."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Yes."

Cross: "Representative I did not hear you but, this Amendment provide exemptions for on your place of residence if your hunting et cetra?"

Laurino: "Correct."

Cross: "Okay, thank you very much."

Speaker McPike: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk read the Bill."

Clerk Rossi: "House Bill 3735, a Bill for an Act in relation to firearms. Third Reading of this House Bill."

Speaker Rossi: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all vote who wish? Have all voted who wish? The Clerk, will take the record. On this Motion there are 106 'ayes', and 3 'noes'. House Bill 3735, having received the Constitutional Majority, is hereby declared passed. House Bill 3612 has been read second time previously. Are there any Amendments?"

Clerk Rossi: "House Bill 3612..."

Speaker McPike: "Representative Pugh. Representative Pugh. Mr. Pugh. Mr. Pugh, I...never mind."

Clerk Rossi: "No Committee Amendments. No Floor Amendments."

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

Clerk Rossi: "House Bill 3612, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

Speaker McPike: "Representative Mautino."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Bill 3612 amends the Code of Civil Procedure. It provides if two or more persons own property that is exempt as a homestead the value of each persons exemption may not exceed his or her proportionate share of \$15,000, based on percentage of ownership. This Bill has been an agreed its..."

Speaker McPike: "The question is, 'Shall this Bill pass?' On that Motion, does anyone stand...on that Motion Representative....on a 'do pass' Motion, Representative Brady."

Brady: "Thank you, Mr. Speaker. Representative, I think I understand the purpose of this Bill. Can you give me an example of why you are doing this. A situation in which you are trying to correct?"

Mautino: "Certainly, there was a court case involving the Bank of Moline vs. Mar. Where this statute was upheld but it is unclear and Judge Hypole said that if we don't set this in...an example would be a husband and wife with eight children would be available to claim up to \$75,000 and in determining that, he said it is not the function of the courts to rewrite the statutes if the statute which the legislature may want to reconsider. The implications of the...that the legislature fully consider the implications of the change in the law is doubtful. So what we are doing is we are correcting and clarifying the statute."

Brady: "Is this the Bankruptcy Code?"

Mautino: "The Code of Civil Procedure."

Brady: "But are we talking about in the case of homestead exemption, from mortgages?"

Mautino: "Yes."

Brady: "Okay, and but I am concerned. How now can they rule if they have eight children, \$75,000, because it's per

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

responsible adult and those children are less than 17 years of age. That's my question."

Mautino: "In answer to that. What they wanted...what it's...that was an example used by Judge Hypole? What they are saying is...if more than...let's say ten people for example have interest in this property, under the law and how the creditors operate they are allowed up to \$15,000 or any part of it."

Brady: "But that's only per person that is in default. And they have to occupy it. So we would have to have...those ten people would be on the title as I understand the present law, and they have to be on the title they'd have to be in default of the mortgage, and that's the only way it could apply. I just understand the situation, for instance your example of children. Where they would be on..."

Mautino: "Judge Hypoles for example, he used that in citing that when we put this into law, the specific intent was that there should be for a homestead of one, \$7,500 that would be claimable as their exemption and for a husband and wife or any members listed in that household a maximum of \$15,000."

Brady: "So what you are trying to do is maximize the statutory equity in default of loan at \$15,000 and it can either be \$7,500.00 or \$15,000.00 is that what your doing with this law?"

Mautino" "Yes we are setting it at \$15,000 as was the intent or for a single individual \$7,500 and this is was the intents and has been upheld by the courts, but the wording of the statute has created confusion and that's why this technical change has been necessitated."

Brady: "So just so I understand this either \$7,500 or \$15,000. Those are the only two options if we pass this law?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Mautino: "Yes."

Brady: "Thank you, very much."

Speaker McPike: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative Mautino, the statute currently says \$7,500 per person, I believe is correct."

Mautino: "Yes, it is."

Cross: "And the purpose of this is to clean up the some concerns that Judge Hypole had I believe, is that correct?"

Mautino: "Correct."

Cross: "And the maximum heat we are doing under this legislation is \$15,000 per household so we don't even have any concerns about the children."

Mautino: "That's correct."

Cross: "So we are just trying to judge Hypoles descent?"

Mautino: "That's correct."

Cross: "Thank you, it sounds like a very good idea."

Speaker McPike: "Well, Mr. Cross has cleared up any possible confusion. Yes he has, he has cleared up any possible confusion. Representative Murphy do you still have a question on this?"

Murphy: "Yes."

Speaker McPike: "Okay, proceed."

Murphy: "Thank you, Mr. Speaker. With regard to the Sponsor appearing before the Revenue Committee this was moved on a 'do pass' to the Consent Calendar and just for added clarification one more time for the Sponsor if there are three owners to the property and because of how are judicial system tries to interpret the statutes that were previously passed here. Once again if three people or five people are titled owners to the property it's the maximum of \$15,000. And two divergent groups, it's come to my

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

attention the Taxpayer's Federation and the Community Bankers Association signed on as witness and proponents of this legislation?"

Mautino: "That is true."

Murphy: "And to the best of my knowledge there was, we did not have opposition from the community groups."

Mautino: "There was no opposition to this legislation, and as you stated would just set the \$15,000 to whatever the proportionate share is."

Murphy: "All rightly, thank you."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed, 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion there are 108 'ayes', no 'nays'. House Bill 3612, having received the Constitutional Majority, is hereby declared passed. Representative Gash. Ms. Gash."

Gash: "Mr. Speaker, I would like the record to reflect that on House Bill 3735 I intended to vote 'yes'. And on House Bill 4074 due to a mechanical error I was inadvertently recorded as absent, and I would like to be recorded having voted 'yes'."

Speaker McPike: "All right the record will so reflect your remarks. Representative Giles."

Giles: "The House to reflect, that I intended to vote 'aye' on 3612, on House Bill 3612."

Speaker McPike: "And the record will reflect that also. Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. As long as were doing house keeping I pulled the record and the other day I realized I had not been voted as 'yes' on House Bill 2729."

Speaker McPike: "And the record should reflect the Lady's remarks as well. House Bill 4086, has been read a second time

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

previously. Are there any Amendments?"

Clerk Rossi: "No Committee Amendments. No Floor Amendments."

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

Clerk Rossi: "House Bill 4086, a Bill for an Act concerning
medical care. Third Reading of this House Bill."

Speaker McPike: "Representative McAfee."

McAfee: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4086 creates the Medical Care Savings Account. It also amends the Illinois Income Tax Code. House Bill 4086, would allow employers to contribute money into medical saving accounts for their employees, without Illinois Income Taxes being imposed. These funds can then be used by employees to pay for medical bills or to continue coverage under COBA during times of unemployment. It would also enable the employers to utilize hard deductible policies that lower costs to the employer. The health premiums could then be used by the employee, they could be used to fund a medical savings accounts, which will become their property. They also could be rolled over and it could be available for them upon retirement. I must point out to you that there are a number of Bills similar to this. We had hearings last year which I chaired in the House Insurance Committee as a subcommittee on Alternative Policy. We attempted to combined these topics. I would also point out to you last year we adopted a joint resolution, urging Congress to adopt the same legislation we are proposing here today. I would ask for your favorable support and I will answer any questions if I can."

Speaker McPike: "...On a 'do pass' Motion. Representative Parke."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

House. I rise in support of this piece of this legislation. I think its a good idea. Any time that we can give people an incentive to not use there health insurance unless they really have to. Not to have the ability to have preventive care taken care of and they would have money to take care of those needs if they chose to use it and that if, in fact, later on they don't have it they could use it for a supplemental retirement. I think it is in the right idea. I would encourage congress to do this. But I will just remind the Body that this is House Bill 4086, and House Bill 1, Jerry Weller's Bill, was the innovative person that started this initiative in Illinois and I think he should have gotten credit for this in the first place."

Speaker McPike: "Representative Hughes."

Hughes: "Yes, thank you, Mr. Speaker. This is an excellent Bill. I know because House Bill 2895, is identical to it, which I filed and never out of Rules Committee. There is also House Bill 3700, which was filed by Representative Cowlshaw, a very similar Bill. So there is definitely bipartisan and broad interest in this issue. It's one of those rare occasions where we have a Bill with a broad base of support out in the community from the various interest groups. It is a good Republican Bill and it is a good Democrat Bill, because it benefits both employers and employees by providing opportunities for better health care at lower cost. I urge your support. Thank you."

Speaker McPike: "Representative Mulligan."

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

Speaker McPike: "Yes."

Mulligan: "Representative McAfee, when the money is take out of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

the account, are these pre-tax dollars?"

McAfee: "Could you please repeat that?"

Mulligan: "When the money is taken out of your salary to be put in the savings account aren't these pre-tax dollars?"

McAfee: "Yes, it's limited up to \$6,000 joint exemption per year. It could be done either through the employer or employee contributing to it. And as we understand it, it is deductible from state taxable income, to the extent that it was included in federal adjusted gross income, that would be otherwise taxable by the state. But it would be pre-tax and not taxable to the individual."

Mulligan: "If you do not use the account and subsequently take the money and use it for something else, then it would be taxed?"

McAfee: "Yes, it would be. It also could be rolled over into subsequent years provided you stay in the...account administrator continues to use your dollars. The money could still stay in your medical care saving account. But should you decide to withdraw it for other purposes much like the IRA itself, there would be a penalty also assessed."

Mulligan: "What happens when you reach retirement?"

McAfee: "The moneys are available to you."

Mulligan: "Would they then be taxed?"

McAfee: "Yes."

Mulligan: "If you rolled it over into something upon retirement that would benefit you as a medical savings is there any way that it would not be taxed?"

McAfee: "I'm not aware of that issue, Rosemary, as being in the Bill. It would seem to me that if it rolled over another IRA would not be a problem, or a medical IRA would not be a problem. But upon retirement, treat it like any other

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

IRA."

Mulligan: "I like the concept but if the last portion of that is not addressed maybe we should look at that in the future. Thank you."

Speaker McPike: "Representative Hanrahan."

Hanrahan: "Thank you, Mr. Speaker. Will the Sponsor yield? Mr. Speaker. Is the Sponsor...will you yield?"

Speaker McPike: "Yes."

Hanrahan: "All right, as you know this is a Bill that my predecessor enthusiastically supported. I applaud it having voted for it in Committee. Just a couple of quick questions Representative. Any idea of the success of these types of programs in other states? Has it been implemented in other states, to the best of your knowledge?"

McAfee: "The state of Michigan has got the same number of Bills that we have presently in our chamber. I'm no aware that they have already adopted it. The Rand Corporation and other groups have taken time to study they did not indicate the jurisdictions in which they were adopted. I can tell you though that they thought felt the health care cost would be reduced and people would continue to benefit, but I can't speak to any particular jurisdictions."

Hanrahan: "I applaud your leadership on this issue. On the federal level do you think this is something that might take hold?"

McAfee: "I don't have a real good crystal ball with me this morning, but I will say this I would suggest, I'm not sure that is the total answer to all the health care issues and questions that we have, but I think it's a permissive good stuff and we can take it here on in Illinois and have the federal government and the congress take a look at it

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

there."

Hanrahan: "I think it's a good first step."

Speaker McPike: "Representative Skinner."

Skinner: "Well thank you, Mr. Speaker. I have had part of one of my questions answered and that is that all of the Republican Bills that are similar to this Bill have a lower number so I would observe that this is another abuse of power on the part of the leadership on the Democratic side of the aisle. But I do have a question, which is a serious question. And that is has the Department of Central Management Services agreed to...agreed to make this work in conjunction with the Medical Salary Reduction Account, which is now offered to state employees? I wonder if the Gentleman would answer that question?"

McAfee: "Cal, I am unaware on how to answer that question. CMS has made no contact in the past two years, since I have held hearings on it last year on this topic, nor this year when we filed our companion Bills, so I can't answer what CMS is going to be doing."

Skinner: "Well if CMS is listening to this it might be good idea for them to take some note of it because it seems to fold into the federal program not a 100% but pretty closely. Thank you."

Speaker McPike: "Mr. Brady."

Brady: "Thank you, Mr. Speaker. Representative, could you define for me what medical expenses would be covered? And my question is trying to go between plastic surgery, cosmetic surgery versus. TMJ, orthodontics, dental?"

McAfee: "Bill, I can only tell you this, it's really the individual's concern, how they want to spend their medical costs. They have up to \$3,000 to spend, and then there is the catastrophic medical care policies that come into

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

place. It is really up to the employer to decide and the employee on how they want to spend their money."

Brady: "But let's say I am a self employed individual, and I set up an account and my wife wants to have her eyes permanently highlighted by a tattooist, plastic surgeon or whatever. I just trying to say...what types of procedures are we going to give this tax break and for what types of procedures are we not going to give the tax break?"

McAfee: "Well, as I said it is really up to the employer and the employee for basic medical care, and that's really their choice. The whole idea is..."

Brady: "What is basic medical care?"

McAfee: "Well, if you want to spend \$3,000 for maybe TMJ, which we don't want to get into that debate, but the point of the matter is, it basic medical care dollars you would normally spend, under your insurance policy present existence, you now take control of these moneys and spend it. When it reaches \$3,000 the employer if that is existing would have catastrophic medical health care coverage. I don't know what the definitions are on that policy, but up to \$3,000 you would control it."

Brady: "Okay, maybe I can ask this question. Would it only apply to the deductible portion of an insurance policy?"

McAfee: "That is correct."

Brady: "So, if my wife goes out and wants to have permanent eye lightners, and it cost \$2,000, she would not be able to deduct that from our state income tax and save 3% or..."

McAfee: "Well, the dollars already go into the account. The account administrator has to review whatever Bills or whatever submission of documentation you would give. That's really your choice, if you want to spend that on a basic medical care cost and you define that to be whatever

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

the coverage, whatever the operation you are seeking the account administrator would look at that."

Brady: "Let's go to another issue. Would long term health care be covered under this, particularly if they build up their account and they retire and they have a huge a build up in this account, now could they use that to purchase nursing home care?"

McAfee: "Bill, my answer is basically the same. I think it's a lot of what is by definition set up with the account administrator. How the employer and the employees seek to define what is covered and what is not."

Brady: "We are really giving them carte blanche."

McAfee: "Not carte blanche, I think it is permissive, but I think it is within the defines of the Act."

Brady: "Who would have to approve it?"

McAfee: "The account administrator, set by the employer."

Brady: "Okay, to the Bill. Ladies and Gentlemen I have some questions about how we are going to define medical care and I think we need to look at that. The Bill is a very good Bill and I applaud the Sponsor as well as the other Sponsors who provided this concept to us. It really serves two purposes, one is it makes health care more affordable to individuals and two it helps reduce the cost of health care. The way it does that is by placing these moneys into a special accounts the individuals recipient of the health care has to make a decision as to whether or not they to spend their own money to have certain procedures or whether or not...versus now where they only have to pay 20%. And I think that this will help drive consumer oriented health care where the consumer makes the decision, reducing over all cost of health care, and the added benefit of having a tax deduction for that will help incentize them to that.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Without the tax deduction the problem is that the money that goes into these accounts from the lower...from the higher deductible will be taxed and be reduced, so it does not benefit them, but as the Sponsor as the previous Sponsor have indicated what we really need is the federal government to give us full authority with their tax breaks as the overburdensome tax level that we have is what we really need. Thank you."

Speaker McPike: "Representative Weller."

Weller: "Thank you, Mr. Speaker, would the Sponsor yield?"

Speaker McPike: "Yes."

Weller: "You know Representative, there are some that consider this a pretty radical idea. The idea of empowering the individual to make choices and to manage your own health care. I think that there is the need to probably to ask a couple of questions. For just the basics on establishing a medical saving account, Representative, how much can an individual can set aside to be tax-free, then also set aside tax-free for there dependents?"

McAfee: "The individual can set aside up to \$3,000 in a joint spousal type of setting much like a current IRA it could be up to \$6,000. We also have a provised one would have that adjusted annually based on the CPI, Consumer Price Index."

Weller: "Then is there a...if the individual withdraws any of this for a non-medical use, and I know there was a kind of question related to this, what is the penalty if they were to use it for something other than health care related expenses?"

McAfee: "It is taxable much like your current IRA statutes would provide and there is also a 10% penalty. I think I mentioned that earlier, but I think it bears repeating that it is designed for your medical savings and your medical

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

expenses."

Weller: "Then as a...is an individual allowed at the end of the year if he or she does not use this money can they keep it?"

McAfee: "It can be rolled over, it's kind of dependant on the account administator, handling of it, but it is eligible for roll over."

Weller: "Well then in the following year would they set aside another \$3,000. income in addition."

McAfee: "That is correct."

Weller: "So you have an account that grows just like an IRA."

McAfee: "It has that intended purpose for there to have it used for your medical care as you need it and it can grow."

Weller: "Now at the...towards the end of someones life time, say they have maintained a healthy lifestyle, they just continued to roll these dollars over and over again and say they are are in their 80s or 90's and they're healthy and they don't have any long term care needs is there an age they can convert this to other uses without penalty?"

McAfee: "Well, it is my understanding that it can be utilized but again, like an IRA it can be rolled over into an IRA at whatever the age of retirement would be."

Weller: "And that roll over into a regular IRA, at what age would occur, Representative."

McAfee: "Sir, it is not specified?"

Weller: "It's not specified."

McAfee: "So we are not sure on that."

Weller: "What happens if the individual who is maintaining the medical savings account if he or she were to die? How would those funds, would they automatically go to the dependents listed on the account, or how would they be distributed?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

McAfee: "Upon the death of the account holder, much like any IRA it would be provided to the account administrator would distribute the principle and interest to account holder's estate. I'm sure the account administrator and the employee could determine the designated beneficiary, but aside from that we have provided for the account holders estate."

Weller: "My last question, Representative, is that according to the synopsis here as I read the Bill the Medical Care Savings Account Act expires on January 1 on the year 2000. Does that mean at that time after...in the beginning of next century if these accounts can no longer be tax free?"

McAfee: "I think, Representative, the intent there is for the repealer portion of the Bill to have the Body, the General Assembly to take a look at this program, once again my crystal ball is not all that good. I would like to make sure that we have enough information to us and there is a provision also for information to be provided to the General Assembly. I would hope that it would be continued. I believe it would be successful."

Weller: "Yes, well I am just trying to understand if someone builds up an account over the next six years and it is tax-free and they're setting this money aside; they have maintained a healthy lifestyle; they've started to build a pretty nice nest egg in the medical savings account. If when this Act expires does that tax-free status on those dollars that they have set aside do they loose that or will continue, you just won't be able to put in any additional money?"

McAfee: "They would be...they would not loose that money... It would be my understanding it would be able to be rolled over to another IRA, but it is my hope and I believe it

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

will be successful that it would be the sunset provision or the repealer provision should be disregarded and we would enact further continuation of the program."

Weller: "Thank you, Representative. Ladies and Gentleman of the House, I rise in support of this legislation. This is affordable health care reform. Many would say this is not the total answer and you're absolutely right, but for many particularly for small business and for the self-employed. This is a real answer to give individuals the opportunity to take care for their health care needs without penalizing them with additional bureaucracy and higher taxes. Instead these individuals will be able to set aside money tax free, and if they use those dollars they're used but if there not, they are rewarded. They reward themselves because they are able to keep the dollars at the end of the year tax-free if they maintain a healthy lifestyle and they also make good choices. And that's a another key point about why this Bill is so important, we maintained individual choices for the individual that participates in these medical savings accounts. Take for an example, if they see two different physicians. They need medical care. One's physician will charge a \$1,000 for that particular type of care, another one will charge \$500. That individual is happy and confident of the quality of care between the two physicians. He or she is rewarded for choosing the lesser expensive physician. That will help control health care cost. So there are many reasons to support this good legislation which has earned bipartisan support, but one of the most important one is it empowers the individual; they continue to make choices; they are rewarded for a healthy life style, and we help make health care more affordable without additional government bureaucracy and without

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

higher taxes on taxpayers. I urge an 'aye' vote."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye; oppose, vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion there are 103 'ayes' and no 'nays'. House Bill 4086 is...all right just a minute, just a minute. The parliamentarian keeps turning off my speak button here. Representative Krause would like to vote."

Krause: "Mr. Speaker, if you could record me as a 'yes'."

Speaker McPike: "All right. Representative Olson would like to vote 'aye'. Representative Edley would like to vote 'no'. Representative Currie would like to vote 'no'. Representative Balanoff would like to vote 'no'. Representative Schakowsky would like to vote 'no'. Representative Raschke-Lind would like to vote 'yes', 'aye'. Mr. Black would like to vote to..."

Black: "I have an inquiry of the Chair, Mr. Speaker? During this debate the lights went off twice. That is usually the signal that you want us to go to conference. Is that what you desire us do to at this point? We would be glad to have a conference if that would be the desire."

Speaker McPike: "No, no sir, no sir."

Black: "Are the lights fixed now? Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record? The record has been taken. I apologize, on this Motion there are 104 'ayes', and 4 'noes'. Giglio 'aye'. On this Motion there are 105 'ayes', 4 'noes'. House Bill 4086, having received the Constitutional Majority, is hereby declared passed. House Bill 2812. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2812, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of this House

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Bill."

Speaker McPike: "Representative McGuire, Mr. McGuire."

McGuire: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm presenting House Bill 2812 this morning. It applies only to the Joliet Park District. We have discussed this Bill once before on Second Reading. And I would like to thank the Representative's Hassert, Cross and Wennlund for their help in this Bill, and I would ask for your favorable response."

Speaker McPike: "On the 'do pass' Motion, there being no discussion. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Representative Skinner."

Skinner: "Well you know, it would be real helpful to know it what Bill's around here and the Sponsor might give us the courtesy of letting us know that before the vote."

Speaker McPike: "He did. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion here, there are 104 'ayes', no 'nays'. House Bill 20...Mr. Moffitt votes 'aye'. On this Motion there are 105 'ayes' and no 'nays'. House Bill 2812, having received the Constitutional Majority, is hereby declared passed. House Bill 2489, has been read a second time previously. Are there any Amendments?"

Clerk Rossi: "Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments."

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

Clerk Rossi: "House Bill 2489, a Bill for an Act Amending the Uniformed Partnership Act. Third Reading of this House Bill."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Yes."

Ryder: "This creates the Registered Limited Liability Partnership Act. I would be happy to answer any questions."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 109 'ayes', and no 'nays'. House Bill 2489, Turner 'aye', Turner 'aye'. On this Motion 110 'ayes' no 'nays'. House Bill 2489, having received the Constitutional Majority, is hereby declared passed. House Bill 2616 is... Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2616, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker McPike: "Representative Moore."

Moore, E.: "Speaker and Ladies and Gentlemen of the House. House Bill 2616, incorporates the Amendment to the Vehicle Code to make technical changes and provisions to current law relating to the distribution of promised trauma center funds created by the General Assembly to enhance fines for motor vehicle moving traffic violations."

Speaker McPike: "On a 'do pass' Motion, Representative Terry Parke."

Parke: "Mr. Speaker, I know this is inappropriate but I would like to take a moment for the House to recognize Girl Scout Troop 718 from Marion George School in Palatine. They are up in the Gallery, can we wave hello? Thank you for the courtesy, Mr. Speaker."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion there 108 'ayes', and no 'nays'. House Bill 2616, having received the Constitutional

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Majority, is hereby declared passed. House Bill 3952, has been read a second time previously. Any Amendments?"

Clerk Rossi: "Floor Amendments 1 and 2 were withdrawn. Floor Amendment #3, offered by Representative Ryder."

Speaker McPike: "Mr. Ryder, Mr. Ryder's Amendment. Mr. Black, do you know about this?"

Black: "Yes, thank you very much, Mr. Speaker. Floor Amendment #3 creates the Lifetime Security Act, amends the GEO Bond Act and increases the state general obligation bond ceiling by 1.7 billion dollars. This new debt will be sold in such away as to be attractive to persons saving for their senior years. It creates a lifetime security trust authority to oversee the implementation of this Act. I would ask for your favorable consideration on Floor Amendment #3."

Speaker McPike: "Representative Granberg for what reason do you rise?"

Granberg: "A point of order, Mr. Speaker. Could you have the Parliamentary check to see if this Amendment is germane, please."

Speaker McPike: "Yes. ...has Amendment #2 been adopted?"

Clerk Rossi: "Amendments #1 and 2 were withdrawn."

Speaker McPike: "(Amendments) 1 and 2 are withdrawn. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would like to explain the Amendment if I may?"

Speaker McPike: "All right."

Ryder: "This creates the Lifetime Security Act.."

Speaker McPike: "Just a...there is question of germaneness. Could you hold it just a second?"

Ryder: "Do I have to?"

Speaker McPike: "Well I wish you would. Just let us check this."

Ryder: "Its a bonding Bill on a bonding Bill. It is not that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

tough to look at. I consulted with Mr. Pollack about his rulings last evening. I think you might get this one straight."

Speaker McPike: "Would you explain the Amendment while we are looking at the..."

Ryder: "Oh, Representative Black did a great job. I would happy to answer any questions, however."

Speaker McPike: "Mr. Ryder, the Amendments is germane. Would you wish to proceed?"

Ryder: "Yes, Mr. Speaker, I would wish to proceed. In much the same way that we have funds to zero coupon bonds that are purchased for students, to allow them to invest early for their education, this Bill creates the Lifetime Security Act which allows in a regular course of events of the Legislature...of the State of Illinois, issuing bonds for their indebtedness, to provide for a new form of debt which could be purchased by those folks looking forward to retirement that could then be used for long term care. One of the critical need that we have in this state is if folks are facing their later years with a great fear that they will not be able to adequately pay for long-term care should that be available. Insurance is clearly available, this however provides an alternate form, a Lifetime Security Act, which would then allow the purchasers of the bonds to in a very real way allay that fear, provide for the later years and to avoid the concerns that they have about the cost of long-term care, care that's in nursing homes. It does not, I repeat it does not, cause the state to increase the amount of indebtedness, but rather to create a form of indebtedness that makes it attractive for individuals to purchase the bonds. I would be happy to answer any questions on this Amendment."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Representative Currie."

Currie: "This would be an increase in overall general obligation bonds for the state? No, you are shaking you head. This would take bonds that now use for some purposes and redirect those bonds to another purpose?"

Ryder: "If that was in the form of a question, I do yield to answer the question. And the purpose of the Amendment is not to increase the overall indebtedness of the state. But rather in the form of refinancing the state's indebtedness which we do, on a regular and annual basis in some cases. To create the kinds of bonds that make it attractive to use for the purposes that I described. In much the same way the bonds that are sold for financing college education are. That did not necessarily increase the indebtedness of the state but rather when the state refinances those bonds make them in a form which I believe would be a zero coupon form for a long period of time. So it is a different form of indebtedness, it does not increase the indebtedness. It authorizes a certain amount to be issued, but the intent of the Bill is not meant to...excuse me, the intent of the Amendment is not meant to increase the indebtedness."

Currie: "So, instead of just returning money to general revenue you would redirect these dollars to this new purpose. And you provide in this Amendment that the new bonds would be tax exempt. What is the reason for that?"

Ryder: "Because they are State of Illinois bonds which are tax exempt."

Currie: "All right enough of that anyway it doesn't matter. But the College Bond Program I believe is not tax exempt, Representative. So I think there is not quite the analogy here that you are drawing."

Ryder: "No, Representative..."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Currie: "Could you tell me how this would actually work, I mean, so I am a senior citizen and how do I get access to the proceeds of this bond program in order to buy my long-term care insurance or whatever it might be."

Ryder: "Representative if you are a senior citizen you are probably in the wrong market to purchase these bonds. In the same vein that children going to college are in the wrong market to buy it. It's the parents of children who will go to college. I purchased the it when our children, when my children were probably five or six years old. That's how I purchased it. So if you have...you're a sandwich generation, you're taking care of you're children and your also have parents who have this problem, so you want to avoid that for your children, probably in the 40's or 50's that you would look to purchase these bonds with a time in which they would come to maturity probably in your senior citizen years. So someone as young as you would be buying for the long-term at a cheaper rate. And in that since we are simply asking like the student assistance bonds, to be issued in a form that makes it attractive for that kind of investment, which is likely to be a zero coupon bond."

Currie: "And right now of course on the private market I can go out and buy long term care insurance."

Ryder: "Absolutely and I mentioned that as an alternative."

Currie: "And I don't understand why we need a special state program when people have in this free consumer, free market enterprise system, as consumer's we all have exactly that option. I'm not sure why the state wants to get involved..."

Ryder: "Let me answer let me answer that question by suggesting to you, that unfortunately we are finding that those senior

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

citizens are not purchasing that insurance. And those who are looking, the sandwich generation if you will, are suggesting that buying insurance is not a wise investment for them. This provides an alternate form of investment, that would allow you to invest in the bond in the event that you that you needed them for long term care they would be available simply by cashing in the bond, if not then they become part of an investment portfolio which is available in any means. So it provides an alternative."

Currie: "Yes, but you know you could do this....I guess I'm a little uncertain about this is that people can, of course, make that decision right now. That is you can go buy some bonds that will mature in 30 years and plan to use that money for long term care or any other need that you might have. I am wondering what kind of marketing ploy this program might be about."

Ryder: "Representative, I wish I could answer that question. It is not my intent to suggest a marketing ploy, except to cite a very successful issuance of the student assistance bonds which have been over subscribed each and every time they have been issued, because they have met a very real need I hope that this meets that need. I hope that this meets that need. I hope that these are over subscribed by folks are as young as you and I who want to make an investment for our future investing in the state of Illinois. One of the wonderful things about the student assistance bonds was that primarily they were purchased by the residents of the State of Illinois who then invested in the state, invested in the state debt, and as a result I think we have a much better kind of debt issuance. In the event the debt does not get financed in that fashion, then obviously we have take look at the ability of the state to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

do this. It is not meant to be a marketing ploy, but rather to offer folks a very real opportunity, a very real opportunity to invest so that the state does not have to pay those long term care, so that the state does not have to pay for those who become impoverished, so that couples who are concerned about their well-being don't have to make one spouse poor in order to take care of the other in a nursing home."

Currie: "Thanks."

Ryder: "And in the event there are no other questions, I'm sorry there is. The Chair recognizes Representative Schoenberg for the purposes of a question."

Speaker McPike: "Representative Schoenberg."

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

Ryder: "Yes, the Chair indicates the Sponsor will yield."

Schoenberg: "Will the Sponsor yield the Amendment. This looks vaguely familiar, it's such a good idea I wish I would have thought of it myself. Is it possible I did?"

Ryder: "Well, it is entirely possible...."

Schoenberg: "House Bill 1, Amendment 1 in committee."

Ryder: "But given the number of Democrat Bills that have stolen Republican ideas, you would have to understand if I were somewhat confused. This actually is an original idea that was come forth from a House Republican working group. If it looks similar to something that you had, I compliment you on your good judgment."

Schoenberg: "Well, thank you very much, I am a..."

Ryder: "I look forward to voting in favor of it."

Schoenberg: "I am disappointed that my name is not up there on the board up there with you, Sir."

Ryder: "Representative, the Chair will recognize you and ask that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

the Amendment bear your name from this point forward."

Schoenberg: "I'm flattered, thank you, I will take you up on that. I just wanted, since this is so similar I wanted just to make certain of something. The analogy that you have been using for...has been the the college bond program."

Ryder: "That is correct."

Schoenberg: "And for these bonds which we will for future reference refer to as Harry and Louise Bonds, as I have coined them, the college bond program, the college bond program at the end of the expiration of the bond for the college saving bond, there is a grant attached to it. Perhaps you answered this earlier, is there a grant attached to this?"

Ryder: "Representative there is not. We are not committing any additional state funds to this. I hope, Representative, that we are in a position as a state when these bonds come due to enable us to assist because of assisting those folks, Harry and Louise did you say?"

Schoenberg: "Yes, in honor of those great commercials on television. You know the young yuppie couple wringing their hands about not having not being able to afford the president's health care plan."

Ryder: "You see, I'm not a yuppie so I don't understand things, but maybe in the big city it works out for you, I don't know."

Schoenberg: "These adds have been running nationally, Sir."

Ryder: "I hope that the state is indeed in the position to assist those who wisely plan for their future. Any further questions?"

Schoenberg: "Yes, I also wanted to ask you. In terms of the things which are covered, would this also...under Committee

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Amendment 1 for House Bill 1, that Representative Weller and myself Sponsored..."

Ryder: "A fine piece of legislation."

Schoenberg: "It featured caring for things that were not necessarily covered by insurance such as respite care, hospice care, are all these..."

Ryder: "Representative, all of the things that you mentioned are indeed available under this Bill. And in fact it's one of the little known secrets of the college bonds that you described, that there is no real requirement that they be used for college."

Schoenberg: "I am aware of that, it's the...estimation of the I've met with Mark Galleger who authored the college bond program and he indicated to me that between 15% and 20% of the people who invest in the college bond program do so not necessarily with the intent of using it to pay for any college education but rather because it is a sound investment vehicle."

Ryder: "Representative, I would hope that folks would consider this to be a sound investment."

Schoenberg: "I would, and I am going to take you up on your offer to carry the lead on this, and thank you very much for answering these questions."

Ryder: "The Chair recognizes you for that purpose, anything further? Hearing none I wish to close by requesting a..."

Speaker McPike: "Well, Mr. Weller and Representative Krause wish to talk you could cut this short. Representative Granberg."

Granberg: "Thank you, Representative Ryder, would the state put its full faith and credit behinds the bonds?"

Ryder: "These are GEO bonds, yes."

Granberg: "If they do that would this have any impact on our bond

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

rating?"

Ryder: "Our bond rating is not as to the ultimate purpose the bond will be used for but rather for the ability of the state to repay. That's based on a financial stability of the state, the observation of the bond market, and the bond rating Standards and Poores and Moodies as to the fiscal soundness as to the state itself. The ultimate purpose of the bond would not be reflected in that, Sir."

Granberg: "So would this be a factor with the bond market. Would they consider the full faith and credit the financial stability of this state by..."

Ryder: "The bond market always takes into consideration the ability of the state to pay, the full faith in credit of the state. Again, Representative, I would simply emphasize that it is not the intention of this legislation to create additional debt for the state but rather to indicate in the normal way that the state issues debt, on a regular basis. That the new form be in such a manor to be attractive for this kind of investment, in much the same way as the student, I'm saying student, the college bonds."

Granberg: "One other question, Representative. Since you're in the Chair..."

Ryder: "Yes."

Granberg: "Does this take 71 votes?"

Ryder: "Representative, I am hopeful that when the roll call is made and we have a Roll Call Vote as the Chair is going to allow that it will have far more than that, but I would since we are talking about bonded indebtedness, I would rule that it does take 71."

Granberg: "Okay, thank you."

Speaker McPike: "Representative Krause."

Krause: "Thank you, Mr. Speaker and immediately to the Amendment."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

I think that this piece of legislation embodied in Amendment #3 is clearly one of the most significant pieces of legislation that we have seen in this session. As it addresses the concerns in the area of health care reform. These proposed savings long term savings bonds will absolutely address a most critical need here in Illinois. We are aware of the fact that our medicaid costs are accelerating and the major part of those cost are that fact that over 60% of those that are in our nursing homes today are being covered by the medicaid cost. This legislation addresses that concern and both as well as the security that people feel that they must need in long term care. It is as I said one of the significant pieces of legislation to be presented and I hope that it passes unanimously by the House and in effect could be adopted during this Session."

Speaker McPike: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The 'ayes' have it, do you want a roll call? The 'ayes' don't have it. Okay, the question is 'Shall this Amendment be adopted?' All in favor vote 'aye'; opposed vote 'no'. Representative Ryder."

Ryder: "You see, Mr. Speaker, it is so often that I get a chance to even speak or to have one of my Amendments up there I just wanted to see if those green lights would work any more, it is such a refreshing sight to see that up there. I thank you with 105 passing you can declare the vote now if you would please."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 108 'ayes' and one 'no'. And the Amendment is adopted. Further Amendments?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Clerk McLennand: "No further Amendments."

Speaker McPike: "Third Reading. Representative Schoenberg."

Schoenberg: "Mr. Speaker, I want to reiterate that I am going to take Mr. Ryder up on his generous offer. And now that he has done all the heavy lifting I will willing except that responsibility of being the author of that Ammendment, so thank you very much, Sir."

Speaker McPike: "All right, Mr. Clerk read the Bill."

Clerk McLennand: "House Bill 3952, a Bill for an Act concerning competitive bidding of state bonds. Third Reading of this Bill."

Speaker McPike: "Representative Turner."

Turner: "Thank you, Mr. Speaker. I'm going to handle this Bill for the Sponsor in his absence. You have heard the Amendment #3 that was put on the Bill, an Amendment we all agree seems to be a very good Amendment and I think it only makes this Bill a better Bill. The Bill, the Amendments 1 and 2 we mentioned were taken off the Bill. The Bill primarily deals with competitive bidding regarding bonding here in this state, and I move for the favorable adoption of House Bill 3952."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion there are 109 'ayes', 109 ''ayes' no 'nays. House Bill 3952, having received a three-fifths Constitutional Majority, is hereby declared passed. House Bill 3028. Mr. Clerk, please read the Bill. Excuse me this Bill is on Second Reading. It has been read a second time previously. Are there any..."

Clerk McLennand: "Floor Amendment #1, offered by Representative Weaver."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "#1 by Representative Weaver."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen this is the Amendment to elimination the Board of Governors and Board of Regents, and to remove the wasteful central offices of the Board of Governors and Board of Regents, and save nearly \$4 million that we can put back into the classroom. It replaces the central offices with boards that serve at no compensation. I'll be more than happy to answer any questions that members may have."

Speaker McPike: "Representative Edley. Representative Granberg, for what reason do you rise?"

Granberg: "Thank you, Mr. Speaker. On a point of order. I believe that Amendment #1 is not germane to the underlying Bill. I would ask for the Parliamentarian to review the Amendment."

Speaker McPike: "Mr. Weaver, the Bill deals with scholarships. The Amendment deals with governance. The Amendment is not germane. Further Amendments?"

Clerk McLennand: "No further Amendments."

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

Clerk McLennand: "House Bill 3028, a Bill for an Act in relation to a partial tuition waver for children of employees of public colleges and universities. Third Reading of this Bill."

Speaker McPike: "Representative Mosley."

Moseley: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill only acts to change current law. PA87-793, established a 50% tuition waver for children of long term universities employees. But in that Act it stated that the child must attend an institution in the university system where the parent works. This Bill only acts to change that one provision and it establishes that a student may use

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

their their partial tuition waver at any public four-year institution of higher education. Admission age and length of awards standards are not changed from existing law. I ask for your favorable consideration."

Speaker McPike: "Representative Moffitt."

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

Speaker McPike: "Yes."

Moffitt: "Do you have any estimates on how many people would make use of this, and thus the additional cost to the state?"

Mosley: "Well, I don't have an estimate, on how many people will make use of this but I do have actual numbers from the Board of Governors system, and their FY 94 payments amounted to just a little under \$200,000. The Board of Governors uses this as an employee benefit. And that is why they feel they are very supportive of this measure."

Moffitt: "Do you know are there other states with similar programs such as this?"

Mosley: "Yes, there are...most of the states provide some kind of tuition waivers within state universities and state colleges. Many provide full tuition waivers. Illinois in among the lowest with only 50%."

Moffitt: "Thank you, Mr. Speaker. To the Bill, I think this would be a nice addition to assist our state employees and I rise in support of the Bill."

Speaker McPike: "On the Bill, Representative Ostenburg."

Ostenburg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this measure. As a former state university employee, but one who was also employed in public university at one time, I can tell you that this is very common in public universities. And it is one those additional benefits that is very attractive in drawing new faculty to private universities. I think it is a great

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

asset to have this measure in place for public university employees in the State of Illinois. It will give us a more competitive edge in drawing good qualified faculty members to our state. Thank you."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Just to announce that visiting us today in the Gallery, are students from the Palos Junior High, Palos South Junior High band. We would like to welcome them to Springfield and also mention that Representative Ray Frias', niece is a member of the Band, so I would like to give them a hearty welcome."

Speaker McPike: "Representative Davis."

Davis: "Thank you, Mr. Speaker. I just rise in support of this resolution or this legislation. It increases opportunities for students in Illinois to attend institutes of higher learning, and I think we should all give an 'aye' vote on this legislation."

Speaker McPike: "Representative Tim Johnson, did you wish to speak?"

Johnson, Tim: "I...I think it is apparent that we passed the Bill a few years ago that has left a lot of people in the cracks. And a number of people who are employed or parents, or others employed at a educational who simply go to an other university, and this seems to me to be an equitable way to address the problem. I would urge a 'yes' vote."

Speaker McPike: "Mr. Hoeft."

Hoeft: "Mr. Speaker, I would like to make the point that this excellent Bill is necessary because governance structure of higher education in this state is so convoluted, with its various units that we need individual Bills like this to try and organize what is a disorganized system. I think

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

this Bill speaks very strongly for what Representative Weaver was trying to put across, and that is a whole review of a system that makes no sense at all. I appreciate the Sponsor addressing this issue. I think this is excellent for the employees, but we got to look at governance of the higher education, so this type of thing does not continue. Thank you."

Speaker McPike: "Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. To the Bill, I must admit that I initially have had a problem with this Bill but as we work through the discussion and debate in committee and outside of that I now have come around, I guess, the 180 degrees. And in full support of this because I believe it does offer an opportunity to those educators throughout our state system. And their...they ought to have that financial support, so for that I speak in favor of the Bill."

Speaker McPike: "Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, does this...question of the Sponsor, Speaker."

Speaker McPike: "Yes."

Deering: "Does this set a precedence or a preference if we let these students go to other public colleges and the roster is full, will they be able to bump out another student?"

Moseley: "No. Absolutely not."

Deering: "Thank you."

Moseley: "They still have to obtain regular..."

Speaker McPike: "Representative Skinner."

Skinner: "I wonder if the Sponsor could tell us why she doesn't propose that all state employees have this same benefit for their children?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Moseley: "That would be a fine Bill next year for you, Mr. Skinner, next year, but in this instance we are simply clarifying some problem that within our current partial tuition payment that we already give to university employees."

Skinner: "Well, it is obvious this Bill is going to fly out, but I would like to point out, for the record, that this is a collective bargaining issue. It should have nothing to do with our superseding the benefits that have been negotiated by the union for university professors and employees."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Schoenberg, 'aye'. On this Motion, there are 109 'ayes' and 1 'no'. The Clerk will take the record. On this Motion, there are 108 'ayes' and 2 'noes'. And this Bill, House Bill 3028, having received the Constitutional Majority, is hereby declared passed. House Bill 3832. All right, this Bill has been read a second time previously. Are there any Amendments?"

Clerk McLennand: "Floor Amendment #1, offered by Representative Hoeft."

Speaker McPike: "Mr. Hoeft. Withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Daniels."

Speaker McPike: "Withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Hoeft."

Speaker McPike: "Mr. Hoeft. Withdraws the Amendment. Further Amendments?"

Clerk McLennand: "No further Amendments."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Clerk McLennand: "House Bill 3832, a Bill for an Act to amend the School Code. Third Reading of this Bill."

Speaker McPike: "Representative Murphy."

Murphy, H.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. This is simply an Amendment to the school board, to the school code, we are going from two years to one year and from availability of employment and instead of going one year, two years as in the previous years we are going one year now. We ask for a favorable vote."

Speaker McPike: "On the 'do pass' Motion, Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, a few days ago we debated a Bill that would take a...trying to reduce the amount of time that the teachers were spending on paperwork, on the school improvement plan. Your Bill differs, in some extent, but it is requiring the State Board of Education to do more paperwork. What paperwork are you requiring them to do under this legislation?"

Murphy, H.: "Representative, what we are requiring is that the...that the higher education report to the Governor and the General Assembly irrelevant to availability and job in demand."

Black: "Supply and demand of what?"

Murphy, H.: "Of educators."

Black: "Oh, of educators. And then what are we going to do with that report on the supply and demand of educators?"

Murphy, H.: "Well, the intent, Representative, is that because we have a such a job shortage, because of more people might want to go back and get certificates, it is better that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

they know 12 months rather than 24 months."

Black: "What I...what things do you think would enter into the supply and demand of teachers? I mean is his report going to help that at all?"

Murphy, H.: "I think so."

Black: "Do you think maybe working conditions might be more important than a report?"

Murphy, H.: "Well, the intent for the report is that, for an example, you might have a teacher that might want to go back for their certificate and if he or she knows 12 months rather than 24 months, they can better prepare for whatever they would like to do at that point in time."

Black: "Oh, okay, now...in other words you are really aiming this at people who are already in the profession? Is that your intent?"

Murphy, H.: "Both. Both in and out."

Black: "So in other words if you are a certified teacher and say the social science field then this report might be able to point out to you that your chances of long-term employment would not be good because of an over supply, perhaps you could go back and get recertified in a...in a high demand, low supply area like math or science. Is that..."

Murphy, H.: "That's right."

Black: "Oh, okay."

Murphy, H.: "That's correct."

Black: "Now I see where we are headed. I thought this was just another exercise in paperwork, but now I see what you are trying to do. I appreciate your patience. Thank you."

Speaker McPike: "Anything further? Question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Representative Jones. Shirley Jones. Explain your vote."

Jones, S.: "Mr. Speaker, this is a bad Bill and I do not want to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

vote on this Bill, I want a 'no' on this Bill. okay? And I advise everybody on here to vote 'no'."

Speaker McPike: "Representative Murphy, did you wish to explain your vote? Did you want to explain your vote, Sir? All right. Mr. Murphy everyone is voting with you on this. Will the...all right. Representative Jones."

Jones, S.: "Mr. Speaker, since he is voting 'aye', I change my vote to 'aye'."

Speaker McPike: "Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk...the Clerk will take the record. On this Motion, there are 91 'ayes' and 20 'noes'. House Bill 3832, having received the Constitutional Majority, is hereby declared passed. House Bill 3869. Mr. Clerk, read the Bill. Bill is on Second Reading, it has been read a second time, previously. Are there any Amendments?"

Clerk McLennand: "Floor Amendment #1, offered by Representative Novak."

Speaker McPike: "Mr. Novak."

Novak: "Yes, Mr. Speaker, thank you, Ladies and Gentlemen of the House. Floor Amendment #1 deals with a change in the tax status regarding jet fuel. I believe for purposes of legislative intent, I would yield my time to Representative Kubik."

Speaker McPike: "Representative Kubik."

Kubik: "Well, Representative, why don't I ask you a question and you can respond for purposes of legislative intent. Could you explain the change in the language regarding jet fuel?"

Novak: "This change is a prospective change from the current law. The current statute only exempted from sales tax jet fuel sold for flights leaving the United States, but said nothing about flights originating outside the United States

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

and then refueling in Illinois. The existing exemption for jet fuel was created a few years ago. The exemption was sought then because, Illinois companies were losing business because airlines were buying bonded fuel which is tax exempt. This language would permit the same exemption for flights originating outside the United States as well. The Department of Revenue is neutral on this change for three reasons. One, this is clearly a prospective change from the current law. Second, the U.S. Government permits the use of exempt bonded fuel on these flights just as they do on flights leaving the United States for a foreign destination. And, third, the department recognizes that the airlines would purchase bonded fuel that is tax exempt. If this exemption were not granted, then this would hurt Illinois businesses."

Kubik: "Thank you, Representative Novak, and it is my understanding that the department is neutral on this Amendment and I certainly would support your effort to adopt this Amendment."

Novak: "Thank you."

Speaker McPike: "Mr. Novak. The question is, 'Shall this Amendment be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Maureen Murphy."

Speaker McPike: "She withdraws the Amendment. Further Amendments?"

Clerk McLennand: "No further Amendments."

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

Clerk McLennand: "House Bill 3869, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this Bill."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Mr. Novak. Is the Amendment the Bill? The question is, 'Shall this Bill pass?'"

Novak: "No, wait. Excuse me, I'm sorry, Mr. Speaker. No, my mistake, the Amendment is not the Bill. House Bill 3869, simply extends the sunset date for the research and development tax credit from January, excuse me, from December 31, 1994 through December 31, 1999. The research tax and development credit was a great incentive for Illinois businesses. Due to studies with the Illinois Department of Revenue it has been an incentive that has help...has enabled businesses to create jobs. We're simply asking that the extension tax credit that we provided in 1989 be further extended for the benefit of providing jobs for businesses in Illinois. I ask for your support."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Motion, there's 110 'ayes', no 'nays'. House Bill 3869, having received the Constitutional Majority, is hereby declared passed. House Bill 3320. Third Reading. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3320, a Bill for an Act that amends the Children and Family Services Act. Third Reading of this Bill."

Speaker McPike: "Mr. Ostenburg."

Ostenburg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is an attempt to correct some problems that exist within the child care services area of the State of Illinois and came as a result of several hearings that were held statewide, at which a number of different people testified. What this Bill basically does, is creates the opportunity for a program which will coordinate at the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

local level the various child related services that are being conducted by different departments of the State of Illinois through the agencies that receive contracts from those departments. It establishes local counsels for the purpose of coordinating that activity. At the present what we have are different agencies that are funded by various departments of the state and often at the local level the actions of those agencies are duplicative or in some cases ignore some basic needs that are in the community. Hopefully this legislation will move us in the direction of solving some of those problems and if those problems are solved, hopefully it will remedy some of the tragic situations that we have seen over the last several months relative to child related services in the state. There were some concerns expressed by some of the agencies who are recipients of contracts with the state departments. I met with one group of about 30 Representatives. We have worked out some language to address some of those concerns. Subsequently I have had private meetings with the Director of the Department of Mental Health and Developmental Disabilities, the Director of the Department of Children and Family Services and we have some language to address some of those concerns also. I am asking that this Bill be passed on Third Reading, with the agreement on my part that before I seek a Sponsor in the Senate and move it any further that all of those agencies that have any concerns will be satisfied. This is an effort to in fact solve some problems. This isn't an attempt to go after anyone but it is an effort to try to improve communication and solve many of the problems that we have related to childrens services in the State of Illinois. I ask for an 'aye' vote."

Speaker McPike: "Question is, 'Shall this Bill pass?' On that,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Representative Biggert."

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

Speaker McPike: "Yes, he will."

Biggert: "Representative, could you just tell me what the concerns are and which agencies, please?"

Ostenburg: "I think some of the concerns have come from agencies that are funded by the Department of Mental Health. There have been some concerns that this will supersede the lands that have been established in some parts of the state, that is not our intention with this Bill. In fact, the intention is, to imitate some of the successes of lands but to move beyond just crisis situations that are dealt with in lands to have a more comprehensive coordination of activities relating to childrens services."

Biggert: "So it would be the Department of Children and Family Services?"

Ostenburg: "Department of Children and Family Services is the oversight agency for this."

Biggert: "Okay. And then it would be the Department of Mental Health that has some concerns also?"

Ostenburg: "That's right. And as I say, I met with the directors of both of those departments together and several of their concerns are concerns that I agree with. One of the things that we're hoping, we can amend this Bill to do, is to create it as a pilot program, so that we can test in various elements of the state to see whether it is effective."

Biggert: "And then how will this be amended? Will this be over in the Senate? Is that the intention?"

Ostenburg: "Yes. Yes. The agreement that I have made is that I will not seek a Senate Sponsor for it until we have those details worked out."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Biggert: "Okay. Thank you."

Speaker McPike: "Representative Krause."

Krause: "Thank you, Speaker. If the Sponsor would yield for one question."

Speaker McPike: "Yes, he will."

Krause: "Representative. That is to reiterate that if this does pass out of the House because there are still concerns expressed by the Department of Mental Health, as it relates to the current networks, that you will not proceed with a Senate Sponsor until you have worked out an Amendment that would be presented there and that would be satisfactory to the Department of Mental Health or any other department."

Ostenburg: "That is right, Representative. In fact we have already worked on some language. I didn't want to move this Bill back to second and delay the process but I will not move it any further until we have that agreement."

Krause: "Okay."

Ostenburg: "I think it is too important that we establish the kind of coordination that is necessary to jeopardize that by having any part of this element object to the process."

Krause: "Okay. I appreciate that statement."

Speaker McPike: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker McPike: "Yes, he will yield."

Meyer: "Thank you. Representative, in my notes and I may have missed this as part of your presentation here today, in my notes here I indicate that you had also agreed to provide a fiscal note on this."

Ostenburg: "That's right. We have a fiscal note from the Department of Children and Family Services. Originally, they had thought that it was a \$17 million operation, they

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

have reduced that to \$11 million, as the Bill was originally written but with the understanding that if it were reduced to a pilot program there would be considerably less than that."

Meyer: "Okay. And is it your intention as this Bill moves through over to the Senate that you will continue to update that fiscal note based on the language of the Bill and how that might change?"

Ostenburg: "Yes. Yes, I would be happy to do that. Again my hope is that as we move forward on this we will find that there are appropriated moneys that can be used for some of the activities that we are proposing."

Meyer: "Okay. And that would include other departments as well as...okay. Thank you."

Speaker McPike: "Representative Mulligan."

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

Speaker McPike: "Yes, he will."

Mulligan: "Representative Ostenburg, could you tell me how you plan to affect the inner agency communication?"

Ostenburg: "Through the establishment of the local coordinator, the regional coordinating counsels, the effort would be made to bring together the various agencies that have responsibilities in various locals. It would be very similar to what mental health is doing with the lands, the local area network program. Only we would be talking about youth services on a broader scale, involving all of the agencies that have responsibility for those youth services, in the regional planning counsel."

Mulligan: "Would you physically accomplish it by computer networking or how do you think you're going to be able to establish this communication?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Ostenburg: "Well, DCFS already has a model in place, which was part of the reason why we looked at that as the agency that would oversee this. They have a youth services component in place right now on the regional level, where, in fact, there are meetings held in the communication among the local providers is involved in that."

Mulligan: "So, you are just talking about local providers rather than actual inter agency cooperation?"

Ostenburg: "I think that we would see both as a result of this. Obviously, the departments of state that have responsibility for providing various childrens related services are going to have to be involved in the process. But we're most concerned about what happens at the local level because that in essence is where the problems have occurred in the past."

Mulligan: "It is my understanding that DCFS's technology, as far as computer or interaction or interfacing other agencies, is lacking at this point and they don't have the funds to upgrade. Are you going to seek the funds for such an upgrade?"

Ostenburg: "I don't see that as being the purpose of this Bill, I don't even see that being related to what we are talking about on this Bill. That is another problem that needs to be addressed, that is not the focus of this Bill and I don't think that this Bill would necessarily impact upon that. Because they do already have in place the mechanism that we're talking about using."

Mulligan: "My understanding is, though that if you are going to accomplish this, are you going to add additional people or further the bureaucracy? I mean I can see where a computerizing a network such as Department of Public Health has, doing something in that area, an upgrade would

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

possibly help accomplish what you are trying to do, but not by adding additional people or additional inter work that adds more to the bureaucracy."

Ostenburg: "Well, I...from my prospective, what this will do is aid toward elimination of bureaucracy, right now I think that what happens by ignoring the opportunity for local coordination is that the bureaucracy has more involvement and that complicates the process. And that leads to the need for the computerized equipment, the heavy record keeping and things of that sort that to a great extent would be alleviated by putting more local control in these regional planning counsels. So rather than compounding things I think that we would find is the establishment of this kind of a model would in fact, alleviate much of the need the DCFS sees right now for increases in its record keeping mechanism."

Mulligan: "Well, I think that a lot of people are really trying to focus in on DCFS, I hope the ultimate purpose is to actually accomplish something that will be to the better of children and not just to add to the network or to sponsor a Bill that says I'm sponsoring something for DCFS and I'm really concerned in that, particularly with the additional amount of funding that is necessary to accomplish the consent decree and other things that are happening."

Ostenburg: "Representative, I couldn't agree with you more. There is no intention in this Bill to advance one agency. The purpose of this Bill is to begin to address some of the major coordination problems that we have statewide, relative to the five or six different departments of the state that have responsibility for children's issues. And repeatedly what has been brought to my attention in discussions with the wide number of different groups and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

individuals is that this coordination is lacking. It is particularly stressful for individuals at the local level who are carrying out the mission of working with children and trying to solve many of the horrendous problems that we have in society. The purpose behind this Bill is not to advance one department or agency, it is simply to provide a smoother coordinating operation among all of those people, who I believe in good will, are hoping to assist children."

Mulligan: "Are you familiar with the kids pep report that talks about..."

Ostenburg: "Yes, I am."

Mulligan: "Doing such thing? Is any of this modeled after that report?"

Ostenburg: "I think that this proposal is consistent with that report. I think it is also consistent with the recommendations of the Chapin Hall study. I think that there are a number of different things that we have looked at over the course of the last ten months that this particular plan is consistent with in terms of individuals with high levels of expertise who have studied the Illinois system and have made criticisms. I think this proposal is a major first step toward implementing what a lot of those reports advocate."

Mulligan: "I was very interested in the kids pep report and I would like to see that in a broader scope and I hope that if this is accomplished that that pilot program would be beneficial and not a detriment to accomplishing something like that."

Ostenburg: "I would certainly agree with you."

Mulligan: "Thank you for your time."

Speaker McPike: "Representative Roskam."

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Yes, he will."

Roskam: "Representative, a couple of days ago I got a fax from the Director of Mental Health Division of DuPage County's Health Department expressing a couple of concerns. Let me just read you a couple sections and then you could respond to this. He says, 'he is opposed to House Bill 3320 because it shifts the planning responsibilities for children services from DCFS. DCFS is already over burdened and the Department of Mental Health and Developmental Disabilities already has a responsibility for leading planning for children mental health services. In DuPage County we are working with DCFS mental health probation department in schools to serve high risk kids, 3320 would put our current work at risk and could result inappropriate shifts of already inadequate funds.' Does your Bill respond to any of those concerns in its current form?"

Ostenburg: "I think, Representative, that what the Bill does is just the opposite of what your local director fears."

Roskam: "How so?"

Ostenburg: "In fact what we are doing here is opening the door for more coordination between DCFS and DMH providers. What is happening now and it happens in my district, is that we have local providers who have been funded by one department or the other and there is no local communication, they butt heads many times and in that process, they duplicate in the delivery of services. What this does is open the door for coordination at the local level among those providers. I think that would alleviate the concerns that your director has, it does not give more authority to DCFS and it doesn't take power away from DMH funded agencies. It simply opens the door for a more structured communication among them."

Roskam: "Thank you."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Representative Moffitt."

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

Speaker McPike: "Yes, he will."

Moffitt: "Just a question, there as you presented the Bill, you indicated that this is a pilot project. I assume that if the pilot project turns out in a satisfactory manner you would envision this to become statewide."

Ostenburg: "I would hope. The way the Bill was originally proposed that was for a statewide program. After the discussions with the directors of the departments the conclusion was reached that it would be better to do it on a pilot process which I would agree. If indeed it is successful I would hope that it would become statewide, yes, because I think that would lead to the elimination of a lot of the problems that we have seen statewide with these various agencies."

Moffitt: "So the entire state would be divided into various regions."

Ostenburg: "That's right. At their option, they would establish their own regions."

Moffitt: "Okay. You emphasized that this would increase local control and I think that that is always good when we can have increase into local input. Just one question that I would have in that regard, is there anything in this proposal that could lead to increased cost for local government?"

Ostenburg: "Just the opposite, I would see this as hopefully leading to less cost at the local level by taking state dollars and utilizing them more effectively by eliminating duplication that we currently see as a result of this lack of coordination."

Moffitt: "Okay. Thank you, that was helpful."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker McPike: "Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Pedersen: "Representative, as what you are telling us is that the bureaucracies that presently exist are not doing the job, so what you want to do is increase the bureaucracy to improve the present bureaucracy that is not doing the job, is that correct?"

Ostenburg: "No, Representative, I don't think that's correct. I think that the current structure of the state is doing as effective of a job as it can given the current circumstances. As I have looked at these various situations, rather than trying to place blame on individuals, what I have done is try to analyze where the shortcomings are. And it appears to me and it appears to others who have done similar studies, some people who are highly competent and have studied this for long periods of time, that the greatest problem is in fact the structure. By establishing some local coordination among these various agencies that does not increase bureaucracy, what it does is increases the opportunity for communication and coordination, so that the state dollars can more effectively be used to benefit children in our communities. So I don't see what your suggestioning as being true at all."

Pedersen: "Well, someone has to do this coordinating and you're talking about having somebody do something. In other words you are going to have some new effort or new people or somebody that is going to be, you say, reducing the bureaucracy. So we have a bureaucracy increase to reduce it."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Ostenburg: "No, that is not true, I don't think you're understanding what it is that I am suggesting. What we have right now are local service providers that are funded by a variety of different departments of the state who are undertaking various projects at the local level. What we are suggesting is that these local providers establish regional counsels under this legislation so that they coordinate at the local level. And in fact better interact so that the delivery of services are more comprehensive and less duplicative. Now in that process the same kind of assistance that the state provides right now in terms of guidance will continue to be provided. Hopefully with time some of that guidance will no longer be necessary and it can be phased out. But we are not talking about increase in the bureaucracy at all, we are talking about taking existing structures and trying to develop a way so that they can work more effectively with one another. So, there is no attempt here to increase bureaucracy."

Pedersen: "Well can't the agencies that are already there change the structure without having a law to do it? I mean that would seem to me to be a part of their job."

Ostenburg: "Well, Representative, I think you know as well as I do that over the last several years there has been increasing complications in the children service related areas of the state. I would hope that what you say would be true also, but I think that perhaps it is time that we take a fresh look and through legislation of this type we can provide a clear direction for those departments a mechanism so that we can remove some of the state barriers that have existed in the past among these departments and provide more coordination and more communication."

Pedersen: "Thank you, Representative. To the Amendment or to the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Bill."

Speaker McPike: "Proceed."

Pedersen: "It is...we have already aware and we have been told that they are going to be increased costs with this effort. That cost has to pay for something and it must be these people that are suppose to do the job, so I just wonder when this fails, like so many of the bureaucratic programs do, that we are going to create another coordinating committee to coordinate the coordinating committee. I think that we need to take a very close look at this, it seems to me that we are just adding...adding to the problems that we already got and that maybe they, the people that are there now should be doing the job correctly in the first place."

Speaker McPike: "Mr. Dart."

Dart: "Thank you, Mr. Speaker. I move the previous question."

Speaker McPike: "Mr. Black."

Black: "To the Bill."

Speaker McPike: "Proceed."

Black: "Thank you very much, Mr. Speaker. To the Bill. I think it is, in all due respect to the Sponsor of the Bill, it is somewhat ludicrous that we stand here today talking about coordinating one of the state bureaucracies when we can't even coordinate the calendar of this House so we can move legislation in a timely fashion. Now the cost, the cost of this coordinating program is 11 million bucks. Twenty-five new bureaucrats have to be hired to study this coordination effort, to coordinate an agency that is being coordinated by the federal courts system. Every time I pick up the paper some federal judge is telling us to spend a million here, a billion there, hire a hundred here, three hundred there to get DCFS on line, off line, in the back, in the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

front, I don't know what it is. This is just silliness, it isn't going to go anywhere in the Senate. We're going to coordinate DCFS, that is the greatest joke I have heard all day. We can't even coordinate our Calendar. And we are going to spend \$11 million to coordinate an agency that seems to me is being coordinated by the federal court system. I rise in opposition to this measure and I will seek a verification should it get the requisite number of votes."

Speaker McPike: "Representative Clayton."

Clayton: "Thank you. The Lake County Department of Mental Health shares the same concerns that the DuPage County had expressed through Representative Roskam. Presently they have been...they have a local area planning council that has been created and has been fairly successful in working with DCFS, Department of Mental Health, Board of Education and the IATA. They feel that this will send a different signal, will have to stop the work that they are presently doing, and start all over again. For that reason I will have to go along with them and vote 'no'."

Speaker McPike: "Question is, 'Shall this Bill pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Clerk, will take the record. On this Motion, there are 65 'ayes', 44 'noes'. Representative Black. Mr. Black."

Black: "Yes. I called for a verification."

Speaker McPike: "All right. I was not..."

Black: "Well, you're..."

Speaker McPike: "I was right."

Black: "I know your assistant up there has been distracting you up there for four and a half hours."

Speaker McPike: "All right. The Gentleman has asked for a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

verification. Poll, Mr. Clerk, poll those not voting."

Clerk McLennand: "Those not voting: Representatives Dunn and Wennlund."

Speaker McPike: "Mr. Dunn and Mr. Wennlund. All right. Proceed with the Poll of the Affirmative."

Clerk McLennand: "Those voting the affirmative: Balanoff. Blagojevich. Brunsvold. Bugielski. Burke. Capparelli. Curran. Currie. Dart. Davis. Deering. DeJaegher. Edley. Flinn. Flowers. Frias. Gash. Giglio. Giles. Giolitto. Granberg. Hannig. Hartke. Hawkins. Hicks. Hoffman. Homer. Jones, Lou. Jones, Shirley. Kaszak. Kotlarz. Krause. Lang. Laurino. Levin. Lopez. Martinez. Mautino. McAfee. McGuire. McPike. Eugene Moore. Moseley. Mulligan. Harold Murphy. Novak. Ostenburg. Phelan. Phelps. Pugh. Raschke-Lind. Ronen. Rotello. Saltsman. Santiago. Schakowsky. Schoenberg. Sheehy. Steczko. Stroger. Turner. von Bergen-Wessels. Woolard. Younge. and Mr. Speaker.

Speaker McPike: "Could Representative Currie be verified? Mr. Black. Okay. Proceed. Are you finished? All right. Representative Krause."

Krause: "If I could change my vote to 'present'."

Speaker McPike: "Yes. Representative Krause changes from 'aye' to 'present'. Representative Mulligan."

Mulligan: "Change my vote to 'present' also."

Speaker McPike: "All right. Representative Mulligan goes from 'aye' to 'present'. Mr. Black, questions of the affirmative."

Black: "Thank you very much, Mr. Speaker. Representative Kotlarz?"

Speaker McPike: "Mr. Kotlarz is not here. Remove him from the roll."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Black: "Representative Blagojevich? Okay, I see him.
Representative Laurino?"

Speaker McPike: "Mr. Black, would you repeat that please?"

Black: "Laurino?"

Speaker McPike: "Mr. Laurino, is not here. Remove him from the
roll call."

Black: "Representative Giglio?"

Speaker McPike: "He's here."

Black: "Oh, I didn't see him, he just came in."

Speaker McPike: "No, he's here."

Black: "He is just a shadow of his former self."

Speaker McPike: "Yes."

Black: "Representative Homer?"

Speaker McPike: "Mr. Homer, is not here. Remove him from the
roll call."

Black: "Representative Dunn?"

Speaker McPike: "Mr. Dunn, is not here. Remove him from the roll
call. Well, don't remove him, he is not voting. Proceed."

Black: "Is Representative Hicks?"

Speaker McPike: "Where is Mr. Hicks? Mr. Hicks. The Gentleman
is not here. Remove him from the roll call."

Black: "Representative Flinn?"

Speaker McPike: "Representative Flinn, is not here. Remove him
from the roll call."

Black: "Representative Monique Davis?"

Speaker McPike: "Representative Monique Davis, is not here. Yes,
she is. All right, she is here."

Black: "...Representative Schoenberg?"

Speaker McPike: "He's here."

Black: "Oh there is he is, I didn't see him over there. Okay.
Okay. Representative Lou Jones?"

Speaker McPike: "Representative Lou Jones, is not here. Remove

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

her from the roll call."

Black: "I have nothing further."

Speaker McPike: "All right. On this Motion, there are 57 'ayes' and 44 'noes'. Representative...Representative Ostenburg, do you want this on postpone? The Gentleman asks for a postpone, it will so be placed. All right. The next Bill is House Bill 259, Representative Phelps. The Bill is on Second Reading. Are there any Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Phelps."

Speaker McPike: "Representative Phelps."

Phelps: "Withdraw, #2 please."

Speaker McPike: "The Gentleman withdraws it. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Phelps."

Speaker McPike: "Withdraws that Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #4, offered by Representative Churchill."

Speaker McPike: "Representative Churchill withdraws the Amendment. Further Amendments."

Clerk McLennand: "Floor Amendment #5, offered by Representative Phelps."

Speaker McPike: "The Gentleman withdraws the Amendment. Further Amendments?"

Clerk McLennand: "Floor Amendment #6, offered by Representative Phelps."

Speaker McPike: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment consolidates two Bills by Leader Representative Daniels, that I think does some good things that we all are interested in. The Amendment provides an

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

annual appropriation to the Department of Mental Health."

Speaker McPike: "Representative Pedersen, for what reason do you rise?"

Pedersen: "Did you call Amendment #1?"

Speaker McPike: "Mr. Clerk."

Clerk McLennand: "Amendment #1 had previously been ruled non-germane."

Speaker McPike: "Thank you. All right, proceed, Mr. Phelps."

Phelps: "Thank you. So the Amendment provides for any appropriation to the Department of Mental Health to fund community services which are associated with the community providers the...those people that are out in the trenches doing the real work. We are talking about providing at an annual cost of adjustment for community providers that will be tied to the provisions of the appropriations beginning July 1, 1994, for the state fiscal year, '95, and continuing every year thereafter. So, that is a cost of living for those people who are long overdue, that actually do the work in the fields and with that I will just leave a short explanation. I will be happy to answer any questions."

Speaker McPike: "And on the 'do adopt' Motion, Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, this sounds like a really good idea to me. What..."

Phelps: "Thank you."

Black: "What is the genesis of...I think I have heard the language of this Amendment somewhere, didn't I?"

Phelps: "As far as the language of this Bill the identical

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

language which is, we could call identical, is from Representative Daniels in committee. Prior to that..."

Black: "Oh. I see."

Phelps: "Last year and year before that, we have all been a part of this particular proposal."

Black: "I...I remember this now. It was on Representative Daniels House Bill, what was it, 30..."

Phelps: "3906, 3907."

Black: "3906 and 3907."

Phelps: "Right."

Black: "I...and I know you and Representative Daniels have been working most diligently on this, we appreciate that and imitation is a very sincere form of flattery and I thank you very much. Good idea, good idea."

Phelps: "Thank you. I thought I heard you try to sing over there once. Is that what you meant by that?"

Speaker McPike: "Representative Krause."

Krause: "Thank you, Mr. Speaker. If I could go immediately to Amendment #6 and also lend my support to the Amendment which as previously said incorporates at this point now House Bill 3906 and 3907. Both Bills of which have been presented before the Health Care Committee by Representative Daniels and at that time the testimony that was presented along with the witnesses that he had made the case for both Amendments to help halt the disparity between wages paid to mental health and D.D. workers in the community and I think it would help stem the tide of the staff turnovers that has occurred. And in addition I think it would help provide the administration and staff of our community mental health facilities, so that they could plan confidently with these types of provisions. At the time that it was at the Health Care Committee it did not pass

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

out. It had received 12 Republican votes to 17 Democrats had voted 'present'. We are pleased at this time now to see that they lend their support to this most important legislation. And I also join in asking a unanimous support for Amendment #6."

Speaker McPike: "Representative Schakowsky."

Schakowsky: "Thank you, Speaker and Ladies and Gentlemen of the House. I too, rise in support, I am really pleased that we're going to be able to work together on both sides of the aisle to pass this legislation. It is my pleasure to join in support of this Bill that will help us to make community care a reality and support the community as we should in order to help the clients that depend on it so much."

Speaker McPike: "Question is, 'Shall Amendment #6 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #7, offered by Representative Phelps."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Real briefly this is...authorizes the Department of Public Health to establish a program we know as area health education centers which will service linkages, educational linkages to those eligible to be able to serve the...may be able to serve areas with the distribution of health care professionals. I appreciate your support."

Speaker McPike: "All right. On the Amendment, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Has the Amendment been printed and distributed or if so could we have a copy?"

Speaker McPike: "Mr. Clerk."

Clerk McLennand: "Yes, the Amendment has been printed and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

distributed."

Black: "Could I...could I see his distribution list sometime today?"

Speaker McPike: "When was this distributed?"

Black: "All right. Question of the Sponsor. Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Black: "Representative, the Amendment does not become the Bill, correct?"

Phelps: "No, it does not. It just joins...#6 is the biggest part of the Bill."

Black: "Okay."

Phelps: "This is the same Amendment we already had on another Bill."

Black: "All right. I see. Thank you."

Phelps: "Okay."

Speaker McPike: "Representative Krause."

Krause: "Thank you, Mr. Speaker. If the Sponsor would yield, merely on a question on Amendment #7, does this merely authorize the establishment, is that what you are seeking for to give them the power to have it?"

Phelps: "There are already those that are in place because of federal money that the osteopathic group in Chicago, and we want to extend these throughout the state hopefully to help other medically under served areas besides the urban. So this will...and so there will be a technical assistant from the department to set these up and hopefully..."

Krause: "Okay."

Speaker McPike: "Question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

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

Clerk McLennand: "House Bill 259, a Bill for an Act that amends the Abused and Neglected Child Long Term Care Facility Residence Reporting Act. Third Reading of this Bill."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Real quickly, the Bill now is Amendment 6 and 7, which we just adopted. The community health care providers of COLA and the AHEC provision. And I appreciate your support."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Representative Steczo in the Chair."

Speaker Steczo: "Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'yes', none voting 'no', none voting 'present'. House Bill 259, having received the required Constitutional Majority, is hereby declared passed. Representative Turner, for what purpose do you seek recognition?"

Turner: "Yes, Mr. Speaker. I would like to be recorded as voting on House Bill 2616, as voting 'yes'. I was recorded as voting 'absent', that was Representative Eugene Moore's fine piece of legislation."

Speaker Steczo: "Mr. Turner, the transcript will so reflect. On Government Administration, Second Reading, appears House Bill 2617. The Chair recognizes Representative Balanoff."

Balanoff: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2617, would amend..."

Speaker Steczo: "Mr. Clerk. Mr. Clerk, would you read the Bill a second time? Mr. Clerk. Representative Black, for what purpose do you seek recognition?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Black: "Yes, an inquiry of the Chair. Is Representative Balanoff...have written permission to carry this Bill or is he a Co-Sponsor?"

Speaker Steczo: "Mr. Balanoff?"

Balanoff: "I am one of the Co-Sponsors."

Black: "The board doesn't reflect that."

Balanoff: "Okay. Well I am suppose to be. I am one of the Co-Sponsors."

Speaker Steczo: "Mr. Black, the Clerk informs me that the LIS system shows Mr. Balanoff as a Co-Sponsor."

Black: "Hyphenated Co-Sponsor. Representative Prussing not here today? I thought she was here."

Speaker Steczo: "No. She is excused."

Black: "Okay. I'm sorry. I didn't know that. All right, I withdraw."

Speaker Steczo: "Okay. Mr. Clerk, please read the Bill a second time."

Clerk McLennand: "House Bill 2617, has been read a second time previously. Amendment #1, was adopted in committee. No floor Amendments. No Motions filed."

Speaker Steczo: "Third Reading. Mr. Clerk, please read the Bill a third time."

Clerk McLennand: "House Bill 2617, a Bill for an Act that amends Nursing Home Grant Assistance Act. Third Reading of this Bill."

Speaker Steczo: "Representative Balanoff."

Balanoff: "Yes. Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2617, would amend the Nursing Home Grant Assistance Act to provide grants to nursing home residents who did not receive their entitlement due to methods and procedures of the Department of Revenue. This Bill would require that grants be paid to lower income private paid

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

patients who have not previously received grants based on residency during the last quarter of fiscal 1992. This will correct the problem in the administration of the nursing home grant assistance program to compensate private pay patients for additional charges incurred when nursing homes passed along the Granny Tax to patients. The department decided to make four payments based on occupancy for the fourth quarter of 1992 and the first three quarters of 1993. So some seniors in homes during the fourth quarter of 1993 but not in nursing homes during the fourth quarter of 1992 received on three payments instead of four. The money for the grants would come from GRF, which was previously used to supplement these grants in 1993 to insure payment of full entitlements. This Bill is nothing more than tax fairness, these people were billed, paid and had expectations of getting the rebates and have been shortchanged. All this Bill would be do...would be to correct inequity. I would be happy to answer questions."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 2617. On that, is there any discussion? Representative Stephens."

Stephens: "Will the Gentleman yield?"

Speaker Steczo: "He indicates he will."

Stephens: "I feel like Representative Schoenberg, I...this seems vaguely familiar to me. Can you tell me the genesis of this Bill?"

Turner: "We...I understand you may have had similar legislation but this came out of Representative Prussing's district."

Stephens: "It came out of her district?"

Turner: "Yes. People in her district. We all have people in nursing homes in this state."

Stephens: "People in her district must of been the House

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Republican Task Force on this issue."

Turner: "That certainly is a possibility."

Stephens: "I'm sure they were, we invited them all and we had a very open input. We would stand in support of the Bill. The idea is one that we talked about quite a bit. We think that it makes good sense. It is fiscally sound for those people who had to pay and we would hope that in your imminent wisdom you would want to share some of the credit."

Turner: "We welcome your support."

Speaker Steczo: "Representative von Bergen-Wessels."

von Bergen-Wessels: "Thank you, Speaker, Gentle Women and Men of the House. I also rise in support of this Bill. It came out of my district as well and I discussed the problem with Representative Prussing many months ago. Actually it was an Amendment on another Bill, last Session I believe, at the very end of last Session. It's an excellent Bill that is such a...it has to do with fairness. There was actually some people who might not of been in the nursing home the first quarter of...when this thing started and qualified for the money and people who were there at the end who didn't qualify for the money and this takes care of the whole problem and is sure that everybody was in a nursing home and eligible for a grant would be able to receive one."

Speaker Steczo: "Representative Tim Johnson."

Johnson, Tim: "Yes. Who is... Representative Balanoff, is the Sponsor?"

Speaker Steczo: "Yes, Mr. Johnson, he is acting in Representative Prussing's behalf."

Johnson, Tim: "Okay. This was a Bill that received a lot of attention, I think properly so, in the News Gazette and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

otherwise and certainly a good concept. Are you prepared, Representative Balanoff, to answer questions on Representative Prussing's behalf, or should I simply...I certainly want to support the Bill. I guess I need to know a little more detail about the background and history to this legislation. And where the idea emanated from and so forth. I think it is a great idea but I think this is the kind of thing we really ought to get a full explanation on."

Speaker Steczo: "Representative Balanoff."

Balanoff: "Well, it is simply to correct an inequity. Some people that were not in the...because of the Department of Revenue, deciding that they were going to...the method that they were going to pay was based on the fourth quarter of 1992, not on the fourth quarter of 1993. And you may of been in a nursing home in the fourth quarter but certainly maybe not in the fourth quarter of 1992. And as I said, everybody in the state, every Representative in this House, has constituents who are residents of nursing homes. And this just simply...they where told they were going to get a rebate and they were not and this just correct that inequity."

Speaker Steczo: "Mr. Johnson?"

Johnson, Tim: "I wondering if you could tell me what...how this geared in to what we did last year when we repealed the Granny Tax?"

Balanoff: "This just puts the final cap on some of the programs, some of the problems that plagued that program."

Johnson, Tim: "Pardon me. I didn't understand. I'm sorry."

Balanoff: "Puts the final chapter of correcting some of the problems with the Granny Tax."

Johnson, Tim: "Again, when you are talking about the problems and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

I certainly agree, I'm not trying to be hostile in my questions at all. I think it is a good Bill and good concept and I think it should be supported. But I wonder how that all gears together and how the backdrop of what we did two years ago and then last year fits into this?"

Balanoff: "Well, what it was, I guess, you know, like in terms of correcting it, this was the rebate program and this is just to a small number of people that did not get this rebate that they are entitled to, this tax refund. It just adds a little tax fairness here."

Johnson, Tim: "Fiscal impact?"

Balanoff: "We think it will be relatively small, but the cost has not be estimated."

Johnson, Tim: "Whatever the cost it is certainly worth the price."

Balanoff: "Absolutely."

Johnson, Tim: "I wonder if you could give me a...the approximate fiscal impact."

Balanoff: "The department has given a range but nobody is quite sure because they don't maintain records of nursing home residents, for the period in question."

Johnson, Tim: "Would that be a...would that be a question that...I know Representative Prussing had crafted this Bill carefully and had studied it and so forth that she might be in position to answer for us or..."

Balanoff: "Well, what...we're not real sure because the Department of Revenue, who would estimate this, has said it is somewhere in the range of \$5 to 10 million. We think it is on the low end because certainly probably there will be people who won't take advantage of the program."

Johnson, Tim: "Okay. But this doesn't in any way gear in, I assume, to any kind of other revenue enhancement measures

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

that we have talked about in the past, with respect to...with respect to the Granny Tax. I know some people including..."

Balanoff: "Not at all."

Johnson, Tim: "...Ms. Netsch had talked about service tax."

Balanoff: "Not at all. Not at all."

Johnson, Tim: "And so forth. And I wanted to make sure there was no relationship there."

Balanoff: "None at all."

Johnson, Tim: "Okay. Well, Mr. Speaker and Members of the House. I certainly think this is an excellent idea. It is something that is well crafted and something that I think we certainly ought to all support. I would probably like, as some other Members would, to have because of the idea maybe a little more background than Representative Balanoff is able to give us. But I appreciate his explanation and he certainly has done the very best he can to tell us why this good idea should be passed. I think maybe some other Members might have some other thoughts."

Speaker Steczo: "Representative Cross."

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

Speaker Steczo: "He indicates he will, Mr. Cross."

Cross: "Representative Balanoff, what is this going to require in the area of appropriations to cover these grants?"

Balanoff: "Well, the Department of Revenue, Revenue as I have already told you, said that their estimate was between 5 and \$10 million."

Cross: "How are they able to arrive at that estimation?"

Balanoff: "Well, I certainly, I certainly, would agree with you that that is a very big range but that is what they have suggested."

Cross: "How is the Bill drafted to address that issue? It seems

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

like we're leaving it wide open."

Balanoff: "In the same context as the previous GRF supplements for this program. To give the people in the nursing homes their full benefit...rebate."

Cross: "My understanding is that in the fourth quarter of 1993, nursing homes were not required and did not give the grant recipient information to the Department of Revenue. How are we going to determine the appropriation? Is that true?"

Balanoff: "We have amended the Bill to make them provide that information."

Cross: "Pardon me, I didn't hear that."

Balanoff: "We have amended the Bill to make sure that they provide that information."

Cross: "We're asking then, we're going back then to the fourth quarter of 1993 to ask."

Balanoff: "Yes, yes, we're going back to the nursing homes."

Cross: "Under the Bill or the Amendment, when will they need to supply that information?"

Balanoff: "When the Bill would be enacted and the department would put the procedures for the rebate in place."

Cross: "With...there is not a specific time then at this point when we are going to get this fourth quarter information? I guess I'm concerned that the nursing homes..."

Balanoff: "Hopefully we will pass it today and it will go over to the Senate and in their infinite wisdom they will put it on the calendar right away and it will get to the Governor's desk and the program will happen very quickly."

Cross: "But the Amendment does not have a specific time frame in which to require that nursing homes provide the fourth quarter information? My concern, well I'll let you answer that."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Balanoff: "It does have an effective immediate...an effective date immediately. So, as a matter how quickly it can through the process and the Department of Revenue can gear up to give this rebate."

Cross: "Are we going to run into a situation where the nursing homes no longer have the information? And are unable to..."

Balanoff: "I would certainly hope not. That's why it is important that we act very quickly."

Cross: "Okay. Thank you, thank you for that clarification."

Speaker Steczo: "Representative Weller."

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

Speaker Steczo: "Yes, he will, Mr. Weller."

Weller: "Representative Balanoff, one of the questions that comes to my mind is looking at the legislation. It is my understanding, from your explanation of the Bill and also from reading the Bill, that the nursing homes are expected to provide the information to the Department of Revenue so that these grants can then be passed on?"

Balanoff: "Yes, that is the only place where we could reliably be able to expect to get this information."

Weller: "And how...how does that work? How do they go about providing that information?"

Balanoff: "As they have reported to the Department of Revenue previously."

Weller: "Does that...is there an enforcement mechanism to insure that they provide the information or is this just kind of a goodwill kind of thing?"

Balanoff: "I think that the enforcement would come through the patients, who have been paying the bills who want to get and have expected these rebates."

Weller: "So, is there a public information program that will tell

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

the residents that this money is available for their heirs?"

Balanoff: "Well, we would hope so and we hope that the Department of Revenue would participate fully in this program and doing outreach."

Weller: "What happens if a nursing home resident who paid the Granny Tax has passed away? Who would collect that money and how would it go about being collected?"

Balanoff: "We believe, that as a matter of legislative intent, that it would probably be the heirs to that estate."

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

Balanoff: "We believe, that as a part of legislative intent, that the heirs to the estate would be the ones that would probably be eligible."

Weller: "Who would be eligible?"

Balanoff: "Probably the heirs to the estate."

Weller: "So would they have to get an attorney then to attain this?"

Balanoff: "I think that most often times that would be a matter of department procedure."

Weller: "Okay. What is the estimated amount of funds that would probably be reimbursed to the individuals that were short changed?"

Balanoff: "Five Hundred Dollars."

Weller: "Five Hundred Dollars, oh, so total cost of distributing these funds is only \$500?"

Balanoff: "No, no, no. That's...that is what the rebate per person...that is the entitlement."

Weller: "Okay. Now I recall this Bill last year, I believe Representative Ron Stephens had a Bill that was pretty similar to this, in fact just comparing the language, it is identical. What happened to that piece of legislation?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Balanoff: "I don't know what happened to that piece of legislation. But also, Representative Prussing had similar legislation. And we would welcome Ron's support, Stephens."

Weller: "Yes. Is Ron a Co-Sponsor?"

Balanoff: "I don't know if he has asked Laurel or not to be a Co-Sponsor."

Weller: "Could he be added as a Co-Sponsor?"

Balanoff: "I certainly would say that's very probable, if he would ask Representative Prussing."

Weller: "Would the Clerk and the Speaker add Representative Stephens as Sponsor before passage of this Bill?"

Speaker Steczo: "Please restate your inquiry, Mr. Weller."

Weller: "Well, I was just asking if Representative Stephens could be listed as a Co-Sponsor on this particular legislation, he introduced the original Bill."

Speaker Steczo: "Mr. Balanoff?"

Balanoff: "I would have no problem with it. I mean, if the rule would allow us to but Laurel is not here to sign the slip right now, so."

Weller: "Could the...could Representative Balanoff sign a slip, Mr. Speaker? So Representative Stephens could be added as a hyphenated Sponsor?"

Speaker Steczo: "Mr. Weller, let's continue with the debates since there is a number of people seeking recognition and we will get an answer for you and if the rules permit we will do it."

Weller: "Well, thank you, I think he should be added and this is a good Bill, these are all friendly questions and we're all very supportive of this legislation. This, I know Representative Stephens introduced the original Bill and he worked extremely hard on it and he should certainly get the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

recognition that he is due. Thank you, Mr. Speaker."

Speaker Steczko: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. A point of personal privilege. Representative Stephens was so bold as to use my name in debate and to elaborate further I would like to give the rest of my time to Representative Edley."

Speaker Steczko: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Will the Sponsor yield for a question?"

Speaker Steczko: "He indicates he will."

Lawfer: "Representative, these grants when they were given out previously created some confusion when the federal income tax decided W2's needed to be issued. On this grant will there be W2's coming out?"

Balanoff: "That is a subject of other legislation."

Lawfer: "I'm sorry. I did not hear that question."

Balanoff: "That...this legislation is not in an attempt to correct that problem, which also exists. There is other legislation, I understand, to deal with that."

Lawfer: "Did they plan then on sending out letters of explanation with those grants and explaining that?"

Balanoff: "Well, that would be the responsibility of the Department of Revenue. We would certainly hope that they would do that."

Lawfer: "Well, I would urge that. I think it would save a lot of telephone calls and urge that be passed onto the Department of Revenue. Thank you very much."

Speaker Steczko: "Representative Edley."

Edley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. Responding in defense of my seatmate. You know I sit by Jeff Schoenberg. I worked with Jeff Schoenberg. I have listened to Jeff Schoenberg's goofy

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

ideas. Mr. Stephens, you are no Jeff Schoenberg."

Speaker Steczo: "Representative Weaver. Mr. Weaver."

Weaver: "Thank you, Mr. Speaker. I think it is a sad day. We have gone now for three days with no Republican Bills called and here we got a Bill with the Sponsors not even here and she gets it called. What do we have to do to get our Bills called?"

Speaker Steczo: "Representative Brady."

Brady: "Thank you, Mr. Speaker. I agree with Representative Weaver and I agree with Representative Edley and I'm sure Ron Stephens is happy. But, to the Bill, to the Bill, Representative, this is a very important issue, the concept of which I'm sure many on this side of the aisle if not all support. But I...it's very important that we don't make it...another mistake a second time. Could you tell me the difference between this Bill and Representative Stephens Bill?"

Balanoff: "No difference in their effect."

Brady: "There is absolutely no difference?"

Balanoff: "Not in the effect. There are certainly differences in the verbia...verbiage in the terminology but certainly there is no difference in the effect and the impact it will have."

Brady: "Mr. Speaker, since Representative Prussing is not here to explain and to go into detail, could we have Representative Stephens maybe elude to the differences?"

Speaker Steczo: "Mr. Brady, I'm sorry."

Brady: "Since I asked a question, I know that Representative Balanoff is doing the best job that he can, but I think that maybe since he is not the Sponsor, and Representative Prussing is not here, maybe Representative Stephens could answer my question. Would that be possible?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker Steczo: "If..Mr. Balanoff the first, Mr. Balanoff has the Floor."

Balanoff: "If they haven't given me, you ask a question I don't know about, we would certainly defer. But really..."

Brady: "You didn't give me a direct answer, Representative, and I know you are trying as hard as you can."

Balanoff: "But I did give you a direct answer. It is to correct the same problem, it has the same effect, the words may be a little bit different but we all have the same effect."

Brady: "But we all understand the importance and technical nature of this Bill. I mean, we all regret the oversight made in the first place and I just want to make sure that this is the right issue. And for me to make the right vote I...it would help me to have the Sponsor..."

Balanoff: "You have my personal assurances."

Brady: "But would you, I'm sure you will let Representative Stephens ask a question, maybe he can clarify my point."

Balanoff: "He already...he's already spoken and showed his support and, you know, he said he was 100% supportive of this legislation and his name was used in debate too, right, go on."

Speaker Steczo: "Representative Stephens, for what purpose do you seek recognition?"

Stephens: "Well, since my name was used in debate, first of all I would like to tell the Gentleman from Macomb, I guess I'm just lucky. And to Representative Brady I would say that the Bills are exactly the same and it remains a mystery to me why I'm not presenting it."

Speaker Steczo: "Representative Maureen Murphy."

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

Speaker Steczo: "He indicates he will."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Murphy, M.: "Regarding the Committee Amendment #1, passed in committee, on a voice vote, the requiring nursing homes provide the data by September 30, 1994. A general question to that is always or else, what? Is there a provision if nursing homes do not provide this?"

Balanoff: "In the existing law there are some provisions for enforcement, and we would assume that the same would apply here."

Murphy, M.: "Okay. Also to that question, I was wondering if you have any idea of how many people...couldn't we buy social security numbers or some other methodology have determined how many and seek them out. Wouldn't that have been more proper? Aren't we a little concerned that we will blow the deadline by December 31, 1994 and the recipients will not receive their assistance?"

Balanoff: "Well, what we understand is that there was a total of 3,261 residents who received the grant for the first time in the fourth quarter. We don't know how many of them would actually apply, though."

Murphy, M.: "Now and how will the nursing homes be advised that they have to meet this mandate?"

Balanoff: "The Department of Revenue."

Murphy, M.: "Okay. So its demanded the Department of Revenue to mandate the nursing homes that they have certain..."

Balanoff: "Yes."

Murphy, M.: "...deadline with which to meet. I am still concerned about that requirement, the idea and the concept was one that was very popular in committee, because after all we would like to see these people get their money. But I think it is sort of dilatory, to use the favorite word here, to mandate an agency that will mandate private nursing homes. And then we're never going to be really

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

sure if we achieved our purpose."

Balanoff: "Well, I think the department should know...knows the absolute intent and they should promulgate the rules and with the program make it happen very quickly."

Murphy, M.: "Okay. All right. Thank you so much."

Speaker Steczo: "Representative Black."

Black: "Thank you very much, Mr. Speaker. The Republicans request a conference immediately in Room 118."

Speaker Steczo: "The Republicans have requested a conference in Room 118. Mr. Black, do you know approximately about how long you'll need?"

Black: "It depends on how long Mr. Edley will be here."

Speaker Steczo: "The Republicans will adjourn immediately to Room 118 and the House will now be in recess."

Speaker Steczo: "The House will now come to order. Constitutional Amendments, First Reading."

Clerk Rossi: "Introduction and First Reading of House Joint Resolution Constitutional Amendment #37. BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 6 of Article IX of the Illinois Constitution as follows: ARTICLE IX REVENUE SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits. The

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

General Assembly shall provide, by law, for a senior citizens homestead exemption for senior citizens who qualify for a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act in an amount (i) for the 1995 levy year, equal to one-sixth of the assessed value of a senior citizen's homestead property or the senior citizens homestead exemption provided by law for the 1994 levy year, whichever is greater, (ii) for the 1996 levy year, equal to one-third of the assessed value of a senior citizen's homestead property or the senior citizens homestead exemption provided by law for the 1994 levy year, whichever is greater, (iii) for the 1997 levy year, equal to one-half of the assessed value of a senior citizen's homestead property or the senior citizens homestead exemption provided by law for the 1994 levy year, whichever is greater, and (iv) for the 1998 levy and thereafter, two-thirds of the assessed value of a senior citizen's homestead property. The General Assembly, by law, shall replace all revenue lost by units of local government and school districts as a result of providing for the senior citizens homestead exemption required by this Section. This revenue shall be replaced by imposing or increasing a tax on corporations on the privilege of earning or receiving income in or as a resident of this State. The taxes imposed or increased for the replacement of revenue under this Section shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in subsection (a) of Section 3 of this Article. As used in this subsection, "senior citizen's homestead property" means property that is occupied as a residence by a person 65 years of age or older who is liable for paying property taxes on the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

property and is owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument, except for a leasehold interest (other than a leasehold interest in land on which a single family residence is located that is occupied as a residence by a person 65 years of age or older who has a legal or equitable ownership interest in the property, or interest as a lessee, and who is liable for payment of property taxes on the property).SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this House Joint Resolution Constitutional Amendment."

Speaker Steczo: "Where we left off, we will go back to the order of House Bill 2617, it is On the Order of Government Administrations. Second Reading. Or Third Reading, I believe. Third Reading, is where we left off. Mr. Balanoff. Mr. Balanoff wishes for the Bill to be taken from the record. Proceeding on down the list on Government Administration, Second Reading appears House Bill 3386, Representative Pugh. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3386, the Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Tom Johnson."

Speaker Steczo: "Representative Johnson. Mr. Johnson wishes to withdraw the Amendment. Correct? The Amendment shall be withdrawn. Representative Black, on House Bill 3386. Second Reading."

Black: "An inquiry of the Chair. No further Amendments on this?"

Speaker Steczo: "Mr. Clerk, any further Amendments?"

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

Speaker Steczo: "Mr. Johnson on Amendment #2, wishes...Mr.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Johnson wishes to withdraw Amendment #2. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 3386, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Steczo: "The Chair recognizes Representative Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 38...3386 is a Bill designed to provide some relief to what's call C number inmates. Prior to February 1978 Illinois operated under what was called, indeterminate sentencing system, under the Criminal Code of 1961. The highlight of this system was rehabilitation and achievement and result base, realease was authorized by parole and the pardon board. Whose duties at that time were parole release and executive clemency. Any consideration given in the cases of parole must have been objective with greater emphasis place on rehabilitation. Once a prisoner was shown to have been rehabilitated through sufficient documentation by obtaining high school equivalency, GED...yes, it is...I'm giving some background on how we got there. No, Sir. As I was saying, once a prisoner has been shown to be rehabilitated through sufficient documentation by obtaining a high school equivalency degree, associates degree, or any other compliancy in a viable skill, trade or work. They were released with a statutory three-year term or parole. The punishment under this system was included in the sentence issued by the sentencing in court subject to constrained of Article I, Section 11 of the Illinois Constitution which

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

mandated the following: All penalties shall be determined both according the seriousness of the offense and with the objective of restoring the offendant to useful citizenship. This created a constitutionally protected liberty interest of objectivity for the rehabilitation of an offender to return to a place in free society. The parole and pardon board was abolished and with it, rehabilitation and accomplishments. Illinois adopted a determinate sentencing system under Public Act 80-1099, on February 1978. The Determinate sentencing system established what is now know as the Illinois Prison Review Board and parole considerations under this board has been subjective in nature."

Speaker Steczo: "Representative Black. Representative Pugh, excuse us, for one moment. Representative Black, for what purpose do you seek recognition?"

Black: "Well, thank you very much, Mr. Speaker. An inquiry of the Chair. The Bill before us has nothing to do with indeterminate sentencing in any way, shape or form. Now, either the Gentlemen is addressing another Bill that he has on indeterminate sentencing or he's taking a very round about way to get to the Bill on the Calendar which means, it simply says, three people on a prisoner review board can decide rather than a majority of the twelve. So, either he speaks to the Bill on the Calendar or let's get on with the matter at hand."

Speaker Steczo: "Okay. Mr. Pugh, if you could explain the Bill, please."

Pugh: "I was giving a overview of the prison review board and how it originated. Before there was a prison review board, it was called a pardon and parole board and what I was doing was giving an historical background so that people that are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

not familiar with C number inmate issue can become aware of the issue so that they could vote intelligently on the legislation. May I continue?"

Speaker Steczo: "Please continue."

Pugh: "The pardon and parole board was abolished on February 1, 1978. The determinate sentencing system established what is now known as the prison review board. And parole considerations under this board has proven to be subjective in nature as opposed to the objective approach of the pardon and parole board. The premise of the new law has been retributive in justice and special deterrence. It is the inclusion of additional elements of punishment and parole hearings which were not in effect prior to February 1, 1978. For over 16 years the parole determinations had been subjective and prisoners with indeterminate sentencing have been denied parole versed on the seriousness of there crime committed. I submit that the nature of the crime that the individual committed at the time will not change and because of the new sentencing guidelines, we're faced with 700...over 700 inmates who are currently going back and forth to a parole...a prison review board and are not receiving the kind of attention that the law stipulated that they would receive. The law, Public Act 80-1099, stipulated that there would be a three member prison review board...three of the members of the prison review board would review each case based on it merits. Right now the prison review board sends one member of the prison review board to these sentencing hearings and the one member of the board comes back to report to the full Body and the decision is made based on the report from the one member. All this Bill is doing is requesting that the prison review board live up to the mandate that was established under

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Public Act 80-1099, so that there could be some kind of fairness in the reviewing of the cases involved and some kind of stipulation given to the prison review board that would mandate that they lived up to the law as it was written. Is anybody listening? I'm open for any questions and..."

Speaker Steczo: "Representative Pugh, have you completed your remarks?"

Pugh: "Pardon me."

Speaker Steczo: "Have you completed your presentation?"

Pugh: "Yes, Sir. I'm requesting a favorable vote."

Speaker Steczo: "The Gentleman has moved for the passage of House Bill 3386. On that is there any discussion? The Chair recognizes Representative Tom Johnson."

Johnson, Tom: "Yes, Representative Pugh a couple of questions, just so everybody knows what we're talking about here. Currently, how many members sit on the prison review board?"

Pugh: "Currently there's 12 members that sit on the prison review board."

Johnson, Tom: "Okay. And as to hearings for parole, how many members interview a person seeking parole?"

Pugh: "If you can recollect, Representative Johnson, when we asked these questions of the members of the prison review board, they stated that usually only one member of the prison review board goes out to review a case."

Johnson, Tom: "Well, according to my staff analysis, usually there are more than one member that go out and interview. Now, do you know the statistics where there is only one person who does an interview?"

Pugh: "Well, based on testimony given by prison...members of the prison review board during hearings, during the committee

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

hearings, they stated...they stated emphatically that often times only one member goes out to review the case and he tapes, he uses a tape to record the interview. And he brings the taped recording back to the members...to three members of the board."

Johnson, Tom: "Okay. And your problem with it as it currently exists is that just one member might go out and interview somebody, and bring the tape back, you would like to see more than one member do the interview. Is that correct?"

Pugh: "Well, according to legislation that was developed on February 1, 1978, Public Act 80-1099, stated that through a panel of at least three members they should determine the conditions of parole and time of discharge for parole impose sanctions for violations of parole and revoke parole for those sentenced under the law in effect, prior this Amendatory Act. Now, the law stipulates that at least three members sit in review of each individual case and right now the members of the prison review board have testified that not only...that only one member usually goes out to review these cases."

Johnson, Tom: "To the Bill."

Speaker Steczo: "Proceed, Mr. Johnson."

Johnson, Tom: "At one time in our state history here we did allow three member panels to interview and decide cases. And this has been proposed before and three member panels were an option prior to 1984, and when we had those three member panels we found that results in terms of those interviews and paroles were very inconsistent between the panels. You know, I think Representative Pugh might have an argument that more than one person ought to interview someone, but certainly to just leave it up to a three member panel, at different areas in this state. We're going to go back to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

very inconsistant rulings and, therefore, I would urge a 'no' vote on this."

Speaker Steczo: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. As Representative Johnson was pointing out. This is an old and rejected idea, allowing only three members panels to interview and decide cases for the prison review board as this Bill would do. Simply does not serve the purpose of some of the get tough on crime Bills that we have already passed out of this chamber in the last few days and the history of these three member panels simply pointed out, that results were very inconsistant between the panels. And the prisoner review board opposes these three member panels, because they don't think then that they would be representative of the full 12 member board which come from all over the State of Illinois. I think we need to keep that geographic balance. I think we need to keep the system working as it is, you know, you can't have it both ways. You can't stand here a couple of days ago and say, how tough you're going to be on crime and then change the way some people might be able to convince the prisoner review board to let them out. So, I don't think the Bills is a very good idea. It's been rejected before. I think it's time we reject it again. I urge a 'no' vote, and Mr. Speaker, should it get the requisite number of votes for passage, I will seek a verification."

Speaker Steczo: "Representative...I'm sorry, Mr. Black, was that a question for the Sponsor?"

Black: "No, I was simply speaking to..."

Speaker Steczo: "Okay. The Chair will recognize Representative Pankau."

Pankau: "Will the Sponsor yield for a question?"

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker Steczo: "He indicates that he will, Representative."

Pankau: "Representative Pugh, if I remember the discussion in Judicial II Committee. This was just that three people would go out and interview. It would still take a majority of the parole board to actually give the parole. It would still take a vote of the whole review board. Is that correct?"

Pugh: "The Bill and I must...first of all, and I'll answer your question, Representative Pankau. But, to Representative Black. This is the same piece of legislation that we passed out of the House last Session. It's the legislation that we agreed is fair in its nature. And in answer to your question, Representative. This legislation would require that a majority of the members that review the case made the decision. So, it's not...it...all it does, all this legislation does is make sure that the prison review board does the job that the parole board did prior to the parole board being abolished. Prior to 1978, the parole board did the functions of the prison review board. Because of the Class X felonies, when they came into play, the parole board was abolished and the prison review board was designed to take over the functions of the prison review...of the parole board. In doing that, they left out the fact of how many members would sit in on the various interviews. All I'm attempting to do is to make sure that the prison review board stays in concert with the purpose that was intended by the law that was developed in 1978."

Pankau: "Okay, let me first correct you. We all didn't vote for it, I voted against it last time and I voted against it in committee. I will be voting against it today, as I did in committee..."

Pugh: "Well, I didn't say, I didn't say we all voted for it. I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

said it passed out of the House last Session."

Pankau: "However, my question was, does it, according to your Bill, is it going to take three people to grant a parole, is it going to take seven, or two?"

Pugh: "Well, okay, I thought I answered your question. I said the way that..."

Pankau: "I'm asking you, who makes the ultimate decision?"

Pugh: "The Prison Review Board."

Pankau: "I want to know how many people out of 12, does it take to make the decision?"

Pugh: "And, I stated in my opening comments that right now, right now as the, as, as the Prison Review Board currently operates only one individual goes out, and interviews the various clients. Upon that interview, it might be taped or it might be a written report, that individual goes back and makes a report to the full committees, supposedly. But, this is not taken place. What..."

Pankau: "I understand that, Representative Pugh. I'm trying to separate the interview process from the decision making process. The interview process is one thing, and there are people from the Prison Review Board that go out and take the actual interviews in the prison that the prisoner is at, and they tape it, is also my understanding. So, you're now requesting that at least three people go out to that prison and do the actual interview and also tape it."

Pugh: "Exactly."

Pankau: "But, what I'm asking you..."

Pugh: "But, we're not... No, I didn't say, I didn't say..."

Pankau: "Can those same three people or a majority of those three people meaning two people actually grant that parole then, and if it's only two people out of 12, that can actually grant the parole, this is a bad idea."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Pugh: "Well..."

Pankau: "Seven people should have to be able to grant that parole, not two."

Pugh: "Well, right now, and all I'm asking for, I'm asking for at least two. Right now, only one makes that determination. Only one, only makes that determination."

Pankau: "I'm saying it should be no fewer than seven. A majority of that Parole Board. Is the reason you introduced this to let more people out into, let more people to have parole?"

Pugh: "We're talking about a two step processing, you alluded to that?"

Pankau: "Correct."

Pugh: "The interview process and the decision making process. Right now, there's only one individual responsible for making conducting the interview."

Pankau: "And, does that..."

Pugh: "At that, wait a minute, can I finish my point..."

Pankau: "...makes a decision, or does he have to go back to the Parole Review Board, give him their, his comments, him or her, give them the tape and it's the seven, it's the majority of the Prison Review Board that decides. If you're telling me, you're in essence, lowering the vote that you need to get out of prison, to get a parole, this is a bad idea."

Pugh: "Under, under the way that the law was intended in 1978, the pardon and parole board was responsible for having at least three of the 12 members in place to review each case. Right now, let me finish, right now that is not happening, that is not taking place. All I'm attempting to do is to make sure that the Prison Review Board who took over the job of the pardon and parole board does what the law stipulates."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Speaker Steczo: "Mr. Clerk. Mr. Pugh, please turn on Mr. Pugh's microphone and let him finish the response to this question."

Pugh: "So, and we're getting, all we're talking about here is, ... a Bill that's dealing with, with fairness. We're talking about some individuals who have been caught in a chasm that has caused them because of the new Class X felony laws to be sentenced and to be subjected to the kind of legislation or a new interpretation of the legislation that they were sentenced under. These individuals were sentenced under what was called the old law, during, they are now being subjected to the new law and they are not receiving the kind of attention or input that they should as a result of, of the new law. The pardon, at the..."

Speaker Steczo: "Mr. Pugh please bring your remarks to a close. The five minutes is expired. Representative Homer."

Homer: "Thank you, Mr. Speaker. I, I rise to support the Gentleman and his Bill. I do so, because, all that he's asking that we do is make this process Democratic. Currently, what happens is there are 12 members on the Prisoner Review Board, one goes out and hears a case comes back and it takes seven members of the board in order to make a decision. The review board was in the hearing in the Judiciary and was asked this question, 'do the other 11 members hear the testimony?' Well, not usually. Is there a tape? Yes, there is a tape. Do they listen to the tape? No, not usually. So, what happens? Well, this one person comes back and makes a recommendation and then the other 11 and that person vote. Now, if we had legislative committees where that was the process, we'd be pretty dog gone upset about it. Because it's not fair. We don't mind getting beat, as long as we get a fair hearing. All that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

this Bill does is say that a majority of those that hear the case will make the decision. It doesn't say that two out of three. All that the board has to do, if the board wants seven, they would send 12 members to hear the case, it would take seven. If ten members hear the case, it would take six. If eight members hear the case, it would take five. If three members hear the case it would take two. That's correct, but that's not at the choice of the prisoner, that's at the choice of the review board, and a majority is a majority is a majority, and that this Bill simply says that a majority shall rule and that at least three members shall hear each case, and that it will take a majority of those who hear the case to make a decision. Now, if you want people who don't know anything about the case to make the decision, then you should vote against the Bill. But, if you're for Democracy, then I suggest that a 'yes' vote is the correct vote on the Bill."

Speaker Steczko: "Representative Brady."

Brady: "Thank you, Mr. Speaker. I move the previous question."

Speaker Steczko: "The Gentleman moves... Mr. Meyer, for what reason do you seek recognition? Mr. Pugh."

Meyer: "Thank you, Mr. Speaker. I have a question..."

Pugh: "I'd like for the Bill to be taken out of the record."

Speaker Steczko: "The Gentleman asks for the Bill to be taken from the record. On the Order of Government Administrations, Second Reading, appears House Bill 2808, Representative Raschke-Lind. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2808, the Bill's has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Speaker Madigan."

Speaker Steczko: "The Chair recognizes Representative Dart, on

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

Amendment #2."

Dart: "Thank you, Mr. Speaker. Amendment #2 is a Police Protection Amendment, and I move for its adoption."

Speaker Steczo: "The Gentleman moves for the adoption of Amendment #2. On that, is there any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. Does the underlying Bill deal with the Criminal Code?"

Speaker Steczo: "Mr. Black, what point are you trying to raise?"

Black: "Yes, a point of inquiry. I believe that the underlying Bill pertains to the Criminal Code of the State of Illinois, and Amendment #2 amends the State Finance Act, the local government distributive fund and various other finance agencies. I would question the germaneness. How in the world Amendment #2 could be germane to the Criminal Code?"

Speaker Steczo: "Mr. Black, in response to your inquiry. The Chair would rule that since both Amendments address reduction in crime that the Amendment is germane. Mr. Black."

Black: "Yes. Yes, a further, a further inquiry, Mr. Speaker. And, I'm always appreciate the creativity of the Chair. The underlying Bill also outlaws pepper spray, and the Amendment deals with police, and police can and are authorized to carry pepper spray. So, how in the world then, I would question the germaneness. If the underlying Bill outlaws pepper spray, and the Amendment puts 6,000 more policeman on the street who carry pepper spray, then you have an absolute conflict here, and something has to be not germane."

Speaker Steczo: "Mr. Black, the Chair's already ruled on your

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

question."

Black: "Well, okay. Well, Mr. Speaker, you leave me no choice, since there doesn't seem to be anything in the state statute about the chapter on reduction of crime. I must, in all due respect to the Chair, ask that the ruling of the Chair on the question of germane be overruled, and request a Roll Call Vote on the same."

Speaker McPike: "The Gentleman, Gentleman has moved to overrule the ruling of the Chair. All those in favor signify by voting 'aye'; those opposed, by voting 'no'. Representative Edley to explain his vote. The Gentleman does not wish to be recognized. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 48 voting 'yes', 61 voting 'no', the Motion fails. Representative Turner, for what purpose do you seek recognition?"

Turner: "I certainly don't want, I certainly don't want to overrule the Chair, you know that's a nice spot up there. Vote me 'no'."

Speaker Steczko: "The transcript Representative Turner will so reflect. Representative Ackerman for what purpose do you seek recognition? Mr. Clerk, further Amendments? on, I'm sorry. Is there any discussion on the Amendment? Representative Balthis."

Balthis: "Thank you, Mr. Speaker. I would ask for a roll call vote on this Amendment that we would intend to verify...you don't want to...I want to go home."

Speaker Steczko: "Is there any further discussion?"

Balthis: "Withdraw my request."

Speaker Steczko: "All those in favor of the adoption of the Amendment. All those in favor of the adoption of the Amendment will signify by saying 'aye'; those opposed, by

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

saying 'no'. The 'ayes' have it and the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Tom Johnson."

Speaker Steczo: "Representative Johnson. The Gentleman withdraws Amendment #3. Mr. Clerk, any further Amendments?"

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

Speaker Steczo: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This Amendment creates the task force of 12 individuals to study an issue of privatization of prison services. Two Members appointed by each Legislative Leader with the remaining four members appointed by the Governor."

Speaker Steczo: "Representative Granberg."

Cross: "One of the..."

Speaker Steczo: "Representative Raschke-Lind, for what purpose do you seek recognition?"

Raschke-Lind: "Mr. Speaker. I'd like to remove this Bill from the record, please."

Speaker Steczo: "The Lady requests the Bill be taken from the record. Agreed Resolutions."

Clerk Rossi: "House Resolution 2569, offered by Speaker Madigan."

Speaker Steczo: "Representative Currie moves for the adoption of the Agreed Resolution. All those in favor will signify by saying 'aye'; those opposed, by saying 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. Speaker Madigan now moves that the House stand adjourned until the hour of noon, Tuesday, May 10th. All those in favor...all those in favor will signify by saying 'aye'; those opposed, by saying 'no'. The 'ayes' have it and the House now stands adjourned until the hour of noon on Tuesday, May the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

127th Legislative Day

May 6, 1994

10th."

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

94/10/17
15:47:46

MAY 06, 1994

HB-0259	SECOND READING	PAGE	68
HB-0259	THIRD READING	PAGE	73
HB-2489	SECOND READING	PAGE	30
HB-2489	THIRD READING	PAGE	30
HB-2616	THIRD READING	PAGE	31
HB-2617	SECOND READING	PAGE	73
HB-2617	THIRD READING	PAGE	74
HB-2617	OUT OF RECORD	PAGE	90
HB-2808	SECOND READING	PAGE	101
HB-2808	OUT OF RECORD	PAGE	104
HB-2812	THIRD READING	PAGE	29
HB-3028	SECOND READING	PAGE	42
HB-3028	THIRD READING	PAGE	43
HB-3070	SECOND READING	PAGE	8
HB-3070	THIRD READING	PAGE	9
HB-3152	SECOND READING	PAGE	9
HB-3152	THIRD READING	PAGE	9
HB-3274	THIRD READING	PAGE	5
HB-3320	THIRD READING	PAGE	52
HB-3320	POSTPONED CONSIDERATION	PAGE	68
HB-3386	SECOND READING	PAGE	90
HB-3386	THIRD READING	PAGE	91
HB-3386	OUT OF RECORD	PAGE	101
HB-3612	SECOND READING	PAGE	13
HB-3612	THIRD READING	PAGE	13
HB-3735	SECOND READING	PAGE	12
HB-3735	THIRD READING	PAGE	13
HB-3832	SECOND READING	PAGE	47
HB-3832	THIRD READING	PAGE	48
HB-3869	SECOND READING	PAGE	50
HB-3869	THIRD READING	PAGE	51
HB-3952	SECOND READING	PAGE	32
HB-3952	THIRD READING	PAGE	42
HB-4086	SECOND READING	PAGE	17
HB-4086	THIRD READING	PAGE	18
HB-4088	SECOND READING	PAGE	7
HB-4088	THIRD READING	PAGE	7
SR-0152	ADOPTED	PAGE	5
SR-0152	RESOLUTION OFFERED	PAGE	5
*HJR-0037	FIRST READING	PAGE	88
SJR-0123	ADOPTED	PAGE	3
SJR-0123	RESOLUTION OFFERED	PAGE	2

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MCPIKE	PAGE	1
PRAYER - ELDER CHARLES MCMULLEN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL ATTENDANCE	PAGE	1
AGREED RESOLUTIONS	PAGE	3
DEATH RESOLUTIONS	PAGE	4
GENERAL RESOLUTION	PAGE	5
DEATH RESOLUTION	PAGE	5
REPRESENTATIVE STECZO IN THE CHAIR	PAGE	73
AGREED RESOLUTION	PAGE	104
HOUSE ADJOURNED	PAGE	105