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HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

66th Legislative Day

May 22, 1995

Speaker Daniels: "The House will be in order. Members will be in their chairs. Speaker Daniels in the Chair. The Chaplain for today is Father Alexis Pruemmer of St. Mary's Catholic Church in Shumway. Father Pruemmer is the guest of Representative Duane Noland. Guests in the gallery may wish to rise for the invocation. Father."

Father Pruemmer: "Let us pray. Oh mighty God, heavenly Father, I thank You for this opportunity to be here this morning, a beautiful new day we are experiencing and the opportunity to share a prayer with this great Assembly as they begin their final week of deliberations. I think we all realize that we come from You, oh mighty God, and we depend on You for everything we have and everything we are, and therefore it is very fitting that we do invoke Your help and strength in helping us to continue to make the right decisions in our business life and in our legislative life. Each one of us then ask You then to share with us Your power. You say come to Me and ask whatever You ask for in My Name, I give it to You. We ask, Lord, that You stretch forth Your powerful arms and give them the gift of wisdom, that they know more right from wrong, that they may make the right decisions and deliberations that come before them. We ask You, Lord, then to help them to work together in peace and unity and harmony, not for their own good, but for the common good of all the citizens of our state. And I wish to conclude then with the Prayer of St. Francis, being a Franciscan myself and You can also pray along with me. 'Lord Jesus, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. And where there is despair, hope. And where there is darkness, light. Where there is sadness, joy. Oh divine Master, grant that I not

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so much, seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned. It is in dying that we are born into eternal life. Amen.' I'm going to conclude with asking God to bless the Cardinals. Amen."

Speaker Daniels: "Thank you, Father. We'll be led in the Pledge of Allegiance by Representative Chuck Hartke."

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

Speaker Daniels: "Roll Call for Attendance. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. With the exception of Representative Martinez, who is excused this morning, as you can see we're all here, bright eyed if perhaps not exceptionally well rested."

Speaker Daniels: "Representative Cross, recognized for any excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. We're even brighter eyed and bushy tailed over here than the other side. We're all here today. Thank you."

Speaker Daniels: "Thank you, Representative Cross. Mr. Clerk, take the record. There are 117 answering the Roll Call, and there is a quorum present. House will come to order. Senate Bills - Third Reading. Senate Bill 90...excuse me, 934. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 934, a Bill for an Act that amends the Trust and Trustees Act. Third Reading of this Senate Bill."

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Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 934 amends the Trust and Trustees Act provisions relating to trusts for disabled beneficiaries. It provides that a discretionary trust for a substantially disabled beneficiary is not required to pay or reimburse the state or a public agency for financial aid or services provided to the beneficiary if the trust complies with federal Medicaid reimbursement requirements. It also amends the Corporate Fiduciary Act to provide that a corporate fiduciary may hire and compensate as an additional expense of the trust estate agents and advisers to assist the corporate fiduciary and provides that an affiliate who has trust powers may delegate to another affiliate in the bank holding company the administration of part or all of a trust. Be happy to answer any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Lang: "Thank you. Representative, I've said this before in the House floor. For those of us who are not attorneys, they may not understand all that legal jargon you've just read to us about corporate fiduciaries and the like. Can you...And even on your side of the aisle, I have some people nodding, 'Yes, Representative Lang, help us, help us.' And so, Representative, and so, Representative, can you put down your notes and talk like you would talk to a client and explain to us what all this legal jargon is that you've given us. Representative Daniels is smiling. He'd like some help with this also."

Speaker Daniels: "Yeah, but I think I'd rather have the help from

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Representative Biggert. Representative Biggert."

Biggert: "Well, I'll try, Representative Lang. As far as a corporate fiduciary, there are trust departments in banks and in recent years, they have become more sophisticated in the way that they run the trust departments and have branches so that taking a bank that has had a very active trust department and deals in trusts now has affiliates in other areas of the state. And this allows them to be able to provide the services that any sophisticated trustee would need in that branch of the bank that provides the most comprehensive...the most comprehensive work to be done, rather than having to go to the small bank and deal with that trust department."

Speaker Daniels: "Representative Lang."

Lang: "Well, I don't know about everyone else, but that sure helped me a lot. Have no idea what the Bill does. Representative, in the Amendment, your Amendment to the Bill, you provide that a corporate fiduciary may hire agents and advisers at the expense of the trust. Could they not do this previously?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think that it was unclear that they could hire somebody, as I just said, in another area of the bank to be able to provide that. Originally, the trust department did everything. Now they have other areas of the bank that provide services and that's what this provides."

Speaker Daniels: "Representative Lang."

Lang: "The Bill also indicates, or the Amendment also indicates, that a corporate fiduciary that is a subsidiary of a holding company may delegate their duties to another subsidiary. Is that the case even where the estate has named the original fiduciary? Why do we want to give these

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powers to a named individual or corporation to just give their power away to someone else without the approval of someone who is directly involved with the estate?"

Speaker Daniels: "Representative Biggert."

Biggert: "Well, I tried to explain before that this is the case because this is really doing what is normally done now because of the bank and having smaller affiliates or smaller branch banks in another area. Let's say in the suburban area and in the downtown area, they have a very sophisticated trust department, so that they will get help from that large trust department to better serve their customers."

Speaker Daniels: "Representative Lang."

Lang: "Representative, did Amendment #2 go on this Bill?"

Speaker Daniels: "Representative Biggert."

Biggert: "No, it did not."

Speaker Daniels: "Representative Lang."

Lang: "Representative, didn't...as I recall, Amendment 2 in committee would have closed up the loophole that allowed the state treasurer to forgive \$40,000,000 in state debt. Why didn't you support this to be on your Bill?"

Speaker Daniels: "Representative Biggert."

Biggert: "The Chair ruled that Amendment non-germane."

Speaker Daniels: "Representative Lang."

Lang: "As I recall, there was a vote in committee to overrule the Chair. You voted with the Chair, so I guess you felt that we should not pursue closing the loophole in the law?"

Speaker Daniels: "Representative Biggert."

Biggert: "...I want to support my Chairman and his parliamentary prowess."

Speaker Daniels: "Representative Lang."

Lang: "Even when he's wrong?"

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Speaker Daniels: "Representative Biggert."

Biggert: "...he was wrong, and I voted in favor because I believed he made the right ruling."

Speaker Daniels: "Representative Lang."

Lang: "Did you support Amendment 2 to close up this loophole in the law?"

Speaker Daniels: "Representative Biggert."

Biggert: "...opportunity to read it, because we just received that Amendment and it..."

Speaker Daniels: "Further discussion? The Gentleman from Effingham, Representative Hartke. Representative Granberg."

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

Speaker Daniels: "She indicates she will."

Granberg: "Representative Biggert, let's get back to this idea about the branch banking and the expertise. I live in a rural area. We have branch banks. We have trust departments. Why does a branch bank need this authorization?"

Speaker Daniels: "Representative Biggert."

Biggert: "I've spoken about affiliates of the bank. I don't mean to imply that it's branch banking. What it is, it could be the different departments within a bank. We've gone to the concept, I think, in this state of personal banking and so some of the services that have been provided under what was originally thought to be a trust department are now provided in services throughout the bank or it could be from another affiliate of the bank in different areas. And I think it's just a business decision of banks to provide the services, but they don't need to have duplication of services either within different departments in that bank or with affiliates or what we would call branch banking."

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Speaker Daniels: "Representative Granberg."

Granberg: "Well, you referenced banks' branch banking in your discussion, and the branch banks I'm familiar with, you have the trust department, you have the people in the branches and they work closely with the base branch or the base unit, they work with that trust department. There is no need to have this type of authorization."

Speaker Daniels: "Representative Biggert."

Biggert: "Well then, Representative Granberg, it was a slip of the tongue because I don't mean to mention branch banking as such. What I meant to reference was affiliates of that bank."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, how would you define affiliates?"

Speaker Daniels: "Representative Biggert."

Biggert: "It would be defined as, and I think I used the term branch banking because I was trying to put it into layman's terms, but the...an affiliate would be one who has...could be another department. It has part of a bank holding company and an affiliate of that. It could be, and I don't want to use any names, which is...so it would be... Let's say there's a bank holding company and there are various affiliates, either in that bank or some place else, who are within the bank holding...the parent company and there could be two different companies. I might add that this was part of another House Bill, which passed out of here under House Bill 377."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, that just confuses me more. I don't know what that House Bill is, so... What was that House Bill now that you referenced that this is part of?"

Speaker Daniels: "Representative Biggert."

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Biggert: "House Bill 377."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, you just said this is part of House Bill 377? What does House Bill 377 do that this is part of that we are debating?"

Speaker Daniels: "Representative Biggert."

Biggert: "It had to do with financial institutions. It doesn't have anything to do with what we're debating. I just threw that in to say something, I guess."

Speaker Daniels: "Representative Granberg."

Granberg: "Now wait a second. First, you said it was branch banking, then you said, 'No, that was a slip of the tongue.' Then you said, 'Well, this is part of House Bill 377' and now you just said, 'No, that has nothing to do with it. It was just a slip of the tongue.' Now, does this have something to do with House Bill 377? You indicated just previously this was part of that Bill. It has something to do with it. Now, does it have something to do with this legislation or not?"

Speaker Daniels: "Representative Biggert."

Biggert: "I was trying to make the point that we have considered this on the House floor before, and it has been debated. That Bill is now over in the Senate. Its...came out of the Financial Institutions Committee. This was put onto this Bill because of some of the other legislation that was in that one. I was trying to make a point that we debated this before, and that it passed out of the House."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, can you just give me an example. You're talking about affiliates. Can you just give me an example of a bank holding company where they have affiliates where this is necessary? You've been talking



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about this, so apparently it isn't branch banking. Those of us downstate may not have the knowledge what you're talking about, so if you just provide us..."

Speaker Daniels: "Representative Granberg, you have a question...finish your question."

Granberg: "Thank you, Mr. Speaker. The Representative was getting into this and I just asked her if she could provide us with an example, because we're not...we're just downstate people, Mr. Speaker. We're not familiar with this sophisticated type of banking, and we would like to know what's impacting us?"

Speaker Daniels: "Representative Biggert, would you address the downstate person?"

Biggert: "Let's say that a customer in your bank has a trust there and part of the duties of the bank is to provide financial aid in the...how the trust, the deposits in the trust or the money, the financial part of the trust will be administered. And that the person that's administering the trust does not have the expertise that another part of that bank has, than an affiliate of that bank, so they would get the advice and turn over that to do the financial investment of that trust property of the customer, rather than someone who administers the trust making all of the financial decisions and that they would have an affiliate within that bank who would handle that."

Speaker Daniels: "Further discussion? The Gentleman from Effingham, Representative Hartke. That's the second time I've recognized you, Sir."

Hartke: "I realize that. I was out talking to one of our constituents. Would the Sponsor...Oh, wait a minute. I'm very interested in this proposal and I don't have the expertise of the questions, but I would like to refer my

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time to Representative Granberg, if that would be possible, because I think this is very important. I'm really confused on what this legislation is doing, and I want to know. And I think Representative Granberg can ask those questions, which will probably clarify with Representative Biggert. I'd like to hear more of the dialogue."

Speaker Daniels: "I don't know if Representative Granberg accepts your request to yield time here, because I'm not sure he considers himself to be an expert. You have another expert on your side? Representative Granberg."

Granberg: "...Mr. Speaker, let me make an inquiry of the Chair. Is this Rep...Is this 'Bill Gouche's' consideration?"

Speaker Daniels: "I have no idea. Now does that make you an expert?"

Granberg: "Representative Biggert, I asked you, can you just give me an example? Can you name me a bank holding company for the Members where this would be applicable, where they have this type of service or they won't be able to provide this type of trust advice or expertise in dealing with the beneficiaries of a trust?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think any large bank in the City of Chicago would provide...would want to provide this kind of service. And they have developed affiliates in the suburbs and have developed personal banking, and people come to that affiliate and set up their trust, and then this would allow the affiliate to provide that service."

Speaker Daniels: "Representative Granberg."

Granberg: "So right now if I go to an affiliate, not a branch bank, in suburban McHenry and I set up an irrevocable trust, then that affiliate cannot provide the necessary expertise to me. They cannot go to the bank holding

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company with their trust department?"

Speaker Daniels: "Representative Biggert."

Biggert: "Because this is what is...has developed in the last few years. I think the reason for this legislation is because they could be accused of self-dealing, rather than going to outside help for providing this service, and so this really just clarifies that this is proper to do and is not self-dealing."

Speaker Daniels: "Representative Granberg."

Granberg: "Do they... Why would the affiliates hold themselves out as having the capability of being able to perform this type of service when, in fact, they could not or they do not want to give the impression that they can. Would they not have some type of disclosure when they meet with me when I set up the trust?"

Speaker Daniels: "Representative Biggert."

Biggert: "The bank holding company holds itself out as...in to being able to do this."

Speaker Daniels: "Representative Granberg."

Granberg: "So when I go to the affiliates, don't they hold themselves out in in-toto that they can do this?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think this has just developed in recent years because all of these banks have numerous affiliates in the suburban area and rather than have to develop a complete trust department, which can provide all of the services the...main bank or the bank holding company can provide some of the services to the suburban affiliate who has had little trust expertise. It provides better services to the customer."

Speaker Daniels: "Representative Granberg."

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

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one last question. When they do this, I mean they are holding themselves out as having this capability in-toto, so they come to you. They should absolutely disclose to the individual that they can or cannot do this. Now if they want to charge additional fees, then I think you have...then you have the problem. So if there are additional costs..."

Speaker Daniels: "Representative Pugh, the Gentleman from Cook."

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

Speaker Daniels: "She indicates she will."

Pugh: "Representative, this appears to be a piece of legal ease that I'm not too acquainted with, so if you'll bear with me for just a moment. The intent of the Bill is designed to exempt disabled individuals from trust, their property from... Can you explain the intent of the legislation, please?"

Speaker Daniels: "Representative Biggert."

Biggert: "The purpose of that part of the Amendment or that...is... The purpose of the legislation and...is to provide that under the Trust and Trustees Act is to bring Illinois law into compliance with the federal Medicaid regulations as set out in the Omnibus Budget Reconciliation Act and to allow persons that are disabled to place their funds into a trust and then receive medical funds from...from Medicaid and to qualify for Medicaid reimbursement for medical expenses."

Speaker Daniels: "Representative Pugh."

Pugh: "So, a typical scenario would be that an individual who is disabled would have a piece of trust property or a trust, property held in a trust, and if that individual dies, what happens to the property?"

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Speaker Daniels: "Representative Biggert."

Biggert: "Under Medicaid regulations in the Omnibus Budget Act, there are trusts set up that are called pay back trusts, and this is to bring into compliance our Trust and Trustees Act, and that's true. Let's say someone is injured and disabled and they receive a sum of money from their injury, this allows them to put that money into a trust and still qualify for Medicaid payments, and their assets will be left in that trust until they die. And then, the Medicaid will be reimbursed up to the amount of money that was paid for that on their behalf by public aid. And then, the rest of the money will be distributed to whoever the money would go to when they die. So this really allows them to keep that money as in the discretionary trust until they die, and then any expenses that have been made on their behalf will be paid back to the state agency. And this is in compliance with federal regulations."

Speaker Daniels: "Representative Pugh."

Pugh: "So an individual has...has received Medicaid benefits as a result of an injury that occurred, his...the moneys he received as a result of that injury is set aside so that he can qualify for Medicaid?"

Speaker Daniels: "Representative Biggert."

Biggert: "His other assets are set aside so he can qualify for Medicaid payments."

Speaker Daniels: "Representative Pugh."

Pugh: "So, if an individual had adequate assets, why would he want to qualify for Medicaid?"

Speaker Daniels: "Representative Biggert."

Biggert: "Well, there are many occasions where they have some assets and they're not...which would preclude them from qualifying for Medicaid and then they would have to use all

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of their assets, so this really allows them to do that. And this was originally included in this Act where they could not qualify was to prevent persons from qualifying while shielding their assets from state reimbursement, and the federal guidelines were changed, and so this really just puts it into compliance with those guidelines."

Speaker Daniels: "Representative Pugh, your time has expired, Sir. The Lady from Cook, Representative Jones."

Jones: "Mr. Speaker, I would like to yield my time to Cory Pugh, please."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, what kind of assets would be... What requirements would recruit the individual from qualifying for Medicaid?"

Speaker Daniels: "Representative Biggert."

Biggert: "The...under the Trust Act, those assets that would not qualify were ones that were under the control of the beneficiary or the disabled person. So this allows them to be able to put those into the trust and qualify for Medicaid. They could be all kinds of assets, one that...something that they had recovered from the courts because of their injury. It could be something that they received from inheritance. It's their own property."

Speaker Daniels: "Further discussion? Representative Pugh."

Pugh: "Representative, can the banks charge additional fees for this?"

Speaker Daniels: "Representative Biggert."

Biggert: "I think that banks can charge for administrating a trust, yes. This is a discretionary, trust and is administered by...It could be a legal guardian, a spouse, whoever is the trustee, and as such it is a trust and it is the person's own property, so I would imagine that a bank

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has the ability to charge fees for that."

Speaker Daniels: "Representative Pugh."

Pugh: "So, what kind of regulations are in place to cap those fees?"

Speaker Daniels: "Representative Biggert."

Biggert: "This legislation has nothing to do with that. This legislation is to provide that a disabled individual who has property under his control can place the funds into the trust and make the Trust and Trustees Act in compliance with the federal Medicaid regulations as set out in the Omnibus Budget Reconciliation Act."

Speaker Daniels: "Representative Pugh."

Pugh: "So my understanding is that an individual is disabled, the...his assets are set aside and he's allowed to collect Medicaid benefits. Once that individual dies or something, he has to pay the Medicaid benefits back, what happens...what happens to the properties? Is there...of the individual's family, once he or she is deceased. Will the property go to the individual's families or to the state?"

Speaker Daniels: "Representative Biggert."

Biggert: "This is what is now required under federal law, that when the person dies, so he is not going to receive that property back, although he has the benefit probably of enjoyment of the property, and the trustee has the powers to make determinations on how that trust will be administered in the lifetime of the disabled person. Once he dies, what goes to the state is what the costs were for his medical treatment or for other state agencies. The rest of the property passes as he...as designated in the trust to his family, to his church, or whatever he designates the property to go to. It is his property that

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has been put into a trust. It's like the state having a lien on a certain amount of money which is then paid back when he dies for his medical expenses."

Speaker Daniels: "Representative Pugh."

Pugh: "And forgive me, I'm trying to digest all of this and it seems to me like the disabled individual has this money he sets in an interest bearing account and gets interest off of it, then he receives Medicaid to pay for his bills, his hospital bills or what have you, once that individual passes or whatever happens to him, then the state goes in and...into that account, but is there... When the Medicaid reimbursement comes back, do we...are we charging interest? Who receives the interest on that money that..."

Speaker Daniels: "Okay, Representative Pugh, your time is out. Representative Biggert, will you answer that question."

Biggert: "The trustee has the discretionary powers of what to do with that property during the time. If this money were not put into the trust, under federal regulations, that person would receive, would have to pay up front for any medical expenses. This allows him to shield that money while he's alive and then pay back after his demise and keep the money for his family, over and above what is the actual cost of the Medicaid."

Speaker Daniels: "Okay, the Lady from Lake, Representative Moore. Representative Moore."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Biggert to close."

Biggert: "Thank you, Mr. Speaker. I think we've had discussion on both parts of this Bill and I would move for favorable



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passage. Thank you."

Speaker Daniels: "The Lady has moved for the passage of Senate Bill 934. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 106 'ayes', 6 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 941. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 941, a Bill for an Act that amends the School Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Excuse me, I have to make one preparation for this. Thank you. Senate Bill 941 is a Bill dealing with the textbook loan program of the State Board of Education. Let me give you a little background so that you will have some basis for understanding the change. Each year, the State Board has a budget item, this year \$8,000,000, which will allow textbooks to be leased by public, private, and parochial school students. It amounts to a book and a half per student during their 13 year career. This program has a problem right now in that much of the text met through the curriculum of the state is being prepared in software. 941 will open the textbook loan program up to the modern age by allowing school districts and students to lease software along with the hardback books. It passed out of the Senate without opposition, both on the floor and in committee, and passed out of the House Elementary & Secondary Education Committee 23 - nothing. I would be prepared for any questions about the Bill."

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Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, when you talk about the school textbook fund and the \$8,000,000, I'm sorry I didn't hear you. Who gets to use this...these books? Who gets to benefit from this?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "At the beginning of every child's education career in Illinois, they are given a card, their parents actually, that says that they want to participate in this program. It entitles them then to choose through their school a textbook that is to be used for a five-year period. The school will choose the book and then it will be leased to the individual for the five-year period. It is available to the public, private and parochial school students of the State of Illinois."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, you said the student will have an opportunity to use the textbook for five years. Surely, none of our students in Illinois use that same textbook for five years? Are you saying they get an opportunity to use books from the textbook program for a five year period?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "Correct. That book will then, you know, it's the third grade reading text. It will be leased from that student and that student then would leave it that year and would proceed on to the next grade, where a, hopefully, a book similar would be available to them."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, is the transportation dollar also in this particular Bill?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "The State Board line item on transportation, which is

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also 8,000,000, has nothing to do with this Bill. So the answer is, no."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, this \$8,000,000 textbook fund, was this in the budget last year? And if so, for how much?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "It is my understanding that this was not part of the State Board's budget last year and that it was restored this year."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, in this legislation we've included or you've included, the ability for schools to borrow, I think computer software and they will be considered textbooks. Which school districts will have an opportunity to participate in that technology or software part of this legislation?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "All 927 school districts in the State of Illinois will have the opportunity to participate."

Speaker Daniels: "Representative Davis."

Davis, M.: "Will this reduce the number of textbooks that are available to students? Are we going to replace the use of textbooks with the use of computer software?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "An interesting question. The average textbook that is being used now is about \$38 cost. Most of the software packages are more expensive than that, but when it is brought into the classroom that text...that software package can be programmed into a number of computers and so, in reality, we're going to get a lot more for our dollar if the school district does this and then uses these various software packages for let's say 25 children in an

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elementary school classroom."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, are there or have there been funds available to assure that every school that we're speaking of, I think the 962 district schools will have the computers that they must have in order to avail themselves to the use of the software?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "Since we are not responsible for the private and parochial schools of this state, no, this Bill is aimed at increasing the flexibility to the school districts, which is one of the things we have as a goal to create a flexibility, so that the school districts can use this if it is appropriate for their particular school."

Speaker Daniels: "Representative Davis."

Davis, M.: "Two more questions, they're very brief. Representative..."

Speaker Daniels: "Your time is almost expired. Make it brief."

Davis, M.: "Oh, I know. I know. Representative, I believe there were a number of lobby groups in Springfield about a year ago in reference to us, or I should say the state allowing all students to participate in this textbook borrowing or textbook fund, so I believe at one point we were talking about \$10,000,000. So we've reduced it a little to \$8,000,000 and then we've also added computer software. Do you believe that some place in our appropriation we must include extra or additional dollars for the technology that schools will need in order to participate in the use of this software?"

Speaker Daniels: "Okay, Representative Davis, your time is expired. Representative Hoeft, can you answer that question, please."

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Hoeft: "If you remember correctly, that was one of the initiatives of Representative Cowlshaw. It was one of the goals of our Elementary and Secondary Education Committee to open up the technology so that, in fact, we can have world class schools throughout this state."

Speaker Daniels: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hannig: "Yeah, Representative, you said that there was 8,000,000, I think, in the budget this year. Was that at the State Board's request?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "The original State Board request was for none."

Speaker Daniels: "Representative Hannig."

Hannig: "So the proposal you have here and I guess the way it deals with textbooks would... What would happen if we have a lesser or a greater amount than the 8,000,000 you're suggesting? Is there some kind... Is there some kind of probation or is there some kind of ratio between hardcover textbooks and software that we're suggesting is optimal with this appropriation or does it just open it up completely?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "Okay, the \$8,000,000 that is included in this budget and has had it for a number of years, will cover only the textbooks for a grade and a half or maybe two grades at the best. So that this does not mean a textbook for every child in the state. It means a textbook for one out of every seven children in the State of Illinois. The flexibility that you were asking for is entirely up to the discretion of the governing body of that school district or

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school."

Speaker Daniels: "Representative Hannig."

Hannig: "Representative, for some of the poorer districts in the state and I happen to represent some of those, where we don't have computers, wouldn't we really be losers under this program? Wouldn't there just be less money available to us for the hardcover textbooks and really no opportunity, as I think Representative Davis tried to point out, to get the software?"

Speaker Daniels: "Representative Hannig. Hoeft. Representative Hoeft."

Hoeft: "That's why we need the flexibility. Your school has needs, your school has particular needs, a textbook or a software package, that's why this is important. It is going to give school districts across the State of Illinois greater flexibility to meet individual school needs."

Speaker Daniels: "Representative Hannig."

Hannig: "But I guess my point is if it's an \$8,000,000 program, and now we're going to spend 2,000,000, say for example, on software, it's really just a \$6,000,000 program for my school that doesn't have the software. So really we'd almost be better off without this, unless there are assurances that we can somehow obtain the software. Wouldn't you at least agree with that?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "Not in the least. This gives your ability, the school district the ability, for example, they might want a science textbook series that is a good deal more expensive than a software package. So it would be to the benefit of your school district to get the science curriculum, rather than a less expensive software package than computer. This makes absolutely no difference in terms of poor versus

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rich. It gives flexibility to all school districts."

Speaker Daniels: "Representative Hannig."

Hannig: "Maybe I'm misunderstanding the program, Representative. Does the money go to the school districts on some kind of per capita basis or how is the money distributed?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "The school requests from the State Board a specific textbook, a specific software package. They send it to the Regional Superintendent who compiles it. They send it to the State Board of Education. The State Board then purchases that. There is no exchange of money with the schools. The school...The State Board will, through its massive buying power, purchase more cheaply than the individual schools. The State Board organizes and the State Board distributes."

Speaker Daniels: "Representative Hannig."

Hannig: "Will the \$8,000,000... Is that an adequate amount of money to provide all the textbooks that are requested by the respective schools?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "Nope."

Speaker Daniels: "Representative Hannig."

Hannig: "Then how does the State Board decide whether School A or School B's request is granted?"

Speaker Daniels: "Representative Hoeft."

Hoeft: "They take all the requests. Now this year, for example...Last year they had completed the high school. They got all the texts for senior year. They went to kindergarten and completed kindergarten and they got a very small part of the first grade's done. This year they started with the schools that did not..."

Speaker Daniels: "Further discussion? The Gentleman from DeKalb,

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Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I call the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Hoeft to close."

Hoeft: "This is a good Bill. I would like to clear up one misconception. Representative Davis said that an individual would not keep a book for five years in a row. Representative Mitchell came down and reminded me it took me five years to get through 3rd grade, so I would've had one for five years, but other than that, most people would not. This is a good Bill. It will help our districts. It should go through here unanimously. Thank you."

Speaker Daniels: "The question is, 'Shall Senate Bill 941 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 'aye', none voting 'no', none voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 995. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 995, a Bill for an Act that amends the statute on statutes. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. Senate Bill 995 is a very simple Bill. It has not been amended. It passed with no opposition through both Houses. It defines paralegal and also in those cases where an attorney is allowed to file a petition for fees, it allows paralegals to recover those fees at market rates. I would be happy to entertain any



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questions."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. You don't say the Gentleman from Cook, Representative Lang. You just jump right in. Other people are Gentlemen or Ladies around here, I guess I'm just Representative Lang. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Lang: "Thank you. Representative, I don't think anyone understands what your Bill does. Can you explain it to us, please."

Speaker Daniels: "Representative Lindner."

Lindner: "Yes, Representative Lang. It defines paralegal as a person who is qualified through education, training, or work experience, is employed by a lawyer, law office, governmental agency, or other entity to work under the direction of an attorney in a capacity that involves the performance of substantive legal work, that usually requires a sufficient knowledge of legal concepts, and that defines that in the Statute of Statutes, and it also allows for recovery of paralegal fees when an attorney files a petition for attorney's fees which must then be heard by the court."

Speaker Daniels: "Representative Lang."

Lang: "Why is this Bill needed, Representative?"

Speaker Daniels: "Representative Lindner."

Lindner: "This Bill is needed because paralegal work is starting to be used more and more by attorneys. This will save people money because paralegal rates will not be included as part of an attorney's overhead and because there are very many inconsistencies. There was a Supreme Court case: Missouri versus Jenkins found at 491US274 in 1989 and that said that paralegal fees are recoverable, but the Illinois

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courts have applied that very inconsistently, sometimes allow fees, sometimes do not allow fees, and this statute would clean up those inconsistencies."

Speaker Daniels: "Representative Lang."

Lang: "So, sometimes in my law practice, I see there's documents that say that if you have to sue somebody to recover money, you're entitled to attorney's fees. Would those documents have to be amended to include paralegal's fees or is the purpose of this Bill to include paralegal fees in there so that when attorney's fees are recoverable, paralegal fees are automatically recoverable?"

Speaker Daniels: "Representative Lindner."

Lindner: "I do not think those documents would have to be amended. If you're speaking of your own contract with your clients where you tell what you are going to recover, I suppose you would have to say in there that paralegal fees are also going to be included. But in your petition for attorney's fees, as you know, I'm sure you have filed many as I have, you have to be very specific about who is performing what activity and the time it was performed and at what rate you are asking to recover for that task."

Speaker Daniels: "Representative Lang."

Lang: "Oftentimes a court order will give an amount...a judgement amount, \$1,000 plus costs and attorney's fees. Would the court have to specify, 'and paralegal fees' or is the point of this Bill to say that when the attorney figures out their fees for the purpose of determining what the defendant should pay, that the paralegal fees would be included in that as well?"

Speaker Daniels: "Representative Lindner."

Lindner: "That's correct. It's my understanding that, excuse me, paralegal fees would be included in that."

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Speaker Daniels: "Representative Lang."

Lang: "So for purposes of legislative intent, it would be fair to say that your intent with this Bill is to have paralegal fees be included whenever there's a court order allowing for attorney's fees and whenever there's a contract between any two people that calls for the payment of attorney's fees, you're just...without specifying the term, 'paralegal fees'. Would that be correct?"

Speaker Daniels: "Representative Lindner."

Lindner: "No, I believe that you...in your private contract with your client, you have to specify for what you are recovering and in that contract, I assume that you would tell them that you're recovering for your work and if you are going to use a paralegal, you are going to recover for that work, too. But this does say that when you file your petition for attorney's fees and specify what work the paralegal has performed, that yes, that work is recoverable if the court allows the attorney's fees as for a paralegal just as it would be for an attorney."

Speaker Daniels: "Representative Lang."

Lang: "An agreement between any two parties that specified paralegal fees would allow for paralegal fees, would it not? You don't need a statute to do that."

Speaker Daniels: "Representative Lindner."

Lindner: "Well, I think we do need a statute because of the fact that courts, you know that..."

Speaker Daniels: "You want to just bring your answer to a close."

Lindner: "The court does not have to allow any of your attorney's fees, so they would not have to allow the paralegal fees either."

Speaker Daniels: "The Lady from Lake, Representative Andrea Moore."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Lindner to close."

Lindner: "Thank you, Mr. Speaker. There is no opposition to this Bill. I would ask for a favorable vote."

Speaker Daniels: "The question is, 'Shall Senate Bill 995 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Order of Concurrences. House Bill 413. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 413, on the Order of Concurrence, a Motion to concur with Senate Amendment #1, has been filed by Representative Hassert and has been approved for consideration."

Speaker Daniels: "Representative Hassert. Take that out of the record. House Bill 797. Representative Cowlshaw on 797."

Clerk McLennand: "House Bill 797, a Motion to concur with Senate Amendment #1 has been filed by Representative Cowlshaw and is approved for consideration."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1, Senate Amendment #1 to House Bill 797 becomes the Bill. It was requested by Regional Superintendent of Schools Berardo DeSimone. What it does is to change the name of the Regional Office of Education Oversight Board to the Regional Office of

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Education Advisory Board. Apparently when all of the negotiations on changes in regional superintendents occurred about two or three years ago and Representative Brunsvold was very strongly involved in all of those negotiations, apparently this is one thing that some of the regional superintendents continue to have concerns about and so that's what the Bill does. It's very simple. I would be glad to try to answer any questions."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative Cowlshaw, when you change the name, does that also change the authority of that board?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "All it does, in addition to changing the name, is to eliminate the requirement that a regional superintendent's use of the Institute Fund be subject to approval by the Oversight Board. Under this legislation, the regional superintendent can continue to do what he or she has always done in the past and that is to control the use of the Institute Fund."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, we are real sorry about your voice. We are really sorry. Does your piece of legislation state that no longer is this Board of an advisory...I'm sorry...of an oversight nature, in other words, when a Board is in oversight, that means that board is kind of watching the store, making suggestions for improvement, perhaps demanding improvement. But when that Board is advisory, it doesn't seem to have as much authority. Now is the objective of the regional superintendents to remove this Board from being an authority over them and to have them simply be a Board that meets once a month or occasionally, in order to perhaps just make suggestions to

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them?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "In changing the name, the legislation also deletes the provisions that list the Regional Offices of Education Oversight Board, oversight duties. So, in fact, this Board does become more advisory rather than an oversight function. The regional superintendents of schools are elected. These Advisory or Oversight Boards are not. It was the feeling of Berardo DeSimone, as well as other regional superintendents, that because they are elected, it should be their initiative to determine whether anything that is asked by some Board that is not elected is something with which they wish to comply. And so, yes, Representative, this does change the function. It becomes an Advisory Board, not an Oversight Board."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, again I would like to say I'm real sorry about what happened to your voice. Who are the proponents or opponents of this legislation?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The proponents are Regional Superintendent of Schools, Berardo DeSimone, and several other regional superintendents throughout the state."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, when did the regional superintendents change their position from neutral to being supportive? In our House committee, the regional superintendents had no position. It was originally House Bill 28 and at that time, the regional superintendents expressed no opinion in reference to the Bill. So when did they submit something in reference to be...I'm sorry it was 1236. House Bill 1236, they had no position. So when did the regional

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superintendents make us knowledgeable of the fact that they were in support of the Bill?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "What is now this Senate Amendment began as House Bill 1236, which was never called in committee; and therefore, there is no record of the positions of regional superintendents. However, the regional superintendents of schools from throughout the state were here last week. They held a breakfast to which I believe all of us were invited. I went to that breakfast and discussed this issue with several of them. I did not find a single one who was opposed to this. That is not, however, a matter of public record. That is a matter of a personal experience."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Jones. The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this piece of legislation. Over the years, as Representative Cowlshaw has indicated, we have worked on an agreement between the regional superintendents and the State Board on delivery of services. In House Bill 525, we thought we had that problem solved and the overall thrust of that Bill was to put the control of the delivery of those services in the hands of an elected official, our regional superintendents. And we proceeded to do that and this is one more little step to take to put those education delivery services in the hands of people that are responsible at the grass roots level in your districts and my districts for the delivery of those services. So I would stand in support of this Bill and ask for its passage."

Speaker Daniels: "Representative Jones, I recognized you before."

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This is the second time. Do you care to address this issue?"

Jones, S.: "Yes, I was on the phone before, Mr. Speaker. I'm sorry that I didn't get a chance to be recognized, but I would like to yield my time to Monique Davis, please."

Speaker Daniels: "Okay. Representative Davis."

Davis, M.: "Thank you very much. Thank you, Representative Shirley Jones. Representative Cowlshaw, Jim Broadway, who I believe is the President of the Regional Superintendents Association expressed no opinion for this legislation, as recently as last week. He spoke to staff and he stated that even though it may be acceptable that that Association of Regional Superintendents had absolutely no position on that Bill. You do know Jim Broadway?."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Jim Broadway is not the President of the Regional Superintendents of Schools Organization. Only a Regional Superintendent of Schools is qualified to be that. Jim Broadway is not a Regional Superintendent of Schools. He is a very fine man, who is a hired lobbyist for the Regional Superintendents of Schools. The regional superintendents have not taken any actual vote on this legislation. I am convinced from my own personal experience that a majority of them are in favor of it and I think that it speaks very well for this Bill that Representative Brunsvold stands in support."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, again we are real sorry about your voice. It seems to be getting better. We think that Representative Brunsvold...you know, no one said we didn't appreciate or support the Bill. We just need more information in reference to who is supporting and who is



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not supporting this legislation to change the Oversight Board to a Board of Advice or Suggestions."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I think I've already answered that question. There was no... There were... Since the Bill was not called in committee, there were no witness slips that were taken. Since the regional superintendents have not had an opportunity to actually vote on this, so that we would know that there was a majority of them that were in favor of it, there is no public record of their opposition or support. It is just my experience in attending the breakfast they held for us here last week in discussing with them...this with them at the breakfast, that I believe this would be in accord with their wishes."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, does this Bill require the school treasurer to make audits of the internal school accounts? And if so, how frequently does this Bill require that they make these audits?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "This Bill does not cover that topic."

Speaker Daniels: "Representative Davis."

Davis, M.: "I didn't hear her. What did she say?"

Speaker Daniels: "Representative Cowlshaw, could you repeat that answer? I'm sorry."

Cowlshaw: "This Bill does not address that topic."

Speaker Daniels: "Representative Davis."

Davis, M.: "I'm sorry, Representative, but it does. Maybe your staff could show it to you. It does addresses that topic, as well as that topic, it also address the fact that groups can give advice on behavioral intervention for students...for students at some group and we would like to

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know what groups you are talking about. What groups or individuals can give advice on behavioral intervention guidelines? So those are two important things that we need to know in reference to this legislation. It is not just...I'm not saying we don't agree or support it. What I'm saying to you is it does two other things that we need information on. It lets some groups or individuals give guidelines for behavior intervention for students. Who are the people? Who are the groups? And the other thing that it does is it requires that the treasurer be audited..."

Speaker Daniels: "Your time has expired. Representative Cowlshaw, could you answer those two points?"

Cowlshaw: "Mr. Speaker, I would be glad to try to answer that. As I explained in my opening remarks, Senate Amendment #1 becomes the Bill. All the things that were in this Bill previously are not in there. The only thing that is in there is Senate Amendment #1."

Speaker Daniels: "Further discussion? The Gentleman from Tazewell, Representative Ackerman."

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

Speaker Daniels: "Don't get excited. Don't get excited. I'll ask Representative Ackerman if he could hold that. But let me tell you, every Member in this House has a right to make that Motion. Representative Younge, I will recognize you for your five minutes on this occasion. Representative Younge, now the important thing for your side of the aisle..."

Younge: "Mr. Speaker, the only thing is, that it's happened time and time again and I just think you are ignoring the lights over here..."

Speaker Daniels: "Absolutely not..."

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Younger: "...and that's not fair. I yield my time to Representative Davis."

Speaker Daniels: "Do you wish to address this Bill?"

Younger: "I yield my time to Representative Davis."

Speaker Daniels: "I noticed how...your issues were. Representative Davis, you have five minutes again, then we are going to recognize Representative Ackerman."

Davis, M.: "Okay, thank you very much, Mr. Speaker. Representative Cowlshaw, does this Bill eliminate the Oversight Board of the Institute Fund?"

Speaker Daniels: "Representative Cowlshaw, will you yield her a question? She indicates she will. Representative Cowlshaw."

Cowlshaw: "It eliminates the control of that fund by the Oversight Board. The control of that fund is now entirely in the hands of the...if this Bill passes, in the hands of the regional superintendent as it has always been before."

Speaker Daniels: "Representative Cowlshaw. Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. The Oversight Board, in the past, has been an oversight over this Institute Fund. Because of this legislation, Amendment #1 in the Senate, we are going to remove any oversight for that fund. That fund, that Institute Fund, will now not have any oversight. Is that correct?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "There is no longer any oversight by a non-elected body of the Institute Fund. Instead, the elected regional superintendent has all control of the use of that Institute Fund, as they have had from time immemorial, and there has never been the slightest problem with that. I would rather trust someone who is elected than a group of people who are

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appointed to a Board."

Speaker Daniels: "Representative Davis."

Davis, M.: "Representative, I see your voice is really coming back strong and we do appreciate that. Two years ago, Representative Brunsvold and yourself attempted to pass or pass legislation that required...It's Public Act 88-89, and it states that there has to be an Oversight Board over Regional Superintendents' Institute Fund. Now, two years ago, you recognized that there was a need for some oversight of the fund and I'm just not sure that today we want to abolish all oversight over that Institute Fund. It is true, Representative, that regional superintendents are elected and Chicago does not have one. We hope we do get one. Chicago has no regional superintendent and the rest of the state has a regional superintendent who is elected, but that does not mean that he or she should not have or need oversight in reference to the Institute Fund. As well as the fact that this legislation reduces, I believe it reduces, the number of audits that will or should occur. The report from the treasurer is only required once per month; I believe it's once per month. So these little simple Bills that we have sometime really have monumental effects. These simple little Bills escalate into total changes in the way business is done. This simple little Bill with this little change of one word from, it was, advis...oversight, now it's called, 'advisory' and this simple little word changes the monitoring of the dollars. This simple little word changes the report from the treasurer and this simple little word is not supported by the lobbyist of the regional superintendents. And, Representative, I hope your constituents are watching you read the newspaper while I'm asking you some very serious

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questions on the effect of this Regional Superintendents Board."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Those certainly were interesting comments."

Speaker Daniels: "Further discussion? Repres...The Gentleman from Tazewell, Representative Ackerman."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Cowlshaw to close."

Cowlshaw: "Please vote 'yes'."

Speaker Daniels: "The Lady has moved for the passage of...or the concurrence in Senate Amendment #1 to House Bill 797. All those in favor of the Lady's Motion signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 94 'ayes', 19 'no', 4 voting 'present'. The House does concur in Senate Amendment #1, to House Bill 797. This Bill, having receive a Constitutional Majority, is hereby declared passed. House Bill 413. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 413, a Motion to concur has been filed by Representative Hassert and has been approved for consideration."

Speaker Daniels: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1. Basically Senate Amendment #1 amends the Pension Code Article for the Illinois Municipal Retirement

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Fund, authorize all IMRF employers except cities, villages, and incorporated towns to offer a program of early retirement incentives. I'd be happy to answer any questions."

Speaker Daniels: "The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "Indicates he will."

Novak: "Representative, does this also affect non-certified personnel in school districts throughout the State of Illinois?"

Speaker Daniels: "Representative Hassert."

Hassert: "Yes, if they are IMRF employees, yes."

Speaker Daniels: "Representative Novak."

Novak: "Is this legislation permissive or mandatory?"

Speaker Daniels: "Representative Hassert."

Hassert: "Permissive."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. So essentially a school board or a city or a village or a county, for that matter I believe, would have to pass an ordinance to access the provisions of this law?"

Speaker Daniels: "Representative Hassert."

Hassert: "That's correct."

Speaker Daniels: "Representative Novak."

Novak: "Is this...in my understanding, I know these negotiations have been going on for, gosh, well over a year, I believe. Is...are the five and five provisions that are similar to the early retirement for teachers and state employees and state police we did a few years ago, are they exactly the same for the employees that will be eligible under this proposed legislation?"

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Speaker Daniels: "Representative Hassert."

Hassert: "Representative Novak, they're very, very similar."

Speaker Daniels: "Representative Novak."

Novak: "I'm sorry, Representative Hassert. You said they're what, Sir?"

Speaker Daniels: "Representative Hassert."

Hassert: "I said they're not exactly the same, but they're very similar."

Speaker Daniels: "Representative Novak."

Novak: "You...can you explain the differences, please?"

Speaker Daniels: "Representative Hassert."

Hassert: "Under this plan, the employees pay the full contribution. Under 4.5, under the state plan, they would pay half."

Speaker Daniels: "Representative Novak."

Novak: "Under this plan, the...the employer would pay 4.5, is that it or the employee? I'm sorry, little noisy."

Speaker Daniels: "Representative Hassert."

Hassert: "The employers, I'm sorry, the employees would have to pay the 4.5 instead of the normal in the state program, the half of what they would have to pay that 4.5, they would pay half of that. Under this program, the employees, for their early buy out would have to pay the full 4.5%."

Speaker Daniels: "Representative Novak."

Novak: "Included in this Bill, are there any provisions concerning downstate law enforcement officers? Those individuals that are...participate in SLEP?"

Speaker Daniels: "Representative Hassert."

Hassert: "If they are an IMRF employee, yes, they could be eligible."

Speaker Daniels: "Representative Novak."

Novak: "Well, during the negotiations in the Senate, I believe

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and in talking with the lobbyist with the Illinois Municipal Retirement Fund, I think it was my understanding that he told me that like, county sheriffs or county deputies for that matter, were eligible to participate in this program. If they...I think they're under SLEP right now and I think there would be some type of reciprocity with the IMRF for them to come together, be reciprocal in nature and then be eligible for this early retirement. Is that not correct?"

Speaker Daniels: "Representative Hassert."

Hassert: "That's correct."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Representative Hassert. To the Amendment. I certainly rise in strong support. I know this has been a major issue in the last couple of years. And members of the IMRF and all the representatives of local governments received hundreds of phone calls and letters from people that are willing to participate in this program. And I think it's, once again, that we provide our government employees an opportunity to move on into the golden years and look for some retirement opportunities, and also allow some of our younger citizens in this state who wish to work for school districts or who wish to work for local governments or police agencies for that matter, to become involved in government and choose civic opportunities to promote a career for themselves and their future and their families. So, I rise in strong support of concurrence in Senate Amendment #1 to House Bill 413."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Representative, you had indicated and I think you



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probably did it in error. But to a question to...from a question, to...from Representative Novak you had indicated that cities and villages and counties were potentially included. That's not in here, right?"

Speaker Daniels: "Representative Hassert."

Hassert: "Representative, I don't remember making that mistake, but if I did that, you're correct that they are not counties. Cities and villages are excluded from this legislation."

Speaker Daniels: "Representative Hoffman."

Hassert: "Counties are included."

Hoffman: "What is the basis of the exclusion?"

Speaker Daniels: "Representative Hassert."

Hassert: "The municipalities felt that their management rights for collective bargaining was not included in this. They wanted that excluded within the... or have that right that this is excluded from collective bargaining. They couldn't come to an agreement so they asked to be...basically they couldn't agree upon that."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Why, I agree with the Bill and I'm in favor of it, I just...I'm a bit concerned that we're saying to county employees, we're going to give you this benefit, we're going to allow you to take the five plus five. But for some reason we're saying to cities and municipalities and villages that you don't get the same benefit as everybody else and you may be doing the same job. In other words, you may be a tax collector, working in the treasurer's office of the county or a secretary working in the treasurer's office of a city. And it's very difficult for me to draw a distinction on why we're giving one person the benefit and not giving the other. Do you intend on

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attempting to move forward with providing this benefit in the future to these types of individuals?"

Speaker Daniels: "Representative Hassert."

Hassert: "Yes, Representative Hoffman, I'm hoping that with the early retirement on the other agencies, the other...I mean the other government entities, that we can continue negotiating that and move forward with that in the future."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is it true that the reason that there wasn't an agreement with regard to the cities and this is just rumors I wasn't in on the negotiations, is we couldn't get an agreement as to the management rights clause, that the municipalities wanted to put in some type of management rights clause? Do you think that we can work through and over that agreement so we could maybe get something for the municipalities and the cities and villages in the Veto Session?"

Speaker Daniels: "Representative Hassert."

Hassert: "That's a possibility, I'm sure."

Speaker Daniels: "Representative Hoffman."

Hoffman: "What type of a fiscal impact on local counties could this potentially have?"

Speaker Daniels: "Representative Hassert."

Hassert: "This would be very difficult to determine. It depends on the size of their IMRF employment. First of all, it depends if they opt to do this because it is voluntary and it would be very hard to say what the impact would be."

Speaker Daniels: "Representative Hoffman."

Hoffman: "It's my understanding that there is no opposition to the Amendment. And I stand in support of the Amendment with regard to the individuals that it covers, I just wish that it would go a little bit further. To the original

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Bill. Is the original Bill still on this?"

Speaker Daniels: "Representative Hassert."

Hassert: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Could you explain to the Body what, what that is?"

Speaker Daniels: "Representative Hassert."

Hassert: "Basically, the underlying Bill was allowing the school districts who do not have the capabilities of having an appropriation ordinance for their budget. There is a tax objection filed and this would allow them to clarify some language within the IMRF...within the Pension Code to clarify some language that they do not have to pass a ordinance regarding budgeting process or passing a budget, which they don't have that capability of doing now. Basically, it just clarifies that language."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes. To the Bill. The original Bill, I think, has to do with potentially clearing up some pending litigation. I don't really see any problem with the Bill, with that provision of the Bill. The underlying...or the Senate Amendment, I think is something that we have been talking about for many years. Five plus five for some county and educational employees, I wish it was a little bit further. I stand in support of the Bill and I think would urge everybody on this side of the aisle to vote in favor, also."

Speaker Daniels: "Representative Skinner."

Skinner: "Mr. Speaker, so far no...none of the objectionable parts of this Bill have been mentioned in floor debate. And I would like to mention one highly objectionable aspect and that is, the inclusion of elected officials in an early retirement bonus plan. Now, no one on this House floor has

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ever seen any elected official get a lower salary than his predecessor. There's not even an...there's not even a prohibition in here that you can't hire the elected official that takes early retirement, after he retires. He can be put back on the payroll. There's not even a provision that prohibits an elected official, prohibits an elected official, from taking early retirement after he loses an election in November. Now, I just want to know how you're going to answer the question as your county officials retire, one by one on separate days, as to why you allowed them to get a bonus when they're bored stiff in the job that they have now. This Bill also has the potential for closing the democratic process. It is conceivable that an elected official will decide to retire and tell no one except the person that he wishes to have succeed him or her. The elected official could file for reelection on the first day of filing. His favorite successor could file for election on the last day of filing. After the end of filing the incumbent could withdraw from the election leaving only one person on the ballot. The incumbent could then retire and the central committee of the dominant...of the party in question could then nominate the selected successor to be the incumbent prior to the primary election. This is a closing of the democratic process, which I think it is going to be extremely difficult to explain to voters. I have the distinct feeling that the majority of the Members of the General Assembly disagree with me or don't care. I, however, shall vote 'no'."

Speaker Black: "Further questions? The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. When we go back home to our

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cities in Peoria and Joliet and our area and our employees there ask us why, why we're not involved in this plan? We've got a long time payment program of being vested into this same retirement system as county, park district, and school district people have. They've got their investment in there but they're not going to get this benefit and the reason that they're not going to get this benefit is on account of the Illinois Municipal League. So when they go back home...when you go back home from these larger cities, you let them know that the Illinois Municipal League opposed them and made these people second class citizens and the reason is, if you're from a city, Decatur, Danville, Joliet, Peoria, over half of your employment is police and fire. They're not even in this system. Probably 60 to 65% of your people that work for the larger cities and that are not even in this system. So you're going to tell 35 or 40% of the people that work for that municipality, well, we're going to let 700 county employees in it, but we're not going to let 350 city employees in it, but you're going to pay the same amount of contribution into this system. You're going to pay your same amount deducted from your paycheck, but you're not going to get this benefit. Tell them to thank the Illinois Municipal League for making these 35% of the people in the State of Illinois. I got to vote for the Bill because it's the only thing in town. This is a good program. It's just as equally as good for city and municipal people as it is for county, park districts, and the library districts, everyone else involved. This is a big flaw in this Bill. I'm going to vote for it and close my eyes. But then when I go back home, I'm going to tell them to thank the Municipal League, and we want to see how many mayors and councilmen have

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wanted this Illinois Municipal League, to come down here and do this to their employees. This is not a good Bill but it's the only thing in town. It's a good program, it would be better, it would be perfect if we put our municipal employees in there and forgot about the Illinois Municipal League."

Speaker Black: "Thank you. Representative Black, in the Chair. Further discussion? The Lady from DuPage, Representative Pankau."

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

Speaker Black: "He indicates he will."

Pankau: "Representative Hassert, a couple years ago and I voted on it, too, we had the school five plus five, the teacher's five plus five and at that time when it was put into place, we were told that there would be cost savings to the school districts in that they would be potentially retiring a teacher that was maybe making 50,000 and bringing in a teacher that would be maybe making 20,000. I understand this is a permissive program. I understand it's only for certain people like counties, et cetera, et cetera, but is there any kind of a cost savings that goes along with this program? Is there any kind of a cost savings that goes along with this retirement program?"

Speaker Black: "Representative Hassert."

Hassert: "Representative, it's optional. Based on each individual scenario, I would assume that's why it's permissive, is that they can look at it to see what initial savings they would have at a county or a township or a school district and that's why it's optional. So I would assume, yes, they would move forward with it if there is a cost savings to their entity of government."

Speaker Black: "Representative Pankau."

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Pankau: "And then after we put the five plus five for teachers in place this year, we found out that there was also an additional problem with their health insurance in that they were using some of the interest from the money they had invested to pay part of their health insurance. Is there any kind of connection, if we vote for this, will there be any kind of connection to health insurance down the road?"

Speaker Black: "Representative Hassert."

Hassert: "It requires... My understanding from staff here is that if there is a requirement that they...in current law that they offer insurance to current employees, they would have to do the same for the retired employees."

Speaker Black: "Representative Pankau."

Pankau: "Does the county have a way of estimating then that unfunded liability? That should they choose to do this permissive program, that they would encounter and would then have to...that IMRF would then have to pay for? And I'm basically speaking here about the health insurance, not so much the actual pension payments themselves."

Speaker Black: "Representative Hassert."

Hassert: "Representative, that's something that each individual government entity would have to look at to see what they can work out with their retired employees, they opt to go with this program, what the cost factors would be to them to...and what they would provide under early out."

Speaker Black: "Representative Pankau."

Pankau: "To the Bill, Mr. Speaker. I think there's maybe a few unanswered questions in here. I understand that this is a Bill that's been discussed, it's permissive, it's only for certain areas, it doesn't include others, but just like we were told things were all agreed to on the five plus five and then we sort of found out that there other things that

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came later. I have some concerns about this and I'm not certain that all of the numbers are necessarily known and for that reason I'll be voting 'no' on this concurrence."

Speaker Black: "And for further discussion the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, just for an announcement. I think most people in this chamber would like to know that today, today it is a young man, a young upstanding young man's birthday. He is 33 years old. Unfortunately he is...he is too cheap to buy a cake. Representative Tom Dart. Happy Birthday, Tom."

Speaker Black: "Yes, something further, Representative Hoffman?"

Hoffman: "Yes, I would like to yield the rest of my time regarding Representative Dart to Representative Lang, please."

Speaker Black: "Yes, and on the issue of birthday's, the Gentleman from Cook, Representative Lang."

Lang: "Thank you. As one who is no longer celebrating birthdays because I lost count, I...the...Representative Dart was a charter member of the young single men of America and now he's a charter member of the older single men of America and you can tell that he is getting older because instead of having cake he's having fruit because he's got to watch out for his digestive tract. So, in this row we wish him a Happy Birthday, but hope he'll finish the fruit by himself."

Speaker Black: "We wish you certainly, a Happy Birthday, Representative Dart, and we trust that all of this fruit is grown in the State of Illinois. Yes, thank you. There being no further...no one seeking recognition on the matter at hand, Representative Hassert to close."

Hassert: "Thank you, Mr. Speaker. The only opposition that has been presented was from Representative Skinner."



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Representative Pankau, I ask you for a positive vote."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 413?' All those in favor signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 97 voting 'aye', 13 voting 'no', 1 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 413, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Calendar, Order of Concurrence, appears House Bill 1489. Please read the Bill."

Clerk Rossi: "House Bill 1489, a Motion to concur with Senate Amendment #1 has been filed by Representative Stephens and has been approved for consideration."

Speaker Black: "And on the Bill the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I move to concur in Senate Amendment 1. What Senate Amendment 1 does is adds to the Bill, it retains the contents of the underlying Bill and provides that SWIDA, the Southwestern Illinois Development Authority, with quick-take powers for a period of one year. This is a local development authority that has had quick-take powers for two periods before. Once is for a period of four years and once for a period of three years. This is simply an extension of that. What the underlying Bill did was cause the development authority to...provided that the authority shall not exercise it's power without the municipality or in unincorporated areas, the county, without authorization from the above, before they could begin any project. This simply adds...restores quick-take

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power for only one year. I would move to concur in Senate Amendment 1 and would urge an 'aye' vote and be glad to answer any questions."

Speaker Black: "And on the Gentleman's Motion, the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. To the Bill. This is an excellent Bill. It's a great development group we have in our area and this will help restore a lot of the confidence in this. This Amendment is fairly minor and we passed this Bill nearly unanimously coming out of here before and I'd ask everyone to vote 'yes' on this. Thank you."

Speaker Black: "Further discussion on the Motion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, we spend a lot of time every Session talking about quick-take powers. Didn't you vote for...to take away quick-take powers from the Metropolitan Water Reclamation District?"

Speaker Black: "Representative Stephens."

Stephens: "That has nothing to do with this Amendment and this Amendment simply restores quick-take powers for the period of one year to the Southwestern Illinois Development Authority, something that Representative Holbrook and I would like you to support, Sir."

Speaker Black: "Representative Lang."

Lang: "Well, why do they need this extra year? What did they do in the last year?"

Speaker Black: "Representative Stephens."

Stephens: "Southwestern Illinois Development Authority promotes industrial, commercial, and residential development, services, transportation and recreational activities and

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facilities in Madison and St. Clair counties. It's authorized to issue bonds, enter into loans, contract agreements, and mortgages. It is a develop...an economic development tool important to the second largest metropolitan area in the State of Illinois."

Speaker Black: "Representative Lang."

Lang: "Well, now you've told me what this unit of local government does, but what do they do...They had quick-take in the last year, did they not? What did they do with it and why do they need an additional year?"

Speaker Black: "Representative Stephens."

Stephens: "They have promoted a variety of product...of projects in our area. They were involved, I believe, in the development of the joint use of Scott Air Force Base or...to civilian use and military. They've been used in the development of the Casino Queen, a riverboat development that caused some problems in the sale of the property and that's why they didn't have the best reputation for awhile, but that...The development of that Casino Queen and the property that they used wound up saving...literally saving the City of East St. Louis. They've been used in projects in local industrial areas in Madison, in Granite City, Belleville, and in the area surrounding Southern Illinois University."

Speaker Black: "Representative Lang."

Lang: "Is there anything in our law today that would sunset this authority?"

Speaker Black: "Representative Stephens."

Stephens: "Well, the...as to the quick-take power, that would expire in one year after June 30th of '96."

Speaker Black: "Representative Lang."

Lang: "Well, I was referring to the Southwestern Illinois

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Development Authority itself. Does that authority with a capital 'A', does that sunset at any time?"

Speaker Black: "Representative Stephens."

Stephens: "Well, let me review here for a minute. I'm not sure as to the answer of your question. I see nothing in the statutes, at least that are included with this...with the original Bill, that describe the authority's powers that calls for a sunset of the authority. So, I guess the answer to your question, to my knowledge, no."

Speaker Black: "Representative Lang."

Lang: "Will they be able to do their function if we don't concur in Senate Amendment #1?"

Speaker Black: "Representative Stephens."

Stephens: "They'll be able to perform many of their functions, but if we do not concur, it will certainly delay projects that are important to Southwestern Illinois. We think that this is appropriate. This is an extension of quick-take powers that they have had in the past and it's only for a period of one year. It's supported by all the local Legislators in the area and I think it's something that we ought to grant this authority."

Speaker Black: "Representative Lang."

Lang: "Will they be able to complete all of the projects in one year? Perhaps you need two, three, four, or five years. Why one year?"

Speaker Black: "Representative Stephens."

Stephens: "If they need more...an extension of the powers, we'll be back in a year, Sir."

Speaker Black: "Representative Lang."

Lang: "Is it your position that they ought to be able to complete all the current projects they're working on within the space of one year?"

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Speaker Black: "Representative Stephens."

Stephens: "Sir, there are projects that they have under consideration now. There are projects, I'm sure, that will come to surface next week, or next month, or maybe six months from now. So, and there may be some that come to surface 11 1/2 months after this Bill is signed and becomes law, and so the probability that they would be complete, everyone by the end of the 365 day period, is...is...the probability is low but we will consider whether we want to extend further their quick-take powers in the next year. We will do that next year."

Speaker Black: "Yes, Representative Lang, your time is expired. Bring your questioning to a conclusion, please."

Lang: "Thank you. I just have one additional question. I agree with Mr. Holbrook that this is necessary. I agree with you, Mr. Sponsor, that this is necessary. I think you ought to do it. I'm just wondering why you need to keep coming back here? Why don't you give this authority to the...authority with a small 'a' to the authority with a capital 'A' for a sufficient amount of time to complete its projects, including, I understand, an effort to find land for further riverboat expansion? Why don't we just give them all the time they need to work on current projects and anticipated projects so you don't have to keep coming back to us a year at a time?"

Speaker Black: "Representative Stephens."

Stephens: "They like to visit Springfield."

Speaker Black: "Thank you. Further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Just for the record, I'd like to declare a potential conflict of interest and because of that I'll be voting 'present'."

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Speaker Black: "With no one else seeking recognition, the Gentleman from Madison, Representative Stephens, to close."

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

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1489?' All those in favor signify by voting 'aye'; opposed 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes, 2 voting 'no', 1 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1489, and this Bill, having received the required Constitutional Majority, is hereby declared passed. On the Order of Concurrence there appears House Bill 1633. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 1633, a Motion to con...House Bill 1633. A Motion to concur with Senate Amendment #1 has been filed by Representative Lachner and has been approved for consideration."

Speaker Black: "And on the Motion the Gentleman from Lake, Representative Lachner."

Lachner: "Ladies and Gentlemen, Members of the House, I would ask for your favorable consideration of Senate Amendment 1 to House Bill 1633. Senate Amendment 1 expands the language in the Department of Transportation Codes that allows for vehicles such as trackless trolley coaches, as defined by Section 1-206 of the Code, to be equipped with a bell or bells in lieu of a horn and may, in addition to the requirements of paragraph (a) of this Section, use a bell or bells for the purpose of indicating arrival or departure at designated stops and scheduled operational hours. I would be pleased to answer any questions on this Bill."

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Speaker Black: "And on the Motion the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Representative Lachner, it's very interesting what that Amendment does. I'll talk about that in a few minutes. What does the original Bill do? Can you explain that?"

Speaker Black: "Representative Lachner."

Lachner: "Certainly, Representative. The underlying Bill, House Bill 1633, which passed out of the House 103 to 1, redefined aircraft in the State of Illinois to come into compliance and conformance with federal aviation regulations. The State of Illinois, as you'll recall, we originally and still at this point, define aircraft as anything that has the ability for flight, including bottle rockets, fireworks, and just about any other designated device. The underlying Bill simply brought Illinois law into compliance with federal law."

Speaker Black: "Representative Hartke."

Hartke: "And of course that had almost unanimous support here and I imagine in the Senate. Was there a lot of heavy discussion on the ultra-light legislation in the Senate that you're aware of?"

Speaker Black: "Representative Lachner."

Lachner: "No. It's my understanding that the Senate vote was unanimous. They agreed with clarifying Illinois language to come into compliance with federal law. You know, many laws like this we've got varying degrees of confusion with Illinois versus other states and the federal government. This is one area where the Senate concurred and believed that we should come into compliance with federal law."

Speaker Black: "Representative Hartke."

Hartke: "The Senate Amendment...Do they in the Senate have a

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program over there where Amendments have to be germane to the legislation?"

Speaker Black: "Representative Lachner."

Lachner: "I believe we all try to keep the Amendments germane to the underlying Bill and in this case they're both Department of Transportation clarification issues and although there aren't a lot of bells and whistles on certain types of aircrafts, some of them do have a lot of bells and whistles, and in this case we're just trying to clarify the use of bells and whistles."

Speaker Black: "Representative Hartke."

Hartke: "Could you explain the real genesis of this Bill, why we need this ding-dong Bill?"

Speaker Black: "Representative Lachner."

Lachner: "Absolutely. In certain areas and one in particular in Galena, Illinois, they have trackless trolleys that are used, I believe, for tourist operations and for transportation to people throughout the town. Those trolley coaches do have bells to signify when they've reached a departure or entrance stop along the route and unfortunately due to current Illinois statutes, they can't use those bells to designate when they are, where they are."

Speaker Black: "Representative Hartke."

Hartke: "They're using bells and whistles. Are there any other trolleys in any other parts of the state that this piece of legislation would effect?"

Speaker Black: "Representation Lachner."

Lachner: "Well, I'm sure there are, Representative. I'm aware of this specific instance, but I think it's important that any time a trolley makes a stop that they be able to have the option, a safety option using a bell, to designate that



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they are there so that the people know they're there."

Speaker Black: "Representative Hartke."

Hartke: "Does the language say anything about two dings and a dong or what?"

Speaker Black: "Representative Lachner."

Lachner: "I believe that it's not clear as to whether it's one ding and a dong, two dongs and a ding, but the important thing is that the bells ring."

Speaker Black: "Representative Hartke."

Hartke: "Is this really why we're here? I mean, to pass legislation like this?"

Speaker Black: "Representative Lachner."

Lachner: "Although at times we make light of certain legislation, I think the underlying Amendment here is a serious Amendment. It's attempting to provide a safety issue for the trolleys that also allows for some traditional sounds that people understand are used for trolleys. It will enable them to know when the trolley is coming and when it's going."

Speaker Black: "Representative Hartke."

Hartke: "Well, I'm not sure whether I'm coming or going on this, but isn't a trolley something like a bus and that here in Springfield or Chicago, the buses don't toot their horn when they get ready to stop. I mean, it's...they pull up to a stop area and I imagine this is in a tourist area like Galena. Is that right?"

Speaker Black: "Representative Lachner."

Lachner: "Representative, buses are defined differently under state transportation code than a trackless trolley is and I suppose a trackless trolley could use a horn. However, this language allows the expansion in the case of trackless trolleys not only to use a horn, which they could currently

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use, but to allow the use of bells."

Speaker Black: "Representative Hartke."

Hartke: "Does the legislation require several bells or just one bell..."

Speaker Black: "Representative Hartke, your time is expired. Do you care to respond, Representative Lachner?"

Lachner: "Yes, and that's a very good question. The legislation provides for the use of a bell or bells."

Speaker Black: "Further discussion? The Gentleman from Jo Daviess, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. I rise in support of this legislation. This is a...enables a small business to use a trackless trolley to transport people around Galena. This, I'm sure, could be used in other areas of the state. What it does, Representative Lachner has explained very well. It enables them to use a bell instead of a horn, and I ask for a 'yes' vote on this. This is good for small business and economic development. Thank you."

Speaker Black: "Further discussion? The Gentleman from Livingston, Representative Rutherford."

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

Speaker Black: "The Gentleman has asked that the main question be put. All those in favor of the main question be put, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Lachner to close."

Lachner: "Thank you, Ladies and Gentlemen, Members of the House and thank you for those fine questions. I'm glad we've clarified the use of the bells or bells for trackless trolleys. I urge support of the concurrence on House Bill

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1633 and Senate Amendment 1. Thank you."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1633?' All those in favor signify by voting 'aye'; opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes', none voting 'no', 1 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1633, and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence there appears House Bill 1827. Please read the Bill."

Clerk McLennand: "House Bill 1827, a Motion to concur with Senate Amendment #1 has been filed by Representative Moffitt and has been approved for consideration."

Speaker Black: "And on the Motion the Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1827, I would certainly move to concur with the Senate Amendment. You'll remember the original Bill was one that would amend the Use and Occupation Tax Act and it would exempt personal property that is donated for disaster areas, areas that have been declared a disaster area either by the state government or the federal government. It encourages, then, private enterprise to help when a disaster has occurred. The Amendment restates the intention of the underlying Bill, but it adds some clarifying language and that language says that the manufacturer or retailer must be registered in Illinois. The exemption may also be applied to personal property donated to a disaster area bordering Illinois. So, if it's

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a common disaster, a business doesn't have to worry about it if they donate to a United Way or Red Cross and they happen to help the disaster area in that general area, general metropolitan area, that would also be covered, and it classifies tax exempt organization as one that has a sales tax exemption...identification issued by the department, and I would be happy to answer any questions."

Speaker Black: "And on the Gentleman's Motion, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, how many different things are going to be exempted under this Bill?"

Speaker Black: "Representative Moffitt."

Moffitt: "Well, this will be personal property, manufactured goods that private businesses would donate into the disaster areas. So it probably vary from time to time, but the intent is that it's usable items, items that a relief agency needs to help victims of a disaster. So it would vary from disaster to disaster."

Speaker Black: "Representative Dart."

Dart: "Who will make the determination about whether or not these different items were used, in fact. Do they come under the heading of the exempted property?"

Speaker Black: "Representative Moffitt."

Moffitt: "Well, ultimately, the Department of Revenue would be the one that would have that say."

Speaker Black: "Representative Dart."

Dart: "And is the Department of Revenue giving you an estimate of how much this would cost the state?"

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, this was established as undeterminable

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because from year to year disasters vary so much that the potential's there that there'd be a year when you wouldn't have any...any impacts. You know...and this year, this was brought to our attention following the floods of '93 when many businesses, manufacturers in Illinois donated goods for relief to help the disaster victims following that flood, only to find that they had to pay tax. You know, they gave the goods away and then turned around and had to pay tax. Unfortunately, we're experiencing some disasters again now in '95. Just the recent tornadoes that swept through Illinois bring that back to mind. So it's going to vary from year to year. The same provision is already in the Federal Tax Code. You get a tax exemption on a federal basis."

Speaker Black: "Representative Dart."

Dart: "Is the Department of Revenue taking a position on this Bill?"

Speaker Black: "Representative Moffitt."

Moffitt: "Originally the Department of Revenue, when this was first introduced, was opposed. They are no longer opposed."

Speaker Black: "Representative Dart."

Dart: "Are they in support of this, then?"

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, I didn't ask if their position was officially in support. They certainly have been cooperative and they are not opposed. So, I don't know as they've really...I'm not aware that they have signed on as a proponent, but they're very...it's very compatible with their thinking."

Speaker Black: "Representative Dart."

Dart: "So this is a sort of don't ask don't tell thing? You

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won't ask and they won't tell you. With the prior...the disaster that you touched on, which is the one that you mentioned was probably the impetus for this, were the flooding a couple of years back. Was there any estimates that were made on the amount of personal property that was donated during those disasters that if in fact this law was in existence would have qualified?"

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, I don't have any estimates on that. I indicate again it's going to vary from year to year. You know, what we're doing now, if we don't change this we're penalizing private enterprise when they try to help with a disaster. I think we should be...encourage them. The more donated goods we can get from private enterprise, the less help that will be needed at government expense. I view it in being cost effective in that respect. Your prior comment I would take issue with, comparing this to don't ask don't tell. I would not describe it that way. I simply contacted the Department of Revenue. It was my understanding they had removed their opposition and I would have been happy and I'm still would be delighted to ask them if their position is in support. So, it's not a case of not wanting to ask, I just wanted to correctly state that they had removed their opposition and they have."

Speaker Black: "Representative Dart."

Dart: "Well, Representative, normally when I've talked to departments and they...in regards to whether they support or are against a Bill, usually it's formed in that question. If they say they remove their opposition, usually it requires a follow-up question. Does that mean you are in favor of my legislation? Usually I don't just leave it hanging cause I'd prefer to have them with me."

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But getting back to what you said, you say it'll vary from year to year. I agree with you. I agree with what you're saying about we want private industry to be involved with this, but my question had nothing to do about what all these other years...occur in, I'm talking about a very specific year, the year when we had the floods here. I would imagine that you based your legislation on a need, a need that was brought out by a particular incident of disaster. That particular year, if you were to use that, I would hope someone analyzed so we aren't just legislating in the dark here. How much money, how many goods would have come under this exemption, and how much money would that have cost the state because I think it would be a responsible way for us to legislate around here as opposed to doing it in the closet."

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, again the fact that there was no provision that there was going to be an exemption. There was no reason for the department to keep track of that because it simp..."

Speaker Black: "Conclude your answer, Representative Moffitt."

Moffitt: "Well, with...when they still had to pay tax on it, there was no reason for them...no way that they could track it because there was no exemption to be granted. They couldn't say, well, you know, here's how many goods were applied for an exemption. So, once we have this and I'll remind also that this has a ten year sunset provision, so certainly it will come back to the General Assembly to be changed or even eliminated if it's not satisfactory."

Speaker Black: "Further questions? The Gentleman from Champaign, Representative Winkel."

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

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question?"

Speaker Black: "He indicates he will."

Winkel: "Representative, for purposes of legislative intent, would you please expand on what is meant by the word infrastructure in House Bill 1827?"

Speaker Black: "Representative Moffitt."

Moffitt: "Representative, in House Bill 1827 infrastructure also means privately held electric and natural gas facilities and distribution systems, sewer and water purification and distribution systems, rail, air, and water port facilities. We're talking infrastructure that serves the general public."

Speaker Black: "Representative Winkel."

Winkel: "Thank you very much. That's my only question."

Speaker Black: "With no one seeking recognition, the Gentleman from Knox, Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. Just remind you this passed the House 115 to nothing, passed out of Senate committee 6 to nothing and 53 to nothing, then, in the full Senate. This is your opportunity where we're finally saying to private enterprise, we want you to help, we want you to take some of the burden off of government. We want to reward you, not penalize you when you turn around and actually help the citizens of the State of Illinois. We think that good deeds like that should be rewarded, not penalized. This is supported strongly by the United Way, by the American Red Cross, Illinois Retail Merchants Association. I would ask a favorable vote. Thank you."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1827?' All those in favor signify by voting 'aye'; opposed 'nay'. Voting is open. This is final action. Have all voted who wish?"



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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'yes', none voting 'no', none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1827, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence, page 15 of the Calendar appears House Bill 1854. Please read the Bill."

Clerk Rossi: "House Bill 1854. A Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker Black: "And on the Motion, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1854 amends the Housing Authorities Act and the Housing Cooperation Act. Senate Amendment #1 deletes the amendatory provision but authorizes an increase in the number of housing authority commissioners, and it further provides the appointing authority for a housing authority may require an annual report and budget. Senate Amendment #2 concerns the exercise of police powers a housing authority and a municipality over 500,000 can have. It changes the language to...from mandatory language to discretionary language and creates a goal, rather than a mandate. Glad to take questions."

Speaker Black: "Any further discussion? The Lady from Cook, Representative Davis."

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

Speaker Black: "He indicates he will."

Davis, M.: "Representative, you stated in your opening remarks that this would allow you to increase the number of police in the housing authority. Is that correct?"

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Speaker Black: "Representative Winkel."

Winkel: "Representative, what this Bill allows is the housing authorities to exercise police authority to hire their own security police. Currently, it's my understanding that the Chicago House Authority already has this authority and exercises it. There was some concern on their part and it's the reason for Senate Amendment #2 that they did not want the mandatory 'shall' word in that provision, they wanted some flexibility subject to appropriations."

Speaker Black: "Representative Davis."

Davis, M.: "What will the salary of these Chicago Housing Authority Police be?"

Speaker Black: "Representative Winkel."

Winkel: "That would be determined by the housing authority. That's certainly not addressed or specified in this Bill and it's not in the Amendment either. It's certainly not an attempt here to micro-manage how the housing authorities exercise their authority."

Speaker Black: "Representative Davis."

Davis, M.: "Let me say that this is a very, very, very serious issue and it's extremely serious because in Chicago we do have the housing authority police. Now, your objective here is to extend that to other housing authorities across the state? Where there is a housing authority, you're saying they should hire their own police and the local policemen will not have jurisdiction or go into those projects?"

Speaker Black: "Representative Winkel."

Winkel: "There's no prohibitory language in there...in the Amendment, nor in the underlying Bill. You're correct in your observation that it is clearly the intent of this legislation to give downstate housing authorities the same

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police authority that the Chicago Housing Authority already possesses. This would have to be done with the cooperation and consent of the mayors of the municipalities involved and it certainly does not prohibit city...you know, the city police from going into the housing authority. It merely gives...Well, the point of it is, is to give the housing authorities downstate the right to hire security police if they so desire with the cooperation and consent of the local mayors."

Speaker Black: "Representative Davis."

Davis, M.: "You know, there's one Section here that I don't understand, but I do know that Bernie...What's his name? Barney Fife...Barney Fife will be running around. Will he be able to carry a gun in these projects?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I take it that you're making a joke and if you have a serious question I'd be glad to address it."

Speaker Black: "Representative Davis."

Davis, M.: "I'm not making a joke. I asked you a question. Will these Barney Fifes, Chicago Housing Authority Policemen be able to carry a weapon?"

Speaker Black: "Representative Winkel."

Winkel: "In reference to Barney Fife, I find a little bazaar. I don't know what you're talking about it."

Speaker Black: "Representative Davis."

Davis, M.: "Will these policemen be allowed to carry a weapon?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, the whole intent is, is to authorize the downstate housing authorities to hire security police who would be able to exercise the police powers that are already authorized by existing law."

Speaker Black: "Representative Davis."

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Davis, M.: "Does street gang membership have anything to do with your legislation?"

Speaker Black: "Representative Winkel."

Winkel: "Yes. In fact, if membership in a street gang is at issue, that can be a ground for eviction from public housing."

Speaker Black: "Representative Davis."

Davis, M.: "This is very serious, Democrats. I wish somebody would give me a little more of your time. You're stating that if I'm a member of a street gang you can put me out even though I have not committed any criminal offense. Is that correct?"

Speaker Black: "Representative Winkel."

Winkel: "Membership in a criminal street gang is grounds for eviction under this Bill."

Speaker Black: "Representative Davis."

Davis, M.: "Well, you know, Representative, I only have 19 minutes left and it's not enough time to let you know that as opposed as I am to street gang violence, I am not in support of us eliminating peoples right to belong to organizations. I don't support..."

Speaker Black: "Yes, your time is expired, Representative. Further discussion? The Lady from Cook, Representative Flowers. Is Representative Flowers in the chambers? Her light is on. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Point of order."

Speaker Black: "State your point."

Lang: "Thank you. Under Rule 8.1, under joint action regarding concurrence, it indicates that any two Members may demand a separate record vote on Amendments for concurrence. I'm joined by many more than two and we would therefore request

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separate debate and separate roll call votes on each of the concurrence...each of the Senate Amendments here for concurrence."

Speaker Black: "You are within your rights, it will be granted. Representative Lang, would it be all right if we would have separate votes but just one debate in the interest of time? Yes, Representative Lang."

Lang: "That would not be all right, Sir, simply because there are Members on this side of the aisle that have some significant problems with one Amendment and not necessarily with the other Amendment. So it would be appropriate to do these separately. So I would ask that we limit our debate now and then a vote on Senate Amendment 1, concurrence, and then follow with 2."

Speaker Black: "Your request is timely and it will be honored. Further discussion? The Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Monique Davis."

Speaker Black: "Yes, thank you very much. The Lady from Cook, Representative Davis. Now are we dealing with Senate Amendment #1, so we'll keep all of our debate on Senate Amendment #1?"

Davis, M.: "We're on Senate Amendment #2."

Speaker Black: "All right. Now..."

Davis, M.: "But we can deal with 1. We can deal with 1."

Speaker Black: "Okay."

Davis, M.: "We'll deal with 1, first."

Speaker Black: "You're going to deal with Senate Amendment #1."

Davis, M.: "All right."

Speaker Black: "All right."

Davis, M.: "Everybody that wants to address Senate Amendment #1

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should have their button on now. Is that correct, Sir?"

Speaker Black: "Well, I can't read their minds, but you want to speak on Senate Amendment #1 at this point, correct?"

Davis, M.: "Which Bill are we talking about now, Mr. Chairman...Mr. Speaker of the House?"

Speaker Black: "Well, I would prefer, since the...your side has asked for a severability of the issue, that we take Senate Amendment #1, first, and then debate and vote on Senate Amendment #2. Representative Davis."

Davis, M.: "Thank you, Mr. Chairman (sic-Speaker). We're on Senate Amendment #1 at this time and..."

Speaker Black: "That is correct. Proceed."

Davis, M.: "All right. Senate Amendment #1, it's going to allow low income housing development projects...Sir, you want to tell me what this Amendment does?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, it still authorizes an increase in the number of housing authority commissioners. It deletes that phrase, 'from intergovernmental agreements'. Originally, in the underlying Bill, there was a Section that would allow, through intergovernmental agreement, to increase the size of the commission. That's being deleted in Senate Amendment #1. Further, it provides that the appointing authority for a housing authority may require an annual report and budget. That's a change in the original legislation that we passed with 105 votes out of this House. It had mandatory language in there that allowed the appointing authority to review and approve the budget. That's been changed. It's now purely discretionary."

Speaker Black: "Representative Davis."

Davis, M.: "...Is it in your legislation that deals with controlled substances and firearms? No, it's 1."

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Speaker Black: "Representative Winkel."

Winkel: "I'm sorry, that's not included in Senate Amendment #1."

Speaker Black: "Representative Davis."

Davis, M.: "Do all counties have the power to set the criteria for having commissioners or what the commissioners can do? Do all counties have that authority?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, Senate Amendment #1 does not address that, except to the extent that I've outlined."

Speaker Black: "Representative Davis."

Davis, M.: "Senate Amendment #1...You want me to read it for you?"

Speaker Black: "Representative Davis, I..."

Davis, M.: "This Amendment changes counties - that to have the power to set the criteria for the number of commissioners for their terms and other intergovernmental agreements. Is that correct, Sir, Mr. Winkel?"

Speaker Black: "Representative Winkel."

Winkel: "You've read, I guess, part of what? Senate Amendment #1? I didn't understand your question. I truly don't."

Speaker Black: "Representative Davis."

Davis, M.: "According to this Amendment, can we take, let's say an apartment building and create scattered site housing? That's what I call it. It looks like they're calling it multifamily units, here."

Speaker Black: "Representative Winkel."

Winkel: "Representative, I'm glad to debate and take questions about Senate Amendment #1, but your question has nothing whatsoever to do with Senate Amendment #1."

Speaker Black: "Representative Davis."

Davis, M.: "So, if a community or a county decides they don't want low income housing in their district or their

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community, they can vote not to have it or they can just state it? How do they go about making those wishes known?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, could you specify where in Senate Amendment #1 that that topic is addressed, cause I certainly don't understand your question in regards to what Senate Amendment #1 does?"

Speaker Black: "Representative Davis."

Davis, M.: "It's part of the Bill, Representative Winkel. It's a part of the Bill."

Speaker Black: "Representative Davis, the underlying Bill has passed this chamber. If you would confine your remarks to Senate Amendment #1 it would certainly help move the process along. Representative Davis."

Davis, M.: "Mr. Speaker. Mr. Speaker, if it's already passed then we shouldn't be discussing it here. It's on this board right now, it has not passed. We're talking about it right now."

Speaker Black: "No. Representative Davis, now let's not get into silly arguments this early in the day. The underlying Bill...Representative Davis, the underlying Bill has passed this chamber. It was amended in the Senate. We are discussing Senate Amendment #1. Proceed."

Davis, M.: "Mr. Speaker, we're on Third Reading. This is not a silly argument, it's in reference to the legislation that's up on this board right now. It's final passage for this legislation, right now. Representative Winkel, I don't have much time left, but when we're discussing public housing and we're changing who will have the authority to decide whether it exists in a community or whether it does not exist in a community, that is part of this legislation. Counties, you say, will have the power to set the criteria



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for the number of commissioners. Who and what are these commissioners and what will their duties be?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, Senate Amendment #1 deletes. Representative. Representative. I'm trying to answer your question and we're seemingly not communicating here. I assume that you're...you genuinely want to know. Senate Amendment #1 deletes, takes out, strikes amendatory provision authorizing an increase in the number of housing authority commissioners by intergovernmental agreement in a county between 170,000 and 500,000. That was taken out of the Bill. It's out. It's not in there anymore."

Speaker Black: "The Lady from Cook's time is expired. Further discussion? The Gentleman from Cook, Representative Morrow."

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

Speaker Black: "He indicates he will."

Morrow: "Representative Winkel, are you aware that the Illinois Housing Development Authority already notifies you of any project that might be considered in your district?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I believe that they do, but I don't know what that has to do with this Amendment."

Speaker Black: "Representative Morrow."

Morrow: "What it has to do with the Amendment, Representative Winkel, is that it does not...Illinois Housing Development Authority does not...does not discriminate against low income or moderate income or exclusive income housing developments put in your district. What this Amendment does, Representative Winkel, is discriminate against low income people. That's what this Amendment does. You are

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notified of any development that is being considered in your district and what your Amendment does is narrow the scope to just low income and I find that absurd and discriminatory. Now, if this Amendment...and offensive, if this Amendment said any development, any development considered should be...the local officials should be notified, I would gladly support this Amendment."

Speaker Black: "Representative Winkel."

Winkel: "Representative, I think we're like two ships passing in the night. I mean, we're not talking about the same thing at all. I will read you what the Section says. I don't know what kind of information you're getting there, but this is not the Bill, this is not the Amendment. The part that's in the underlying Bill says if a county has at least 170,000 but fewer than 500,000 inhabitants, according to the 1990 federal census, then the county board may, with respect to one or more commissioners, cede powers of appointment, confirmation and removal of those commissioners to one or more municipalities within the county by intergovernmental agreement. In addition, the agreement may increase the number of commissioners otherwise authorized by this Act to no number greater than nine commissioners, may provide for staggered terms of the commissioners, and may determine the length of initial terms to be served by the commissioners. The part that talks about increasing the number of commissioners is taken out of the underlying Bill by Senate Amendment #1. It has absolutely nothing to do with scattered housing locations. Absolutely nothing to do with any sort of discrimination. I don't have the slightest idea where you're getting your information about this Amendment. It has nothing to do with that, whatsoever."

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Speaker Black: "Representative Morrow."

Morrow: "First of all, Representative Winkel, I've been around here a lot longer than you and I think I do know what I'm talking about. If you read the analysis of the Amendment, the Amendment declares that citizens of a city, village, or county have the right to decide whether a low income housing development is needed or wanted in a particular locality. I'm not talking about scattered sites. I'm looking at the analysis on Amendment #1. Now, you're trying to say I can't read?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I know you can read and I certainly don't mean to insult you that way at all. I...That's not the point. I don't know what your analysis says, I know what my Bill says. My Bill does not say anything, whatsoever about the points you're trying to raise. It does not give that sort of authority away. Now, I don't know where your analysis comes from on your side of the aisle, but it's mistaken."

Speaker Black: "Representative Morrow."

Morrow: "Okay. Representative Winkel, I do owe you an apology. I was looking at House Amendment #1. I am now looking at Senate Amendment #1. At least I'm man enough to apologize."

Speaker Black: "Proceed, Representative Morrow."

Morrow: "Which Senate and...House Amendment #1 has been adopted on this Bill, so maybe I shall wait till we vote on the underlying Bill to bring up the fact that Amendment #1 is discriminatory. But,..."

Speaker Black: "Yes, Representative Morrow, I think...your mike is on."

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

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Speaker Black: "Yes, to your inquiry."

Morrow: "Can the Clerk tell me if House Amendment #1 has been adopted to House Bill 1854?"

Speaker Black: "Yes, the Clerk will check. We'll get right back to you. Mr. Clerk."

Clerk McLennand: "There are no House Amendments on House Bill 1854."

Speaker Black: "All right. Representative Morrow, when you asked your question you had approximately a minute left. I'll put a minute back on the timer. Proceed."

Morrow: "Yes, thank you, Mr. Speaker. Representative Winkel, I do...I and Representative Davis do owe you an apology on this. Our staff has made an error on this. It shows that House Amendment #1 was adopted and we now find out that it's not on this Amendment, so we do owe you a sincere apology. I will...Mr. Speaker, withhold my comments until we get to Senate Amendment #2. Thank you."

Speaker Black: "Yes, and thank you very much, Representative Morrow. Your point was well taken. Further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. I would like to yield my time to Representative Morrow if he would accept."

Speaker Black: "Representative Morrow said he would hold comments, but we'll go to him. Representative Morrow, do you wish the time? Yes, Representative Morrow."

Morrow: "No, Rep...Mr. Speaker, I just withhold comment until we discuss Senate Amendment #2. If you would just allow me to be recognized at that time?"

Speaker Black: "Absolutely. Is anyone seeking recognition on Senate Amendment #1 to House Bill 1854? With no one seeking recognition, Representative Winkel, do you wish to just summarize Senate Amendment #1?"

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Winkel: "I urge a 'yes' vote on Senate Amendment #1."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1854?' All those in favor signify by voting 'aye'; opposed voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'aye', none voting 'no' and none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1854. And now the Gentleman has moved to concur in Senate Amendment #2 to House Bill 1854, and on that Motion the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Amendment #2 was arrived at in cooperation with the Chicago Public Housing Authority. Their concern was that the language we put in included the word 'shall', which indicated that they were mandated to exercise police authority in the Chicago public housing. That certainly was not our intent. We wanted to make sure that they continued in the exercise of their security police authority in Chicago public housing, but we didn't necessarily want to indicate that it was mandatory. They wanted some flexibility and that's what the language provides. It allows the Chicago Public Housing Authority to exercise, to continue to exercise its police powers with the goal of striving to or to eliminate the violence in public housing. But it softens the language, it doesn't make it a mandate anymore. It simply makes it a goal subject to appropriations and I'd be glad to take questions."

Speaker Black: "Discussion on the Gentleman's Motion. The Lady from Cook, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. I had my light on because on

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Amendment #1, I was not voted and I want the record to show that I would have voted 'aye'."

Speaker Black: "The record will so reflect. Discussion on the Gentleman's Motion? The Gentleman from Cook, Representative Turner."

Turner: "Thank you, Mr. Speaker, Ladies and Gentlemen of this Assembly. I rise in support of the Gentleman's...I rise in support of Senate Amendment #2. It strictly says that they 'shall' versus the mandate as the Gentleman...or the Sponsor of the Amendment mentioned earlier and I think that what it does in this case is if in fact there is money available, that they will go ahead and do their best to eradicate the gang problems that they're having...the current problems that they're having in Chicago housing developments, and so for that reason I rise in support of Senate Amendment #2."

Speaker Black: "Further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "He indicates he will."

Mautino: "Representative, in the scope of the Bill will we be extending this authority throughout the State of Illinois?"

Speaker Black: "Representative Winkel."

Winkel: "In Senate Amendment #2 we're strictly talking about the Chicago Public Housing Authority. In the underlying Bill, yes, it's true that we are extending that same sort of authority downstate. But Senate Amendment #2 is focused exclusively on Chicago public housing and it eliminates the mandatory language and makes it discretionary, subject to appropriations."

Speaker Black: "Representative Mautino."

Mautino: "I support the Amendment #2. My question, I guess,

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would be to the...just a quick question to the underlying Bill, if that would be acceptable."

Speaker Black: "Yes. Proceed."

Mautino: "What, as far as training requirements, will be built in. Say, if my LaSalle County Housing Authority decides that they are going to put police officers on or development their own police force, who is going to set the training requirements to make sure that those officers are properly trained and that they're safe within the housing authority properties?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, as I told an earlier questioner, that the security police, that would be those hired for this function, would be subject to the same requirements for police under existing laws. So, the same requirements that already exist for policemen throughout the state will be applicable here for those hired to act as security police for downstate public housing."

Speaker Black: "Representative Mautino."

Mautino: "I know that many of the full time police officers have over 400 hours training in addition to the 40 hours that's necessary for carrying a weapon. Will these officers have arresting power, complete police powers?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, they will have the same authority and responsibilities and requirements that currently exist for all policemen under current law."

Speaker Black: "Representative Mautino."

Mautino: "The municipalities themselves or that has the housing authority, would this be permissive for them or mandatory statewide?"

Speaker Black: "Representative Winkel."

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Winkel: "I'm sorry, Representative, I missed the very first and most important part of your question. I didn't understand it."

Speaker Black: "Representative Mautino."

Mautino: "The municipality that would pay for the police officers, is...would this be permissive in setting in the police force or mandatory for the officers?"

Speaker Black: "Representative Winkel."

Winkel: "There is no mandate on any municipality here. In fact, this merely authorizes the public housing authority to hire police if they so desire and it has to be done in cooperation and with the consent of the affected mayors...of the affected mayors of those municipalities."

Speaker Black: "Representative Mautino."

Mautino: "Will that be done through the process? Will they have to make an ordinance to set this in place? What's the process for a county which does not have a police force in their housing authority to create one?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I mean I'd be glad to continue with this line of questioning, but we have already debated this Bill. But I...It really has very little to do with Senate Amendment #2 which is strictly Chicago. Again, it has strictly to do...it can't...it can't...It's not a mandate. It's done with the cooperation and consent of the local municipalities and there's population restrictions on this as well. It's not every county."

Speaker Black: "Representative Mautino, your time is expired. Will you have another question? Proceed."

Mautino: "I appreciate you giving me the extra few minutes to complete this. Representative Winkel, I am in support of your Bill. I just want to make sure that with the intent



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of this that we put policemen into the housing authorities that are properly trained so that they cannot only protect those residents that are living there, but have the knowledge and the skills, which we require any other police force in the State of Illinois to protect themselves and the residents. I do support your Bill and suggest an 'aye' vote."

Speaker Black: "Further discussion on the Gentleman's Motion? The Gentleman from Cook, Representative Pugh."

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

Speaker Black: "He indicates he will."

Pugh: "Representative, I had a couple of questions. The first one had to do with the moneys to implement the police force at the CHA. Will the dollars from the local municipality, Chicago, or will they come from the state?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I believe that at least in part they're subject to appropriations, but I do also know that there are federal grants available for public housing that can be applied for, for security police."

Speaker Black: "Representative Pugh."

Pugh: "And this police force, will they be accountable to the Chicago police force or will they be...Who will the...who will the...who will have ultimate control over this police force?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, this really, again, has nothing to do per se with Senate Amendment #2, but it's my understanding that because let's say it's within the City of Chicago, that ultimately that municipality has control. This is done, I believe, in conjunction and cooperation with the

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City of Chicago."

Speaker Black: "Representative Pugh."

Pugh: "So...so this would be a private...would it be a private security firm?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I believe that would depend on a given municipality. I don't think that that's prohibited, but it's probably unlikely."

Speaker Black: "Representative Pugh."

Pugh: "Thank you. Do these police officers have to have any special training?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, that's been asked several times. The police...the training requirements, the responsibilities of these officers would be the same as any police officer under existing law."

Speaker Black: "Representative Pugh."

Pugh: "Well, Sir, I apologize for being redundant. I didn't hear the previous comment...or answer to the question. So, you don't...you can't tell me at this point in time exactly where the dollars would come from. You said there could be some federal dollars available, there could be some city money available, but you're not sure at this point exactly where the money will come from?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, this is authorizing legislation. It gives the housing authority the right to exercise its discretion, whether or not to hire security police. In fact, that's the whole idea of Senate Amendment #2 is that it creates that discretion in the local authority. It does not mandate it. If it mandated it, I would be much more concerned about the funding. I don't want to send an

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unfunded state mandate. In this case it creates authority and, you know, the funding would...it's not...it's not an unfunded mandate, it's..."

Speaker Black: "Representative Pugh."

Pugh: "Okay, and so...I think I heard you say that this was permissive and if it's permissive, who determines...who determines which public housing facilities will receive the police officers?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, I know you genuinely don't mean to be redundant. We have covered this. But what this does is it gives the housing authority the authority to hire security police in cooperation and with the consent of the mayor of the municipality involved."

Speaker Black: "Representative Pugh."

Pugh: "No, Sir, I try to stay cognizant of the fact of being redundant, but there is times that, you know, we do overstep our boundaries. Thank you very much."

Speaker Black: "Further discussion? The Lady from Cook, Representative Lou Jones."

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

Speaker Black: "He indicates he will."

Jones, L.: "Representative, this Amendment, was it given to you by Chicago Housing Authority?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, what I mentioned when we got started here was I worked with representatives of the Chicago Public Housing Authority and they approached me and asked about the language that is now in the Bill through Senate Amendment #2 if we approve it and we worked this out. I said I had no problem with it and they're happy with it."

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I'm happy with it and I'd urge you to support it."

Speaker Black: "Representative Jones."

Jones, L.: "Representative, I'm...as one of the State Representatives, I have, I think I have the most Chicago...most public housing in Chicago in my district and I rise in total support of this Amendment, and I urge that my colleagues on this side of the aisle support me and I do approve and support this Amendment."

Speaker Black: "Further discussion? The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I'm sorry, Mr. Winkel, for that misunderstanding with Senate Amendment #1; however, on Amendment #2, if a person is a street gang member who has not been convicted of or committed any crime, just that membership can cause that individual to be removed from his or her home in the projects or the housing authority. Is that correct?"

Speaker Black: "Representative Winkel."

Winkel: "With all due respect, Representative, and by the way, that's perfectly fine on the mix up before. I certainly don't hold that against you or anything like that. Senate Amendment #2 states that subject to amounts appropriated for that purpose, the housing authority, meaning Chicago housing authority, could exercise its police powers to strive to eliminate or reduce violence in public housing. That's all it does."

Speaker Black: "Representative Davis."

Davis, M.: "Excuse me, I would hope they would reduce violence all over the city, but my question to you is very specific and your Bill does address this. If a person is accused of being a member of a street gang, can he or she be removed from that housing lease and can that determination be made

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based upon hearsay?"

Speaker Black: "Representative Winkel."

Winkel: "Yes and no. Yes, to your first question, no, to the hearsay. What the underlying Bill does and I do hesitate to this extent. Out of respect to you, I will go to the underlying Bill to this extent, but it is outside Senate Amendment #2. In the underlying Bill criminal street gang membership is a ground for eviction and it simply is it would have to be approached and prosecuted under the Forceable Entry and Detainer Act, which would require a court appearance and all the rules of evidence would apply, and hearsay, unless it falls within an exception established under the law, would not be allowed."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, are there any other memberships that can cause one's removal from housing authority premises? For example, if you're a member of the KKK, does that...is that cause for your removal from living in a housing authority?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, again I'll indulge. The current law sets the...You bet. You bet. I want to cooperate with you to the extent I can. Current law sets forth, as grounds for a tenant eviction, physical assault, or the threat of physical assault, illegal use of a firearm or other weapon, or a threat to use in an illegal manner a firearm or other weapon and possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant, if the tenant knew or should have known of the possession by the other person of a controlled substance, unless a controlled substance was obtained directly from or pursuant to a valid prescription. What

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this underlying Bill does is add to that list, membership in a criminal street gang."

Speaker Black: "Representative Davis."

Davis, M.: "How is that membership determined? I mean, is that membership determined by what you wear, what someone tells you? What does that...Your membership in a street gang is determined by what? And let me say this, I don't condone membership in a street gang. However, I know it's almost impossible to survive if you're not identified with one of them in those housing projects and that is a fact."

Speaker Black: "Is that a question, Representative? I'm sorry."

Davis, M.: "Well, my question is, how are they identified?"

Speaker Black: "Okay."

Davis, M.: "How do you identify a street gang member? What's the definition?"

Speaker Black: "Representative Winkel."

Winkel: "A membership would have to be established under existing law and there is on the books a statutory definition of membership in a criminal street gang and during a foreseeable entry and detainer action based on the ground that somebody is a member of a criminal street gang, the burden would be on the person trying to get the eviction to convince a court that membership is in fact established."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, I'm trying really hard to find a reason to support your Amendment because I believe your intent is noble. However, as much as I abhor street gangs and even what they signify, I recognize that in some groups, it is just a fact of life and I'm questioning how you would determine that a person is a member of a street gang and in what other instance does membership to anything require you to lose your living quarters? I think your

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intent is noble and what you plan to do may be very good, but I think you're violating the constitutional rights of a group of people."

Speaker Black: "I'm sorry, Representative, your time is expired. Bring your remarks to a close."

Davis, M.: "Just...I want to thank the Speaker very much for your tolerance and I do appreciate it. It's an emotional issue. It'll probably fly out of here, but it won't have my vote because my principles will not allow me to violate the constitutional rights of a group who's attempting to simply survive. Thank you."

Speaker Black: "Thank you. Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "Indicates he will."

Granberg: "Representative Winkel, I just have a brief question. I have a small housing authority in my district. I think Senate Amendment #2 limits by population or you have population numbers in the Amendments. Now, I have a small area, what will be the impact of Senate Amendment #2 on my small housing authority?"

Speaker Black: "Representative Winkel."

Winkel: "It has no effect on your area, whatsoever."

Speaker Black: "Representative Granberg."

Granberg: "Now, in the...So, I'm not going to necessarily ask you about the underlying Bill, but in Senate Amendment #2 it provides that in exercising those police powers the housing authority, in a municipality over 500,000 people, shall strive to eliminate. So does that mean by implication that in communities under 500,000 that they must take these activities or must...must exercise these police powers?"

Speaker Black: "Representative Winkel."

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Winkel: "Of course not."

Speaker Black: "Representative Granberg."

Granberg: "So there is nothing in the underlying Bill that would say that housing authorities must undertake certain actions, and then Senate Amendment #2 would limit that to those centers of over 500,000?"

Speaker Black: "Representative Winkel."

Winkel: "Representative, Senate Amendment #2 is specific to Chicago only and it certainly is not intended to imply that elsewhere in the state that that's not the goal, it's the goal elsewhere as well."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I just want to make sure there's nothing in the underlying Bill that described the powers and the requirements for these housing authorities, that it might have been some type of general mandate that they undertake these policing responsibilities and then for some reason in the Senate there was some concern addressed and then they attempt to limit what would happen and what would occur to only those municipalities of over 500,000. So, I just want to make sure, Representative, that there is no general obligation in the underlying Bill and then Senate Amendment #2 just restricts that where in effect then it would leave that...to force our locals, our small municipalities to comply with the underlying Bill."

Speaker Black: "Representative Winkel."

Winkel: "Representative, it's a very good point you're making. It is purely discretionary locally and in downstate. It's discretionary and it has to be done in cooperation and consent with the local municipality authorities."

Speaker Black: "Representative Granberg."

Granberg: "Oh, so then I'm...so it could actually have an impact



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on my area?"

Speaker Black: "Representative Granberg. I'm sorry, Representative Winkel."

Winkel: "Now, your question was, would Senate Amendment #2 have an impact on your area? No."

Speaker Black: "Representative Granberg."

Granberg: "I thought you referred to the underlying Bill that it is discretionary for these housing authorities to undertake these...these operations?"

Speaker Black: "Representative Winkel."

Winkel: "It is discretionary. In the underlying Bill a police force may be established under this subsection only with the approval of the mayor or president of the municipality, and it sets forth a couple of further conditions."

Speaker Black: "Representative Granberg."

Granberg: "Then is it also discretionary in the underlying Bill that they shall undertake these measures in regard to gang activities which Senate Amendment #2 seeks to limit?"

Speaker Black: "Representative Winkel."

Winkel: "Senate Amendment #2, I think that's what you're directing your question to, is strictly for Chicago public housing and it simply is an effort to make clear that we want them to continue to provide the same sort of police authority, security police authority have. It doesn't mandate it and it is subject to available appropriations."

Speaker Black: "Representative Granberg."

Granberg: "One last time, here. I just want to make clear. I just want to make sure the underlying Bill says it's discretionary with the local housing authority and that with Senate Amendment #2, it says that in areas with over 500,000 people these police powers shall be...they shall strive to deal with gang activities. I just want to make

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sure that in the underlying Bill it doesn't say our small housing authorities undertake these measures, they are required to undertake these measures, and that by Senate Amendment #2, you're just limiting that application to Chicago."

Speaker Black: "Representative Granberg, your time is expired. Do you have a question? You want to respond to that, Representative Winkel?"

Winkel: "Senate Amendment #2 does not cause any sort of mandatory effect downstate, whatsoever. It is still purely discretionary with the local public housing authorities if they want to establish security police. It doesn't mandate anything except that it be in cooperation and consent with the local municipal authorities. The idea here, Representative, is to augment or supplement the downstate police in municipalities where public housing is located. What's happened now, is without the local housing authorities, without any sort of security police, it's a drain on the municipalities and this is meant to supplement their effort to contain violence and crime in public housing."

Speaker Black: "Further discussion? The Lady from Cook, Representative Wojcik."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Black: "The Lady has moved the previous question. The question is, 'Shall the main question now be put?' All those in favor signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the main question shall be put. Representative Winkel to close."

Winkel: "Thank you, Mr. Speaker. Senate Amendment #2 was done in cooperation with the Chicago Public Housing Authority and I urge a 'yes' vote. Thank you."

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Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 1854?' All those in favor signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', 1 voting 'nay', 1 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 1854, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Calendar, Senate Bills Third Reading...Excuse me. We have messages from the Clerk."

Clerk Rossi: "A message from the Senate by Mr. Jim Harry, Secretary of the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title; Senate Bill 365, a Bill for an Act to amend the School Code, together with House Amendment #3. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title; Senate Bill 365, a Bill for an Act to amend the School Code, together with House Amendment #3.' Introduction and First Reading. House Bill 2508, offered by Representative Hannig, a Bill for an Act relating to school district boundaries. First Reading of this House Bill."

Speaker Black: "Anything further, Mr. Clerk?"

Clerk Rossi: "Nothing further."

Speaker Black: "On the Order of Senate Bills Third Reading, page 5 of the Calendar, appears Senate Bill 1026. Mr. Clerk, please read the Bill."

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Clerk Rossi: "Senate Bill 1026, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Black: "And on that the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1026 would provide that if a candidate who has filed nominating papers to run for office and dies before the consolidated primary election and their name has been certified on the ballot, that their name would be removed from the ballot. It also provides that the county clerks of the State of Illinois may and again this is permissive, may charge for precinct lists of registered voters, except for the Chairman of the respective political parties. The third provision provides that the time frame to file a declaration of intent to be a candidate as a write-in would move from the Friday before a Primary Election to the Tuesday before the Primary Election. The first provision I outlined to you comes about from an actual case that occurred in my home county of Livingston and the last two provisions come about as recommendations of the County Clerks Association of Illinois. I'd be glad to answer any questions you may have."

Speaker Black: "Discussion on the Bill? The Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, would the Gentleman yield to a question or two?"

Speaker Black: "He indicates he will. Proceed."

Skinner: "We're going to...I mean, I remember the days when you wanted to be a write-in and you could do it on the day of the election and then in order to limit competition it was taken back to the Friday before the election and now this Bill takes it back to a week before the election. Why?"

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Speaker Black: "Representative Rutherford."

Rutherford: "The County Clerks Association has identified that the time frame to be able to have the information out and prepared for the individuals in the precincts, that their feeling is that the time frame to prepare all of this is necessary to have it to be one week before the election."

Speaker Black: "Representative Skinner."

Skinner: "How many people have been elected to a write-in...as a write-in...as a result of a write-in since the date was at...on a Friday?"

Speaker Black: "Representative Rutherford."

Rutherford: "I'm sorry, Representative, I do not have that answer for you."

Speaker Black: "Representative Skinner."

Skinner: "Well, I've heard of none. Why don't we just be honest and put on the books that no one is allowed to run as a write-in. Why don't we...I mean, we're trying to close the process down so that no outsider could possibly get elected, and it seems to me that we...it would be more straightforward just to prohibit write-in votes and candidacies."

Speaker Black: "Representative Rutherford. Representative McAuliffe in the Chair."

Rutherford: "Well, Representative, I don't think there's any intent to try to preclude write-ins from being...or individuals to run as write-ins. What this is trying to do is to help ensure that those that are going to be write-ins can be prepared and have the information out to the proper polling places, so that the election judges can be properly versed in how to handle write-in votes. So, by...if anything, I think this actually enhances, stimulates, encourages and codifies the fact of the write-in process."

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Speaker McAuliffe: "Representative Skinner."

Skinner: "Nice try."

Speaker McAuliffe: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, I'm joined by the requisite number of my colleagues to have this Bill removed from short debate, please."

Speaker McAuliffe: "Move the Bill from short debate."

Granberg: "Thank...thank you, will the Gentleman yield?"

Speaker McAuliffe: "He indicates he will."

Granberg: "Thank you, Representative Rutherford, I think you indicated there are three separate provisions in your Bill now, as, as it's return from the Senate?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, yes, Representative, there are three provisions to it, but its not as returned from the Senate; this has been amended in the House of Representatives. The three provisions have been amended into it here in the House. They are actually the provisions that were in the underlined original Bill, House Bill 448."

Speaker McAuliffe: "Representative Granberg."

Granberg: "I'm sorry, Representative, that is correct, you added the provisions of certain House Bills, I think that you had Sponsored initially. In regard to the provisions of House Bill 1716, a... Representative Skinner indicated this would more restrictive of people who would attempt to write in candidates on elections, why would that be the case?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "If the question is, 'why would there be write in candidates?' I'm sorry, clarify the question, Representative."

Speaker McAuliffe: "Representative Granberg."

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Granberg: "The question is, why do we want to restrict the ability of someone to write in a candidate?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "We absolutely would not, we would not want to restrict the opportunity to have write in candidates. What this does is I'd explained to Representative Skinner, actually enhances the opportunity to make sure that the process for write in candidates is done correctly and and so that our election judges, precinct individuals are well versed in the process for write ins, and again, Representative, if I could, this is not coming from an initiative that I originally had had, this comes as an initiative from the by-partisan County Clerks Association and is actually supported by the State Board of Elections, as well."

Speaker McAuliffe: "Representative Granberg."

Granberg: "What would happen if that, person did not comply with the provisions of House Bill 1716, that is he, he or she attempted to write in that person?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "If... I, if I could, Representative, just to make sure that I'm talking off the correct piece of paper, I'm gonna refer to the Amended 1026, which I believe you are referring to the original underlined Bill. But to answer it if it you know, assuming that it is all the same language, in the fact, that an individual; if they did not file their intent to be a write in candidate by the Friday, I'm sorry, by the Tuesday, before the Tuesday Primary, they would not be able to have their ballots counted. It would not be eligible to be a write in candidate."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Representative, I'm... I'm a little confused on the

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replacement provisions, how in fact, would that work?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Replacement meaning if someone is not on the ballot, are you talking about the first provision of the, of the Bill, in which it says if that an individual passes away prior to the ballot being printed? Let me, let me, let me assume your question. There is nothing in this legislation which would change how an individual is appointed to replace someone who passes away on a ballot. What this does is the the first provision of this legislation, simply states that if an individual files their petitions to run for office and they pass away prior to that election, that their name would be removed from the ballot. That's all it does. It would not provide for a replacement to it and this is before the Primary Election. So, if this individual, if this individual wins the Primary and passes away, we go through all the procedures in which the Political Parties appoint the vacancies for the deceased individual."

Speaker McAuliffe: "Representative Granberg."

Granberg: "How would this apply then to the General Election?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "We already have provisions in the statute for removing the name from a ballot and appointing a replacement partisan, which ever vacancy the Party occurs in, to replace that individual. Let me give you the example of how this came about. What happened here was that a candidate for Sheriff in Livingston County, had to circulated their petitions, filed them with the County Clerk, but the ballot had not been certified, that individual passed away. There was no provision in the statute to remove the name of a deceased individual from the ballot without going through a court order. With that



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then having hap..."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "The court order did then remove that individual's name from the ballot. What this language is attempting to do, is statutorily clarify and through procedures outlined in it, that if an individual passes away, prior to the ballot being printed, their name would be removed. There is no provision to to substitute them, it's just to remove their name, so we are not going about, going to an election cycle with a name of a deceased individual on the ballot."

Speaker McAuliffe: "Representative Granberg."

Granberg: "Well, thank you, Representative, now that dealt with the underli...your initial legislation? Now in regard to , I believe, is it the provisions of House Bill 448, now those changes were, that was further amended by House Amendment #1 to 448; could you please explain, how that is now impacted with this Bill?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "House Bill 448, is originally introduced, Representative, would have provided for the removal of a deceased individual's name from a ballot, as you and I'd just gone through the discussion on. Later, 448, further requests that the County Clerks Association was amended to include the other two provisions, which we'd also previously talked about. Because of timing so forth and so on, House Bill 448 had not the opportunity to come to the consideration of the Body. I took that language from 448 and a place it on 10, Senate 1026, which we're now discussing."

Speaker McAuliffe: "Representative Granberg."

Granberg: "So, Representative, House Bill 448 was never heard by

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this Body?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "House Bill 448 had gone through the Committees and had I... I think unanimous, if not, maybe one or two descending, but, but had gone through Committee, did not have the opportunity to come to the full chambers for discussion. That is correct."

Speaker McAuliffe: "Representative Granberg. Representative Granberg."

Granberg: "So with House Bill 448, since we've never seen that specific piece of legislation, Representative, I understand that deals with removing the names or putting items on the ballots, to cover the names of candidates, who died, who died prior to the election? Is that, is that correct?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Again, Representative, if you don't mind, just to make sure we're all talking about a same piece of paper; if I could refer to Senate Bill 1026, as Amended. Senate Bill 1026 as Amended, says that if an individual passes away prior to the election of the Primary Election, their name would come off of the ballot. If the ballots have not been printed, their name is removed prior to th... then going to printing. If their name had been printed and it can not be reprinted, then the election authority will affix a label over their name, so that their name would not appear on the ballot."

Speaker McAuliffe: "Representative Granberg.:"

Granberg: "And who would undertake that responsibility, Representative? How would the election authority be informed and what would actually occur after that time?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "The process to notify the proper election authority

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for a partisan Primary Election is vested with the Chairman of the respected Political Party. The process for a non-partisan election is vested with the local election authority to do that. To notify the election authority and then to actually implement the process to remove the name would be vested with the election authority itself."

Speaker McAuliffe: "Represent... Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, before I go into my questioning, I have various parliamentary inquiries. I see that your Parliamentarian has deserted you, but I see that he has now returned. So, may I begin, Sir?"

Speaker McAuliffe: "Yes."

Lang: "The first inquiry relates to the Fiscal Note. I would question whether the Fiscal Note is valid, my understanding is that we had an unsigned Fiscal Note, so the first would be an inquiry of the Clerk, do we have a valid Fiscal Note?"

Speaker McAuliffe: "Mr. Clerk."

Clerk McLennand: "There is a Fiscal Note on file from the State Board of Election, signed by Ronald Michaelson, filed on May eighteenth, at four p.m."

Speaker McAuliffe: "Representative Lang."

Lang: "When was the Bill moved to third reading?"

Clerk McLennand: "According to the files, moved May nineteenth."

Speaker McAuliffe: "Representative Lang."

Lang: "While they're checking that, there's also a State Mandates Act Fiscal Note filed, reportedly filed by DECA, which is unsigned; can the Clerk tell me about that?"

Clerk McLennand: "There was one filed, unsigned, on May eighteenth, at twelve-thirty and was then signed by Dennis Whetstone, signifying that it was their note the night of

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the eighteenth; the evening of the eighteenth."

Speaker McAuliffe: "Representative Lang."

Lang: "Further inquiry of the Clerk; was an additional Fiscal Note filed by DCCA or did they tamper with the evidence by signing the previous Fiscal Note?"

Clerk McLennand: "At my request, they came in to verify that this was their original note and they signed it to that effect."

Speaker McAuliffe: "Representative Lang."

Lang: "Further parliamentary question and this time, you'll need your Parliamentarian, Sir, I question the germaneness of House Amendment #1. The Senate Bill deals with the Vehicle Code, the Amendment which deleted the Bill and became the Bill, deals with the Election Code, I don't see how they are...it is germane to the Bill and I would ask the Chair to rule after consultation with the Parliamentarian that the Amendment is not germane."

Speaker McAuliffe: "Why don't we just continue with the debate while the Parliamentarian reads the Bill. Is that all right with you, Representative Lang?"

Lang: "No, I prefer not, Sir, if the Amendment is not germane, then I'm sure the Bill will come out of the record. We wouldn't want to waste anybody's time debating an Amendment that was not germane."

Speaker McAuliffe: "We'll proceed with the debate and then we'll give ya... dis....Parliamentarian decision. Representative Lang."

Lang: "Well, very well, but I have one additional inquiry, before we proceed to that. The State Mandates Act Fiscal Note, that the Clerk indicated was authenticated by DECA, is a State Mandates Act Note. I do not see a Fiscal Note in the file, can the Clerk, when he finishes biting his sandwich, answer the question for me, as to whether a Fiscal Note has

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been filed on this Bill?"

Clerk McLennand: "On the Fiscal Note on the Bill dealing with elections has been filed by the State Board of Elections."

Speaker McAuliffe: "Representative Lang."

Lang: "Alright, that clears up my questions relative to the Notes, I appreciate the Clerk's responses. Will the Sponsor yield for a few questions while we're waiting for an inquiry response from the Parliamentarian?"

Speaker McAuliffe: "He will."

Lang: "It seems to me, Representative, that the notification procedure in your Amendment is a bit complex. Don't you think that you're making these folks jump through a lot of hoops here for no reason?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "No."

Speaker McAuliffe: "Representative Lang."

Lang: "On page four, of your, of the Amendment, on line six, it says within three days after the Chairman of the managing committee, the Political Party, blah, blah, blah, blah, blah, the Chairman shall send written notification. How is the Chairman suppose to get this information, is he or she obligated to read the obituaries everyday? How does this notification procedure work?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, if I could highlight, Representative, that today there is absolutely not...no provision in there for it, so that if an individual passes away, right now the statute is void in regards to having their name removed from the ballot. What we are attempting to do here is to provide such that a, an individual who passes away, will have their name removed from the ballot. This is to provide for the Chairman of the managing Party, as they may

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see through, whatever process they may see, whether it's the obituaries; whether it's at some dinner party that the person is not there. Keep it in mind, they are the managing Party of either the Democratic Party or the Republican Party another major Political Party, as outlined in our Election Codes; to be able to notify the election authority of the deceased individual's name to be removed from the ballot."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, you seemed to say that because there's no procedure now, go into a procedure, any procedure, even if it is an awkward procedure is better than no procedure and I'm not sure you're correct. How will you resolve... strike that. If, if your position here is that you need to have some provision to get the deceased candidates name off the ballot and I grant you it's something we ought to try to do. It still seems to me that unless there's some procedure, whereby the Chairman is notified, then you're not accomplishing anything. In very large counties, it's not likely that the Chairman is going to even find out with.. within three days, let alone be able to send out the notification within three days. I understand in your smaller counties, where just about everybody's on a first name basis with everybody else; but not in Cook, not in DuPage, not in Lake. How do you... how do you make sure that the Chairman gets the information, so that the Chairman can do the notification.?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, let me respond in two different manners for this: number one; I would believe the Chairman of a managing Political Party, would know if one of their Party's candidates does pass away. So I would beg to differ

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with you, even in Cook and DuPage, I would assume that the Party Chairman, of Cook and DuPage, large counties, have a good sense about who their candidates are and are sensitive to the fact that if they pass away or not. Secondly; to make sure that is language that follows due course and process, that this language was drafted in cooperation with the State Board of Elections and their legal counsel to see that we had a proper process that was under the means to be implemented in place."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, I...I still have some concern about this, in very large counties, you know, you could be talking about a candidate for some office that some people might think is obscure, not that any political office is obscure. You can't expect the County Chairman of a Political Party, within three days, to know the whereabouts of any given candidate at any time, they shouldn't be obligated to read the obituaries everyday; but let me ask you another question. In a... House Bill 448, which is now part of this, you provide that if a candidate is replaced, the election authority may place the new candidate's name on a label or have the ballots reprinted. Is it at their option, Sir? How does that work?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "I... if it's all right with the Representative, I'd prefer we'd...make sure we're talking off of the language of a Amended Senate Bill 1026, which I don't believe is any different than the House Bill you're referring to, but I don't want to take the chance. Amended House...Amended Senate Bill 1026 does not provide that a person's name will be replaced with a an adhesive label with somebody else's name would be placed on that. What it provides for,

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is the fact that the election authority, if they can reprint the ballots, without that person's name on it, will then do so. If it is physically not possible to reprint the ballots, then they can apply an adhesive label on there to cover that individual's name."

Speaker McAuliffe: "Representative Lang".

Lang: "Sir, that's not what your Bill says, on page four, lines twenty-three through twenty-eight, don't just simply give the election authority the choice, it doesn't say if they have time. It says, if notification is after the printing, the election authority shall either reprint or affix labels. It... it gives them a choice, it doesn't give, it doesn't say under certain circumstances you have to reprint and under certain circumstances use labels. Do we want to give them this choice and what will it cost?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "I absolutely believe we do want to give them the choice because the second question you just asked is the cost issues involved with it. If it is less expensive for the election authority to reprint the ballots, then they have that option. If it is less expensive to put a self-adhesive label over that deceased individual's name, they have that choice, so I have no question, but we want to leave it as an option for them. The fact is they will do one or the other and make sure that that individual's name does not appear upon the ballot. In regards to the cost, I do not have a fiscal impact for them."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, how can it not have a fiscal impact if they decide either to reprint the ballot and how can it not have a fiscal impact if they decide to print labels? Let me... well, while I'm at it, let me ask you one additional



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question. What if this is a county wide candidate is... is... or what if this is a Statewide candidate, are we going to have some counties where there's labels and some counties where the ballots reprinted at the whim of the county election authority?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, first of all, Representative, to clarify, I did not say that there would not be a fiscal impact. I said, I do not have what that fiscal impact would be. The issue in regards to the, the geographic area the one serves, of course will dictate what that fiscal impact will be on a Statewide candidate, the same provision would hold; if the individual, for the nomination in a Primary, passes away prior to the certification and the ballots being printed, their name will be removed."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you, could I get one more minute to ask an additional question, Sir? Thank you, very much. Representative, relative to the issue of Statewide candidates, what's you're saying to us then, is that if a Statewide candidate was deceased, in some counties a ballot might be reprinted, whereby, in other counties, there would be a label affixed at the discretion of the county election officer and my question to you is, don't we have a law in the State of Illinois that requires ballots to be uniform for the same office and if you have some ballots where there's a label and some ballots where they're reprinted, we can't say that they're uniform, can we?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Not being an election lawyer, I would suggest that perhaps I would interpret it, that idea of uniformity would be the fact, that the individual's name does not appear on

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the ballot. And again, I assume that that would be a debatable point, in that a lawyer getting paid money by the billable hour would probably take advantage of debating that."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, I'm all for billable hours, but I don't know what the Representative said to me."

Speaker McAuliffe: "Representative Lang."

Lang: "Do we have a response to my request to have this Bill found that it's.... let me start over. Do we have a response from the the Parliamentarian as to my inquiry as to germaness?"

Speaker McAuliffe: "The Parliamentarian informs me in his opinion, it is germane. Lou, you don't have to holler, I'm looking right at you. I'm going to recognize ya. Okay, Representative Lang."

Lang: "Thank you, well, other Speakers in the Chair and I know that you have not been this way, so I'm conditioned. Other Speakers have gone on to other matters without allowing us to finish our points and you, Sir, with objectivity and and forth rightness, apparently are prepared to allow me to argue my point and I appreciate it. Could the Chair enlighten us as to how this is germane?"

Speaker McAuliffe: "No, he just said it was germane, in his opinion. Representative Lang."

Representative Lang: "Well, we would ask that this bill be pulled out of the record, until such time as we get a ruling as to why it's germane. I've indicated, Sir, that the Bill deals with the Vehicle Code, the Amendment deals with the Election Code. I don't see how they're germane. Mr. Nemerovski is coming back, perhaps he can give us some reason, which is required under the rules to indicated why

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these....this Amendment could possibly be germane."

Speaker McAuliffe: "Representative Lang, the Parliamentarian informs me, that he believes that the Amendment is germane and he and I would say to you that you know the remedy if you disagree and you're certainly entitled to move to overrule the Chair. Representative Lang."

Lang: "Mr. Speaker, the rules require and if I need to find it I will, but the rules require the Parliamentarian to state the reasons for his rulings. Can't just simply say, "Sure it's germane." Even Mr. Pollak, for many years came up with some kind of ruling, whether you liked it or didn't like it. But we should have some ruling on the record, from the Chair, as to why this this Amendment that deals with the Election Code, could possibly be germane to a Bill that deals with the Vehicle Code."

Speaker McAuliffe: "Parliamentarian informs me that in his opinion it is germane and he suggests that if you disagree, you have the remedy to overrule the Chair. Representative Lang."

Lang: "Thank you. Notice how since you're acknowledging me, I don't have to yell it's makes for a much more pleasant Body. By the way, nice tie. Mr. Speaker, we're entitled to a basis for the ruling. If the Parliamentarian doesn't have a basis for the ruling, one might conclude that there is no basis for the ruling. If the Pa... Parliamentarian has one, even a trumped up, goofball kind of approach, we're entitled to a response that gives us some kind of ruling. Now, it's clear to the members of this Body, who are paying attention to this discussion now, that this Amendment is not germane. Nobody could think that an Amendment that deals with the Election Code is germane to a Bill that deals with the Vehicle Code. We are entitled,

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Sir, to a basis for the ruling, even you, Sir, Mr. Speaker, must know that we're entitled to a basis for this ruling. Now, if Mr. Nemerovski has a reason, a basis for the ruling, we would like to hear it, Sir."

Speaker McAuliffe: "Further debate? Representative Davis."

Davis M.: "Thank you, Mr. Chairman, I'd like to yield my time to the tie expert, Lou Lang, Representative Lang."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you. I...ar...are you ar...well no, I'm still debating my Parliamentary point, Sir, don't start the clock yet. That would be unfair. Mr... Mr. Speaker, I would still like an answer to my inquiry and I have not yet received that answer. Is your position that I'm not going to get an answer, then so state and we'll do the necessary."

Speaker McAuliffe: "Yes, that's, that's the position."

Lang: "All right, so the position of the Chair and of the smiling Parliamentarian up there is that we're not entitled to the information as to why he has ruled that an Amendment dealing with the Election Code is germane to a Bill that deals with the Vehicle Code, is that your position, Sir?"

Speaker McAuliffe: "That's correct."

Lang: "All right, then we would move to overrule the Chair, ask for a Roll Call vote and demand a verification, Sir."

Speaker McAuliffe: "All right, the question is, 'Shall the Chair be sustained?' All those in favor vote 'aye'; those opposed vote 'nay'. Voting is open. Have all who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. An... on this question, there are 64 voting 'aye', 53 voting 'no', and Representative Lang has requested a verification, so Clerk, please read the affirmative votes."

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Clerk McLennand: "Those Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus. and Mr. Speaker."

Speaker McAuliffe: "Questions of the affirmative, Representative Lang."

Lang: "Well, I'm not quite ready for that yet, could we ask the Clerk to read those names again in a way that they can be heard? The purpose for the Clerk to read the names is to give those the opportunity to see who has voted for this and to give the verifier the opportunity to see if the people are in the room. That's the purpose for the rule, the only thing I heard was a long series of mumbling and then Mr. Speaker, and I'm not going to verify the Speaker; but I'm entitled to verify the others and I would like names read in a way that I can understand them, Sir."

Clerk McLennand: "Representatives voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland.

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O'Connor. Pankau. Parke. Pedersen. Persico. Poe.  
Roskam. Rutherford. Ryder. Salvi. Saviano. Skinner.  
Spangler. Stephens. Tenhouse. Turner, John. Wait.  
Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik.  
Zabrocki. Zickus. Mr. Speaker."

Speaker McAuliffe: "Questions of the affirmative, Representative Lang."

Lang: "Thank you very much and I thank the Clerk for reading those in, in a way that could be understood. Let's start with Representative oh... Klingler!"

Speaker McAuliffe: "She's right down here waving at you."

Lang: "She is here. All right, Representative Klingler was not at her chair where she normally is and so I...I really didn't see her there. Representative Deuchler?"

Speaker McAuliffe: "Representative Deuchler. The Lady in the chamber? She's down here, right down in front here. Representative Johnson asked leave to be verified, Leave. Further questions?"

Lang: "Representative Hanrahan?"

Speaker McAuliffe: " Representative Hanrahan, Representative Hanrahan in the chamber? Representative Hanrahan in the chamber? I don't see him, Mr. Clerk, please remove him from the roll call."

Lang: "Representative Leitch?"

Speaker McAuliffe: "Representative Leitch, is Representative Leitch in the chamber? No, Representative Leitch. I don't see him, Mr. Clerk, remove him. Further questions?"

Lang: "Bear with me, Sir. Representative Brady?"

Speaker McAuliffe: "Representative Brady is confirmed with Representative Salvi."

Lang: "Do you have any idea how often we find your missing people on our side of the aisles, Sir?"

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Speaker McAuliffe: "Sometimes, yours..."

Lang: "We do have some empty..."

Speaker McAuliffe: "side."

Lang: "desks over here, we'd be happy to have them."

Speaker McAuliffe: "Further questions?"

Lang: "Representative Ackerman?"

Speaker McAuliffe: "Representative Ackerman? Stepped from the gallery."

Lang: "Can we ask for a ruling from the Parliamentarian as to whether the gallery constitutes the chamber?"

Speaker McAuliffe: "Representative Leitch has returned. Please restore him to the Roll Call. Further questions?"

Lang: "Yes, I'm still waiting for a ruling as to whether the chamber is includes the gallery?"

Speaker McAuliffe: "No, he's got to come back down. And if you insist..."

Lang: "Okay, well then..."

Speaker McAuliffe: "he come back down.?"

Lang: "Remove him from the Roll."

Speaker McAuliffe: "All right, remove Representative Ackerman from the Roll, till he gets down here."

Lang: "It won't hurt him, it won't hurt him."

Speaker McAuliffe: "Representative Churchill requests leave to be verified. Representative Lang?"

Lang: "Are they booing my tie?"

Speaker McAuliffe: "Representative Churchill asked leave to be verified."

Lang: "Thanks."

Speaker McAuliffe: "Leave is granted."

Lang: "Representative Stephens?"

Speaker McAuliffe: "Representative Stephens is sitting in his chair."

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Lang: "See there's so many folks clogging, you have so many staff people on your side of the aisle, you just can't always see everybody over there."

Speaker McAuliffe: "Further questions?"

Lang: "Representative Lindner?"

Speaker McAuliffe: "Representative Lindner is right here in front. She's gonna stand up on the desk so you can see her."

Lang: "Now if she fell, there'd be a great comp case, there'd be lawyers running all over."

Speaker McAuliffe: "Here's Representative Ackerman. Restore Representative Ackerman to the Roll Call."

Lang: "Representative Ackerman, nice to see you, Sir. Bad tie."

Speaker McAuliffe: "Further questions?"

Lang: "Nothing further, Sir."

Speaker McAuliffe: "That question, there's 63 voting 'aye', and 53 voting 'no', and the Chair has been sustained. Any further discussion? Representative Lang."

Lang: "Well, thank you, as you recall, Sir, Representative Davis gave me her five minutes and I'm prepared to take those now?"

Speaker McAuliffe: "Proceed."

Lang: "Thank you, will the Sponsor yield again, Sir?"

Speaker McAuliffe: "I'm sure he will."

Lang: "Thank you. On, on the page two of your Bill or your Amendment, Representative, lines ten through thirteen, lines... page two, lines ten through thir...there's a lot of noise in the chamber, Mr. Speaker, lot of noise. Thank you. The County Clerk may charge a fee to reimburse the actual cost of duplicating, except for the list provided to the Chairman of each established Party. Why can't the County Clerk charge for that?"



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Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Because we're trying to keep this thing from appearing to be a political effort by any respective Party, Democrat or Republican. They are established Political Parties, there's procedures within the Code a... Election Code and the statutes that already identified respective Political Parties and we're trying to make it as open a process as possible for those respective Political Parties."

Speaker McAuliffe: "Representative Lang."

Rutherford: "If I could highlight, Representative, this is a permissive effort. The County Clerk is not required to charge this. This is an option that the County Clerk has, also this is the actual cost for the duplicating. It does not provide them to go out and make money off of this. It's a photocopying process for these lists and it's going to be a permissive effort by each of the County Clerks to decide. The reason this has come about, Representative, the reason this has come about, Representative, is because we have found that certain, certain groups, in certain counties, have come in and asked for an extraordinary amount of lists and in order to try to keep the due process and open information available to the election cycle, we do want to make these list available to them. But in regards to taxpayers, of any specific county, it was felt that it would not be appropriate for the taxpayers to absorb those costs of duplicating; so to be able go out and charge the actual, just the actual cost of photocopying, it was felt would be appropriate. I hope that answers your question, thoroughly."

Speaker McAuliffe: "Representative Lang."

Lang: "It's always nice to ask what time it is and then have

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somebody tell me how to build the clock. Representative, I'm not sure that...u...I'm not sure you're...not missing something important in this Legislation. Yes, it is permissive, but once the County Clerk agrees to charge the fee, then the County Clerk must provide the list to the Chairman of each established Political Party for free. Therefore, is this not a mandate on County Clerks? I think so."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "I would disagree, but I would be glad to embellish it, if you'd like me to. But in light of the clock ticking as much as it is, I don't want to burn off your time to explain why I think that this is not a mandate on them to provide that they do receive election lists for the respective Political Parties as outlined in the statutes, for whether be the Democratic Party or the Republican Party or the Solidarity Party or any other Party has appropriately identified in the State's statute as a recognized Political Party in the State of Illinois."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, I've taken a brief poll among myself and I think I want you to explain that, so please do."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "What this very simply says and I'll read it to you. It says that the County Clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under this paragraph; except for the list provided to the Chairman of each established Political Party. So what we're saying is, Representative, that a...a County Clerk, may charge for the actual photocopying or...or whatever other means may be out there, print off of a computer; whether it's off of a data base, off of a disk, for them to

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be able to cycle it through and print it out. Whatever the actual cost of this duplicating does not have to be necessary have to be photocopying. Any process they determine to be able to duplicate that list, that they are have the ability, the permissiveness to be able to charge for the actual cost to do that. But in order to see that this whole two Party system and other other process of politics, as we expand to other recognized Political Parties, as are outlined in the statutes, that they would provide those to the established Political Parties, the Chairman of those respectively. So I think it's, I think it's a very clear, it's only four lines, Representative, I can't imagine how it could be any clearer than that and I don't think it's referred to any other place in the Amendment, but let me take just a few moments to try to search. I don't, no I don't think it is in there, but if you look on page two, lines ten through thirteen. The complete sentence adequately outlines the complete details of the permissiveness that any County Clerk would have to be able to choose the process to duplicate, charge if they need to, yet provide each Political Party Chairman with a free copy."

Speaker McAuliffe: "Representative Lang, could you please, bring your remarks to a conclusion?"

Lang: "Well, I'll try."

Speaker McAuliffe: "I'll put another minute on."

Lang: "Just one additional question."

Speaker McAuliffe: "Proceed."

Lang: "Representative, you've explained all of that, but the fact remains, the fact remains, does it not, that even though the County Clerk does not have to charge a fee to anyone; if they do charge a fee, they still can not charge a fee to

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the established Political Parties. Therefore, if they provide this list to the established Political Parties, they are not charging them and therefore, it's a cost, all be it small, it is a cost to county government. It is a mandate upon them, once they determine that they're going to assume this, it's a cost to them. Why don't you just require them to charge everybody, instead of having this mandate? You're a champion of local government, Representative, you say no mandates to local government and here you're mandating the local governments spend this money. Why? Not for the taxpayers, but for the Political Parties! Politics! This is supposed to be for the taxpayers; why are we spending tax payers money here?"

Speaker McAuliffe: "Gentleman from Madison, Representative Stephens."

Stephens: "Mr. Speaker, this is a sterling debate, however, I must move to the previous question."

Speaker McAuliffe: "Let's, let Representative Rutherford answer Representative Lang's question."

Rutherford: "I would beg to differ with it, Representative, I went through a... a very long scenario of trying to explain that and obviously we're not going to concur on that so that would be the answer and I would appreciate that. Thank you."

Speaker McAuliffe: "All right, Representative Stephens has moved the previous question. Those in favor signify by saying 'aye'; and oppose say 'nay'. 'Ayes' have it. Previous question has been moved, Representative Rutherford to close."

Rutherford: "I understand that discussing the Election Code sometimes can be somewhat contentious amongst an Elected Body, but there's been a very, very clean and sensitive

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effort to not show any type of politics to that, whether it be Democratic Party or other established Political Party, and I think as one looks at this, it is a very clean effort to try to provide some needed clarification in our Election Code. I would ask for a favorable Roll Call. Thank you."

Speaker McAuliffe: "Representative Rutherford has moved for the favorable passes of Senate Bill 1026. All those in favor signify by saying 'aye', signify by voting 'aye'; and those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 107 voting 'aye', 7 voting 'no', 2 voting 'present', And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1039."

Clerk McLennand: "Senate Bill 1039, a Bill for an Act that amends the Toll Highway Act. Third Reading of this Senate Bill."

Speaker McAuliffe: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment to Senate Bill 1039 was added in committee. It becomes the Bill. It provides that no unit of local government with a population of more than 2 million may test, register, regulate, restrict, or license any vehicle, with the exception of taxicabs, that is registered and licensed with the Illinois Commerce Commission or its operated under or in conformity with the certificate of authority or registration issued by the ICC. In addition, the unit of local government may not register the vehicles owners, operator, or drivers who possess a proper commercial drivers license. This subsection does not prevent a home rule unit of government from regulating local parking, local traffic control,

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enacting local revenue enhancement ordinances or other local non-solicitation ordinances."

Speaker McAuliffe: "Questions? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. Is this Bill on Short Debate? Okay. To the Bill, Speaker. We've discussed this matter about four times or maybe it's 15 times on this House floor. This Bill is seriously flawed, the Sponsor is trying to deal with the very local problem in using the wrong avenue. If there is a problem between the Gentlemen in her district and the city commissioner of consumer services, they ought to be able to hammer out a solution, we should not be doing special interest legislation in Springfield. If the City of Chicago is not going to be in a position to regulate these limousines, we are going to find consumers at O'Hare Airport being taken for the ride of their lives. A ride that may cost them substantial sums of money beyond the legitimate cost of the miles that they cover. Many people who come to Chicago O'Hare, Chicago Midway Airports are newcomers to the City of Chicago, they don't know their way around town, they don't know from one suburb to another. Without regulation with respect to rates and other issues, these people very well may be taken advantage of, not I'm sure, by the person who lives in Representative Mulligan's district, but by some other shark in the ferrying occupation. So I would say, both for the reason that this is a constituent problem that should be solved in the usual way and for the reason that we should not preempt the city's efforts to regulate transportation services at its airports. The right vote is a 'no' vote."

Speaker McAuliffe: "The Gentleman from Rock Island,

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Representative Brunsvold."

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

Speaker McAuliffe: "She indicates she will."

Brunsvold: "Representative, how does this Bill affect my limousine coming from the Quad-Cities to O'Hare to pick up passengers?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "I would presume, unless it's going to be licensed out of the City of Chicago, it would not. But if it...it conforms under the Illinois Commerce Commission, which is higher standards than any municipality or the City of Chicago has, which means higher standards of insurance, they would be free to come and go."

Speaker McAuliffe: "Representative Brunsvold."

Brunsvold: "I've had a number of complaints from a lim... limousine service in my district, that on frequent occasions goes to O'Hare to pick up people and bring them back to the Quad-Cities and their... Chi... Chicago has a... indicated they need stamps? Is this right? Am I... stamps and they need registration fees paid to Chicago before they can do this?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "It's my understanding that if you are registered under this Act, they could register you as a business, but I don't think that they can... they can still regulate you as far as fees go. You would still have to pay the ground transportation tax which is at issue with a number of companies, bus companies. Unfortunately, we did not feel that we could provide any exemption for that under this Bill."

Speaker McAuliffe: "Representative Brunsvold."

Brunsvold: "Thank you. Thank you."

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Speaker McAuliffe: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you. Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker McAuliffe: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Before you start the timer, Sir, I have numerous inquiries. May I begin?"

Speaker McAuliffe: "Absolutely."

Lang: "Thank you. I see the Parliamentarian sprinting back to the front and I will wait patiently for him. Thank you. Mr. Speaker, first, this Bill appears to preempt home rule and I would ask for a ruling that it, it requires 71 votes to pass."

Speaker McAuliffe: "The Parliamentarian informs me it requires 60 votes to pass. Representative Lang."

Lang: "On what basis, Sir?"

Speaker McAuliffe: "Under subsection (h) of section (6) of Article (7) of the Illinois Constitution. Representative Lang."

Lang: "Merely stating in the Bill a certain subsection does not cut it. In... in fact, you can't overcome the Constitution of the State of Illinois by erroneously citing a section in the Bill. This takes away the power of the City of Chicago to regulate taxis and limos. They have had that power because of home rule granted to them. And accordingly just simply reading the Bill doesn't cut it, Sir and I would ask for a ruling from the Chair that this require 71 votes."

Speaker McAuliffe: "Representative Lang, the Parliamentarian insists that it does not require 71 votes and you know what avenue is open to you. I would suggest that you exercise it. Representative Lang."



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Lang: "I would move to overrule the Chair, ask for a Roll Call Vote, and ask for a verification of that vote."

Speaker McAuliffe: "The Gentleman has ruled to overrule the Chair. The question is, 'Shall the Chair be sustained?' All those in favor signify by voting 'aye'; and opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 64 voting 'aye', 53 voting 'nay'. And the Chair has been sustained. Representative Lang, I was erroneous in saying that the Chair had been sustained because you asked for a verification and we will grant you the verification. Representative Lang."

Lang: "We forgive you for your honest error, Sir. On this side of the aisle when people make honest errors, we forgive them. And, you know, we would... never mind... at any rate, we will withdraw our request for a verification on this particular matter but I do have other inquiries, Sir."

Speaker McAuliffe: "State your inquiries."

Lang: "Thank you. Referring to the fiscal notes and other notes. Inquiry of the Clerk."

Speaker McAuliffe: "Representative Lang has withdrawn his verification. So on this question, there are 64 voting 'aye', 53 voting 'nay'. And the Chair has been sustained. Now Representative Lang, state your further inquiries."

Lang: "Thank you. An inquiry of the Clerk as to the notes. I would like to go through these one at a time. There's a Home Rule Note purported to be filed on May 10th at about 9:00 a.m. signed by Mr. Whetstone, the director. Was this a note that was changed after it was intro... after it was filed or is this an original note that I'm looking at?"

Clerk McLennand: "That note would appear to have been signed the

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day that it was filed."

Speaker McAuliffe: "Representative Lang."

Lang: "And what day did this Bill go to Third Reading?"

Clerk McLennand: "May 10th."

Speaker McAuliffe: "Representative Lang."

Lang: "Before or after the Home Rule Note was filed?"

Speaker McAuliffe: "Representative Mulligan."

Clerk McLennand: "I believe on Wednesday, the 10th we came into Session at 2:00. This was filed at 9:00 a.m."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Moving on to the next note, I refer to the State Mandates Act Fiscal Note. Actually, it appears that the State Mandates Act Fiscal Note filed by DCCA was filed on May 10th at about 9:00 a.m., but this document that I have is not signed. Can I get some information from the Clerk as to if it was signed and when?"

Clerk McLennand: "There's, there's two State Mandates Act Fiscal Notes on file. Both filed on the 10th at approximately 9:00 a.m. and they would appear to be the same document, just two pages. And Dennis Whetstone's DCCA they came in on the evening of the 18th when requested by me to come in and verify that these were their documents and to authenticate them and they signed them to that fact that they were authentic and their documents."

Speaker McAuliffe: "Representative Lang."

Lang: "So Mr. Whetstone came in eight days after he filed the document and the document was not valid when it was filed and then later tampered with the evidence that we have a... relative to the investigation that's on going as to the phony fiscal notes? Accordingly, I would ask the Chair to rule that this fiscal note is invalid."

Speaker McAuliffe: "Representative Mulligan."

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Mulligan: "Representative Lang, you have done this repeatedly but you're not going to do it on this Bill. My things indicate on the top of this that this was faxed from DCCA to us on May 8th, number one. Number two, there are two fiscal notes, one as provided for the first Bill and one provided as amended. Also, quite frankly, I do not understand why you seem to worry about the word authenticate. You would look up the word authenticate, it means to verify that something is correct and as presented or as it is. To authenticate means just to get on record that the original was correct. Now you seem to have a hang up with that word and with the Clerk, but I see no problem with that word whatsoever. Look it up in Funk and Wagnall's please."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, I don't know what Representative Mulligan's debating about, the Chair has not yet ruled. The fact is, that when the fiscal note was filed it was invalid because it did not comply with the statute. And I would ask the Chair to so rule. The Department of Com... Commerce and Community Affairs should have filed a new fiscal note and not taken an invalid fiscal note that is part of the public record of the State of Illinois and changed it eight days later. Accordingly, it's an invalid fiscal note and I would ask the Chair to so rule. No debate is necessary, Mr. Speaker because you have not yet ruled."

Speaker McAuliffe: "Representative Lang, have you requested a ruling?"

Lang: "Mr. Speaker, I have not gotten a ruling. We have been interrupted in our efforts to get a ruling from you, but we...but you have not as of yet ruled. And I remind you of Mr. Daniels comments and I quote, 'the long standing courtesy of the House has to been to honor fiscal note

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requests for Senate Bills. This practice permits House Members to be fully appraised of the fiscal impact of a Bill prior to Third Reading. The Clerk in cooperation with the Assistant Clerk, will institute new procedures to insure compliance with all Note Acts and long-standing practices of the House.' Now, Sir, I... we reiterate again. Eight days after a first fiscal note was filed that was on its face invalid, it was changed, a new note should have been filed. This note was changed, the long-standing practices of the House are to require fiscal notes. When it was filed it was invalid, it cannot be tampered with later because it's a public record of the State of Illinois. Accordingly, I ask the Chair to rule that the fiscal note is invalid."

Speaker McAuliffe: "The ruling is that this is a Senate Bill and it does not require a fiscal note. Mr. Clerk, is this Bill in compliance with what the practices were under Speaker Madigan?"

Clerk McLennand: "Yes."

Speaker McAuliffe: "That's the ruling of the Chair, Mr. Lang. And if you don't agree with it you're certainly within your rights to move to overrule the Chair. Representative Lang."

Lang: "Speaker, well let me just say that what Speaker Madigan did is ancient history. We have a new Speaker now, his name is Speaker Daniels. I've read his comments to you. His comments are that House Members should be fully appraised to the fiscal impact of a Bill and that all Note Acts will be complied with. Accordingly, Sir, I ask you to rule in compliance with the comments of your own Speaker, Sir. All of our Speakers. Speaker Daniels, the person that refused to call me a Gentleman earlier in the day,

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that Speaker. I ask that you... you do what he said to do and I ask that you hold this fiscal note invalid."

Speaker McAuliffe: "The Chair has made its ruling, Representative Lang and if you don't agree, you can certainly move to overrule the Chair. Representative Lang."

Lang: "I move to overrule the Chair, I ask for a Roll Call Vote and ask for a verification."

Speaker McAuliffe: "The question is, 'Shall the Chair be sustained in its ruling?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question, there are 64 voting 'aye', 53 voting 'nay'. And Representative Lang has requested a verification. Representative Lang has apparently has withdrawn his request for a verification. Representative Lang."

Lang: "Sir, I don't know how you could get that from my hands... well Mr. Granberg can't withdraw my request for verification, now can he, Sir? So I now withdraw my request. But I do have an additional inquiry, Sir."

Speaker McAuliffe: "State your inquiry."

Lang: "Thank you, the note..."

Speaker McAuliffe: "On this ques...wait, let me finish this. On this question, there are 64 voting 'aye', 53 voting 'no'. And the Chair has been sustained. Now, Representative Lang."

Lang: "Thank you. The actual...the actual note we've been debating is called by DCCA, State Mandates Act Fiscal Note. There is nothing in the Bill regarding fiscal activity, it's really a State Mandates Act Note. Has a fiscal note been filed?"

Speaker McAuliffe: "The Clerk informs me that a fiscal note was

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never requested on the Bill. Representative Lang."

Lang: "If a fiscal note has not been requested on the Bill then that completes my inquiry. And if you would recognize me for questions of the Sponsor I would appreciate it."

Speaker McAuliffe: "Well, Representative...Representative Lang, there are many lights flashing on your side. I will get back to you. The Gentleman from Cook, Representative Stroger."

Stroger: "Thank you. Thank you, Mr. Speaker. I'd like to yield my time to Representative Lang."

Speaker McAuliffe: "We're back to Representative Lang. All right, Representative Lang."

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

Speaker McAuliffe: "I'm sorry, I didn't hear you."

Lang: "Will the Sponsor yield?"

Speaker McAuliffe: "Yes. Representative Mulligan."

Lang: "Can I have my five minutes back, Sir? Thank you. Representative, this Bill, as I recall, has been defeated already on the floor of this House, has it not?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative, this Bill has never been debated fully on this floor of the House. In fact, the speaker that spoke earlier said that we've debated a number of times, we have not. It was put into the record once on an Amendment that was coming to the floor and then we pulled it from the record, so it has never been debated before on the House floor to my knowledge and I'm the Sponsor. It has been discussed in two different committees, adnauseam."

Speaker McAuliffe: "Representative Lang."

Lang: "Thank you. Representative, even though the Chair has ruled, this does not take 71 votes. Don't you really in your heart of hearts believe you're taking home rule

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authority away?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative, I was quite careful about this and I looked up the three different sections to make sure that it didn't. And, quite frankly, in the Home Rule Note this... I..., it the city seems to feel that it will take away revenue. In all discussions with the city, we have never ever asked that it take away any revenue. We have just asked that they change the manner in which they collect the revenue."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, Representative, despite your, your comments, I don't think this is a revenue matter at all. I think it's a matter of local control. Are we going to micro manage every government in Illinois from Springfield? You're a champion of local control. Should we pass a Bill taking away the right of Park Ridge to regulate cabs? Are we going to pass a Bill here saying no pigs in Effingham? What are we gonna do...are we going to decide what every unit of local government should do from Springfield? Do we know more than the City of Chicago about what they ought to do about the cab and limo industry? Are we to change a whole set of laws just because you have one constituent with a problem?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative Lang, I'm sure that what you think you're being very in earnest about. I would agree with some of it. No, I do not... I do believe in local control. And, quite frankly, what I'm trying to do here is already a city statute. We're codifying the city statute. And another thing, it does not touch taxi cabs, we have exempted taxi cabs at the city's request. And if you will

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look back on my voting record I... about the City of Chicago I try usually to be very cooperative with them. So, no, I don't think I'm doing that. And if you had listened to any of the debate, particularly in Transportation Committee, you would see this is not one constituent's problem, this is universal across the industry, they are very unhappy with certain regulations. So, no, that's not the reason for this."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, Representative, that record regarding local government support, that you just mentioned, is about to get sullied. That you're about to stain your reputation as a defender of local government. Because what you say in this Bill, out of all the things in the world that you want to take away from the City of Chicago, you want to take away from them the power to regulate taxicabs and limousines. Why?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative, just take a look at the Bill, it exempts taxicabs. Are you trying to add something to this Bill with legislative intent that the city certainly would not want? They do not want us to regulate taxicabs. The state already does regulate in the area I'm trying to legislate in, so they do have an ability to do that. Taxi cabs are still under local control. Unfortunately, they don't seem to be able to take care of the taxicab drivers, but the consumer affairs person is more than interesting...interested in putting on additional legislation and additional ... problems for businessmen who are trying to do business in a reasonable fashion."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, most of these limos that you're trying to regulate



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are coming from O'Hare into the City of Chicago. When we build the Peotone Airport, that you'll probably support, are you going to decrease the number on this Bill to less than \$2 million to cover the limos that are leaving from Peotone to the City of Chicago?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Frankly, Representative, I will leave this area of legislation up to some future Legislator to handle. I particularly would not want to do that."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, we're dealing in the area of public policy, Representative. What about limos that leave the airport in Peoria and drive wherever they go? Are we...why aren't we regulating those? Why do we only limit the limos that leave O'Hare Field or travel around the City of Chicago? Why are you only concerned with regulating the limos in the City of Chicago? Aren't other people aggrieved? Aren't there other changes you want to make in the law? Why just the City of Chicago?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative..."

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative, this has nothing to do with limit... with regulating them leaving O'Hare in particular. Quite frankly, a number of the limo companies that came to us would very much like to have them do that because they collect a tax, that they uniformly do not collect to the detriment of many business owners there. And it seems that until this Bill was brought the Department of Revenue could not even address that fact, that many companies are getting away scott free to the detriment of others. But this Bill does not address that at all."

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Speaker McAuliffe: "Representative Lang."

Lang: "Thank you, Representative, let me ask you this, if you want to take away the power to regulate from the City of Chicago, who are you going to give that power to?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Representative, we're not taking it away, we're allowing the State to do what it's always done and the city already has a statute that allows them to do it. The only reason we're discussing this right now is because the city has been selectively changing the statute and many business owners are very concerned about that. So what we're doing is we're trying to codify a statute that's already there and give the state the control that they already have. If a company wants to go the higher standard because the state regulation is a higher standard than the city's."

Speaker McAuliffe: "Representative Lang."

Lang: "Well you talk about State regulation, but who? The Interstate Commerce Commission, the Governor's Office, your office, who's going to do the regulation if the City of Chicago does not?"

Speaker McAuliffe: "Representative Mulligan."

Mulligan: "Currently, it's the Interstate Commerce Commission and the Illinois Commerce Commission. The Illinois Commerce Commission will have it. Also anyone that succeeds the Interstate Commerce Commission, if they choose to register, which is a higher amount of insurance, a higher standard of inspecting the vehicles, a higher standard for the drivers that they have to do alcohol and drug testing, which the city does not require."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, what if the Commerce Commission doesn't choose to regulate? Should we have hundreds of unregulated limos

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floating around the City of Chicago? It seems to me that would be counter productive to what you're attempting to do. Do you have any agreement from the Commerce Commission that they will regulate in this area should your Bill pass?"

Speaker Kubik: "I'm sorry. Representative Mulligan."

Mulligan: "Representative Lang, perhaps you're unaware that they already do regulate in this area."

Speaker Kubik: "Representative Lang."

Lang: "Well, so do we have dual regulations going on today?"

Speaker Kubik: "Representative Kubik in the Chair. Representative Mulligan to respond to the question."

Mulligan: "Representative, that's what we're trying to eliminate here. If someone is willing to go to a higher standard, then we feel that the city should not obligate them to jump through hoops repeatedly. And such things as duplicate d... fingerprinting, other areas that hold drivers up from actually driving when they have commercial drivers licenses. That's the reason we're bringing the Bill. You've hit it right on the head there, Representative."

Speaker Kubik: "Representative Lang."

Lang: "Mr. Speaker, to the Bill. And before I forget we would..."

Speaker Kubik: "Proceed."

Lang: "...request a verification if this receives the requisite number. Mr. Speaker. To the Bill. Despite the comments of the previous speaker and the Parliamentarian and despite the comments of Representative Mulligan, let me say clearly this is a serious intrusion into the control that local government should have over vehicles that travel their streets. City of Chicago has done, I think, a fine job in regulating limos. There is no case stated by the Sponsor

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of this Bill as to why that power should be taken away from them. Why should it be taken away from them? Do you want your local municipalities to lose the right to govern anything that they currently govern? Why is this limited to the City of Chicago? Why is Effingham not included, why is Park Ridge not included, why are Peoria and East St. Louis not included? This is simply an anti-Chicago piece of legislation. Now, if we're going to be about the business on the floor of this House to just simply take legislation because one Legislator has a peek with the City of Chicago and ram it down the throat of a major city in this state merely because she wants to, merely because she has some aggrieved citizens in her district for a particular limo company would be appalling and shocking. We should not be about the business in this General Assembly of taking powers away from local government. And Members on this floor who have supported local government, Members on this floor that have opposed this legislation for the last three months, should be aware that nothing has changed. The Representative has merely taken the Bill she previously Sponsored, that most of us opposed, and put it on this Bill. And therefore, most of us should oppose this Bill. We cannot continue to take away powers of local government. The Republican Party, the Majority Party, has been screaming for years in Washington about how they want to take power out of Washington and give it to the states. Well, we should be taking power out of Springfield and giving it to local government. Not taking the powers of local government away. This is a bad precedent, a bad Bill, ill conceived. Vote 'no'."

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

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Erwin: "Thank you, Speaker. For what seems to be about the tenth or fifteenth time this Session, I rise in strong opposition to this Bill. Whether it's Senate Bill 1034, whether it was the prior Amendment we did indeed debate on the floor of the House or whether it was the nearly five hours of hearings and testimony in four committee four Transportation Committee hearings. I will renew my plea to the colleagues on this floor. I think this Bill has the potential for significant chaos in the business and tourism industry in this State. What Representative Mulligan is asking us to do is to deregulate the livery service in this State and to essentially give it to two bodies to regulate. Let's remember the Federal Interstate Commerce Commission is due to go out of business. So there isn't going to be any regulation of this there. The second body is the Illinois Commerce Commission, that neither wants this, wants to be able to regulate this or secondly, has the staff or ability to do so. So we are essentially saying, we don't care, we're going to deregulate it, we will have free wheeling, anybody who has a limo, driving all over the Chicago Metropolitan area. And, when your businesses are calling to complain that they were charged adsorbent fees, who regulates these things anyway? I just want you to remember that it is indeed this Bill that will cause that chaos. To my downstate colleagues, I'd ask you listen up for a minute. You folks downstate are able through your township road commissioners to regulate trucks going in and out your townships and you have a very strong right to reserve that priority and in fact, you protect it Session after Session. And here we are, while we're letting all the township road commissioners regulate what can go in and out of their communities, as an absolute right. We are

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telling one municipality in this state that it doesn't have the right to insure that there is an orderly way for visitors, for business people to be serviced through transportation. Now, not only is it a preemption, it just is inherently unfair. So I urge you, just on... on the issue that this is a bad policy, it's bad for business, it's bad for tourism. As Representative Mulligan knows I have encouraged the City of Chicago to work with their suburban neighbors, to resolve the difficulties with these limo companies. But I urge you to vote 'no'. This is not the way to do it. And should this Bill received the requisite number of votes, I ask for a verification. Thank you, Speaker."

Speaker Kubik: "Representative, so you know, we we have acknowledged the request for verification. Representative Lang has asked for it. Further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering. He does not wish to speak. The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill, Ladies and Gentlemen. A number of you might think, well, we downstaters would not have an interest in this subject and on the surface that in fact would probably be correct. But I have two major concerns I think, being a downstater. First of all, if we set the precedent by intruding in municipalities, that could very well, come back to haunt us in our districts. I don't think we want anyone on either side of the aisle looking to change what we do locally, in my district or anyone else's. And once that precedent is established, from my... the years in this Body, it always comes back and this is not precedent we should start. And secondly, I know a number of you, like myself, have always

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received complaints about what occurs in Chicago in regard to transportation. Whether it's cabs or anything else. I certainly don't want to be in the position when that happens, as saying I voted to deregulate something in Chicago to lessen the restrictions. I'm not going to say that, if anything, I want to make the restrictions more stringent. Because I don't think tourist should be ripped off in the city or anyplace else. And if people in my district go to the city and are ripped off, then I'm going to be the one who suffers for it because I voted to relax restrictions and regulations on this industry. That is not the position I think we want to be in, as downstaters. If anything, let's encourage them to make them more stringent. You are going to hurt the economy, you are going to hurt your own people when they get ripped off by some of these operations. So I would recommend to you that you think about what you're going to do because in this Body, whenever you lessen restrictions on these types of operations, you clearly open the door for abuse, you clearly open the door for ramifications that will come back to your district. And that is something I don't think any of us in downstate want to see. I urge a 'no' vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

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

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye'; those opposed say 'no'. It's in the opinion of the Chair the 'ayes' have it. Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker. Although many of the speakers

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on the other side would like to characterize this as deregulation. What it does is, it holds a company to a higher standard. Only 10 or 15 companies in this State actually go to this higher standard. Which is higher increased insurance rates, \$5 million instead of \$250,000. Higher standards for their drivers, higher standards for the cars and the inspections. It's not actually a deregulation at all, but an improvement that people would actually go out and register their cars. If they do not register with the ICC they are still subject to the local municipality regulation. And also, if everyone who has spoken against this Bill about deregulating would take a look at the last section of the Bill. It says, this subsection does not prevent a home rule unit or other unit of local government from regulating local parking, local traffic, enacting local revenue enhancement ordinances or local non-solicitation ordinances. Everything that the City of Chicago asked to be put in this Bill was put in this Bill. The fact of the matter is, they never did want the Bill, they did not want to negotiate and I certainly think that we have accommodated everything they wanted in the Bill. Thank you very much. I would appreciate an 'aye' vote."

Speaker Kubik: "The Lady has moved for the passage of Senate Bill 1039. The question is, 'Shall Senate Bill 1039 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Bill, there are 60 voting 'aye', 53 voting 'no', and 1 voting 'present'. Mr. Lang has requested a verification. Mr. Clerk, please read the affirmative roll."



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Clerk McLennand: "Poll of those voting in the affirmative:  
Representatives Ackerman. Balthis. Biggert. Biggins.  
Black. Bost. Brady. Churchill. Ciarlo. Clayton.  
Cowlshaw. Cross. Davis, Monique. Deuchler. Durkin.  
Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom  
Johnson. Klingler. Krause. Kubik. Lachner. Lawfer.  
Leitch. Lindner. Lyons. Meyer. Mitchell. Moffitt.  
Andrea Moore. Mulligan. Maureen Murphy."

Speaker Kubik: "Representative Lang. Representative Lang. Does  
Representative Pedersen have leave to be verified?"

Lang: "Pedersen. Pedersen? Pedersen?"

Speaker Kubik: "Pedersen and he's wearing a very nice tie today.  
Representative Lang has le... given Representative Pedersen  
leave. Continue, Mr. Clerk."

Clerk McLennand: "Myers. Noland. Parke. Pedersen. Persico.  
Poe. Roskam. Rutherford. Ryder. Salvi. Skinner.  
Spangler. Stephens. Tenhouse. John Turner. Wait.  
Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik.  
Zabrocki. Zickus. and Mr. Speaker."

Speaker Kubik: "Before we go to Representative Lang, we would  
like to acknowledge the presence of a former Member.  
Former Representative William Mahar, Sr. Representative  
Mahar, well Senator Mahar, he served in both chambers,  
welcome. Welcome back to Springfield, Senator.  
Representative Lang. Questions of the affirmative roll."

Lang: "Representative Klingler."

Speaker Kubik: "Representative Klingler is in her chair."

Lang: "Representative Leitch."

Speaker Kubik: "Representative Leitch. Representative David  
Leitch. Is the Gentleman in the chamber? Representative  
Leitch. Representative Leitch is in the back,  
Representative Lang. Further questions?"

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Lang: "Representative Salvi."

Speaker Kubik: "Representative Salvi. Representative Al Salvi. Is Representative Salvi in the chamber? Remove Mr. Salvi from the roll."

Lang: "Representative Persico."

Speaker Kubik: "Representative Persico. Representative Vince Persico. Is the Gentleman in the chamber? Representative Persico. The Gentleman is not. Remove him from the roll."

Lang: "Representative Maureen Murphy."

Speaker Kubik: "Representative Murphy. Representative Murphy is in the front, Representative."

Lang: "I see her. She was sitting with the Pages. Can you bring me a cup of coffee, Representative?"

Speaker Kubik: "She is not wearing a tie today so... Representative Lang, Representative Moffitt is asking leave to be verified. Does he have leave? Leave is granted."

Lang: "Representative Tim Johnson."

Speaker Kubik: "Representative Johnson. Representative Tim Johnson. Representative Lang, Representative Roskam is asking for leave to be verified. Representative Tim Johnson. The Gentleman is not in the chamber. Please remove him from the roll."

Lang: "No further, Sir."

Speaker Kubik: "This question, having received 57 'ayes'... for what reason does the Gentleman from Vermilion, Representative Black, arise? Representative Black."

Black: "It's been so long, I can't remember, but wait, oh I know. Have you polled the absentees?"

Speaker Kubik: "We have not polled the absentees."

Black: "Oh. Am I not suppose to ask for that? Oh you asked for that? I'm sorry. I'll yield my time to Representative Mulligan."

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Speaker Kubik: "Representative Persico has returned to the chamber. Restore him to the roll call. And Representative Wennlund is asking leave to be verified. He has leave. This question, having received 58 'ayes', 53 'noes' and 1 voting 'present'. Representative Mulligan."

Mulligan: "I ask to have this Bill moved to postponed consideration."

Speaker Kubik: "The Lady has requested postponed consideration. Mr. Clerk, place this Bill on postponed consideration."

Clerk McLennand: "Introduction of Resolutions, House Resolution #51, offered by Representative Skinner. Sent to the Rules Committee."

Speaker Kubik: "Mr. Clerk. Please read House Bill 1056. I apologize, Senate Bill 1056."

Clerk McLennand: "Senate Bill 1056. Bill for an Act that amends the State Finance Act, Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Every year, we ask the Auditor General to audit the funds of the State of Illinois and agencies. The way that the Auditor General receives the funds to be able to do this, is by, in essence being paid out of the various funds that he audits. The purpose of this Bill is to authorize the transfer for FY96 out of the various funds into the Auditor General so that the appropriation for the Auditor General will be fully funded. The amount of this is actually a decrease from last year, for which the Auditor General should be complimented. I'd be happy to answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1056. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative

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Schoenberg."

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

Speaker Kubik: "The Sponsor indicates he will yield."

Schoenberg: "Mr. Ryder, for the record, would you please specify which fund transfers must take place, in order to facilitate the Auditor General's work?"

Speaker Kubik: "Representative Ryder."

Ryder: " Representative, all of the transfers that are listed in this Bill have to take place in order for him to be able to have the funds to spend. There will be a follow up; appropriating dollars to the Auditor General, which is part of the budget. And that follow up spends all the dollars that come out of these funds. Perhaps, I'm not answering the question to your satisfaction, as I can tell by your hand gestures."

Speaker Kubik: "Representative Schoenberg."

Schoenberg: "Actually, Mr. Ryder, I was showing you the proper way to throw a curve ball. Mr. Ryder for the edification of the Members, could you identify by name the fund, the funds that are the origin, which are to be transferred in, in this Bill?"

Speaker Kubik: Representative Ryder."

Ryder: "Representative, starting on page one of the Bill, it includes the Agricultural Premium Fund, the Appraisal Administration Fund, the Board of Governor's Cooperative Computer Center Revolving Fund, the Build Illinois Purposes Fund, the Capitol Development Board Revolving Fund, the Care Provider Fund for Persons' with Developmental Disabilities, Chicago State University Income Fund, Child Labor Enforcement Fund, Coal Technology Development Assistance Fund, Common School Fund, Communication's

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Revolving Fund, Community Mental Health Developmentally Disabled Service Provider Participation Fee Fund, Designed Professionals Administration and Investigation Fund, Downstate Public Transportation Fund, Drunk and Drugged Driving Prevention Fund, Eastern Illinois University Income Fund, the Education Assistance Fund, the Estate's Tax Collection Distributive Fund, the Feed Control Fund, the Fertilizer Control Fund, the Fire Prevention Fund, the General Professions Dedicated Fund, the General Revenue Fund, the Governor's State University Income Fund, Guardianship and Advocacy Fund, Hazardous Waste Research Fund, Horse Racing Tax Allocation Fund, Hospital Provider Fund, Illinois Affordable Housing Trust Fund, Illinois Health Facilities Planning Fund, Illinois Standard Bred Breeders' Fund, Illinois State Dental Disciplinary Fund, Illinois State Medical Disciplinary Fund, Illinois State Pharmacy Discipline Fund, Illinois State Podiatric Discipline Fund, Illinois State University Income Fund, Illinois Tax Increment Fund, Illinois Thoroughbred Breeders' Fund, Income Tax Refund Fund, Income Tax Surcharge Local Government Distributive Fund, Insurance Financial Regulation Fund, Insurance Producers Administration Fund, Lead Poisoning, Screening, Prevention and Abatement Fund, Live and Learn Fund, the Local Government Distributive Fund, the Local Initiative Fund, Long Term Care Provider Fund, Mental Health Fund, Metabolic Screening and Treatment Fund, the Motor Fuel Tax Fund, the Motor Vehicle Theft Prevention Fund, the Natural Resources Information Fund, Northeastern Illinois University Income Fund, Northern Illinois University Income Fund, the Nuclear Safety and Emergency Preparedness Fund, Nursing Dedicated and Professional Fund. I... I'm not sure I can read this

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next one. Oh, Optometric Licensing and Disciplinary Committee Fund, the Personal Property Tax Replacement Fund, the Pesticide Control Fund, the Public Transportation Fund, the Public Utility Fund, Radiation Protection Fund, Radioactive Waste Facility Development and Operation Fund, Real Estate License Administration Fund, Registered CPA Administration and Disciplinary Fund, the Road Fund, the RTA Completion and Use Tax Replacement Fund, Sangamon State University Income Fund, Solid State Management Fund, Southern Illinois University Income Fund, the Sales and Local Sales Tax Reform Fund, the State Community College of East St. Louis Income Fund, the State Community College of East St. Louis Contracts and Grants Fund, State Construction Account Fund, and other funds."

Speaker Kubik: "Representative Schoenberg, your time has expired. You didn't wish Representative Ryder reread that list, did you? But the Gentleman from Bureau is seeking recognition, Representative Mautino."

Mautino: "Thank you. I'd like to yield my time to Representative Schoenberg."

Speaker Kubik: "I had the strangest feeling that's what you wanted to do. So, Representative Schoenberg, you are yielded five minutes and if I were you, I would not ask Representative Ryder to reread that list."

Schoenberg: "Mr. Ryder, I've been receiving a lot of encouragement from several Members on our side who have been so distracted by the noise that they are afraid that a particular fund of interest to them, that they have missed that in your previous statement. However, I have encouraged them, Sir, to read the Bill and to take it on good faith that you have indeed...that you have indeed provided much, if not all of, the necessary information. Now this, Sir,

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is a decrease from the previous year. Is that not correct?"

Speaker Kubik: "Representative Ryder to respond to the question."

Ryder: "Thank you, Representative Schoenberg. In exact detail, this transfers \$800,726,872 to the audit expense fund from various funds. Would you like for me to read the rest of those, Sir? Okay. From thirty...within thirty days of the effective date of the Bill, last year, Public Act 88-0634 required nine million, an even nine million, to be transferred to the fund. This year's transfer, therefore request, represents a decrease of \$237,500 or 2.6 from last year. The GRF portion of this fund is \$600,956,000. Anything further, Representative? Thank you."

Speaker Kubik: "Representative Schoenberg, could we... We will allow you to finish your questioning, if we could just take a recess for a brief moment, we have an important visitor. We will get back to you and I promise you, you will get five minutes. You will get your five...you will get your five minutes and be able to finish your questions. Speaker Daniels in the Chair."

Speaker Daniels: "Ladies and Gentlemen of the House, we are indeed privileged to have an outstanding visitor with us today, but first of all, let me acknowledge and introduce to you the presence of two tremendous state officials: our very popular Secretary of State, George Ryan, and of course our formal colleague in the House, former Senate colleague and present State Treasurer, Judy Barr Topinka. For purpose of an introduction, I will now introduce to you, Secretary Ryan and Secretary, let me just tell you that all of the Members on that side of the aisle, they said they did vote for your budget even though their lights were a little different than that. So, they're all for you."

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George Ryan: "Thanks. Thanks, very much, Speaker Daniels. The House will be in order and the Members will please be in their seats. I think this is the way it used to go. Like that, am I right, Gary? There we go. We got a supporter over here. I appreciate the opportunity to come here today with a distinguished American, Phil Gramm, who I am sure you all know, hails from Texas; as a matter of fact, the college station Texas. Phil has his PhD. in economics. It's a subject that he taught for twelve years at Texas A&M University. I know that he would be glad to stay here and give you some great insights about the economics of the government and how to balance your budget here in the state because he's going to get it done at the federal level. He is the author of three pieces of landmark economic legislation. I'm sure you remember the Gramm-Lotto Bill, the Gramm-Lotto Reconciliation Act, and of course, the Gramm-Rudman balanced budget Bill. Phil Gramm is married to Wendy Gramm. He has a... She is the former Chairman of the U.S. Commodity Future Trading Commission, under Presidents Reagan and Bush. They have two sons. One lives here in the State of Illinois and goes to school in Chicago. So, Senator Gramm and his wife have an occasion to come back, a lot, to Illinois and Senator Gramm came by this afternoon just to say 'Hello' to you, and to wish you well in your last few days of deliberation here in the Illinois chambers. Senator Phil Gramm, from Texas and candidate for President."

Phil Gramm: "Thank you very much. As George mentioned, I taught economics for twelve years at Texas A&M. I've tried to teach the same subject in Congress now for fifteen years. You will not be surprised to hear me say, I had smarter students at Texas A&M than I'm working with now in



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Congress. And George, I'm sure they appreciated your offer: Wouldn't it be great to have somebody from Washington, where we are looking a three hundred and twenty-five billion dollar deficit squarely in the face, to come to Illinois to tell you how to deal with your deficit. I have three simple tests in budgets. Number one, 'What are we doing that we ought not to do?' The way that I apply that test is, look at the program, think about some hard-working person and ask, 'Are the benefits we are getting by spending this money worth taking the money away from people who get their hands dirty working for it, to pay for it.' The second test is, 'What are we doing that government ought to be doing, but which state government, county government, or city government could do better?' The final test is, 'What are we doing that ought to be done, but if we let working people keep their own money, they could do it better for themselves?' I commend those three tests to you. I thank You very much for giving me the opportunity to be here. You have a great state. I'm going to run for President here in the primary, as if I was running for Sheriff in every single county, and I look forward to getting to know all of you in the process. Thank you very much."

Speaker Kubik: "Mr. Clerk, Senate Bill 1056, and Representative Schoenberg is recognized to continue his questions, but no... Representative Schoenberg, no more demonstrations. Representative Schoenberg."

Schoenberg: "Mr. Kubik, I'm just so overcome by what I just witnessed. I thank you for restraining me."

Speaker Kubik: "Well, we hope that the rest of the Body will settle down so that we can hear your questions. Representative Schoenberg."

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Schoenberg: "I beg the indulgence of the Chair. I'm still short of breath. Mr. Ryder, Mr. Ryder, we have a matter pending before us. Senate Joint Resolution 45, which in capitalized form, would provide for the modern version of the spanish inquisition for the existing airports in the Chicago area. Though I know in the words of that great sage, Monty Python, no one escapes the Spanish Inquisition. Mr. Ryder, should Senate Joint Resolution 45 come into...be passed into law, would the funds for Senate Joint Resolution come from this particular fund?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, in the event that, that Bill, excuse me, that Resolution is successful, it doesn't relate to the Bill before you, Sir. This only relates to the funds that I previously listed and I didn't have a chance to get through all of them, and with your leave, I'd be happy to do the rest of them now, but it doesn't, Representative. The funds for that audit, I believe, are either discussed within the Resolution, although I haven't read the Resolution to this date or that they would be required from those agencies that are being audited. There is nothing in this Bill that pertains to that Resolution, Sir."

Speaker Kubik: "Representative Schoenberg."

Schoenberg: "So, just to reiterate that, should the Spanish Inquisition of the Chicago airports be put into force and since no one would escape this Spanish Inquisition, nonetheless, none of the funds relating to set inquisition, would be part of this Bill. That's correct, Sir? I take it on faith that you will not need to read the rest of the... You left off at what part in the alphabet, Sir?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative Schoenberg, you just gave me my

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opportunity because I left off at the State Construction Account Fund and since you wanted me to read the rest of them during the only time that you are going to get on this Bill, I'd be happy to reiterate those. There is nothing in here, Sir. There is nothing in here that relates to that Resolution that you mean and I would object to your characterization concerning an inquisition in that time. I know that it was well meant in your mind and not...and not mean spirited, but the Spanish Inquisition to those who were the recipients don't find that to be a very pleasant thought and I think out of honor to them, some of whom are living within the State of Illinois, that, that is probably not a good...good way to use that word. So, I would object to the characterization of that Amendment in that fashion and I know that you didn't mean it in any way because I know you are sensitive to those kinds of words that are sometimes related to religious persecution and I respect that, Sir."

Speaker Kubik: "Representative Schoenberg."

Schoenberg: "I have no further questions, but I'm almost moved to come over and give Mr. Ryder a hug. Thank you."

Speaker Kubik: "As I indicated, Representative Schoenberg, there will be no demonstrations on the Floor. The Chair... Further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Schoenberg."

Speaker Kubik: "Representative Schoenberg indicates that he has completed... Well, I guess he decided that he is just not going to hug Mr. Ryder, he is going to... Mr. Schoenberg, do you wish to be recognized? Representative Schoenberg."

Schoenberg: "Mr. Kubik, would I be out of order if I moved the

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previous question myself?"

Speaker Kubik: "You have spoken in debate. You cannot move the previous question. The Chair recognizes the Gentleman from Macoupin, Representative Hannig."

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

Speaker Kubik: "The Sponsor indicates that he will yield."

Hannig: "Representative, is there any borrowing in this Bill?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative, did you say bonding and or borrowing? There is none in this Bill. This is simply a transfer and I know that you understand this because you are an expert in the area of appropriations and you have the ability to know that of which you speak, but all this does is for those funds that the Auditor General, finds it necessary to audit at our direction, I might add, that those funds each year provide a certain amount of money out of their funds for the cost of the audit. It included the General Fund, the Road Fund, a lot of other special funds. That is the source of revenue from one agency to the Auditor General that then allows the Auditor General to do what I believe is a fine job."

Speaker Kubik: "Representative Hannig."

Hannig: "Does this Bill appropriate any money?"

Speaker Kubik: "Representative Ryder."

Ryder: "No, Representative, it does not. It is a transfer between funds. The appropriation Bill is a separate Bill and did I tell you that the appropriation this year is 2.6% less than last year and that the Auditor General should be complimented on holding the line and in fact, doing a better job with less, doing more with less, Representative Hannig? It's a concept that you should be contemplating from now until Friday."

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Speaker Kubik: "Representative Hannig."

Hannig: "I appreciate the Gentleman's comments. Could you enlighten us as to where this appropriation bill that goes with this is?"

Speaker Kubik: "Representative Ryder to respond to the question."

Ryder: "Representative, the Bill that you and I debated, I think it was on Saturday afternoon, Senate Bill 925 had an Amendment that included the Auditor General at this amount. So, when we...when the House appropriated that fund, the Senate...excuse me, appropriated that amount, sent it back to the Senate. We're now providing the revenues to pay for that appropriation."

Speaker Kubik: "Representative Hannig."

Hannig: "And so that was an exact match with the amount in that account, Senate Bill 925?"

Speaker Kubik: "Representative Ryder."

Ryder: "Yes."

Speaker Kubik: "Representative Hannig, who seems to be recovering from the question. Representative Hannig."

Hannig: "I thought I would have a little bit more time to think of the next question here. Actually, this proposal that Representative Ryder has is exactly what he says. It provides that the Auditor General, who provides...who does the audits and is an actual extension of the legislative branch and who looks at the executive branch's books, has the money when he deals with special funds to do these audits. Obviously, it makes no sense at all if we are going to audit a bank, to take that money out of a GRF account when there is a special dedicated fund available to do that and there's never been any objections to using those dedicated funds to pay the cost of the audits. So, I think the Gentleman, in this case, has a good bill which

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helps State Government and is a plus for State Government and we should support it. I appreciate him answering my last question so shortly and so succinctly, and I even have time left at this and I would yield it back to Representative Ryder or whoever else would like to speak."

Speaker Kubik: "You are not recognized for that purpose, Representative Hannig. However, the Lady from Cook, Representative Wojcik, is recognized."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Kubik: "The Lady from Cook has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Ryder to close."

Ryder: "Representative Hannig and Schoenberg did a better job than I could in explaining the Bill and I appreciate your favorable vote."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1056. The question is, 'Shall Senate Bill 1056 pass?' All those in favor will vote 'aye'; those opposed will vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House... I'm sorry. Mr. Clerk, please read Senate Bill 1053. Ten eighty three, Mr. Clerk. Senate Bill 1083."

Clerk McLennand: "Senate Bill 1083, a Bill for an Act concerning Intrastate Banking. Third Reading of this Senate Bill."

Speaker Kubik: "The Gentleman from Jersey, Representative Ryder,

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is recognized."

Ryder: "Thank you. This is a comprehensive Bill that came over from the Senate. It passed out of the Financial Institutions Committee with a Roll Call Vote of 17, 0 to 0. It deals with the Banking Act, Bank Holding Company Act and other Acts. I would be happy to answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1083 and on that, is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he will yield."

Hoffman: "Representative, just to figure out exactly which Amendments are on and which are not on this Bill... There are no House Amendments on this Bill, is that correct?"

Speaker Kubik: "Representative Ryder."

Ryder: "That is correct, Representative Hoffman."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, what we're voting on here only has to do with the banking issue, not the proposed House Amendments?"

Speaker Kubik: "Representative Ryder."

Ryder: "That is correct, Representative Hoffman."

Speaker Kubik: "Representative Hoffman."

Hoffman: "The banking Bill before us, is the Commissioner of Banks in favor of this Bill?"

Speaker Kubik: "Representative Ryder."

Ryder: "Representative Hoffman, I am proud to say he is the person that asked me to sponsor it in the House. It is his Bill. It is at his recommendation, Sir. He twisted my arm rather severely in order to get me to sponsor the Bill on his behalf, and after careful examination of the Bill and the contents of the Bill, the issues that relate to the

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Bill, the Senate Debate, the Senate Committee Debate, the Senate discussion on this issue and extensive research, I agreed to sponsor the Bill at the request of the Commissioner. His right hand person is right next to me who will give me all the answers to the questions that you are about to ask in whatever time that I don't use to take up of your five minutes, Sir."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, his right hand person is at your left hand, is that right? It's my understanding that the...my understanding that the Commissioner of Banks used to be a Democrat and now he is asking Republicans to sponsor all this legislation. I guess we can still trust him, huh?"

Speaker Kubik: "Representative Ryder to respond to the question."

Ryder: "Representative Hoffman, this may come as some surprise to you, but I actually trusted him when he was a Democrat, and I always found him to be a pleasure to work with. He was an honorable person when he was a Senator. I didn't have the pleasure of working with him when he was in the House, if he was in the House, and that took place so long ago that it's ancient history, but my relationship with the Commissioner has always been one of pleasant association and respect. So when he asked me to Sponsor this Bill, I was delighted to do so, especially because it accomplishes the very important fact of the technical process of phasing in the intrastate banking. We've already decided that issue. We've decided that issue a Session or two ago and as was something that complicated, it is now necessary to go through the technicalities of the Act updating language, making sure the language works to comply with the intrastate banking law that was passed here in Illinois, and since we are dealing with intrastate, we also have to



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be sensitive to other state language and federal language, and I think that is what you'll find contained within this Bill."

Speaker Kubik: "Representative Hoffman, my advice to you would be not to ask Representative Ryder to read any list. So, do you have any further questions?"

Hoffman: "I don't... I'm not going to ask him to read the list, but I think that people need to know in this side of the aisle, exactly what is...what is in this Bill. It's my understanding that the intrastate banking issue certainly has been settled, however, really some of these things that we are going to pass here will not be effective until 1997, June 1, 1997. What is the hurry and why do we need to pass this now?"

Speaker Kubik: "Representative Ryder to respond."

Ryder: "Representative, that is an excellent question and the reason that we are responding this that this intrastate banking legislation proposed by the Commissioner of Banks and Trusts is in response to a federal, once again a federal law: Riegle Neal Intrastate Banking and Branching Efficiency Act of 1994. So, the federal government passed a Bill, effective 1994 and under that Bill beginning in September 29, 1995, bank holding companies in any state may acquire a bank. So, the trigger date on the federal legislation is September 29, 1995. That is why we're doing this today. Even though you are absolutely correct, Representative, when you asserted that there was a June 1, 1997 'opt end' date, which is a deadline that triggers some of the Acts under our legislation, but because of the federal government, under the Riegle, R-I-E-G-L-E, Neal Act of Intrastate Banking and Banking Efficiency Act of 1994. Under that Bill, there was this September date and it's for

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that reason that the Commissioner is rather efficiently, I might add, using his time well to be able to propose this Act that hopefully will be passed by this Legislature, it will if it had the same kind of vote in the Senate, so that we will be in a position to meet that September, 1995 date."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Macoupin, Representative Hannig."

Hannig: "Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield."

Hannig: "Yeah. Representative Ryder, excuse me, as we go through the last closing days of the Session, sometimes I get Bills confused and maybe you can help me with this one. I got a number of members of the Press Association notifying me about a banking bill and I'm not sure if it is this Bill or another Bill and I just ask for you to clarify if the Illinois Press Association has a position on this Bill."

Speaker Kubik: "Representative Ryder to respond to the question."

Ryder: "Representative Hannig, again, another excellent question. This Bill does not contain any language objected to by the Press Association. You are speaking of a different Bill, Sir, and they have objected to that Bill. On this Bill, they do not object."

Speaker Kubik: "Representative Hannig."

Hannig: "Yes, that answers my question, Mr. Speaker. I would yield my time to...the rest of my time to Representative Hoffman."

Speaker Kubik: "Representative Hoffman, further questions?"

Hoffman: "Yes. I think we need to get to what is in the Bill at some point here. In the Bill, specifically regarding the intrastate banking and the branch banking. It is my understanding that, I believe it's First of America out of

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'Kalamazoo,' Michigan, were the ones that on the federal level really pushed for the intrastate banking. Are those type of companies, like First of America, looking towards coming into Illinois and buying up some of our banks or are we going to have some of our banks going into other states or what is really the intent of the legislation?"

Speaker Kubik: "Representative Ryder to respond to the question."

Ryder: "Representative Hoffman, I will be serious about the Bill and I will give you... Actually, I will give you an answer to your question. First of America has already come into Illinois and bought things as have others. I don't mean to select or to exclude others. Out of state banks have come into the State of Illinois and have purchased Illinois banks. The Illinois Intrastate Bank Act is the one that gives us the ability to go over there. So, this puts Illinois banks on the even playing field so that Illinois banks can go outside of the State of Illinois. Let me...let me back up, if I may, because I don't want to confuse the issue. Intrastate banking has already been decided. It is the law of the State of Illinois. That is what we have now. This Bill simply meets the federal requirements to start phasing in that process now. We're not voting on intrastate banking, we're voting on the technical implementation of it and I might add, as a result, the banking groups do support this Bill. Previously, there was conflict between them as to the underlying issue, but they do support this implementation now that we've decided that underlying issue."

Speaker Kubik: "Representative Hoffman."

Hoffman: "And I, too, join with you and with the Commissioner of Banks in supporting this...this legislation. I just think for the purpose of legislative intent, some of the things

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we have to get down... I think, at least in my analysis, it indicates that this would permit the Commissioner, rather than require permit rather than require the Commissioner a foreign banking office... Here, it permits a Commissioner rather than requires a foreign banking office to maintain a deposit, a bond, or other financial guarantees with the Federal Reserve Bank of Chicago, State or national bank in Illinois. The Commissioner does not intend to move out of Chicago or take the money out of the Federal Reserve Bank of Chicago simply by passing this, by not requiring it, only permitting it."

Speaker Kubik: "Representative Ryder."

Ryder: "No, the Commissioner does not so intend."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Surely...I just thought maybe it would come down to our area, Representative. We could make a home for him down there."

Speaker Kubik: "Representative Ryder."

Ryder: "I think you have the Commissioner of banks somewhat confused with the Treasurer of the State who authorizes deposits. This is with the Federal Reserve and it's my understanding that the Federal Reserve in Chicago does have jurisdiction for the State of Illinois for the northern half of it, and as a result, those deposits would remain there, and if you are suggesting that the deposits for the southern half should go out of State... I'm certain that is not what you had in mind, or at least I wouldn't want your local banks to believe that you were suggesting the deposits should go out of the State of Illinois and I'm certain you will correct that if you have a chance in the remaining few minutes, but if not, I will be glad to state on the record that you did intend that, Sir."

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Speaker Kubik: "Representative Hoffman."

Hoffman: "This is...No, this is my last question, Sir. Like I said, I've been supportive, if I could just finish this question, Mr. Speaker. It's a serious one. Does this... Does this insure the..."

Speaker Kubik: "Representative Hoffman, could you make your question very brief and..."

Hoffman: "Does this insure that all the new branches still have to abide by the Community Bank Investment Act?"

Speaker Kubik: "Representative Ryder to respond."

Ryder: "All banks have to apply with that. It's a federal requirement, not a state. So, all banks have to so comply, Representative. Thank you for your questions."

Speaker Kubik: "Further discussion? Seeing none, Representative Ryder to close."

Ryder: "This is a serious piece of legislation. It will help the banks of Illinois compete throughout the United States. I believe that it will make the banks of Illinois stronger and that the very best banks in Illinois will..."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1083 and the question is, 'Shall Senate Bill 1083 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 109 voting 'yes'... The... Mr. Clerk, could... Mr. Clerk, please take the record. On this question, there are 109 voting 'aye', none voting 'no', and 3 voting 'present', and this Bill, having received an extraordinary Constitutional Majority, is hereby declared passed. Mr. Clerk... Mr. Clerk... Mr. Clerk, please read Senate Bill 1094."

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Clerk Rossi: "Senate Bill 1094, a Bill for an Act relating to Retirement and Group Insurance Benefits for faculty and administratives of state universities. Third Reading of this Senate Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from McClean, Representative Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1094 brings over with it a provision from the Senate which allows for optional retirement program for state university retirees, state university employees, to be put into account. We amended this Bill. Amendment #1 provides for pregnancy resignation for the Teachers Retirement System. It also revises... It also provides some clean up language for the Teachers Retirement System dealing with survivor eligibility. I ask for your favorable vote."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1094 and on that, is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Kubik: "The Gentleman indicates he will yield."

Granberg: "Thank you. Mr. Brady, it's my understanding from looking at the file, there are three separate provisions in Senate Bill 1094. So, can we take them one at a time, Sir?"

Speaker Kubik: "Representative Brady. Representative Granberg, do you want him to respond or do you want ask about them individually?"

Granberg: "Well, Representative, if we may, let us start off with the underlying Bill. Could you... I don't think most of the Members on this side of the aisle heard the explanation

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for the optional retirements for the SURS system. Could you explain where this came from, if this is an initiative of the state employee retirement or the state university retirement system, its impact on the pension system and who would qualify for this optional retirement program?"

Speaker Kubik: "Representative Brady to respond to the question."

Brady: "Representative, it's my understanding that any state university employee who did not already achieve eligibility for a retirement benefit could enroll in these optional retirement programs. What this Bill does is it requires the state universities to provide a form of optional retirement programs for its employees. There will be a period of time under which existing employees could opt out of the SURS system into one of these optional programs. That period of time is for one year. The new employee has a two month period of time to choose what system they want. Once they choose to leave, the only way they can come back in is if they were to change jobs and that job...or have a change that would no longer allow them to be an eligible participant in the optional retirement program."

Speaker Kubik: "Representative Granberg."

Granberg: "And, Representative Brady, on the optional retirement program, would this be open to any employee of the SURS system?"

Speaker Kubik: "Representative Brady to respond to the question."

Brady: "Anyone who is eligible except, Representative, as I understand it, an employee who is presently eligible for a benefit at the time."

Speaker Kubik: "Representative Granberg."

Granberg: "And, Representative, how would this program actually work for an employee of the system? So, if you have even a teacher or a maintenance worker at the University of

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Illinois, how would this work for them? Would that person be in charge of his or her own investment for the pension purposes or what would exactly occur?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, the companies throughout the nation that provide this would manage that. The university would select appropriate optional retirement programs that they would offer to their employees. If they chose to enroll in that, the employee contribution would be paid in there with a matching contribution from the state or from the employer. That money would be put into the program. One of the differences between those programs and the state program is, as you well know, the state program is a defined benefit program. These programs would be defined contribution program."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, if I remember correctly, last year, this issue came up and I had thought at that time the state university retirement system was strongly opposed to this type of program, and now, I've asked our staffers and they said that they have changed their position. Do you know why that is the case and in fact that they have changed their position?"

Speaker Kubik: "Representative Brady to respond to the question."

Brady: "Maybe it had something to do with the resolution studying this system that you sponsored last year."

Speaker Kubik: "Representative Granberg."

Granberg: "We tried to do a lot of things, but after we became the minority, we have never been informed about anything. So, the opposition, if I remember correctly, last year, was the fact that this would go to the private corporation and that would take money away from the state employees and



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state university retirement pension fund. So, how would this impact the state employees and the state university retirement fund?"

Speaker Kubik: "Representative Brady to respond."

Brady: "Representative, it would not have any impact on a state or university employee, unless they opted to take the program. If they did so, many of them would probably believe it would be to their benefit based on job transfers and based on wanting a little more control. How it would affect the state university retirement system, based on some actual projections, actually can be contrived to show that it would reduce the unfunded liability."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, how would it reduce the unfunded liability if in fact that employee would be withdrawing his or her funds from the system?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, when they take their money out, they take their share plus interest. So, we give them that. The way we reduce the unfunded liability is that the state's matching responsibility would be waived at that point."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from St. Claire, Representative Hoffman."

Hoffman: "I would like to yield my time to Representative Granberg."

Speaker Kubik: "Representative Granberg, Representative Hoffman has yielded his time to you. Please, proceed."

Granberg: "Thank you. Now, if I understand you correctly, Representative, you said that if that employee withdrew from the State University Retirement System, that he would be entitled to interest on his money when he withdraws that amount. I'm not sure how I understand how that lowers the

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unfunded liability obligation of the State University Retirement System."

Speaker Kubik: "Representative Brady."

Brady: "As you know Representative, the state makes a contribution and the employee makes a contribution. When we pay the money out on a transfer, we only pay the employees contribution plus interest out. The state contribution that was supposed to be contributed that we dealt with in last year's legislation would no longer be a liability because that individual took their moneys to another program. Therefore, the state in that scenario, would no longer have an obligation to that individual."

Speaker Kubik: "Representative Granberg."

Granberg: "And would that then, Representative, would that person who withdraws his or her money, would they then be subject to a change in benefit level?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, as I explained earlier, the state system is a defined benefit system. These optional retirement programs would in almost all cases, be a defined contribution system. So, that would depend, but I'm certain it almost...in most cases, if they optionally chose to go into the optional program, in some way, shape or form, their benefit would change, but remember, Representative, that that is their prerogative. This is not... This is doing nothing but offering employees of our state universities the opportunity to make choices for themselves, choices that they demur in their best interests giving them a little more freedom of flexibility and hopefully making their job a better one."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, how many companies would take part in

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this optional program?"

Speaker Kubik: "Representative Brady."

Brady: "We know of at least two that are interested at this point."

Speaker Kubik: "Representative Granberg."

Granberg: "And who...what are those programs or corporations?"

Speaker Kubik: "Representative Brady."

Brady: "Valecan, and TI Crest is the other."

Speaker Kubik: "Representative Granberg."

Granberg: "And why are we doing this with the State University Retirement System as opposed to any other system?"

Speaker Kubik: "Representative Brady."

Brady: "I believe the answer to that question is that individuals...professors, and the like have a higher degree of transferability than what most occupations might have in the State."

Speaker Kubik: "Representative Granberg."

Granberg: "Are we... Is it your intention to continue this policy or to expand this policy to other retirement systems?"

Speaker Kubik: "Representative Brady."

Brady: "I'd certainly be happy to look into it, but some of these companies only do it for hiring employees. So, it's not my immediate intention, no."

Speaker Kubik: "Representative Granberg."

Granberg: "And since we have never done this before, Representative, what do these private corporations charge for this investment?"

Speaker Kubik: "Representative Gran... I'm sorry. Representative Brady to respond."

Brady: "I don't know."

Speaker Kubik: "Representative Granberg."

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Granberg: "Are these put out by competitive bids?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, that would be up to the university and understand that a university could offer more than one program. Understand, the way this is drafted is simply permissive. Each individual state university employee could decide whether or not they wanted to go into one of two or three programs like this, or if they would like to stay in the SURS program. The employees can make their decision. It's permissive. So, whether it would be competitively bid, I don't know, but I'm sure that the people enrolled would have opportunity and certainly would understand the program that they were choosing to move to."

Speaker Kubik: "Representative Granberg."

Granberg: "Would it be up to each university to determine which company they would do business with?"

Speaker Kubik: "Representative Brady."

Brady: "That is our intent."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, is there any independent auditing of these companies that would provide the assurance to the employee who may want to put his or her funds into this program?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, it's just like any corporation, I believe it's a, ya know, my understanding is just like a corp..."

Speaker Kubik: "Representative Brady, please finish the...your response."

Brady: "My understanding is just like most corporations, they would have the same audit."

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

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Flowers: "Mr. Speaker, I would like to yield my time to Representative Granberg."

Speaker Kubik: "Representative Granberg, you have been granted another five minutes. Representative Granberg."

Granberg: "So, these employees would make the determination to use one of these two private companies and we assume there are two private companies, and we do not know how much they would charge, but in any sense, their funds would be deposited with those corporations. Is there any regulation or rule prohibiting the commingling of those assets with any other private college?"

Speaker Kubik: "Representative Brady."

Brady: "Not that I'm aware of."

Speaker Kubik: "Representative Granberg."

Granberg: "So, the funds would be commingled with other private entities and what assurance would that provide the employees that their funds would be separated, or the interest derived would go to them and not to any other private employee of any other college?"

Speaker Kubik: "Representative Brady."

Brady: "The same assurance when they make an investment of 'like kind'."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, I'm trying to draw the distinction with what we have in the system currently, Representative. So, there would be no way for that employee to determine that when you have the commingling of funds, the pension benefit level would be the same for this person who has invested now, in this private corporation, as opposed to someone who is an employee of a private college. There would be no way that the benefits would be determined by the basis of each individual and in relationship to their employer?"

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Speaker Kubik: "Representative Brady."

Brady: "Representative, for the third time, this is a defined contribution program. You know what that means. I think that answers your question, and again, Representative, this is only simply permissive. No one has to do it."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, who would determine what investments to make with this public...with these employees' money that they were drawn out of the public system?"

Speaker Kubik: "Representative Brady."

Brady: "That would depend on the opportunities and options that that company would offer. I would imagine that it would be somewhat like a mutual fund, but I'm not sure I have a definitive answer to your question."

Speaker Kubik: "Representative Granberg."

Granberg: "Mr. Brady, I understand what your saying, but is there a policy that would prohibit these private corporations from investing in derivatives like in Orange County, where the employees made good faith investments, and all of the sudden, they find that their pension money has been invested in derivatives and there is no recourse for them?"

Speaker Kubik: "Representative Brady."

Brady: "Should there be?"

Speaker Kubik: "Representative Granberg."

Granberg: "That is the question, Representative. I don't know if... If the County Treasurer of Orange County didn't know what a derivative is, then how would an employee of this system...what kind of perspectives would be given to that employee except the acknowledgement that they are going to invest their money and get a greater rate of return? Who oversees what investments, what rate of return, what types of investments, and how would that actually be determined?"

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Speaker Kubik: "Representative Brady."

Brady: "Representative, these companies would have insurance code provisions, IRS code provisions, and so forth under which they would need to operate. That would be the provisions that would determine what they could offer."

Speaker Kubik: "Representative Granberg."

Granberg: "Would there be any guarantee to the employees who would withdraw from our university retirement system, invest in a private corporation, and if that private corporation would file for bankruptcy, would the state in affect, be liable for any unfunded obligations on their pension system?"

Speaker Kubik: "Representative Brady."

Brady: "My understanding is that the state would have no liability."

Speaker Kubik: "Representative Granberg."

Granberg: "Do you think it's good that the state should not have any prerequisite for their...their employees on what they can invest in, that in fact, they would not have any guarantee for the types of investments a private corporation would make and no obligation onto the minimum retirement benefit level?"

Speaker Kubik: "Representative Brady."

Brady: "I think it is good to give people a choice."

Speaker Kubik: "Representative Granberg."

Granberg: "I'm for choice, Representative, but don't we have to make it where we allow the employees or guarantee them some type of prudent man or prudent 'role' investment, some guarantee that the money they've invested for their pensions will be there when in fact they retire?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, I...I believe that people having the

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choice to make this investment for their financial security is the utmost. I think that these funds are fairly well regulated by the insurance codes as well as by the IRS rules. It does provide for a waiver from social security contributions, as you know, and I think that there is a certain amount of safety, probably more safety than what they have with that."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Brady to close."

Brady: "Thank you, Mr. Speaker. This is a good piece of legislation for state university employees as well as Teachers Retirement System employees. I ask for an 'aye' vote."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1094. The question is, 'Shall Senate Bill 1094... The Chair would recognize the Gentleman from Vermilion, Representative Black.'"

Black: "Yes, Mr. Speaker, with the indulgence of the Chair, I don't believe you acted upon my Motion to move the previous question. It's been brought to my attention that there are...there is an Amendment on the Bill that had not been discussed. I would like to withdraw my Motion to move the previous question."

Speaker Kubik: "The Gentleman has removed his...has withdrawn his Motion. So, we will continue discussion. The Chair



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recognizes the Gentleman from Cook, Representative Lang. Representative Lang has yielded his time to Representative Granberg. Representative Granberg."

Granberg: "Thank you, Mr. Speaker, and thank you to Representative Black for withdrawing that Motion to terminate debate. Representative Brady, to House Amendment #1, I believe this was legislation that was sponsored last year in regard to maternity leaves. Could you please explain what that does and why the necessity of that provision was actually entailed?"

Speaker Kubik: "Representative Brady."

Brady: "Yes, Representative, what we're trying to do is allow people who have taken maternity leave for up to three years, to be able to buy back in their credit for periods prior to 7-1-83. The provision would allow them to buy that credit back in. It's a provision that we think brings us into coordination with statutes and provides a benefit that was intended to be provided."

Speaker Kubik: "Representative Granberg."

Granberg: "And, Representative, at whose request was this legislation initiated?"

Speaker Kubik: "Representative Brady."

Brady: "The Teacher's Retirement System as well as the Illinois Education Association."

Speaker Kubik: "Representative Granberg."

Granberg: "And, Representative, I think the Illinois Federation of Teachers were involved as well, were they not?"

Speaker Kubik: "Representative Brady."

Brady: "Just a second. Representative, that is correct."

Speaker Kubik: "Representative Granberg."

Granberg: "Representative, it goes, I think, to the rationale for the Bill, how did this actually occur? Who is made to take

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pregnancy leaves were they not...where they were not allowed to continue to that benefit?"

Speaker Kubik: "Representative Brady... Representative Granberg, I don't think Representative Brady heard the question. Could you repeat it? Would you repeat the question?"

Granberg: "Representative, could you briefly explain why this came about? I believe there was a problem with certain people being forced to take maternity leaves and they were taken out of the system."

Speaker Kubik: "Representative Brady to respond to the question."

Brady: "Representative, I think it seems to focus... If you were to have taken a leave, one of the things I want to clear up, if...not you, maybe. No. If you were to take a leave and you receive credit for the leave, you couldn't buy that in addition to three years, but secondly, there seems to be some question about some forced recognitions that maybe wouldn't have allowed for this type of situation. So, they couldn't take pregnancy leave. They were forced to resign. Now, we are trying to allow for that to go back and provide them with the same benefit many others benefitted from."

Speaker Kubik: "Representative Granberg."

Granberg: "I believe the way we tried to address this last year, was there a potential liability against school districts for the course of action they were taking because these people...or they in fact could be liable. Representative, there was a House Amendment #2. Is that on the Bill or was that defeated in Committee?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, there was...it is my understanding in my recollection, that we only offered Amendment #1 which dealt with the pregnancy resignation issue as well as a survivor eligibility issue."

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Speaker Kubik: "Representative Granberg."

Granberg: "Representative Deering had an Amendment which changed the Board of Trustees in the SURS system. Does that refresh your recollection? Was that adopted or was that defeated?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, it doesn't, I referred to staff and they said that didn't happen in Committee to our recollection."

Speaker Kubik: "Representative Granberg."

Granberg: "Thank you. I thank Representative Brady for the time and, Mr. Speaker, to the Bill."

Speaker Kubik: "Proceed."

Granberg: "Certainly we are in favor of House Amendment #1 because that deals with a very serious issue regarding the liability of certain school districts for taking certain actions. That could have been illegal and could have entailed substantial costs and damages. I am still not conc...I'm still concerned, very much concerned, about the policy we might be initiating, allowing private corporations to invest for our state university and retirement system employees, what types of prohibitions on investments there would be, what types of policies would control those investments, who would be impacted and how far we want to expand this. I would hope the Representative and others be fairly or would be wholly cognizant at the responsibilities these private corporations would take and the responsibility we have in this state to protect our state employees no matter what system they might be in. We started funding the pension systems last year. Our employees will be entitled to greater benefits and years to come and I would certainly hope that we look very seriously on whether we should

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expand this program. So, with that, thank you, Representative Brady. Thank you, Mr. Speaker."

Speaker Kubik: "Further discussion? Seeing none, Representative Brady to close."

Brady: "I ask for your 'aye' vote."

Speaker Kubik: "The Gentleman has moved for the passage of Senate Bill 1094. The question is, 'Shall Senate Bill 1094 pass?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 Members voting 'aye', none voting 'no', and none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed." Speaker Daniels: "Speaker Daniels in the chair. Senate Bill 836. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 836, a Bill for an Act concerning parental notice of abortion. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm pleased to rise in support and bring to your attention Senate Bill 836. This is the parental notice of abortion Bill which was introduced by Senator Dillard. For the purposes of edifying the Body, let me walk through some of the provisions and then I'd be happy to yield to questions of the Members. The Bill requires parental notice before an abortionist performs an abortion on a minor. The notice is such that it has to be given to a parent or a to a legal guardian. The...the exceptions are these: there's an exception if there is a medical emergency, there is an exception if the person to whom

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notice is to be given waives that right in writing. There's an exception if the patient/minor puts in writing that she has been a victim of abuse or neglect and then there's a judicial bypass provision. Let me just say that in previous debates on parental notice, there has been notions of criminal penalties. There is no criminal penalty for an abortionist who violates this law. There is a civil fine. The standard is this; if someone intentionally violates the law or with reckless disregard, they violate the law, then they would be subject to the fine. For a first offense, the fine would be \$1,000, subsequent offenses would be \$5,000. I'd be happy, Mr. Speaker, to yield to questions."

Speaker Daniels: "Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Flowers: "Representative Roskam, how will...how would the people of the State of Illinois be served better if this Bill would become law?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, in my view, parents are in a unique position to know the past medical history of their children. I think that it would be consistent public policy to require someone whose about to perform a major surgical procedure. On that there's no debate. To involve through notice, not consent or anything else, but just through notice, just saying, I am going to do an abortion on your minor daughter, and if there are then health care issues, if there are allergies, if there are past procedures that the...the abortionist should know about in order to...to move this procedure along, I think that that's appropriate and that's why I...I would submit to you

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that that's good public policy."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Roskam, in your opening statement, you said something to the affect of the reckless disregards for the law and we're talking about minor females here. What about the male that perpetrated this female and impregnated her. Would...what charges would there be, because I understand there's charges that you would place against a doctor who would perform this abortion, but what charges are there or what...what legislation is there in this Bill that would address the man that violated this young girl?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, for the point of clarification, there are no charges. There's no criminal charges in this Bill at all. That is completely gone, but the question that you raise, Representative, is one that's dear to me. I introduced, along with Representative Erwin, House Bill 1065 which would put...put liability on the parts of parents whose children i.e. boys, impregnant young girls. So, it's an issue that...that I'm interested in, is it in this Bill? No, it's not."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Roskam, also in the Bill, it states that notice can be waived if it is clear and convincing, if there's evidence that is clear and convincing that this is a mature adult or mature person. Now, what are you doing here? Whose going to make this decision to say whether or not this thirteen-year-old is mature enough to make this decision on her own and but...and by what grounds and what criteria are you going to use or has been set forth in this legislation as a measuring stick?"

Speaker Daniels: "Representative Roskam."

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Roskam: "Representative Flowers, you're referring to page 5, paragraph D, and it's talking about the judicial bypass provision. So, if we could just walk through that together, the court would consider, if by clear and convincing evidence, either (1) that the minor or incompetent person is sufficiently mature and well enough a form to decide intelligently whether to have an abortion or not and, but or that notification of those would not be...in the best interest. So there's, there's two avenues to go down in judicial bypass and, Representative, my...this would dovetail in with case law where courts get involved in determining those kinds of decisions anyway. So, we're not trying to take a judge's discretion away by articulating an arbitrary standard, but would rely on the case law that supports this."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Roskam, are we going to increase our judges and our court rooms into address this matter and are we going to...I understand you said there is no penalties. What is the purpose of this legislation, because...first of all, you have to understand that all teenagers don't have what you call families and unfortunately, some teenagers are impregnated by a family member. So, look at what the responsibility that you're placing upon this child to cause further problems on herself as well as the family. So, but...the first question is as far as the judges and the court room, then how much would this cost and what would be the impact to this state?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, we pass Bills all the time that articulates standards and prescribe certain conduct. We do that with the professions that we regulate. So, the

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thought that there would be..."

Speaker Daniels: "Representative Roskam. Representative Flowers, your time has expired. Somebody around you want to yield some time you? Representative Davis, would you yield your time to Representative Flowers? Okay, Representative Flowers, continue. Representative Roskam, will you answer that question please?"

Roskam: "So, we...we pass laws all day long articulating standards and we're not being inconsistent with that today. But, Representative, let me bring your attention to page 4, which talks about one of the exceptions and that's one of the exceptions that...that's important to you and it's important to me, and it says if the minor declares in writing that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her legal guardian, then this provision is waived."

Speaker Daniels: "Representative Flowers."

Flowers: "Representative Roskam, again I understand what you're saying and in the perfect world, I have my daughter standing behind me, I would love for her to come to me and tell me all the problems of the world. I would always have that open door policy for my child. But unfortunately in the real world out there Representative, it's not like that. And unfortunately a lot of young girls are thrust into womanhood at a early age and have no one that they can talk to, no one that they can depend upon and you are asking a child to set forth, go find a stranger, find an adult and I don't know how one define adult other than being 18 and over and I don't know why being 18 and over will give that person a little bit more credibility than one that's 13, 14, 15, because sometimes that youth have had more experience one way or the other as far as their



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maturity is concerned. But, why would you want to assume that all families in the State of Illinois is created equal and all teenagers in the State of Illinois are created equal and all men in the State of Illinois are created equal?"

Speaker Daniels: "Representative Roskam."

Roskam: "Well, Representative, I do believe that all people are created equal and should have equal opportunities, but I'm not trying to get hung up on the rhetoric. Let me just walk through and make very clear what the exceptions are, because I think that, that is if...if I'm not misinterpreting, I think that's the thrust of your question and let me try and illuminate that. The first exception, if there is a medical emergency...if there's a medical emergency, this Bill would not apply. The second exception is if the parent or the person to whom notice is to be given waives that right then there's no except...then there's no provision here that applies. The third exception is I think that is really at the heart of your question and what's...what is a primary concern and let me walk through a scenario. Let's assume that, that in a troubled family there is sexual abuse that's going on. Under the law right now, that sexual abuse and that pattern of degradation towards that young girl in that family is going to go on and on and on and on and it won't be reported, and that's an issue that you brought several times to this floor. How can we help our children? Representative, on page 4 of this Bill, what would happen is, that would be reported and...and we would then be in a situation where we could start to deal with that conduct. Not through the young lady having to come forward, but through then as a mandatory reporter, the doctor, would

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have an affirmative obligation to bring this abuse and this neglect to an end."

Speaker Daniels: "Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, to the Bill. I think it's unfortunate that we have to bring forth this type of legislation. I think it serves no purpose to the people of the State of Illinois in regards to this issue. It doesn't better their lives, it doesn't give them better schools, better education system, and it's unfortunately that we would...we would like...we would try to intervene and make families where there are none. We cannot mandate, regulate family values here and this is the route in which we're taking, I think is wrong and I would urge everyone to vote 'no' on Senate Bill 836."

Speaker Daniels: "Is there any further discussion? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to this Bill. Let me say, first of all, that I'm not against a young woman talking to a parent, preferably a loving parent or an adult who would counsel her. Nor do I stand in judgement of what that counsel should be for or against abortion. I think that is a personal and private decision and we as Legislators cannot possibly legislate for every life situation. But let's make something perfectly clear about this Bill. House Bill 955 was compromised that tried to reach out to be a parental notification Bill to assist young women in making a decision. This Bill is an anti-abortion Bill. It strictly is one that penalizes doctors and makes doctors feel that they should not do the procedure, it discourages them, it has nothing to do with parental notification. It is strictly one that goes towards an anti-choice Bill. The

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American Medical Associations Council on Ethical and Judicial Affairs in a recent report in the Journal, the American Medical Association observed that the expert opinion to date and the available empirical evidence to date, generally supports the view that...physicians should not require minors to involve their parents before deciding whether to undergo an abortion. Other medical and public health groups oppose compelled notice, the National Research Council, the National Academy of Science concluded that when considering abortion, minors should be encouraged, but not required to involve their parents and partners in the decision making. The American Public Health Association and the Society for Adolescent Medicine have reached the same conclusion. Further, the American Medical Association, the American College of Obstetrics and Gynecologists, the American Academy of Pediatrics, and the American Academy of Family Physicians have taken the public position in a joint statement that addressed the issue of confidentiality for adolescence making and seeking medical care, that adolescence should have the same degree of confidentiality that adult patients do. I think everyone of us here would hope that a young person would come to their parent and in most instances they do. It's in those situations where they feel they cannot, whether it's because of abuse or a drug abuse in the family, a strange family situation, or because...just because they love their parents and they don't want to disappoint them. This is not a good Bill, it has never been a good Bill. I urge a 'no' vote against this Bill."

Speaker Daniels: "Further discussion? The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. To the Bill. I rise in

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opposition to Senate Bill 833 and I'm going to be very brief about this. We worked very hard, many of us from a broad perspective, to come up with a parental notification Bill that was approved by this House that I believe is a better Bill than the one before us right now. The Bill that we've already passed is one that better protects the interests of a minor. It's one that encourages the minor to comply by giving her more realistic options, more options than the frightening alternative of a parent that she cannot or will not speak to or a judge. There are two major differences in the Bills. The Bill that we've already passed provides that a minor can give notice not only to a parent but to a stepparent that has raised and nurtured her or to a grandparent that may be raising her. And one other thing that's in the Bill we've already passed that no one has mentioned, it provides that a minor, the minor herself, must consent to having an abortion. The Bill we've already passed is what this issue is all about, the best interest of the minor. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong opposition to Senate Bill 836. I think that for our colleagues who are so frequently looking to the medical community for advice on how to care for the people of our state or the best way to deliver health care services, I'd like to remind you that every medical association, every physician group, every group that deals with children, deals with minors, deals with youth in trouble are all opposed to parental notification Bills. Now, why, why is that? Could it be that the professionals that are dealing with our children understand the serious dilemma that this issue raises? Do

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they understand that not all children are raised by Ozzie and Harriett's of this world, that all children don't have loving, caring homes, that indeed some children are abused, some children are the victims of rape and incest and that by passing legislation like this, we are only further victimizing troubled youth in our state who already are faced with such serious issues? This is the last thing in the world they need to help them. For any of you who are concerned about the children of our state, I suggest to you that you ought to be just as concerned about the teen suicide rate that results from dealing with the unavailability of good counseling and health care services and the lack of availability of reproductive choices for women. Now, you know, I'm beginning to get the...the point here that maybe it would be easier if we just repealed the right of woman to vote, maybe you ought to just bind our feet, maybe you just ought to, as we heard in the Health Care Committee the other, day, just..."

Speaker Daniels: "Excuse me, Ladies and Gentlemen of the House...Ladies and Gentlemen, it's a very important Bill, I think we all want to hear each Member's conversation on this. Representative Erwin."

Erwin: "Thank you, Speaker. We are rolling back the 20th century as we're approaching the 21st, an era where we've had respect for women, respect for their equal rights as human beings and I would suggest to you that this Bill seriously denigrates women's right and most particularly, may cause very real harm on young women in our state and I urge you to reconsider. This is a much more onerous...onerous Bill than the last one that passed here. I urge you to vote 'no'."

Speaker Daniels: "Further discussion? The Gentleman from Cook,

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Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is indeed an unfortunate irony that those who scream the loudest about keeping government at arms length, now wish...wish to have us legislate relationships between parents and children. I think all of us have a very keen awareness of what our limitations are. Not only as Legislators, but also as human beings, and I think sometimes we failed...we fail to take into account that the most personal of relationships between parents and children in as much as we would wish to craft policy that would ensure that parents and children would have open lines of communication, it's unfortunate that in the cases which are most dramatic, in the cases which are most necessary, where an underaged young woman requires an abortion that we are going to be the ones insuring or seeking to insure that the lines of communication between parent and child are indeed open. This is an issue which transcends partisan divisions. It's an issue which transcends gender. Those of you who are my colleagues here in this chamber who are male, I don't believe that we should just assume that this is an issue of secondary importance to us merely because we are not the ones and is not members of our gender who are going to be...who are as directly affected as one can be. Approximately two years ago, I had the opportunity to learn first hand how a similar law in Indiana resulted in the 1988 death of Becky Bell. Karen and Bill Bell personally shared with me their painful ordeal of how their 17 year old daughter, fearful of telling them...Mr. Speaker, could you get some order please?"

Speaker Daniels: "Ladies and Gentlemen of the House, give the Gentleman your attention please? Representative

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Schoenberg."

Schoenberg: "Even...even though Becky Bell enjoyed what she thought was a very close relationship and what her parents thought was a very close relationship, nonetheless, because of a parental notice law very similar to this one, Becky Bell instead, opt, felt that her only recourse was to seek an illegal abortion procedure. To this day, Bill and Karen Bell will tell you, Ladies and Gentlemen, that they feel that the Indiana law, a law very similar to this one, which we see before us right now, directly lead to their daughter's unfortunate and untimely death. Ladies and Gentlemen of the House, as much as we would like to, we can't legislate relationships between parents and children. I don't say this lightly because I know that this is an issue which pulls at the heart strings as much as anyone; however, attempts for us to legislate relationships between parents and children, attempts for us to legislate communication between parents and children, especially in those cases where the families don't have the same kind of relationships that perhaps we have with our children. In the past they've been found to be counter productive and if you ask Bill and Karen Bell to this day, they feel that it's more than just counter productive, they feel that it's a tragedy. I urge you to oppose Senate Bill 836. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Lyons."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 836. I think the Sponsor has worked very hard in addressing the concerns, especially those of circumstances that may arise due to incest or dysfunctional families and if we are going to have meaningful parental notification law, we should have

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penalties that make it effective. I urge your support for this Bill."

Speaker Daniels: "Further discussion? The Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Referring to Section 35 penalties, Representative, we are constantly talking about frivolous suits especially since...against physicians and doctors. This Bill would allow the Attorney General or a State's Attorney in any jurisdiction to file an action against a doctor. How would this work in practicality? What criteria would be used if a parent would come into the States Attorney charging that the doctor had performed an abortion without notice, wouldn't there have to be some cursory hearing to decide whether the standards had been met or how would this work?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative Lindner, thanks for pointing that out. The actual language says whenever the Attorney General or a State's Attorney having jurisdiction. So, it's not any State's Attorney that would bring a cause of action against an abortionist. So, so that's the first answer to the question. The second answer is that it wouldn't be any different than any other cause of action to my knowledge that a State's Attorney would bring forward."

Speaker Daniels: "Representative Lindner."

Lindner: "Well Representative, I do not think that the State's Attorney would be bringing an action against an abortionist. He would be bringing an action against a doctor when the parents would be coming in saying they did not get notice. To the Bill. There is certainly those of us that feel that government should stay out of this entirely, but there are also those of us that feel if there



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is government intrusion that parental notice is certainly a reasonable request. However, I do not feel that this Bill does look to the best interest of the child. We have to think what we're doing here in light of everything that is happening in Illinois now in the adoption area, the news articles. Everyone is extremely upset because we've been looking at parental rights, because the Baby Richard Bill concentrated on parental rights and did not look at the best interest of the child. Certainly children should tell their parents when anything like this happens, but they need other options to talk to other family members rather than having to go to a judge. Certainly, this Bill does not encourage family communication. We are going against the entire wave of what people are upset about in this State and I would urge a 'no' vote."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. We can no more legislate happy families than we can legislate sunny skies, though I think we're probably all in favor of both. Forced family communications is not a way to create families that are healthy and strong and the real affect of trying to force this particular communication is merely to delay abortion. Delayed abortions are not good public policy and they put at great risk the life and the health, the safety of the young woman who is at stake. There is, of course in this Bill, a judicial bypass, that's better than a Bill without. But what kind of invasion of privacy is it for a young woman to hail herself into a courtroom in downstate communities, a courtroom filled with friends, neighbors and relatives, she'll have no privacy whatsoever and a judge will have no standard upon which to make the

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determination whether she is mature enough to make this decision or whether she is not. The affect of this Bill is to try to stop abortions from happening. Certainly on the basis of evidence in other states, we know that, minimally, passage of this Bill will delay, will defer abortion until it becomes an unsafe procedure for the young women. The best interest of our daughters is what we ought to be about. And in the respect to the best interest of our daughters, I ask for your 'no' vote on Senate Bill 836."

Speaker Daniels: "The Lady from Cook, Representative Maureen Murphy."

Murphy, M.: "Thank you, Mr. Speaker. Why don't we look at what this Bill will do? This is about parental responsibility. We heard from the equal rights proponents that women have been given a right to vote, but not a right over their bodies. What about the parental rights to know what your minor daughter is doing and is endangering herself. I keep hearing that this quick abortion, this quick cure is good for the child, but you're forgetting about the unborn child, the pre-born child. This is about parental responsibility. Isn't it nice to hear the proponents say that the cure for victim of 14 year old girl, immature, in capable of perhaps dealing with the uncertainty that lies before her, the cure is for her to have an abortion unattended by her parents or her mother? Is this what we're talking about, the rights? Now, I think we should talk about parental responsibility. All we need to do is look at the law currently. If a girl wants to have her ears pierced, we need parental responsibility and a notice. What would be so wrong if a parent got to know before hand? You're absolutely right. Perhaps an adult parent may come up with a less traumatic cure than an abortion that is

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going to stigmatize this young girl, later when she goes to have her first child or later on the regret, the grief that she dealt with alone because at the behest of an abortionist. There is an abortion industry in this state, why do we want them to have the right, and why do you want to take it away from the parents? We're talking about minor children, 14, 15 year old daughters and nieces. This isn't about being pro-woman, it's about being pro-parent. I urge your 'aye' vote. Thank you."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to make just two points and one is about happy families. Talking a lot about how we can't make a dysfunctional families work together and communicate. I want to talk about happy families because this kind of situation can occur in happy, functional, close families. And that's the kind of family that Representative Schoenberg was talking about when he talked about the Bell family, Karen and Bill and their beautiful daughter Becky. They were a happy family, they communicated. And then when Becky made a mistake it was because she loved and respected her parents that she was afraid to disappoint them. That's what she told her friends, she didn't want to disappoint her parents. We're talking about children just like ours, the children of Representatives here in this House. Our own children who may decide, I'm just going to take care of it myself because I'm afraid to tell my parents, and they may decide, as young people often do, I can handle this and they go and they get an illegal abortion and just like Becky Bell, they die. And even as Becky lay dying and Karen held her hand and said, please tell Mommy what

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happened, Becky, she would not and she went to her death with that...with that secret bearing that mistake. This was a happy family and Karen and Becky Bell and Bill Bell said, before this tragedy came to them, they were for parental notification Bills for the same reason that many people have said here. They thought that it was only right that parents be involved. They felt that they would have been accepting and they probably would have been accepting of Becky, had she told them about it. They now are crusading around the nation against legislation that they feel really did kill their daughter. That had she been able on her own to take care of it with the safe and legal abortion, that Becky Bell would now be alive. They would do anything right now to have their daughter back. And had this law not been in place, Becky would be alive. Because let's talk, finally point to, about the health issue. It is 12 times more dangerous to carry a pregnancy to term, to complete a pregnancy and it is certainly far more dangerous to have an illegal abortion. It is dangerous to wait before an abortion occurs and this Bill will prolong the waiting period and if we're really concerned about families, if we're really concerned about health, if we're really concerned about children, some of them may be our children, then we have to vote 'no' on Senate Bill 836."

Speaker Daniels: "Is there any further discussion? The Gentleman from Lake, Representative Lachner."

Lachner: "Mr. Speaker, Ladies and Gentlemen of the House, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Lachner: "Representative Roskam, in Section 35, Subsection (b) of this Bill, it indicates that any person not authorized under this Act who signs any waiver of notice for a minor

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seeking an abortion is guilty of a Class C misdemeanor. What are the penalties of a Class C misdemeanor under this Bill?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, off the top of my head I don't know. You know, of course, that, that is directed at the person that brings a fraudulent note to a parent. So that...but in direct answer to your question, I don't know."

Speaker Daniels: "Representative Lachner."

Lachner: "Would not a Class C misdemeanor, if convicted of that, be a criminal penalty?"

Speaker Daniels: "Representative Roskam."

Roskam: "Yes."

Speaker Daniels: "Representative Lachner."

Lachner: "So under this...under this Act, if the minor seeking an abortion makes a decision to forge a note under the stress of the situation, makes that decision to forge that note for an approval, and presents that note as being genuine and that minor is subsequently found out by the physician under Section 40, the physician acting in good faith when he performed the abortion, would have immunity. However, that minor who wasn't authorized under this Act to sign the waiver of notice could be convicted of Class C misdemeanor, a criminal penalty. Is that correct?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative Lachner, implicit in the phrase 'for a minor' is the notion that it is done on someone else's behalf. So that wouldn't apply to the minor."

Speaker Daniels: "Representative Lachner."

Lachner: "So in the case where a minor does present a fraudulent note, there are no penalties?"

Speaker Daniels: "Representative Roskam."

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Roskam: "That would my understanding, Representative."

Speaker Daniels: "Representative Lachner. Representative Lachner."

Lachner: "For physicians who act in good faith and perform an abortion under this Act, they would not be subject to any type of civil or criminal liability, is that correct?"

Speaker Daniels: "Representative Roskam."

Roskam: "Could you restate the question, Representative?"

Speaker Daniels: "Representative Lachner."

Lachner: "For physicians who act in good faith, they're presented with a note or they're presented with information that says notice has been given under this Act and subsequently they find that was wrong, that was in error, the minor forged the note. Would they be totally immune from any liability?"

Speaker Daniels: "Representative Roskam."

Roskam: "No, Representative, the next section, Section 40, right underneath that, is the immunity section and it reads, 'any physician who in good faith provides notice in accordance to Section 15 or relies on a written statement under section 20 shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for failure to give required notice'."

Speaker Daniels: "Representative Lachner."

Lachner: "So just so I'm clear on this. If a child seeking an abortion forges a note goes, into the physician or forges the information for notification, goes into the physician and has provided that to the physician, the physician could then perform the abortion. The minor couldn't be found liable for anything because it's a minor and the physician wouldn't be because he's immune and he acted in good faith."

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Speaker Daniels: "Representative Roskam."

Roskam: "Well, Representative, what you're assuming is that the physician would not be acting in good faith. If a physician is acting in good faith then on the plain face of the language, there is no penalty at all."

Speaker Daniels: "Representative Lachner."

Lachner: "So that was my concern in this case is that the minor could forge a note, they would not be liable under any misdemeanor, the physician could act in good faith, receive the information that notification has been given and be immune from any penalties. If I were conservative that would bother me, but fortunately I'm not. I'm a father of two daughters and I rise in opposition to this Bill. My concern is as stated by many of the other speakers today that this is a family issue. You can't legislate this issue. I would hope that if my daughters, when they reach the age, would have the ability and the relationship to come to me. If they don't, I would hope they would have good reason for not. And I would urge all those of you in this chamber who have not made a decision on this already, to seriously consider both sides of this issue: the lack of penalties and the legislating of family values. I urge a 'no' vote."

Speaker Daniels: "The Gentleman from Cook, Representative Blagojevich."

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

Speaker Daniels: "Indicates he will."

Blagojevich: "Representative Roskam, is there any provision in your Bill that would require a 15 year old boy who contracts venereal disease to seek his parents consent before he goes to public health clinic or to a doctor to

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treat the venereal disease?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, there's nothing in the Bill. There are things though that do require parental involvement in this...in this state. For example, a minor can't enlist in the National Guard without the written consent of his parents. Someone cannot sell a ticket to leave the state to a minor without the consent of the minor's parents. But your V.D. scenario is not addressed in Senate Bill 836."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Representative Roskam, could we discuss a little bit the judicial waiver provision in your Bill? It's my understanding that your Bill says that notice to a parent would be waived if a court intercedes. Is that correct?"

Speaker Daniels: "Representative Roskam."

Roskam: "I'm sorry, Representative, could you say that again? I just didn't hear you."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Representative Roskam, there are...your Bill provides for a judicial bypass, is that correct?"

Speaker Daniels: "Representative Roskam."

Roskam: "Yes."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Can you tell us how you envision that working?"

Speaker Daniels: "Representative Roskam."

Roskam: "Well, Representative, under the judicial bypass it would be on page 4, Section 25. It provides that the minor may petition any circuit court for a waiver of the notice requirement and can participate in the proceedings on her own behalf. The court shall appoint a guardian ad litem for her. Any guardian ad litem appointed under the Act shall act to maintain the confidentiality of the



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proceedings. The circuit court shall advise her that she has a right to court appointed counsel and shall provide her with counsel upon her request. The court proceeding under the Act shall be confidential and shall insure the anonymity of the minor. All court proceedings shall be sealed. The minor shall have the right to file her petition using a pseudonym or her initials only, and all documents relating to this petition shall be confidential and not made available to the public. The proceedings shall be given precedence over other pending matters to the extent necessary. And the court shall rule and issue written findings of fact and conclusions of law within 48 hours of the time that the petition was filed, except that the 48 hour limitation may be extended at the request of the minor. That's generally how I would envision this working."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "Okay. How do we address the circumstance where from county to county? This...incidentally this would go to a county court, correct? And is that correct? It would go to a circuit court in a particular county, right?" Okay. So, how would you envision this operating from county to county? For example, some counties may be more conservative than others and vice versa so that the young woman would, depending upon where she lives, would have a likelihood of a certain type of decision by one judge in one county and a certain decision by another judge in another county. Is there something in your Bill that would prohibit a woman from traveling to another county to seek a judicial bypass?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, the Bill doesn't speak to that."

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The...there are 102 counties in Illinois and this is not inconsistent with that current fabric of jurisprudence."

Speaker Daniels: "Representative Blagojevich."

Blagojevich: "The way I understand your Bill, it says that notice by the court can occur if the court finds, by clear and convincing evidence, that the person is sufficiently mature and well enough informed to decide intelligently whether to have an abortion or...or that notification under the Act would not be in the best interest of the person. Now that seems pretty subjective, what kind of criterion does your legislation provide for a judge to decide these two issues?"

Speaker Daniels: "Representative Roskam."

Roskam: "Representative, it's my understanding that the standards that are articulated under the paragraph (d) are actually terms of art and there's case law, upon case law, upon case law that would be considered to determine the maturity or the best interest of the...of the minor."

Speaker Daniels: "Representative Blagojevich, you have 11 seconds."

Blagojevich: "Right. To the Bill. I'll close, I may run over just briefly, I'll make it very quickly. Again this is a...if you're anti choice, if you believe that life begin at conception, then certainly you should support this Bill because anything that limits abortion is perfectly consistent with your views. If, however, you believe that life does not begin at conception but believes somewhere else and if you also believe that a woman, it's up to a woman to choose for herself whether or not an abortion should occur, then I would urge everyone who believes that to vote 'no'. This Bill only applies to women who are minors. It has nothing to with men or boys who are minors.

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This Bill requires parental notice, that is very difficult to legislate and this Bill does nothing with regard to consistency. The fact of the matter is, there are medical procedures that are more risk...more dangerous, more risky than an abortion, that we don't require a young woman to have parental consent on. A woman can have...to deliver a child without the consent of a parent. A woman could, a young woman could have a cesarean section, a very difficult surgical procedure, without the consent of a parent. So those who believe that a woman should choose for herself, irrespective of age, whether or not she should have an abortion. I urge everyone to vote 'no' who believes that."

Speaker Daniels: "Further discussion? The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 836. The...some of the objectors have said that government has no right to intervene in the lives of a young woman. But government, I will disagree with that strongly, government's job, main job, is to protect the most defenseless in our society. And nothing...and nobody's more defenseless than the unborn. And the government has a right to step in and say, that that young fetus should be allowed to develop and be born into society and certainly has the right to say to a young girl, a young girl, that she must have a parent notified for the major surgery she's about to undertake so that she can be protected after that surgery. If she needs protected by parents who are aware that she underwent that surgery. So I urge an 'aye' vote."

Speaker Daniels: "Further discussion? The Lady from Lake, Representative Gash."

Gash: "Thank you, Mr. Speaker. I rise in opposition to this

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Bill. I don't believe that this Bill will really reduce abortion. I do believe that this is a small business Bill that will result in new small businesses popping up in the arena of illegal abortion clinics. I support parental notification and I would urge all young girls to notify their parents if they were thinking of having an abortion. But I don't believe that good family relationships can be legislated. Representative, as a parent of a preteen daughter, I would like to urge everyone to vote 'no'."

Speaker Daniels: "Further discussion? The Gentleman from Lake, Representative Salvi."

Salvi: "I rise in support of this Bill. You know, all this discussion on it we sort of lose sight of what the Bill does. It's very, very simple. We're simply saying, that if a minor child wants to have an abortion, just in a situation where a minor wants to have her ears pierced or something along those lines, we want that minor to go to her parent or someone in the place of the parent. We have exceptions. This is not a draconian Bill. The reason a vast majority of the people of our state support this concept is it's very simple. It's something most people can accept. A parent should be notified with exceptions, if the minor child is about to have a serious surgical procedure. Now, the fine, \$1,000 or whatever it is, they say well that puts teeth in it. In my opinion, it really...we're not talking about very significantly sharp teeth here. That's about as little as one can put in a Bill like this, if it's going to have any affect whatsoever. If a doctor intentionally, willfully violates the law, there's a small fine involved. This is a simple Bill. Don't, you know, be distracted by these red herrings. The issue here is, should a parent be notified

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if a minor child is going to have this very serious surgical procedure called an abortion? We have exceptions. The Bill is well drafted, it's very similar to...to laws throughout this country that are working very well. I strongly urge an 'aye' vote on Senate Bill 836."

Speaker Daniels: "Further discussion? The Gentleman from Livingston, Representative Rutherford."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Roskam to close."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I know that this is a heartfelt vote for both the proponents and the opponents. I don't underestimate the good faith arguments that have been made by my opponents today, but let me just try and address them briefly in closing. One of the Gentleman mentioned that there was a tragic result from a statute in Indiana. That is based on the premise that there are not tragic results as result of the current law. I know of cases in New York, I know of cases in Chicago where 13 year olds have died from legal abortions. So I think we need to be careful with over simplifying or over characterizing one incident, tragic as it was. Secondly, we're not legislating relationships between parents and children, but we are legislating relationships between doctors and parents and that is our job, that is our charge. We are the ones as the elected officials that proscribe those relationships. It's reasonable, it's well crafted, and it's a solid idea. Let me, in closing, quote...let me mention one thing. I've got, in my hands, a copy of the American Medical

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Association's newspaper called American Medical News from May, 1995. And in it, for those of you that are concerned about physician discipline, in it, on this chart in terms of formal disciplinary actions taken by various disciplinary boards across the United States, Illinois is ninth at the bottom in terms of disciplining those physicians who need such discipline. Let me in closing read from a editorial, the real editorial page, on the Chicago Sun Times from Tuesday, March either 26th or 28th, 1995. And it says, talking generally about we're doing down here. It says, 'While the law that we're debating should require that parents be told of the pending procedure, it should not require that they give consent before the abortion is performed'. This law doesn't require consent. It says, 'Finally, if doctors are to be held responsible for verifying that the girl's parents or guardians were notified then it should be up to the judges to fine those who don't'. Unfortunately, it is not possible to legislate into existence healthy functioning families. I concur. This Bill won't do that, but it will go a long way toward giving parents and guardians the information they need to assume responsibility for their minor daughters. Mr. Speaker, Ladies and Gentlemen of the House, thank you for your time and attention. I move the passage of Senate Bill 836."

Speaker Daniels: "Question is, 'Shall Senate Bill 836 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 66 'ayes', 46 'no', 2 voting 'present'. And the Gentleman, Representative Lang requested a verification of the

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affirmative vote. Representative Johnson asked for leave to be verified. Leave is granted. Mr. Clerk, read the affirmative votes."

Clerk McLennand: " Those Representatives voting in the affirmative on Senate Bill 836: Representatives Ackerman. Balthis. Biggins. Black. Bost. Brady. Bugielski. Capparelli. Churchill. Cowlshaw. Currie. Steve Davis. Deering. Durkin. Granberg. Hannig. Hartke. Hassert. Hoffman. Holbrook. Tim Johnson. Tom Johnson. John Jones. Kubik. Laurino. Lawfer. Leitch. Lyons. Madigan. McAuliffe. McGuire. Meyer. Mitchell. Moffitt. Maureen Murphy. Myers. Noland. Novak. O'Connor. Pankau. Parke. Pedersen. Persico. Phelps. Poe. Roskam. Rutherford. Ryder. Saltsman. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus. Mr. Speaker.

Speaker Daniels: "Any questions of the affirmative vote, Representative Lang? Representative Lang."

Lang: "Representative Moffitt?"

Speaker Daniels: "Representative Moffitt. The Gentleman's in the gallery. Further questions?"

Lang: "Representative McAuliffe?"

Speaker Daniels: "Representative McAuliffe is in the rear of the chamber."

Lang: "Representative Brady?"

Speaker Daniels: "Representative Brady. The Gentleman's in his chair. Further questions?"

Lang: "No furthers."

Speaker Daniels: "This question having received 66 'ayes', 46 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed."

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Speaker Daniels: "Committee Announcements."

Clerk McLennand: "Committee Announcement, Rules Committee will meet on Monday, May 22 at 4:00 p.m. in the Speaker's Conference Room. Rules Committee, Speaker's Conference Room, 4:00 p.m."

Speaker Daniels: "Senate Bill 977. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 977, a Bill for an Act concerning the liability of insurance producers, limited insurance representatives, and registered firms. Third Reading of this Senate Bill."

Speaker Daniels: "Representative. Representative Ryder."

Ryder: "Mr. Speaker, the board is in error. This Bill has had a change of lead Sponsor, Representative Brady will be handling the Bill, Sir. The slip was just entered today and the Clerk hasn't had a chance to catch up."

Speaker Daniels: "Representative Brady."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill has three provisions. It provides for a two year limitation on actions for insurance agents. It also provides for the proof of fraudulent action for an insurance agent to be held responsible for using materials of an insurer, and it also provides for continuing education requirements changed in the insurance licensing code. Presently, insurance agents are only required to provide four years of continuing education if they receive their license after, I believe, it's 1984. This provides for all agents to have to keep up with continuing education requirements on an annual basis. I ask for your favorable vote."

Speaker Kubik: "Representative Kubik in the Chair. The Gentleman has moved for the passage of Senate Bill 977. On that, is there any discussion? The Chair recognizes the Gentleman



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from Cook, Representative Lang."

Lang: "Thank you, Sir. Before you start my time, or an inquiry of the Chair, for the Parliamentarian actually."

Speaker Kubik: "State your inquiry."

Lang: "Well, it appears to me that Amendment 2 is out of order. If Amendment 2 is amending the Bill after Amendment 1 was adopted, it seems to me that Amendment 2 should amend this Bill, as amended. It does not say, 'as amended'. Therefore, I believe Amendment #2 is out of order. Could we get a ruling, please?"

Speaker Kubik: "Representative Lang, Representative Lang, we are looking at the Bill. Do you have questions of the Sponsor? Could we get started and then we will get back to you?"

Lang: "That is fine. First thing I'd like to do, Sir, is take this from Short Debate. I'm joined by hoards of Democrats. I said, I'm joined by hoards of Democrats to take this Bill from Short Debate."

Speaker Kubik: "I see hoards of Democrats. Okay."

Lang: "Thank you."

Speaker Kubik: "Okay."

Lang: "Will the Sponsor yield?"

Speaker Kubik: "Indicates that he will yield."

Lang: "Thank you. Representative, the Bill creates a statute of limitations period. What is the current statute of limitations period that you are changing?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, it's our understanding that the law now provides for a five year catch all. This simply provides a two year catch for like professions, as is provided for like professions: physicians, attorneys, accountants, realtors."

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Speaker Kubik: "Representative Lang."

Lang: "What is the policy consideration for changing this to two other kinds of contracts or statutes of five or ten years? Why should contracts regarding insurance policies be treated differently than other contracts?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, I...we aren't talking about the contracts, we are talking about the liability of the agent for a period of time like...the same as we talk about for realtors' actions, attorneys' actions, accountants' actions. There is a ten year provision that we are not changing for written contracts."

Speaker Kubik: "Representative Lang."

Lang: "But, nevertheless, you are reducing the current statute from five years to two years. What is the policy consideration for doing that, cutting out the claims, making sure consumers have no way to address their grievances, or is there some more important reason that you wish to share with us?"

Speaker Kubik: "Representative Brady."

Brady: "Representative, there is...the insurance industry, as you may or may not know, is a very competitive industry and one that has to...insurance agents come from small companies and the like. Often times, they have high degrees of turn over in staff. They aren't as sophisticated as many industries. They have had some problems being able to find employees who dealt with certain circumstances in the longer five year catch all period. With the rest of the professions that are somewhat similar in like and into nature and operation in which they operate, we thought that the requests that we reduce this from the five year catch all to the two year, would be a fair justifiable solution

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having provided it for other professions."

Speaker Kubik: "Representative Lang."

Lang: "Well, I didn't get much of an answer, but let's go on. Does the statute of limitations begin to run at the time of the agents conduct or at the time the plaintiff learns of the agent's conduct?"

Speaker Kubik: "Representative Brady."

Brady: "The time they learn of it."

Speaker Kubik: "Representative Lang."

Lang: "Can you point that out to me in the Bill?"

Speaker Kubik: "Representative Brady."

Brady: "Could you refer to the first page, line 15, you'll see, 'within two years of the date the cause of action accrues'. That's where I'm getting that from."

Speaker Kubik: "Representative Lang."

Lang: "Well, Sir, that is exactly the opposite of what you just told me. The cause of action accrues on the date the agent does that complained about action. You indicated it's the time the plaintiff learns about it. Now, perhaps we should straighten out what you mean if you...if you won't take this back to Second Reading to correct this, and I assume you won't, at least tell us your legislative intent here."

Speaker Kubik: "Representative Brady."

Brady: "You understand my legislative intent and it is at the time they learn of the action. When the...when the claim is denied... For legislative intent, Representative, does that satisfy?"

Speaker Kubik: "Representative Lang."

Lang: "Well it satisfies it, but frankly, I don't think by legislative intent, you can undo the clear language of the legislation, but let's go on. Are there fee increases in this Bill? The targets on the Floor on both sides of the

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aisle would like to know. Mr. Poe would like to know. Mr. Zabrocki would like to know. Representative Klingler, I'm certain, would like to know."

Speaker Kubik: "Representative Brady."

Brady: "Representative, I'm sorry. I didn't understand the question."

Speaker Kubik: "Representative Lang... Representative Lang, the Gentleman did not hear the question. Could you repeat the question?"

Brady: "Sure. I'll ask the entire question. Are there any fee increases in the Bill? Representatives Poe, Zabrocki, and Klingler among others, would like to know."

Speaker Kubik: "Representative Brady."

Brady: "Representative, the continuing education requirements for the insurance licensure provide for a reinstatement fee of, I believe it is..."

Speaker Kubik: "Representative Brady, could you finish your comments please?"

Brady: "Fifteen dollars and then the insurance information provider fee goes up from \$50 to \$500."

Speaker Kubik: "Representative Lang, I have spoken with the Parliamentarian. He has looked at the Bill, and the Chair would rule that the Bill is okay...Amendment #2 is in order because it does not effect that part of the Bill that is Amended by Amendment #1. Representative Lang."

Lang: "Well, I think that is a really strange ruling, Mr. Speaker. I do think the Amendment is out of order and your smile attests to the fact that maybe you think it's out of order, but I'm not going to challenge this ruling in the interest of time. I would like to ask another question, however."

Speaker Kubik: "Well, Representative Lang, I'm smiling because I

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think your tie is just very beautiful today. It's a very nice tie and your time has expired; however, the Chair plans to recognize Representative Ronen, the Lady from Cook, and perhaps she... I don't know whether... Representative Ronen."

Ronen: "Thank you, Speaker. I would like to yield my time to Representative Lang."

Speaker Kubik: "The Lady yields her time to the Gentleman who has a very beautiful tie on today, Representative Lang, to continue."

Lang: "I thank Representative Ronen very much and the Speaker. Back to the Sponsor. So, Representative, you have increased this fee from \$50 to \$500, a ten fold or 1000% increase in the fee. Is that what you've done, Sir?"

Speaker Kubik: "Representative Brady."

Brady: "Yes."

Speaker Kubik: "Representative Lang."

Brady: "Representative, the... I'm sorry, Representative Lang."

Speaker Kubik: "Representative Brady wishes..."

Brady: "Representative, I think if you'll...you'll check with different professional continuing educational organizations, that is in line. I know that I operate a real estate education company and fees for that operation can range as much \$1000 a year. These are companies that are providing educational services for continuing licensure and it's...it's my understanding that these fees are well within a competitive range and an affordable range and an agreed to price range."

Speaker Black: "Representative Black in the Chair. Representative Lang, proceed."

Lang: "Thank you. Well, nevertheless, it's 1000% increase, ten times, 1000% increase in the fee. What other states charge

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a fee in this range? What other states have increased their fee by ten fold this year?"

Speaker Black: "Representative Brady."

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

Speaker Black: "Representative Lang."

Lang: "Let's go on to the next Section. The Bill requires actual knowledge on the part of an insurance agent before it can be found to have committed fraud under the Consumer Fraud and Deceptive Business Practices Act. Are there any other professionals in Illinois given this type of exemption?"

Speaker Black: "Representative Brady."

Brady: "Realtors."

Speaker Black: "Representative Lang."

Lang: "What reason do you have for having realtors and insurers being treated differently from any other professional in Illinois?"

Speaker Black: "Representative Brady."

Brady: "Representative, would you rephrase your question because I'm not sure I understood."

Speaker Black: "Representative..."

Brady: "Rephrase it..."

Lang: "Well, sure. Why should realtors and insurers be treated differently than all other professionals in our state?"

Speaker Black: "Representative Brady."

Brady: "What we're trying to do here, Representative, is provide for a way in which these individuals can provide the service, the valuable service, and I know valuable service for especially in the realtor area, as well, that they provide to the consumers, but yet there is opportunities that if they are aware that what they like...like a pamphlet. An insurance company has a pamphlet that the insurance agent is giving out and it has misinformation on

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it. What we're trying to defy is whether or not the insurance agent did that knowingly, knowing that it was misinformation in which case we would consider that to be fraud or not. We think there is a definite distinction and difference in what they are doing."

Speaker Black: "Representative Lang."

Lang: "Well, what's next, Sir? Are doctors and lawyers going to be next? Are they then going to get these exemptions also because you think they should be set apart? Why don't we just do them all at once? Why don't we take all the professionals and give them all this exemption and not allow anybody in Illinois to be sued for any of their fraud? What about that?"

Speaker Black: "Representative Brady."

Brady: "Well, I haven't studied that but I would be happy to."

Speaker Black: "Representative Lang."

Lang: "Are there any other states that require actual knowledge to get this exemption?"

Speaker Brady: "Representative Brady."

Brady: "I believe so, Representative, but I couldn't cite them."

Speaker Black: "Representative Lang."

Lang: "Let me go back to the issue of fees again for a second so that all the freshmen and targets understand. Aside from the ten fold or the 1000% increase in the annual registration fee, you're also adding a new registration fee of \$15 for a reinstatement. Is that correct?"

Speaker Black: "Representative Brady."

Brady: "Yes, I said that earlier."

Speaker Black: "Representative Lang."

Lang: "Why do we need all these new fees, Representative? Why do you want to string out all of these freshmen and targeted Members on the Floor voting for this major, major, major

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ten fold 1000% fee increase?"

Speaker Black: "Representative Brady."

Brady: "Representative, the industry came to us and asked us to provide this legislation. If you think that state government should provide this to the industry free of charge, that all taxpayers should ask for something that the industry came to us for, then I guess we wouldn't address this issue. These are reasonable fees supported by the industry so that the industry pays for the services they are requesting the State of Illinois to regulate for them. That is the reason, Representative."

Speaker Black: "Representative Lang. Oh, I'm sorry, Representative, your time has expired. Go ahead and ask a question."

Lang: "Thank you. Representative, instead of increasing the fines so that we can regulate these people, why don't you not give them these exemptions and allow people to go after them when they've committed a fraud and use part of that, those recoveries to stick into this instead of a registration fee, and then people will be able to address fraud and they also won't have to have increased fees. So, only the people who are breaking the law, the Deceptive Practices Act, only they will pay this. You will have a huge pot of money and you'll be able to pay all these registration fees for these people so they can police their own industry without a 1000% increase in the fees. Why don't we do it that way?"

Speaker Black: "Representative Brady."

Brady: "First of all, Representative, we are not limiting the liability on fraud in any way, shape, or form. Second of all, I don't think there's that much fraud in the industry that would provide that many fees. What we're trying to do



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is provide a level playing field in which commerce can operate..."

Speaker Black: "Proceed, Representative Brady."

Brady: "Where insurance product can be offered in an efficient, affordable, economic, fair manner. The industry came to us with the language regarding the licensure and the continuing education. They negotiated and agreed upon the fees, just like everyone has to pay to provide the services they want. Make no mistake. We're trying to provide an economic model here that will provide the continuation of strong commerce. Insurance is a very important part of the commerce of this state. It's very important part of the security of individuals. This is an agreed process in which we can continue that very important part of our state's commerce."

Speaker Black: "Further discussion on the measure...the Lady from St. Clair, Representative Youngue."

Youngue: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker Black: "So be it. Representative Lang, proceed."

Lang: "Thank you. Sir, you've limited this on the consumer fraud area to actual knowledge. Let's assume there is gross negligence, gross negligence, but not actual knowledge. So perhaps some worker in the office who was poorly trained gives some bad advice, but there's no actual knowledge on behalf of the agent. Why should we exempt this agent from liability?"

Speaker Black: "Representative Brady."

Brady: "Representative, would you cite an example so that I under... I couldn't hear you. If you'd cite an example so I can better understand your question."

Speaker Black: "Yes, Representative Lang on an example."

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Lang: "Well, I just did. So some paralegal or clerk working in the office who was completely ill equipped and ill-trained, give some information to a customer, client, or insured, and this person relies on it and is damaged in some way, had some pecuniary interest or injury. The agent would not have actual knowledge, but nevertheless, the agent would have been involved in gross negligence because the agent would have allowed an ill-trained or ill equipped person to provide the information to the customer or to the insured. Your Bill, if it passes, would exempt that agent from liability because that agent would not have actual knowledge. You don't include imputed knowledge and you don't include gross negligence. So how would one go after that agent you're providing an exemption?"

Speaker Black: "Representative Brady."

Brady: "Representative, I don't believe we are. I believe we're providing an exemption under this statute. They could still sue under other parts of law."

Speaker Black: "Representative Lang."

Lang: "Representative, with all due respect, that is no answer at all. This law exists for these kinds of cases. So in the two parts... Let's review, you and I, what you have in this Bill. First you reduce the statute of limitations from five years to two, dramatically curving the opportunity for grieve people to go after negligent or incompetent agents. There aren't a lot of them, but there are some. There are some many very fine insurance agents. I have nothing against them, but your Bill reduces dramatically, the opportunity to go after negligent and incompetent ones. That is the first thing you do. The second thing you do is increase fees 1000%, ten fold. The third thing you do is add a new fee, a reinstatement fee,

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and the fourth thing you do is say that, 'you can't sue any of these people under Deceptive...the Fraud and Deceptive Business Practice Act, unless they have personal knowledge of an error, personal knowledge of a mistake, so that anybody in the office that gives information negligently or incompetently is never imputed to the owner to that agency, is never imputed to the agent themselves. That is what your Bill does. What is in here that would make somebody who is for consumers in this state want to vote for it?"

Speaker Black: "Representative Brady."

Brady: "Representative, I think there is numerous things that make someone who was a consumer in this State want to vote for it. It provides for continuing education of insurance agents for all insurance agents so they are up to date and knowledgeable in the areas in their field. Secondly, it provides for a fair and equitable playing field for this profession in relation to other professions. I think you know as well as I do that this statute does not preclude someone's ability to sue another individual, an insurance agent, for gross negligence. You know the way the courts work. We were just simply trying to bring this industry into parity with like industries in agreed to language. There is absolutely no opposition aside from you that I know of now and I believe that by doing that, we create an environment in which insurance can be offered to all individuals in this state in an efficient, and in a fair, and in an affordable manner."

Speaker Black: "Representative Lang."

Lang: "Well, a couple of things need be said. First of all, it's...it's fine to make them take continuing education courses, but if you exempt them from liability, the continuing education courses don't have much teeth. So you

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make them take the courses, but even if...even if they are incompetent after that, they are exempt from liability in some cases, and you've reduced the statute of limitations on others. Also, let me point out that you are approving home study courses. This isn't the kind of continuing education that I prefer, I prefer good classroom education, not home study courses. I would recommend 'no' votes."

Speaker Black: "Further discussion on the issue? The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I would like to yield my time to Representative Lang."

Speaker Black: "Well, thank you so much. Thank you for that, Representative. Representative Lang, do you have additional questions?"

Lang: "Oh, we'll find some in this file somewhere, Sir."

Speaker Black: "I had all the confidence in you in the world, Sir. Proceed."

Lang: "We'll find one. Representative, on the Fiscal Note filed by the Department of Insurance, they think they are going to get about \$200,000 for the Insurance Producer Administration Fund. What is that fund and what does it do?"

Speaker Black: "Representative Brady."

Brady: "Finances regulatory services for agents."

Speaker Black: "Representative Lang."

Lang: "What services are you talking about? What services does it provide to agents?"

Speaker Black: "Representative Brady."

Brady: "Licensing services and the administrative services."

Speaker Black: "Representative Lang."

Lang: "You'll have to be more specific to satisfy me, Sir. What licensing services? What administrative services?"

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Speaker Black: "Representative Brady."

Brady: "Those which are provided for this by the department."

Speaker Black: "Representative Lang."

Lang: "You are good at this, Representative. Let me ask you a question. You are adding \$200,000 to this fund if this Bill passes, how much is in the fund today?"

Speaker Black: "Representative Brady."

Brady: "I don't know."

Speaker Black: "Representative Lang."

Lang: "I did not hear the answer, Sir."

Speaker Black: "He said he didn't know."

Lang: "That is about ten, 'he didn't know's' on this Bill, Mr. Speaker."

Speaker Black: "About ten...I'm sorry, ten million. What?"

Lang: "No, about...nevermind."

Speaker Black: "Okay, well proceed, Representative Lang."

Lang: "Thank you. What was the budget for this fund in the last fiscal year?"

Speaker Black: "Representative Brady."

Brady: "I'm not sure, but would you enlighten us?"

Speaker Black: "Representative Lang."

Lang: "Well, I wouldn't ask if I knew. I assume the Gentleman that is giving you answers is from the Department of Insurance. He doesn't know the answer to this question? Do you want to give him the microphone, Sir?"

Speaker Black: "Excuse me, the...if the... Will the indulgence of the Chair, that Gentleman is one of our finest staffers, but yes, Representative Brady, do you wish to relinquish them? I don't think that is permissible to Mr. Bolin."

Brady: "I'm afraid what he would do to Representative Lang, so I better not."

Speaker Black: "Representative Lang, did you get an answer to

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that last question?"

Lang: "No...well no, but we'll go on. It seems to me, Sir, that if you want to add \$200,000 to a fund, it's appropriate to find out how much is in the fund today. Perhaps there is \$50 million in the fund and you don't need this \$200,000. What indication do you have that we need this additional \$200,000?"

Speaker Black: "Representative Brady."

Brady: "Representative, as I told you earlier, this was agreed to language. It provides a fee to pay for the service recommendation of the department as well as the industry."

Speaker Black: "Representative Lang."

Lang: "Well, let's go on to this continuing education thing. You're reducing the required annual hours from 25 to 15. Why do you want to do that?"

Speaker Black: "Representative Brady."

Brady: "Both the department and the industry feel that that is satisfactory."

Speaker Black: "Representative Lang."

Lang: "And you are reducing it from 25 to 15 and then allowing these 15 hours to be home study courses, Sir?"

Speaker Black: "Representative Brady."

Brady: "First of all, you have to understand that we are applying this now to everybody, not just those who have had their license for four years or less. I... Representative, I think there is a lot of good qualified home study courses. I can speak for my industry, the real estate industry, and you can get a brokers' license in a home study course. If you're questioning the validity of home study courses or the reputations of some of those companies throughout this state, I...you might cite some action or reason for that, Representative, but I have full faith in home study

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courses. You seem to want to belittle or pick on them, but they are very affordable, efficient way for people to gain information in an education that helps them provide their service and do their job. Why are you picking on those, Representative?"

Speaker Black: "Representative Lang."

Lang: "Well, I think they are all fine. My question is, who is going to make sure these folks do their homework? Are you going to have home study police?"

Speaker Black: "Representative Brady."

Brady: "Home study police, that is an interesting concept, Representative, but I don't think so. The department will make sure that the information is provided in a regulatory way so that what the intent of this legislation to provide is in fact provided and regulated by the department."

Speaker Black: "Representative Lang."

Lang: "Well, now that you mention it, who is going to approve these home study courses? Does the Department...the Department of Insurance do that?"

Speaker Black: "Representative Brady."

Brady: "You are becoming more and more astute, Representative. Yes."

Speaker Black: "Representative Lang."

Lang: "What will the cost be of the Department of Insurance investigating these home study courses and certifying them?"

Speaker Black: "Representative Brady."

Brady: "Representative, that is why we increase the fee in the way and manner in which you spoke and the Department believes that for that fee, they will be able to provide those services."

Speaker Black: "Representative Lang."

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Lang: "So, as part of the 1000% increase in fees, the ten fold increase in fees, you're going to pay for the home study police?"

Speaker Black: "Representative Brady."

Brady: "Yes, Representative, and I believe..."

Speaker Black: "Oh gosh! Time has expired. Bring your remarks to a close, Representative Brady."

Brady: "To the question or to the Bill?"

Speaker Black: "Yes, to the question."

Brady: "Yes, Representative, and I believe that's a much more equitable way to raise the money unless you want to take it out of education or something like that."

Speaker Black: "Further discussion? The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, I move the previous question."

Speaker Black: "Representative Tenhouse has moved the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Brady to close."

Brady: "Ladies and Gentlemen, this is a very important issue for the consumers of Illinois as well as the insurance industry. This is an agreed piece of legislation. Representative Lang has talked about some fee increase. I think it is important that everyone knows that there is no opposition. The industry, the people who provide these services have come to the State of Illinois and asked to have this regulation imposed upon them and have offered to pay these fees so that this program could be offered. I think it really benefits the consumer throughout the State of Illinois and I ask for your favorable vote."

Speaker Black: "The question is, 'Shall Senate Bill 977 pass?'"



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All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 94 voting 'yes', 16 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the order of Senate Bills, Third Reading, page 5 of the Calendar, appears Senate Bill 1150. Please, read the Bill."

Clerk McLennand: "Senate Bill 1150, a Bill for an Act concerning the responsibilities of the State Treasurer. Third Reading of this Senate Bill."

Speaker Black: "And on that measure, the Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Chairman...Mr. Speaker. Excuse me. Senate Bill 1150 is a Bill that passed out of the Senate by a vote of 51 for it, 1 opposed and 1 voting 'present'. It also passed out of House Committee by a vote of 8 to 0. It makes clean up changes to the State Treasurer's Banks Services Trust Fund Act. It gives the Treasurer explicit authority to enter into banking service agreements with financial institutions. Under these agreements, participating institutions are authorized to take on fund collecting, processing, and investment duties for the state on a fee of service basis. It provides an explicit list of services a financial institution may provide to the Treasurer on a fee for service basis. These services include the processing of payments of taxes, fees, and other money due the state, the investment or safe keeping of funds under the Treasurer's control and the payment of bondholders under the State's General Obligation Bond Program. It authorizes the Treasurer to suspend for one

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month periods, the statutory transfer of funds appropriated for the purpose of the General Revenue Fund to the State Treasurer's Bank Services Trust Fund. The Bank Services Trust Fund is used to make fee for service payments to financial institutions for the services described above. The Treasurer shall suspend these transfers only if the balance in the Bank Services Trust Fund is adequate to pay off standing obligations to financial institutions without a further infusion from General Revenue Funds. I ask for a favorable vote."

Speaker Black: "On this question, the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Black: "He indicates he will."

Brunsvold: "Would you give me a brief, a very brief synopsis of what you just said?"

Speaker Black: "Representative Meyer."

Meyer: "I'd be happy to. Again, this is a clean up change to legislation that was originally passed in 1992 and was put in effect by the Treasurer in 1993, and under that, it allows the Treasurer to negotiate with banks for return of interest on a different basis than the month...the normal monthly sweeping of interest of out of accounts as it is provided in current State law."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, could we take this off Short Debate, appropriate number of hands up?"

Speaker Black: "There was never any question in my mind about that, Representative Brunsvold. Proceed."

Brunsvold: "Representative Meyer, this doesn't have anything to do with Pat Quinn, does it?"

Speaker Black: "Representative Meyer."

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Meyer: "Well, I'm not aware that it has anything directly to do with Pat Quinn. In 1992, I think Pat Quinn was the Treasurer when the original legislation...that this acts as just a clean up, I think Lee takes it a step further in what he was doing, but I don't think he is directly involved. At least I have not heard it discussed that he was."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Representative, does this allow the State...the state agencies to charge for processing of checks?"

Speaker Black: "Representative Meyer."

Meyer: "Well, it...what it does is allows on a fee for service basis for the...cost of processing checks to be remitted to the banks as opposed to having...compensating balances, which is the current method. Compensating balances would in effect, cost the State money and it's felt that by being able to negotiate with banks or financial institutions for those types of services, that the state in effect would come out with more money. It's not a new concept. I came through management in big business and I know the businesses that I worked for at the time had those types of arrangements with the banks because it was financially beneficial to them, and why shouldn't the state take in more money than what it currently is and have more money for our budget?"

Speaker Black: "Representative Brunsvold."

Brunsvold: "Was that a 'yes' or a 'no' on that one?"

Speaker Black: "Representative Meyer."

Meyer: "Well, now that you have really nailed me down on that, I forget the question."

Speaker Black: "Representative Brunsvold."

Brunsvold: "What situation existed that precipitated this piece

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of legislation? Why do we need this?"

Speaker Black: "Representative Brunsvold or is it Meyer? I'm sorry. Representative Meyer."

Meyer: "Thank you, and not to make light of your previous question, Representative, it doesn't cost our state agency anything. Why do we need this? Again, I believe that it brings more money into the State coffers. Let me give you an example of how savings would be realized. Under the current method, it's call the Compensating Balances Method, the bank or the financial institution would charge \$100 fee for doing the work that they are doing, and through the Compensating Balances Method, the state would deposit for instance, \$1000 in the financial institution and at that time, the institution agrees to pay the State 10% in interest. Well, the institution would sweep the interest income out of this \$1000 deposit at 10% per year. That would mean that they would sweep \$100 out of the deposit and at the end of the investment cycle for that note or that balance that would have to remain in there to offset the \$100 that is charged for the processing fees, one thousand dollars would be returned to the State. So, in effect, the state has paid \$100 for the processing of those documents. Under payment by warrant and that is what this legislation calls for, is for the State Treasurer to issue a warrant..."

Speaker Black: "I'm sorry, the time has gone off, Representative Meyer. Conclude your answer."

Meyer: "That fee would still be the same \$100; however, the Treasurer would not have to keep \$1000 in the bank to pay for that, and they could in fact negotiate with that financial institution, and instead of receiving a 10% return, receive 11% return. So, at the end of the

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investment cycle, instead of the bank taking \$100 and that is it, they in effect would have to pay the State \$110. One hundred dollars of that has already been paid out in warrants, but the \$10 of course, would be additional monies coming back to the State. That is a simple type of response or example for this, but if you multiply that times approximately, \$4.8 billion that the Treasurer has invested in this type of instruments at any one given point in time, you can see that that extra 1% would be significant, and it would be an extremely large savings to the State."

Speaker Black: "Thank you, Representative Meyer. Representative Brunsvold, your time ran out four and a half minutes ago. Do you have one more question?"

Brunsvold: "Mr. Speaker, evidently Mr. Meyer's been taking lessons from Mr. Ryder on how to answer questions. Could I ask him one more question?"

Speaker Black: "Oh, it's the least I can do for you, Sir. Proceed."

Brunsvold: "Thank you. Our analysis indicates that the...you can enter into banking service agreements. How is that going to work and would that be something similar to the Renaissance Hotel?"

Speaker Black: "Well, I have...the current Treasurer has nothing to do with the agreement on anything with the originating documents on the Renaissance Hotel. It's completely irrelevant to this Bill, and therefore, I'm not going to discuss that with you. I would, however, add...I apologize to the Gentleman that is asking the questions. You're asking questions and I think they are good questions and I think they need to be explained in a mode so that others here can understand the significance of what you are

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asking."

Speaker Black: "Further discussion? The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker Black: "Boy, he hasn't been up yet, but I might get back to you on that. I might get back to you on that. Further discussion, the Gentleman from Will, Representative McGuire."

McGuire: "Yes, Sir, Mr. Speaker, I'd like to yield my time to Representative Brunsvold."

Speaker Black: "Well, he has been up, so I'll do that. Representative Brunsvold, do you wish the time? Proceed, Representative."

Brunsvold: "We are adding a lot of new services here. Can you kind of enumerate the new services that are going to take place after this Bill has passed?"

Speaker Black: "Representative Meyer."

Meyer: "Well, what is being added includes all fees incidental to the collection of taxes and fees, transactional and safekeeping charges relating to the Treasurer's investment of funds, the cost of services provided by banks to the process of paying bondholders or redemption of bonds under the State General Obligation Bond program."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Will this... Let me go back and I may have to rephrase this question a little bit, will...and I might have asked this in one of the questions earlier, but we needed to pin this one down, will agencies' fees for checks cashing services...will include in this Bill? Agency fees for check cashing services."

Speaker Black: "Representative..."

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Brunsvold: "Is that a 'yes' or 'no' or..."

Meyer: "Could you explain your question a little further? I'm not sure what you mean by agency fees for check cashing services."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Will the State Treasurer start charging agencies for fees for check cashing services. In other words, is the Treasurer going to gain money by charging fees for these check cashing services?"

Speaker Black: "Representative Meyer."

Meyer: "No, that is not the intent of that...this Bill."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Thank you, Mr. Meyer."

Speaker Black: "Further discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Representative, this...this Bill here has nothing to do with the types of agreements that Representative Brunsvold eluded to earlier regarding for instance, the Renaissance Hotel or the Collinsville Hotel?"

Speaker Black: "Representative Meyer."

Meyer: "None whatsoever."

Speaker Black: "Representative Hoffman."

Hoffman: "This agreement would not stop those types of agreements from happening in the future?"

Speaker Black: "Representative Meyer."

Meyer: "Again, Representative, the legislation is very specific for what it does. I'd be happy to answer any question concerning it."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, I understood...I understood what we were talking

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about. I understood Representative Brunsvold's questions. However, I think that there is many things that we, on this side of the aisle, have attempted to address and we'd like to address, and have been unable to with regard to some of the actions of the State Treasurer's Office and some of the actions of not only this State Treasurer, but other officials who have maybe made agreements that I don't think are in the best interests of the State. We would like to do that in other Bills; however, we've been unable to do that. So here we go again. We're doing something for the Treasurer without addressing the real issue and issues that cost the State \$30 million. Now, what's this going to cost the State, Representative?"

Speaker Black: "Representative Meyer."

Meyer: "Representative, I believe that I have already answered that question through the demonstration that it is going to bring more monies into the coffers. As a matter of fact, even if...and I was talking about \$4.8 billion of funds that the Treasurer would normally have invested as a part of the normal investment programs, but just for example, if you would increase the return on that money by even just one tenth of one percent on \$250 million of that \$4.8 billion, you're going to have another \$250,000 coming into the state cofferson an annual basis, and I think that is significant. Now, if you take that times the amount of money that we've been talking about, you'll see that it's even more significant and I would have a hard time believing that there is anyone in this Body that would ever want to vote 'no' on that kind of legislation. That is why I felt extremely gratified to be asked to carry this piece of legislation. I would ask at the appropriate time for you to vote 'yes' and speak in favor of it."



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Speaker Black: "Representative Hoffman."

Hoffman: "Certainly, and we've been able to work very well together, Representative, in the past. I certainly trust your integrity and your honesty, and I believe that this probably possibly could be a good Bill, but I think that we have an obligation for our side of the aisle to ask questions. I think legitimate questions whenever we are talking about a piece of legislation that number one: had an unsigned fiscal note in it, and number two: is put forward by an office that did something that we think should not have been done. And I'm not questioning anybody's integrity. I'm not saying it's right or wrong. I just want to make sure that there is a hotel in my district that in my mind, a sweetheart deal was given to some 'fat cats' that shouldn't have been done, and I think I have an obligation for the taxpayers in my area to make sure it can't happen again. I just wish that this would address that situation. I wish it would taken our Bill that we want to put forward in order to not allow that to happen in the future, to stop the sweetheart deals from the 'fat cats'. Let's address what we need to do. This is a good Bill. I wish it went further. I urge an 'aye' vote on this side of the aisle."

Speaker Black: "Further discussion? The Lady from St. Clair, Representative Younger."

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

Speaker Black: "He indicates he will."

Younger: "Is the Treasurer for this Bill?"

Speaker Black: "Representative Meyer."

Meyer: "It's very noisy in here, Mr. Speaker, I had a hard time understanding the question. I interpret what was said, is the Treasurer aware of the Bill?"

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Speaker Black: "Representative Younge, perhaps you can repeat your question."

Younge: "Is the Treasurer in favor of the Bill?"

Speaker Black: "Representative Meyer."

Meyer: "Yes, Representative, the Treasurer is very much in favor of the Bill. She is the one that asked that the legislation be introduced, and as a matter of fact, the previous Speaker implied that there was an unsigned Fiscal Note in this as in apart support of this Bill. That is just not true. I'd like to set the record straight. I assume the previous Speaker made an honest error in what he said...what he indicated. I have a Fiscal Note which I requested from the Treasurer's Office. It is signed by the Chief Fiscal Officer of the Treasurer's Office. It was requested on the eighteenth. It was filed on May 18th. It is stamped. There was discussion on the Floor when this Bill was moved from Second to Third Reading as to whether all the documents in the Bill itself were in order. They were in order. It was so noted at the time, and I just wanted...I think it is just so important that the membership of the General Assembly here understand that there is absolutely nothing at all in question and terms of any of the documentation of this Bill."

Speaker Black: "Representative Younge."

Younge: "One of the provisions of the Bill is that the State Treasurer is charged with the responsibility for executing collection on all monies received by the state in the form of checks and drafts and other instruments. Why is this taken out?"

Speaker Black: "Representative Meyer."

Meyer: "Representative, I understand why you would ask that question. It's a business practice that is used all the

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time with businesses. If the State Treasurer's Office actually did all the manual labor involved with processing checks and all the other types of financial documentation that we're talking about here, they would need to increase their staff substantially. Normally in any business, what happens is that the checks are received, they are taken over to the bank, they are deposited. The bank will, at that point, run them through the Federal Reserve System and do the actual collections of the money, and that is what is being referred to here, is it is the process of running it through the banking system to make sure that the money is remitted back to the state."

Speaker Black: "Representative Younge."

Younge: "There's a change in the language in reference to the State Treasurer's Bank Service Trust Fund. What is that and how is that administered?"

Speaker Black: "Representative Meyer."

Meyer: "Well, the Bank Services Trust Fund is a trust fund that was established, I believe, in 1992 and implemented in 1993 under a previous Treasurer, and it provides as a point where monies are taken from the General Revenue Fund placed into it to pay for the expenses of collecting money and transacting the financial business of the state as far as fees go and things like that. And the... Well that is basically it. I don't know how else to answer it."

Speaker Black: "Representative Younge."

Younge: "The state pays for these services by a method called Compensating Balances. Would you explain what that is?"

Speaker Black: "Representative Meyer."

Meyer: "Yes, Representative, and it goes back to a previous question where I gave an example of what a Compensating Balance is. I guess maybe for the layman's term, it would

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be something like drawing an analogy of no charge checking account where you have to maintain a minimum balance in a checking account, and then you get free checking. An a Compensating Balance would be similar in business where they would maintain a certain amount in a bank and then as monies run through the account, there would be no fee for running that money through the account. Under that, again, you agreed to compensate a certain amount. You keep that money there and the bank...financial institution has use of that money, they can in fact, take what they are paying you in equivalent of 10% for, go out an invest it at 12% or 11% or whatever it is, and they take the profit off of it, and what we're doing is allowing the Treasurer to negotiate the interest payment and that would be outside of the monies that would be held in a Compensating Balance. You'd do away with that so that the money would be yours to invest as you would like to and make more money at."

Speaker Black: "Representative Younge."

Younge: "This Bill eliminates the State law requiring that interests on deposits be computed upon a daily average balance. Is that going to end up with less interest after the..."

Speaker Black: "Sorry, Representative Younge, your time has expired. Go head and complete your question."

Younge: "Will the change in the computation of interest end up in the State of Illinois having...bringing in less interest on the daily average balance?"

Speaker Black: "Representative Meyer."

Meyer: "Representative, that is a good question and in all reality, it should allow us to receive more money than if you work through the daily average balance and sweeping the account in a monthly basis. It costs that financial

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institution more money as far as their expenses go, to ...to handle their interest payments that way, and therefore, you can negotiate a higher rate if you were looking at doing it an annual or another type of basis other than the average daily balance and sweeping it on a monthly basis."

Speaker Black: "Yes. Representative Younge, do you have another question to conclude?"

Younge: "Yes, the current law mandates the collection of interests on state deposits on the first Monday of each month. This is called sweeping. Is that going to... How is this Bill change this?"

Speaker Black: "Representative Meyer."

Meyer: "Yeah, as I just stated, my answer in your last question, Representative, this allows that to be changed to allow the state to get a better rate of interest, and therefore, a better return on their money."

Speaker Black: "Representative Younge, your time has expired. Will you be seeking additional time? Thank you, Representative. Further discussion on the measure? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Lang: "Representative, relative to these bank service agreements, is there any prohibition in this legislation from the State Treasurer entering into any of these agreements with campaign contributors?"

Speaker Black: "Representative Meyer."

Meyer: "Representative, the legislation that I am proposing has no prohibition from entering into agreement with any institution that would...you would be doing business with, and of course you are looking for the highest rate of

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return, and that is what this legislation provides is the method of obtaining the highest rate of return."

Speaker Black: "Representative Lang."

Lang: "So, apparently the State Treasurer can enter into these agreements with campaign contributors. Apparently, there is at least a potential of a conflict of interest. Let me go on. There is a letter dated May 18th from...signed by the Chief Fiscal Officer of the Treasurer that says, by expanding the Treasurer's authority to pay for additional banking services from the State Treasurer's Bank Services Trust Fund, the state will increase revenues by \$50,000 annually. Do you believe that that is a correct statement?"

Speaker Black: "Representative Meyer."

Meyer: "I believe that it is a minimal correct statement, yes, on a minimum. I think the savings will be more."

Speaker Black: "Representative Lang."

Lang: "Do you realize the State Treasurer just recently gave up \$30 million in state debt? And do you realize that it will take six hundred of...six hundred Bills the equivalent to Senate Bill 1150 to fill in that \$30 million deficit? Why don't we do something about that in this Bill?"

Speaker Black: "Representative Meyer."

Meyer: "Representative, this Bill is straight forward and I'll speak to this Bill."

Speaker Black: "Representative Lang."

Lang: "Well, you know someone on this side of the aisle referred to the statement on the board as an oxymoron, State Treasurer responsibility. How responsible is it to take \$40 million in state debt and turn it into \$10 million, and to try and collect it back \$50,000 at a time?"

Speaker Black: "Representative Lang, you are ranging far off

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field, but I'll go to Representative Meyer."

Meyer: "Representative, I've already indicated that I'll speak to what this Bill entails and you need to, as far as I'm concerned, before I yield, you need to address what is in this Bill."

Speaker Black: "Representative Lang."

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

Speaker Black: "To the Bill, proceed."

Lang: "The Majority party has had seventeen chances to fill up a loophole in the law that allowed for the State Treasurer to just give up \$30 million in state debt. There is nothing in that proposal that would require the State Treasurer to do anything with what she's done already. Nothing in there attacks that State Treasurer. Nothing in there that says you did a bad thing; although, I think it was not such a great thing. What it says is, we all acknowledge that there is a loophole in the law. Thirty million dollars of state debt was given up with no explanation as to what efforts were made to collect it, and now we have a Bill, Senate Bill 1150, which is a good idea in and of itself, but the Sponsor wants us to see that this is such a great thing, that this little change will enable us to collect \$50,000 additional annually. Now, \$50,000 is a lot of money. We ought to collect the \$50,000. We ought to put it in the State Treasury, but My God! It will take six hundred bills, the equivalent of Senate Bill 1150, to get back the \$30 million that was given up. Now, when are we going to get smart in this General Assembly? We have taxpayers all over the State of Illinois that really don't like what happened and they say, let's investigate it. We should investigate it, but more important than investigating it, we need to make sure in this Body, that

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it doesn't happen again. Not just by the State Treasurer, but by any constitutional officer, by any head of any agency in this State. We have a responsibility to close loopholes in the law that allow those people in high positions to give up dollars that belong to the taxpayers in the State of Illinois. This is our money. It is not the State Treasurer's money. It's not the agency heads money. It's not the constitutional officers' money. It's the money of the people of the State of Illinois and I'm prepared to collect it back \$50,000 at a time if that is all the Majority party will let us do, but eighteen times the Majority party has pushed it aside. Let's not vote on it. Let's not deal with it. Let's not close up the loophole. Ladies and Gentlemen, I'm going to support this Bill, but I would just as soon have supported a Bill that closed up the loophole that took care of the taxpayers' money."

Speaker Black: "No one seeking recognition. Representative Meyer to close."

Meyer: "Thank you, Representative. This Bill has had a fair hearing on the Floor, good debate, and I ask that all of us joined together allow for more money to be taken in by the state and save the state money. I ask for a favorable vote."

Speaker Black: "The question is, 'Shall Senate Bill 1150 pass?' All those in favor will vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 6 of the



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Calendar, order of Senate Bills Third Reading, appears  
Senate Bill 1200. Please read the Bill."

Clerk Rossi: "Senate Bill 1200, a Bill for an Act concerning  
libraries. Third Reading of this Senate Bill."

Speaker Black: "And on that question, the Gentleman from Kendall,  
Representative Cross."

Cross: "Thank you, Mr. Speaker. Senate Bill 1200 is a Bill that  
passed out of the Senate 53 to 0, passed out of the House  
Committee 8 to 0. It's a relatively simple Bill. It does  
two things. One, it amends the State Property Control Act  
and also the Illinois Library Systems Act. Under the  
Estate Property Control Act, it loosens up the ability for  
state agencies to transfer surplus books, publications, and  
any other library materials to other state agencies.  
Second of all, it allows for the creation for Regional  
Library Service Planning Panels so that we can effectively  
look at ways to provide library services statewide.  
Currently, we have some areas in the state that have not  
been serviced... potentially not been serviced properly.  
It was a Bill that had some objection from the Illinois  
Municipal League. We amended it in Committee. That  
objection is gone. I know of no opposition, and I would  
appreciate a 'yes' vote. Thank you."

Speaker Black: "Further discussion? The Gentleman from Clinton,  
Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, I am joined by  
the requested number of colleagues to remove this Bill  
from Short Debate."

Speaker Black: "Some of your colleagues are saying no and you  
just barely made it. Proceed."

Granberg: "No, they thought that was Representative Lang. Will  
the Gentleman yield?"

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Speaker Black: "He indicates he will."

Granberg: "Is that an indication he will?"

Speaker Black: "Yes, he will."

Granberg: "Representative Cross, when you indicated that the underlined Bill...Bill deals with the Estate Property Control Act, does that take law to establish the Regional Library Service Planning Authority?"

Speaker Black: "Representative Cross."

Cross: "Representative, I think I heard your question. The original language in the Bill created the authorities. We changed that language from 'authority' to 'panel', and we did that to satisfy the concerns the Municipal League had. I'm not sure why they were concerned about that particular word, but we did create...we're now creating 'panels' as opposed to 'authorities'."

Speaker Black: "Representative Granberg."

Granberg: "And this panel will be composed of seven members, is that correct?"

Speaker Black: "Representative Cross."

Cross: "Each panel, Representative, will have for whatever reason... Depending on the number of panels we have, they will each be made up of seven members."

Speaker Black: "Representative Granberg."

Granberg: "How many panels are there, Sir?"

Speaker Black: "Representative Cross."

Cross: "Potentially twelve to fifteen, Representative."

Speaker Black: "Representative Granberg."

Granberg: "And how are the number of the panels determined if it's between twelve and fifteen?"

Speaker Black: "Representative Cross."

Cross: "Those panels will be made up of recommendations made by the libraries system, Representative. There are twelve

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library systems throughout the state. We currently have those in place, and these panels will be made of recommendations from those systems."

Speaker Black: "Representative Granberg,"

Granberg: "And is the state divided into the twelve library systems?"

Speaker Black: "Representative Cross."

Cross: "Representative, I believe your question was, is the state divided into twelve library systems. The answer to that is yes, currently."

Speaker Black: "Representative Granberg."

Granberg: "So, the twelve library systems' members will get together and make a recommendation on how many library planning panels there need to be?"

Speaker Black: "Representative Cross."

Cross: "In the larger regions, that is correct, Representative."

Speaker Black: "Representative Granberg."

Granberg: "And what regions are those, Representative?"

Speaker Black: "Representative Cross."

Cross: "Down in the southern part of the state, we have the Shawnee System, Representative. I'm not sure if you are familiar with that one and then the other one we'd be talking about...for the westcentral area is the Alliance System. I'm sure you are familiar with that one, just like the Shawnee System."

Speaker Black: "Representative Granberg."

Granberg: "So, how often do these twelve district members... Well, how many members are on these district panels, the twelve district panels? How are they composed?"

Speaker Black: "Representative Cross."

Cross: "There aren't any people on the systems. We just break down the library. We have twelve systems. There aren't

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any members on it. We're... The panel is what we are creating, Representative."

Speaker Black: "Representative Granberg."

Granberg: "But you indicated previously that the sys...the twelve districts that make the recommendation for how many panels are going to be necessary. So who makes that determination if there are no members in the districts?"

Speaker Black: "Representative Cross."

Cross: "Kurt, maybe I didn't explain that well, and I apologize. The board members of those systems will make the recommendation to the Secretary of State who in turn appoints the members to the panel and the panel is going to be made up of people from county boards or township government local municipalities. We're trying to get input from all areas of the...especially the rural areas where we don't have library service."

Speaker Black: "Representative Granberg."

Granberg: "And how many board members will make that recommendation to the Secretary of State?"

Speaker Black: "Representative Cross."

Cross: "Those systems varies, Representative, and you're asking very, very good questions, but it varies from system to system and I think...I hope I'm answering them correctly. I hope Representative Blagojevich will jump in here too, because I know he will ask some real good questions."

Speaker Black: "Representative Granberg."

Granberg: "In the central western district, is Bucky the Clown a member of that system?"

Speaker Black: "Representative Cross."

Cross: "Well Representative, Bucky the Clown could be a member of the west central, but there's a stronger chance that Bucky the Clown resides in the southern district, down in the

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Shawnee...or the Shawnee system. I think the Metro East would be in the Shawnee system, but I think Bucky the Clown is in that area."

Speaker Black: "Representative Granberg."

Granberg: "So we have these board members that we don't know how many are currently serve on each of the twelve districts, but these board members, we don't know who they are or how many, are going to get together sometime in the future but we don't know when and do what, and they're going to make a recommendation to the Secretary of State to name people we don't know, to planning councils to do something. Is that my...is my analysis correct?"

Speaker Black: "Your time is expired Representative. Would you care to answer the question, Representative Cross?"

Cross: "No."

Speaker Black: "Further discussion, the Gentleman from McHenry, Representative Skinner."

Skinner: "I have a question that I hope the Gentleman would be able to answer."

Speaker Black: "The Gentleman indicates he'll yield."

Skinner: "I have several library districts in the south eastern part of McHenry County which are totally surrounded by the North Suburban Library District, yet they are attached to whatever the regional library district is that is based in Rockford. This is highly inconvenient not to mention stupid, and I'm wondering when the state librarian is going to allow them to transfer into the North Suburban Library System?"

Speaker Black: "Representative Cross."

Cross: "Apparently, Representative, the Advisory Committee just voted on that particular issue. I'm not sure...it was a tie vote, six to six, and I'm not aware of that particular

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issue. It's separate from this Bill, but they've made a recommendation or sent those results to the Secretary of State."

Speaker Black: "Representative Skinner."

Skinner: "Who breaks the tie?"

Speaker Black: "Representative Cross."

Cross: "Apparently, Representative, it's purely a recommendation to the Secretary of State so the Secretary of State is the tie breaker."

Speaker Black: "Representative, who's up, I can't even remember?"

Skinner: "Would it help if I endorsed Senator Graham for President?"

Speaker Black: "Representative Cross."

Cross: "Yes."

Speaker Black: "Representative Skinner."

Skinner: "On another subject, there is a grand plan here to figure out the most economical way to provide library services throughout the state. I assume, that no library services will imposed without a referendum of the folks who are going to end up being taxed? Is that correct?"

Speaker Black: "Representative Cross."

Cross: "Can I...at this point, these are merely advisory panels with absolutely no authority. That's why we changed the term from authority to panel, but purely recommendations come from them."

Speaker Black: "Representative Skinner."

Skinner: "Thank you, very much."

Speaker Black: "Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Representative Cross, I'm sorry, I wasn't paying attention. What is the purpose of this Bill and what does it do?"

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Speaker Black: "Representative Cross."

Cross: "Well Representative, this Bill does a couple of things. Let's make sure...I apologize that we didn't go over that before and that you didn't hear it. Let's make sure that we go over it again. It amends the State Property Control Act. It amends the Illinois Library Systems Act, but with respect to the State Property Control Act, it frees up the ability of state agencies to transfer surplus books, publications, and any other materials they currently have to other state agencies and from library to library. We haven't been able to do that. It's been tough to do it up to this point. Second of all, it gives us an opportunity to address a real serious problem and that is the need to provide library services throughout this state. In rural areas, many people don't fall within a library district. I mean, in my particular legislative district there are people, many people, that don't reside in a library district, and we're trying to resolve that problem, and by creating these panels that we talked about earlier when Representative Granberg was asking questions, we hope that they will act in an advisory capacity to the Secretary of State and the State Librarian to come up with some reasonable solutions to how we can provide library service throughout the state, to all the citizens of the State of Illinois."

Speaker Black: "Representative Flowers."

Flowers: "In reviewing the Amendment to the Bill, you are changing the word authority to panel. What is the purpose of that?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, that's a...that's an excellent, excellent question and the concern by many or at least by

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the Municipal League was that the word authority implied or inferred that it was an entity that had a great deal of power, maybe bonding authority whatever, but the truth of the matter is, this panel is mainly an advisory and a recommendation type panel, and so to alleviate any concerns that people had including the Municipal League, the Secretary of State and in the spirit of compromise and the willingness to get this Bill passed, and in the Senate they were very successful at 53 votes and amazingly no vote...no zero votes or no 'no' votes. They changed the word to panel and I'm hopeful that after some good debate on this that we're having now, and I'm pleased that we'll be able to get sufficient 'yes' votes on this particular Bill."

Speaker Black: "Representative Flowers."

Flowers: "Representative Cross, well since this is a panel and advisory, again I'm looking at you're going to have this panel to review this geographical boundary, what is the purpose of that and if that be the case, can't you just tell the panel to review the boundaries without going through those changes?"

Speaker Black: "Representative Cross."

Cross: "Representative, it's not a matter of reviewing boundaries, it's a matter of creating these panels made up of local officials from townships, schools, maybe library districts boards, planning commissions, whatever, to say these are the problems we have in our local area. We don't have library service because of this or that or we'd like to improve our library service and we want to include everybody within the area. So, that's the purpose. We don't want to have just library people making these decisions."

Speaker Black: "Representative Flowers."



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Flowers: "But in the Bill, Representative, it says that the Secretary of State would review the geographical boundaries of the library system at least once every ten years."

Speaker Black: "Representative Cross."

Cross: "Representative, I think you're dealing with the part of the Bill with respect to the transfer of materials, excess materials. Can you show...I think that's where you are. Can you refer...show me where... I have a copy of the Bill right here if you can point that out to me where you are."

Speaker Black: "Yes, Representative Flowers."

Flowers: "It's on page 8, Section 14.5 on line 12."

Speaker Black: "Representative Cross."

Cross: "Mary, what...what's...I found the Section starting on line 12 going through line 20, what's the question with respect to that area?"

Speaker Black: "Representative Flowers."

Flowers: "Why is it that it needs to be reviewed every ten years? Is it because of the population or you know...some type of new initiative or what?"

Speaker Black: "Representative Cross."

Cross: "Well Representative, much like we draw district lines, legislative district lines because of population change...changes and demographical changes, for that same reason we do make those changes here."

Speaker Black: "I'm sorry Representative Flowers, your time is expired. Do you have another question?"

Flowers: "Just one more."

Speaker Black: "One question, all right proceed."

Flowers: "Is this gerrymanding (sic-gerrymandering) with the boundary?"

Speaker Black: "Representative Cross."

Cross: "What...what do you mean...what does that word mean,

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Representative?"

Speaker Black: "Yes, Representative Flowers."

Flowers: "Representative Cross, are you going to pick and choose, as to who gets into these boundaries or who does what? You know, you want to make these your little special pet projects? That's what basically gerrymandering (sic-gerrymandering) means."

Speaker Black: "Representative Cross."

Cross: "No, not at all Representative."

Speaker Black: "Representative Flowers, bring your questioning to a conclusion."

Flowers: "Yes. Thank you."

Speaker Black: "It's the Gentleman from Madison, Representative Stephens."

Stephens: "Stimulating debate. I move the previous question."

Speaker Black: "Representative Stephens has moved the previous question. The question is, 'Shall the main question be put?' All those in favor vote 'aye', opposed vote 'nay'. In the opinion of the Chair the 'ayes' have it. The Main Question shall be put. Representative Cross to close."

Representative Cross: "Thanks, Mr Speaker. I'd appreciate a 'yes' vote."

Speaker Black: "The Question is, 'Shall Senate Bill 1200 pass?' All those in favor vote 'aye', opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', none voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Representative McAuliffe in the Chair."

Speaker McAuliffe: "Mr. Clerk, what is the status of Senate Bill 949?"

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Clerk Rossi: "Senate Bill 949, is on the Order of Third Reading."

Speaker McAuliffe: "Will you please return it to Second Reading.

What is the status of Senate Bill 908?"

Clerk Rossi: "Senate Bill 908 is on the Order of Second Reading."

Speaker McAuliffe: "Please read the Bill."

Clerk Rossi: "Senate Bill 908. A Bill for an Act amending the Metropolitan Water Reclamation District Act, Second Reading of this Senate Bill. Amendment #1, was adopted in Committee, no Motions have been filed, no Floor Amendments approved for consideration, and the fiscal note that was requested on the Bill as amended has been filed."

Speaker McAuliffe: "Third Reading. Mr. Clerk, please read Senate Bill 1202 on Third Reading."

Clerk Rossi: "Senate Bill 1202, a Bill for an Act amending the Illinois Vehicle Code, Third Reading of this Senate Bill."

Speaker McAuliffe: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Members of the House. Senate Bill 1202 amends the Illinois Vehicle Code. It allows the Secretary of State to adopt rules governing the issuance of titles. Provides that the owner of a vehicle may have the vehicle inspected and have the original manufacturers warranty reinstated if the vehicle is a theft recovery that has been salvaged and is recovered without structural damages or missing essential parts. The owner must submit the vehicle to a franchise dealer for inspection, submit a copy of the police recovery report for the inspecting dealer, and pay the inspection fee. It also adds language from House Bill 1648; it was sponsored by Representative Wait and Hartke. It provides that...excuse me, it provides that automotive repairs and rebuilders shall submit proof rather than a written statement that all

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licensing requirements have been met. On that particular Amendment was an agreement between the Secretary of State, Allstate Insurance, the Secretary of State Revisory Committee and the Automobile Auction Industry. Be glad to answer any questions you might have on Senate Bill 1202."

Speaker McAuliffe: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I'm joined by an appropriate number to move this to short debate. Will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Dart: "Representative, I just had a couple of questions I wanted to run through. The issuance of the rebuilt where it requires the certificate title for a used vehicle the state rebuilt, is it...what is presently done in regards to vehicles in that condition?"

Speaker McAuliffe: "Representative Black."

Black: "Okay. Let me see if we can tighten up the question a little bit. You mean, currently done on a stolen recovered vehicle? What, what the title...okay, hang on a second. Currently you would get a rebuilt title...excuse me, a salvage title, but if after an inspection, no structural damage, you could get a clean title issued to the car is my understanding."

Speaker McAuliffe: "Representative Dart."

Dart: "My real concern with this Bill deals with the section where you, makes the changes dealing with the rebuilt title portion. My concern is this, it says you need not get...have it state rebuilt when a vehicle was recovered pursuant to a theft and was recovered without structural damage. Who is making the determination of structural damage here?"

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Speaker McAuliffe: "Representative Black."

Black: "The Secretary of State is currently set up to inspect these cars and they will be responsible for determining that, the condition of that automobile."

Speaker McAuliffe: "Representative Dart."

Dart: "Representative, I'm not looking for a precise definition, can you give me an idea of what they presently consider to be structural damage and what is not in just a generic sense here?"

Speaker McAuliffe: "Representative Black."

Black: "Just anything pertaining to the frame of the automobile. Bent, broken, damaged, or in my district, if the engine is gone we usually don't classify that either."

Speaker McAuliffe: "Representative Dart."

Dart: "The other part of it that I was interested in, so under present law, I want to make sure we're not lessening the standards here. Under present law, if the car is recovered and the frame is not bent or anything like that, but let's say it's got scratches in it, under present law are they required to have down that it was rebuilt or like a window was knocked out or something on...on more of a minor nature, are they presently required to list as rebuilt?"

Speaker McAuliffe: "Representative Black."

Black: "That's...that stays the same as current law according to the Secretary of State's office. We didn't get into the essential part section of the law."

Speaker McAuliffe: "Representative Dart."

Dart: "That was my next question with regards to the essential part where they were determining or missing an essential part, who is it that determines what the essential part is?"

Speaker McAuliffe: "Representative Black."

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Black: "If I understand this correctly, that is in current law, the essential part language was taken out by the Amendment added in the House and from what I had in the ear, it's by administrative rule as to definition as to essential parts."

Speaker McAuliffe: "Representative Dart."

Dart: "Were the...was the insurance industry and the auto part recyclers able to come to some type on agreement of this language?"

Speaker McAuliffe: "Representative Black."

Black: "Yes, it's my understanding that they did agree."

Speaker McAuliffe: "Representative Dart."

Dart: "Were they able to come to an agreement on the definition of what is an essential part?"

Speaker McAuliffe: "Representative Black."

Black: "That's why that language was removed. I know this goes on in my district a lot. I keep nine or ten cars in my front yard because that way I always have a supply of essential parts. Now, the neighbors don't like it, but I keep telling them that I have a problem defining what essential parts are, so I need to keep nine or ten cars there and besides that, the guard dogs in the neighborhood can get in the cars and take a nap too, it comes in real handy."

Speaker McAuliffe: "Representative Dart, further questions?"

Dart: "Yeah, from my understanding, it's in Representative Deering's district it's a minimum of 20 cars on the front lawn. Yeah, actually I think your district might be a little closer to mine than I actually realized. So, then, is it safe to say then by you removing the language dealing with essential parts, it's going to stay as the present law right now?"

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Speaker McAuliffe: "Representative Black."

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

Speaker McAuliffe: "Representative Dart, I'm sorry, yes continue."

Dart: "My final question. Under the present scheme then, the determination of what is an essential part is left with the Secretary of State's office, is that correct then? If not, who is it with?"

Speaker McAuliffe: "Representative Dart (sic-Black)."

Black: "Yes, it's my understanding there is a list in current law of 24 essential parts."

Speaker McAuliffe: "Representative Black."

Black: "I'm sorry, the Secretary said there is currently a list of 24 essential parts. I have the list here, I'm missing eight of them."

Speaker McAuliffe: "Representative Deering's name was mentioned in debate, he wishes to respond. Representative Deering."

Deering: "Thank you, Mr Chairman, Ladies and Gentlemen of the House. Since my name was used in debate, I don't know what this Bill is about. Something about cars or guard dogs or something. All I know is, I'm as nervous as a long tailed cat in a room full of rocking chairs and I don't know how I'm going to vote."

Speaker McAuliffe: "Representative...the Lady from Sinclair, Representative Youngue."

Youngue: "Thank you, Mr. Speaker. I yield my time to Representative Dart."

Speaker McAuliffe: "Representative Dart, I think he's through. Representative Murphy. The Gentleman from Cook, Representative Murphy."

Murphy, Harold: "Will the Sponsor yield, please?"

Speaker McAuliffe: "He indicates he will."

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Murphy, Harold: "Representative, I didn't hear all the beginning of this but I'm serious about it. What's changing, we have I know in the State of Illinois, a lot of inspection stations around the state, so what's the purpose for these changes?"

Speaker McAuliffe: "Representative Black."

Black: "The genesis of the change as I understand it, now let me...if I'm wrong, I'm sure I'll be corrected. To do right by administrative rule, in other words, to get a clean title back on the car and get that car back on the road in case of a theft recovery. Sometimes that can take quite a bit of time. That I believe is the genesis of this Bill."

Speaker McAuliffe: "Representative Murphy."

Murphy, Harold: "Yeah, but we have now in the State of Illinois, what we call shops that repair these automobiles when they are stolen and send the parts that are missing and then they take them to the inspection station where they inspect them and give them a new title, I mean they're doing that now?"

Speaker McAuliffe: "Representative Black."

Black: "Doesn't change that in any way. I mean, obviously it would address a car that was obviously stolen with the VIN numbers and the checks, but if you're talking about a recovered car and inspection station getting that clean title. This doesn't change that in any way."

Speaker McAuliffe: "Representative Murphy."

Murphy, Harold: "Well, I really don't see any real changes. That's what I'm saying. If a car is just stolen and nothing happened the title is already there and is returned to the proper owner. If it's a salvaged title, then that's made up and sent to the insurance company if it's a total. So, I don't...I'm not understanding any of this."



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Speaker McAuliffe: "Representative Black."

Black: "Right. What we need to focus on Representative, this is generally a case where the owner of the car has been compensated for the theft. He or she has already been paid for the stolen car by the insurance company. Now, the car is recovered, and of course the insurance company wants to recoup those losses and so this is a way to do that. To get the car back on the road and obviously if you can get a clean manufacturer's title, the car has some inherent value, I think, increased inherent value rather than the salvage title."

Speaker McAuliffe: "Representative Murphy."

Murphy, Harold: "Okay. Let the...the cars now...newer automobiles have numbers on the doors and all. All the vehicles ought to have the serial number and of course the confidential number of up under the car, but the newer ones have numbers all throughout. Now, you think the Secretary of State ought to have the authority to make up what they call essential, are they all numbers?"

Speaker McAuliffe: "Representative Black."

Black: "While that is an interesting question and some of the recyclers might want to discuss that with you at a later date, but the essential parts list, I think that is what you're saying, is already in current law and this isn't changing that."

Speaker McAuliffe: "Representative Murphy."

Murphy, Harold: "Yeah, but the Amendment said it gives him the authority to really actually name whatever he wants. I mean, he could say for example, well this spotlight was essential. I mean, that's what the Amendment says."

Speaker McAuliffe: "Representative Black."

Black: "What is currently embodied in law, can not be changed at

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the rule level, like at the Joint Committee on Administrative Rule, so, this Bill would not be...would not grant the Secretary of State's office any authority to aggregate what is already in law."

Speaker McAuliffe: "Representative Murphy."

Murphy: "Thank you."

Speaker McAuliffe: "Representative Black to close."

Black: "This Bill represents many hours of negotiations with the Secretary of State, the Automobile Auction, the people, the recyclers, the rebuilders and the insurance companies. I urge an 'aye' vote."

Speaker McAuliffe: "Representative Black has moved for favorable passage for Senate Bill 1202. On that question, all those in favor signify by voting 'aye', those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1208."

Clerk Rossi: "Senate Bill 1208, a Bill for an Act concerning business activity regulation. Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. There's been a note filed with the Clerk to change sponsorships. I'm now the lead Sponsor on Senate Bill 1208 and I...Senate Bill 1208 would...would create the Illinois Business Opportunity Sales Law. In addition, it would create the Illinois Business Brokers Act and in addition, it would create the Illinois Loan Brokers Act of 1995. As well, it goes

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through and has various changes in the Securities Law, which I would be glad to address any questions or concerns from Members of the Body."

Speaker McAuliffe: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Before I ask my questions, please turn off the clock. I have an inquiry of the Chair. Actually it's an inquiry of the Clerk. Hi Clerk, nice tie, right, good suspenders also. Can we ask the Clerk the condition of the fiscal notes, please, and I don't mean are they nicely folded, I mean what status are they in?"

Clerk Rossi: "There's a judicial note filed on the Bill, as amended. The note was filed on May 18th and is signed by Nathan Maddox. There's a fiscal note filed on the Bill, as amended, which was received May 16th and signed by Chip Woolard."

Speaker McAuliffe: "Apparently the Clerk has responded, Representative Lang."

Lang: "Well, I must have had my attention diverted. What was said about the fiscal notes that were filed by the Secretary of State?"

Clerk Rossi: "The fiscal note was filed to Senate Bill 1208, as amended, by Chip Woolard on May 16th."

Speaker McAuliffe: "Representative Lang."

Lang: "And do I understand that the original fiscal note that was filed, unsigned, was later signed but that representatives of the Secretary of State's office later filed an amended fiscal note, is that correct?"

Clerk Rossi: "The Bill file has a fiscal note to Senate Bill 1208, as amended, signed by Chip. There's also a fiscal note, as amended, with Committee Amendments 1 and 2 and Floor Amendment 5, that was filed on May 18th and is signed

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by the liaisons."

Speaker McAuliffe: "Representative Lang."

Lang: "My understanding is that when that later fiscal note was filed by the Secretary of State, it had already been signed and that note was in proper condition under the statute, correct?"

Clerk Rossi: "Can you repeat that, Representative Lang?"

Lang: "Sure, my understanding is that when the second fiscal note was filed by the Secretary of State, it was signed and it was proper and complied with the statute, is that correct?"

Clerk Rossi: "That's correct."

Lang: "I just want to thank and congratulate the Secretary of State's office for their fine efforts in that and also their fine efforts in trying to deal with the Medicaid problem in the state. Will the Sponsor yield?"

Speaker McAuliffe: "He indicates he will."

Lang: "Thank you. Representative, in the Business Opportunity Sales Law, you exempt certain enterprises. Why do you do that?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Could you highlight the page and line number, Sir?"

Speaker McAuliffe: "Representative Lang."

Lang: "I'm not sure of the page, but my analysis shows that you exempt any offer or sale where the purchaser has a net worth of \$250,000 or more, and then you permit the Secretary of State to modify this exemption by rule. Why do you first put it in and then let the Secretary of State take it out?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well the reason those you noted are already regulated."

Speaker McAuliffe: "Representative Lang."

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Lang: "Well, let's try to get a real answer, that wasn't an answer, let's try again. Why do you put this exemption in and then say the Secretary of State can take it out by rule? Are we going to leave it up to him to determine whose involved in this program and who isn't?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Representative, in order to fairly, adequately and thoroughly respond to your question, if you'd please cite to me where you see it in and then going back out, because I do want to respond to this because this is a rather complicated piece of legislation, I understand that."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, we'll look for it and maybe your staff can do that as well, and let me go on to another exemption in the Bill. So it exempts any offer or sale of a business opportunity for which the cash payment is less than \$500. Why do we do that?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "What we're trying to do is be sure that we don't have any complication or any conflict with businesses that are legitimate ones that may be already operating in our state. That certain businesses that maybe for product, like an Amway type of situation or some of the Fuller Brush type of sales situation, so working closely with the Illinois Retail Merchants Association here in the State of Illinois we wanted to make sure that we were able to find a threshold that we could adequately provide for existing businesses that may already have a safeguard, and it was one that we came in concurrence with that Association. That level, that threshold was set at that time."

Speaker McAuliffe: "Representative Lang."

Lang: "Well that was a good answer. I'm surprised you had an

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answer regarding that exemption but not the previous one. I hope your staff is feverishly looking for that one. What about this exemption? It exempts registering under the securities laws and banks, savings loans and savings banks. Why do we do that?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, Representative, we're not trying to create any duplicity in regulation. What we're trying to do is to try to go after areas that may provide for some fault and concern to the citizens of the State of Illinois, and the reason we don't go after those and specifically exempted them within this piece of legislation, is because they are already regulated in our state, and Representative, we don't want to go and have over regulation, duplicative regulation and a very sensitive manner. We were very careful to exempt those because they are already regulated in our state."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, Representative, this Bill also permits the Secretary to exempt classes of offers or sales of business opportunity by rule. Do we want to leave this kind of discretion in one Constitutional Officer? There's another exemption, why do we keep proposing this legislation all over the place and then provide exemptions by rule? Why don't we have some threshold?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, the answer to the first part of your question; absolutely. I would look to have rule promulgation done by a Constitutional Officer. Secondly, in regards to why we do this is, what we're looking to do is to set the parameters by statute and have the fine tuning done by rule. That's not anything unusual and new that what we

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don't already do in our state, and as we look to create these new Acts we want to make sure that not only do we have it in our statutes correctly but we also want to be able to have the fine tuning that can be done through a rule making process, and as far as having one Constitutional Officer do it, I don't see any question or problem with that. Obviously, you know, we have rule making processes going on throughout state government. It's a part of clarification, it's a means for us to be able to get to the bottom line of what we're trying to get at. Not having to go forward in further statutory language. In regards to the reference to exemptions, going back to the idea of exemptions, you know, there are things that we need to be sure and exempt. For example, some of these that meet the threshold is set by IRMA. What happened to the clock? I'm..."

Speaker McAuliffe: "We gave Representative Lang a little extra time because we all enjoy his queries. Representative Lang."

Lang: "Thank you. I didn't get a whole answer but what the heck. This poses the burden of proof upon...on the person that wants the exemption. How is that burden satisfied? Just by filing an application? Are there certain affidavits that are required? I assume they don't have to donate to the Secretary of State, so what is the burden of proof?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, absolutely any type of uncharacteristically positive efforts to provide proof would not be acceptable. Now to go beyond, that it's by them coming in with legitimate presentation..."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "...by showing good evidence and testimony to the

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Secretary of State's office."

Speaker McAuliffe: "Do you have further questions, Representative Lang?"

Lang: "Oh, yes. Oh, yes."

Speaker McAuliffe: "Many of your Members are seeking recognition."

Lang: "Probably to give me their time because they don't understand this Bill any better than Representative Rutherford or I do. They don't want to ask questions on this Bill. So, Representative, let me ask you this. There's some fee increase language in the Bill, in fact, the Bill requires the Secretary to impose a fee. Tell me about that."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, Representative, the way that we present these things, of course, could have serious ramification on the vote outcome, so, I want to make sure that you and I together clarify to this Body exactly what we have here. The fees that are being proposed in this legislation deal with the Acts that are being created here. It is consistent with the policy that we already have on the books today in regards to these regulatory Acts. When we have a new Act, the Illinois Business Brokers Act, the Illinois Business Opportunities, going ahead with the Illinois Law and Brokers Act, the fees involved with that are going to be able to try to recoup the cost to help regulate these industries and entities within the State of Illinois. It's not at all anything inconsistent with the process we have today, Representative."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, if you and I were just talking about this over a cup of coffee, Representative, I would say, huh? I have no



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idea what you just said to me. Why are we imposing these fees, who's paying them, what will they cost, and how much will they put in the coffers of the Secretary of State's office?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, Representative, I, and I know you did too. I read...I read all of...I read this, it's about a half of an inch thick squeezed real tight and I did read this. There are, Representative, there are no new fees for existing businesses in this legislation. What there is, there are fees for entities that are part of the new Acts that are being created to be regulated. Consistent with the policy and the procedures of regulation within our state. So, Representative, what we're saying is, that when we create the Illinois Business Opportunity Sales Law, when we create the Illinois Business Brokers Act, when we create the Illinois Business Loan Brokers Act, we are looking for fees under this new Act to...to provide for funds to help prevent any type of surreptitious, fraudulent, abusive act to the citizenry of the State of Illinois, and finding funds to come into the treasury for this regulation, Representative."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, thank you. I'm glad to know you read this. You wouldn't want to put that to a vote, I'm sure, but I'll take your word for it. Representative, the seller has to provide information as to whether he or she has filed bankruptcy. What is the purpose of that?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Could you cite the page and line number for that, Representative, please?"

Speaker McAuliffe: "Representative Lang."

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Lang: "No. It's your Bill, tell me...you know, that's in there. You've got a panel of experts, a bevy, a plethora of experts standing around you. One of them must know about this."

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, there's a difference between reading the half inch document and memorizing it. I have not memorized it and I want to be sure and answer your questions throughly. Presently, today under our Acts for regulation and registration we have that provision in there. We are trying to be consistent in the laws of the State of Illinois to be able to provide so that when we go and create the Illinois Business Opportunity Sales Law, the Illinois Business Brokers Act, and the Illinois Loan Brokers Act of 1995, we consistently provide the same question that we ask under other regulations and Acts that we have in there, to ask as to whether they've been bankrupt before, and I...I find no problem with providing consistency in our statutes under the regulation of the Acts that the Secretary of State administers. So it's...it's a part of the process of continuing good government, consistency and actually it probably makes a lawyer's job easier in this and we don't want to make a lawyer's job anymore complicated by having consistency throughout the statute, and with these new Acts we've created, that consistency moves forward."

Speaker McAuliffe: "Representative Lang."

Lang: "I was going to ask how you keep a straight face but you're not. So, Representative let me ask you this. There's a disclosure document and it lists risk factors and it lists a list of states where the business opportunity is registered and it lists all sorts of other things, and then

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it says this, it says that the disclosure document should also contain any other information required by the Secretary of State. Now what the heck is that? How is someone suppose to be able to apply if they don't know in advance what the threshold is?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, Representative, what this does, it allows the opportunity to fine tune the statutes here in the State of Illinois through the rule making process. Now I want to clarify, because you asked the question earlier that may leave some somewhat in a question mark out here, that the rule making process that we're talking about to implement these procedures, is not done by one single individual, the Secretary of State today the man George Ryan. This rule making process goes through a complete review analysis. It goes through the JCAR process of which we have bipartisan participation with Members from the Illinois House and from the Illinois Senate so that we can all have the opportunity to have input."

Speaker McAuliffe: "Have any further questions, Representative Lang?"

Lang: "Why thank you, Mr. Speaker. In fact I do. So Representative, does this...didn't Representative Hartke have a Bill something like this that perhaps affected some people in his district in Effingham?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "I don't know, but I'd be glad to visit with Representative Hartke and learn more about his legislation, and if at all possible, perhaps even support it if it's good legislation, and knowing the reference to the Sponsor you just made, I'm confident it is."

Speaker McAuliffe: "Representative Lang."

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Lang: "Well, perhaps I'm wrong. Maybe Mr. Hartke during a point of personal privilege can explain that. Let me ask you about this. This empowers the Secretary to order a revocation of registration under certain conditions. What are those conditions?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "I'm sorry, Representative you said revocation but you didn't say revocation of what? Could you clarify, I mean, in order to answer your question thoroughly...clarify to me what you are looking to revoke and I'll try to answer your underlying question."

Speaker McAuliffe: "Representative Lang."

Lang: "Well, there's many things I would like to revoke but of course we're talking about this legislation. We're talking about the Business Opportunity Sales Law and your Bill would empower the Secretary to order a revocation of registration, under that law, under certain guidelines. What are those guidelines and what is the public policy behind the writing of those guidelines? Where are we going with this? Who are we protecting?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well, Representative, having read all of the legislation that I've just introduced here, if you would refer to page 18...Representative Lang. I want to make sure, I don't want to burn off your clock, I want to make sure you're hearing me on this. Page 18, line 17 will provide you all that you need to have in this, and who are we trying to protect? We're trying to protect the citizenry of the State of Illinois. Eleven and a half million people who could fraudulently be taken advantage of by surreptitious, slimy, unbeknownst people of evil that could come forward and try to take advantage of them

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under...by these new Acts. Supported by Secretary Ryan, we have created the Illinois Business Opportunity Sales Law, the Illinois Business Brokers Act, the Illinois Loan Brokers Act of 1995. Representative, those are the people we're trying to protect here in the State of Illinois."

Speaker McAuliffe: "Representative Lang."

Lang: "So let me get this straight. We're protecting our 11.5 million people from slimy, unbeknownst people of evil?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Those people that would also put on surreptitious efforts to pick the pockets, abusively take advantage of those who are not aware of how better off they will be when Governor Edgar signs Secretary Ryan's Bill into law, which would create The Business Opportunity Sales Law, the Illinois Business Brokers Act, and the Illinois Loan Brokers Act in the State of Illinois."

Speaker McAuliffe: "Representative Lang."

Lang: "Well aren't all pickpocket surreptitious? I mean otherwise they wouldn't be pickpockets, right? Let me ask you this. Is there anything in this Business Opportunity Act that will help us collect back the \$30 million that someone else gave away?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "No."

Speaker McAuliffe: "Representative Lang."

Lang: "That's too bad, don't you think?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "My intent is to try to help protect the people of the State of Illinois through the creation of a new Illinois Business Opportunity Sales Law, the Illinois Business Brokers Act, and the Illinois Loan Brokers Act. I suggest to you that as we look through this complete half

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inch piece of legislation and the various types of efforts that could take place without having this law on the books in the State of Illinois. On to it's own is enough right to stand on it's own and look to have your support to carry it forward so that we can pass this out of the Illinois House of Representatives and eventually set it on the Governors desk so that the eleven and a half million people of the State of Illinois will have further protection from the slimy pickpockets, who surreptitiously look to take advantage of the people of the State of Illinois. All the way from Cairo, Illinois clear to Lake Zurich. From the 102 counties, Livingstone to Cook to take advantage of the people of the State of Illinois by passing this Bill, Representative, in creating the Illinois Loan Brokers Act, we too are looking to bring in a regulated process unto which they will pay, which they will pay out of their own registration fee so we don't have to look to take as much money from the State Treasury and the General Revenue Fund. Representative, I am looking forward to having you and I push green buttons to put this thing another step forward to becoming law in the State of Illinois."

Speaker McAuliffe: "Representative Lang, will you please bring your remarks to a close."

Lang: "Thank you, I will try. Representative, I think I support your legislation, but let me ask you this. Can anybody who is in default on a state loan or anybody who is in default on a state contract, or anybody that's in default on their child support, involve themselves in any of these three Acts that you are putting on the books?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Well Representative, obviously we are going to have to look at the circumstances of the specific cases and I'm

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not about to pass judgement on any people on this House floor on those regards. If you though see that there are specific situations that could or should be addressed, going through, if it's not statutorily set, we can go through the rule making process. Together we can work with Secretary Ryan having the legislation go forward, we can bring it to the bipartisan JCAR situation. Thank you."

Speaker McAuliffe: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. I think my name was mentioned in debate and I didn't understand that talking about slimy, pickpockets and...were you referring to me, Representative?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Representative Lang is the one that brought your name into the debate and I know Representative Lang, and you Mr....Representative Lang would never in my wildest dreams suggest that there is any correlation between those types of individuals and Representative Hartke, and if he did, I would stand there in your defense knowing that, that is not the type of individual that he was referring to earlier."

Speaker McAuliffe: "Representative Hartke."

Hartke: "Well I think that Representative Lang could defend me real well and I think he's doing a great job so I would like to refer the rest of my time to Representative Lang."

Speaker McAuliffe: "I think maybe Lou ran out of questions. No? I guess he never does. Representative Lang."

Lang: "Thank you. Well, it occurs to me that the Secretary of State believes that those who are in default on their child support should not have a drivers license, and so responding or continuing along the line of my previous

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question, why should anyone in default on their child support be able to avail themselves of any of these three new Acts that will help business opportunity in Illinois? Why shouldn't we make them pay back their child support first?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "Representative, we are trying to have...and Secretary Ryan is putting together a very comprehensive effort to be of assistance to the Illinois Department of Public Aid in this regards, and as you know, the whole deadbeat dads effort that Secretary Ryan is helping to bring forward to be able to try to help secure the child support efforts through monitoring the drivers license has a much more sweepingly comprehensive approach to try to resolve and address this issue. It was also the concern from state agencies that they would have to be able...they would have to go actually to the various county operations to be able to try to access information in regards to this child support. That was going to cost the State of Illinois additional funds and resources. So, as long as we have in place today a more comprehensive approach to go after these people through Secretary Ryan's efforts, it's a much more detailed...it's a much more detailed approach to it than perhaps just going after some people that would fall into the Illinois Business Sales Law of 1995, the Illinois Business Brokers Act of 1995, or the Illinois Loan Brokers Act of 1995, but the type of people that would be coming under the drivers license effort of it I think will be a much broader and more comprehensive net to it. Wouldn't you agree Representative Lang?"

Speaker McAuliffe: "Representative Lang."

Lang: "Yes, if I was listening I probably would agree."



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Representative...no don't repeat it. Representative, would you just simply...could we get Mr. Hartke to move. If you would just simply indicate to the Secretary of State since he can make changes in this by rule under this legislation that you and I are both voting for, would you just simply suggest to him that by rule, he not allow people who are on default on a state contract, who owe child support, who are in default on a state loan, or any of those other types of heinous types of things that we have talked about on the House floor to avail themselves on any of these programs. If you would assure me that you would ask the Secretary of State that, this would be my last question. What do think?"

Speaker McAuliffe: "Representative Rutherford."

Rutherford: "You've asked me two questions. So what do I think?"

I think that that probably wouldn't be your last question, and to answer to the question that you supposed to be your last question is I assume Secretary Ryan is listening to this debate right now and I congratulate you for having delivered that message to him personally by copy of the transcript, I'm sure he can verify that. Now, in regards to the process of rule making and the idea that you had just suggested there, does avail itself to opportunity. The rule making process, Representative, as you know, as we have already set certain statutory guidelines, can go forward, can go forward through the process internally at the Secretary of States office, where they would be able to come up with the recommendations, come up with the suggestions, come up with the advice. Once they put that process in, there's certain notices, certain notices in the rule making process that need to be issued and distributed so that all Members of the General Assembly both at the

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Democratic side of the aisle and the Republican side of the aisle, both sides of the rotunda from the Senate side and to the House side can have an opportunity to go through and give input on the rule making process. When it goes to JCAR the Joint Committee, excuse me, the Joint Committee on Administrative Rules, when they have that testimony, that rule come before them they will debate it, they will absorb it, they will react to it. They will have Republicans and Democrats, House Members and Senators. They will analyze every bit of it to see that the fine tuning to protect the 11.5 million people of the State of Illinois is able to go forward, so, going through the JCAR process I'm confident Secretary Ryan will be there."

Speaker McAuliffe: "The Gentleman from Tazewell, Representative Ackerman."

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

Speaker McAuliffe: "Representative Ackerman, has moved the previous question. All those in favor signify by saying 'aye', opposed saying 'nay'. The 'ayes' have it. The previous question has been moved. Representative Rutherford to close."

Rutherford: "Thank you very much, Ladies and Gentleman of the Assembly. I'm confident that with this extensive, detailed explanation and knowledge of the Bill that many of you will want to join with me to bring this wonderful piece of legislation to the Governor's desk. I would ask for a favorable Roll Call."

Speaker McAuliffe: "Representative Rutherford is moved for the favorable passage of Senate Bill 1208. All those in favor signify by voting 'aye', opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On that question, there are 115 voting 'aye', none voting 'no', none voting 'present', that Bill, having received a Constitutional Majority, is hereby declared passed. Committee Report."

Clerk McLennand: "Committee Report. Committee Report from the Rules Committee, Representative Bob Churchill, Chairman, May 22, 1995, pursuant to House Rule 8.4-8, the Committee on Rules met placing the following House Rules on the Order of Concurrence. House Bill 36, 153, 43, 377, 505, 929, 974, 1069, 1116, 1212, 1270, together with their Senate Amendments. Committee Report, Representative Churchill, Chair of Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 22, 1995, reported the same back due approved for consideration: Floor Amendment #7 to Senate Bill 729. On the Order of Concurrence, House Bill 412, together with Senate Amendment #1; House Bill 1868, together with Senate Amendment #1; House Bill 1893, together with Senate Amendment #1, and House Bill 2317, together with Senate Amendment #1. Nonconcurrence, House Bill 632, together with Senate Amendment #1 and House Bill 653, together with Senate Amendments #1 and 2; House Bill 2242, together with Senate Amendment #1. 'Due adopt' House Joint Resolution #30. Messages from the Senate, message by the Secretary of the Senate, Jim Harry. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passing of the following Bills, together with the attached Amendments and ask the concurrence of the House in Senate Amendments: House Bill 1108, together with Senate Amendment #2; House Bill 1246, together with Senate Amendments #1 and 2; House

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Bill 1268, together with Amendments #3, 4 and 5; House Bill 1437, together with Senate Amendments #1 and 2; and House Bill 1462, together with Senate Amendments #1 and 3; House Bill 1787, together with Senate Amendment #1; and House Bill 1792, together with Senate Amendment #2, passed the Senate as amended, May 22, 1995."

Speaker McAuliffe: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Inquiry of the Chair."

Speaker McAuliffe: "Proceed with your inquiry."

Hartke: "Did I just hear you say the Rules Committee was going to meet?"

Speaker McAuliffe: "No. The Rules Committee is not going to meet. They just issued a report. Representative Hartke."

Hartke: "Well, I was hoping I was going to hear that they were going to have House Resolution 49 discharged from the Rules Committee, but I guess I didn't hear that."

Speaker McAuliffe: "Mr. Clerk, will you please read Senate Bill 317."

Clerk McLennand: "Senate Bill 317, a Bill for an Act that amends the Consumer Fraud and Deceptive Businesses Practices Act, Third Reading of this Senate Bill."

Speaker McAuliffe: "Representative Cross."

Cross: "Thank you, Mr. Speaker. House...Senate Bill 317 is a Bill that passed out of the Senate 41 to 14, then passed out of Judiciary Committee. It's a Bill that amends the Consumer Fraud Act. There have been on several...there's been some concern that through judicial misinterpretation, there is no uniform application or no uniform way in which to plead cases under the uniform or the Consumer Fraud Act with respect to cases against car dealers. I'll be glad to answer any questions anyone might have."

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Speaker McAuliffe: "The Lady from Cook, Representative Schakowsky."

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

Speaker McAuliffe: "He indicates he will."

Schakowsky: "Yes. Representative, can you explain to me what this Bill does?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, it does several things. One, it outlines the type of damages and what the proof would be to respect to actual damages, with respect to punitive damages; sets out the cause of action you would have to state in a matter against a car dealer new or used, and the other thing it does, is have an offer of...a pre-filing offer between the plaintiff and the potential defendant in an attempt to avoid litigation. So, there are three or four things it does."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Yes. Representative, can you tell me what problem this Bill is intent...intending to address?"

Speaker McAuliffe: "Representative Cross."

Cross: "Yes, Representative. There have been a variety of cases filed under the Consumer Fraud Act that have rendered excessive awards in the area of punitive damages and attorney's fees. I mean it's the belief by many that the courts do not have a clear or through they're interpretations there's confusion as to what the true cause of action would be...how the cause of action should be outlined in filing a case. So it's an attempt to clean up some confusion within the judicial area and also to outline the burden of proof in order to award...receive actual damages and punitive damages."

Speaker McAuliffe: "Representative Schakowsky."

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Schakowsky: "Yes. Representative, there's been some suggestion by the proponents of the Bill, that without this that there's been some frivolous law suits and that we need to protect car dealers who we know are, you know, need protection from this Body from frivolous lawsuits. How many suits have been actually filed that you're trying to protect the car dealers from? Do you know how many suits there's actually been?"

Speaker McAuliffe: "Representative Cross."

Cross: "I know, at least the facts I have, Representative, there are currently approximately 250 that have been filed under this Section."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "So we're talking about maybe two per legislative district, but are you suggesting, Representative, that out of 250 lawsuits, that these are frivolous lawsuits?"

Speaker McAuliffe: "Representative Cross."

Cross: "No, Representative, not necessarily, and I'm not going to analyze each and every case. That's not what I was saying."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Representative, why do you think that it's necessary to create a new standard in order for consumers to bring a lawsuit against...against car dealers? Do we have some example though where consumers are bringing unwarranted suits against car dealers?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, there have been mistakes, there have been car dealers, that have by mistake, said this is a 1990 car or 1991 when in reality it's a 1990. Cars have similar values or maybe a difference of between 500 and 1,000. Cases have been filed under this Act where there

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have been awards of attorney's fees of up to 10 to 15 maybe even \$20,000 in punitive damages awarded, when there have been simple mistakes made by the car dealers. This is a Section of the statute that's been abused and is being abused, and this an attempt to provide some protection to car dealers. There are currently four or five different areas of the law that would be available to a consumer if he or she was damaged by a car dealer. This is an area that has the potential for abuse and based on what the courts have said we're trying to clean it up."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "You know all of us, I'm sure, our hearts are just breaking for all the abuse against car dealers, but are you aware that the chief consumer complaint, when you look at consumer complaints, what industry are we dealing with, Representative? We've checked with the Better Business Bureau or the Attorney General's Office of Consumer Fraud. What business do you think the number one complaints relate to?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative..."

Speaker McAuliffe: "Excuse me, Representative Cross. The Clerk has an announcement."

Clerk McLennand: "Attention, Members and staff of the House. Dinner for the Members of the House of Representatives is provided in the Speaker's hallway. Members are encouraged to go through the line first. Dinner is available for Members of the House of Representatives in the Speaker's hallway."

Speaker McAuliffe: "Representative Cross."

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

Speaker McAuliffe: "Representative Schakowsky."

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Schakowsky: "I suspect that you do, Representative and if you don't I'll be happy to tell you. The chief consumer complaints have to do with the auto industry and very often it is with car dealers, new car dealers and used car dealers, and I want to direct myself now to this legislation, and I wish Members of the House would listen because if you are voting 'yes' on Senate Bill 317, you are casting an anti-consumer vote. This is a bad Bill for consumers. This requires that in order for consumers to sue that they have to prove the existence of a public injury, a pattern, a pattern or an effect on consumers and the public interest generally. This is a..."

Speaker McAuliffe: "Representative Schakowsky is about to finish her remarks."

Schakowsky: "Oh. Thank you, thank you, Mr. Speaker. The requirements now that this would create for a consumer who has been defrauded in some way by a car dealer and let's face it, all of us have heard of those kinds of things, would make it much more difficult. This is a special interest piece of legislation. This does nothing but protect the automobile manufacturers, the automobile industry. If you vote for this piece of legislation, you are hurting consumers who are regularly abused by the industry and not the reverse. This simply makes it harder for consumers to take their case to court where, if it's frivolous, they will not receive any compensation, damages will not be awarded. What you're doing is, you are taking the rights away from consumers and giving unfair advantage to auto dealers. I would suggest that anyone who cares about consumers, would cast a 'no' vote on this very bad Bill."

Speaker McAuliffe: "The Lady from Cook, Representative Ronen."



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Ronen: "Thank you, Speaker. I would like yield my time to Representative Schakowsky who has just begun to fight."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Representative, I refer to the new pleading requirement that is in your Bill. I wonder if you could explain that and give a rational why we would need this higher standard to bring a suit."

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, which part in this...I'm looking at Section 10 (a), which part are you referring to?"

Speaker McAuliffe: "Representative Schakowsky. Representative Schakowsky."

Schakowsky: "Representative, what I'm referring to and I'm going to get some help here to find it, but I think you...I'm sure you know because it's the central part of the Bill, that says that in order to state a cause of action the victim of consumer fraud must allege and prove the existence of quote, 'a public injury, a pattern or an affect on consumers and the public interest generally', and I'm wondering why it is that we need to have this new standard in order to even bring a suit?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative this is language that proponents of this Bill have worked out and negotiated with the Attorney General's office and the trial lawyers. The Attorney General's office and the trial lawyers, incidentally are neutral on this Bill but this is language that we have worked with, with both of those entities. This is language that other states have utilized through court interpretation and also through legislation requiring a public interest showing. I mean, some states show in all cases under the Consumer Fraud Act, we are showing it,

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however, only in the area of automobile dealers."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Are you aware of the position of the president, of lots of the trial lawyers who have taken a strong position against this legislation, were you aware of that?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, I was in Committee in Judiciary when this Bill was presented and my understanding was they're neutral on this Bill."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "The...the trial lawyers, which by in large do not deal with these kinds of cases, may be neutral but the new president, my understanding is, is...has made it clear to the opponents and to Members of this Body that he is against this legislation."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "My understanding is that not only would this affect fraud that's committed by car dealers, but it would eliminate any kind of compensatory damage for any kind of non-economic loss, is that true Representative?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, this Section of the statute provides for actual damages. There's the potential as well for punitive damages and the statute also says, in this version, any other relief. So there are...there's the potential for any of those."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "So, if there were harassing collection practices, which are not unknown in this...in this field, such as threatening arrest or calling the consumer inappropriate names, this would not result...this would not result in any kind of economic loss, is that true?"

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Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, again I look at line 12 of this Bill and it provides that any other relief could potentially be compensated, but I also would remind you that there are four or five different areas of the law currently in..."

Speaker McAuliffe: "Representative Cross."

Cross: "...that would provide a recourse for the consumer. As I said earlier, anything potentially under the uniform commercial code, a breach of contract complaint, we have the New Buyer Protection Act, also known as the Lemon Law Act, common law fraud and also the federal...the Magnusson-Moss Act. So there are a variety of recourses a consumer would have, but this deals primarily with actual damages, you are right in that respect."

Speaker McAuliffe: "Representative Schakowsky."

Schakowsky: "Why is it that consumers of automobiles should be treated differently from other consumers? This law...this Bill would require plaintiff's to give written notice to dealers demanding relief at least 30 days prior to filing the action. Why do we need to do that?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, I think that...you're starting on line 34, page 3, I believe the last significant portion of this statute. I think this actually is a...would be one I think you would support. It's one that I think will keep us out of court, will keep these cases out of court. All it says is, if you're the plaintiff or potential plaintiff, you have an obligation to submit to the defendant, potential defendant, what your claim is. The defendant then has an opportunity to respond yes or no as to whether or not they'll admit liability, and it's an attempt to

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keep attorney's fees down, which is I think a good idea in spite of the fact I realize I'm a lawyer..."

Speaker McAuliffe: "Representative Schakowsky, could you bring your remarks to a close?"

Schakowsky: "Let me just say in my remaining...in my remaining minute. I think the kind of standard and the kind of burden that it puts on consumers in order to successfully be able to even take the first step and be able to sue. The kind of burden of proof is nothing more than a give away to the car dealers...is nothing but a give away to the car dealers. This is an anti-consumer measure and if this Bill were to get a sufficient number of votes, Mr. Speaker, I would ask for a verification of the Roll Call."

Speaker McAuliffe: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Senate Bill and join Representative Cross in indicating that there have been some judicial misinterpretations of the law that we passed and because of that situation, law suits have been generated. I think it's our duty as Legislators to straighten out this channel that the judges are using to...to have these lawsuits settled. The dealers, as a group, are trying to settle out of court. They work with the individuals with the car problems and try to solve those out of court. Usually at much more than the actual cost of the damages that were incurred. Senate Bill 317 keeps intact the court's authority to award these actual damages and let people recover their damages as they should and I support that and Representative Cross supports that. Senate Amendment...the Amendment to this Bill has also taken out the concerns of the Attorney General's office and

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the Trial Lawyers Association. So I stand in support of Senate Bill 317 and put my name there with Representative Cross, which is kind of scary to look at up on the board, but I do and I would ask for your support."

Speaker McAuliffe: "The Gentleman from Cook, Representative Flowers. I'm sorry, the Lady from Cook, Representative Flowers."

Flowers: "Well, thank you very much. I thought something was wrong with your eyesight. Representative...Mr. Speaker...Representative Cross, I would like to yield my time to Representative Cross. Representative Scott. I would like to yield my time..."

Speaker McAuliffe: "Representative Scott. Okay."

Flowers: "...to Representative Scott. Yes."

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

Speaker McAuliffe: "He indicates he will."

Scott: "And speaking for myself I don't know how you feel, Tom, but I hope we never get confused like that again. I don't know. Representative Cross, let me ask you a few questions about...let's take a hypothetical situation. You've got a car buyer who comes in and gets defrauded somehow, the car, mileage is wrong, somehow the car is misrepresented to this person who is buying a car. Is that enough, one time, one person, one product being bought. Is that enough to satisfy the cause of action under this...under this Bill and if so, how?"

Speaker McAuliffe: "Representative Cross."

Cross: "Yes, and Representative, I agree for your sake, on your first point. I'm sorry that there was some confusion and I don't blame you with your concerns valid. In all seriousness though, I think your scenario potentially would fall under this and not only under the public interest

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claim. That would most likely fall under the violation of the Consumer Fraud Act and because of that, you would fall under Section 1 on line 26, violation of a statute that has a public interest impact. So, because of the potential for the violation to the Consumer Fraud Act and maybe even the Illinois Vehicle Code, you would fall under number one. Also, I think number...potentially number three, the potential for repetition would also be one. So, you would have a basis to state your cause of action."

Speaker McAuliffe: "Representative Cross."

Cross: "He's done."

Speaker McAuliffe: "Representative Scott."

Scott: "Thank you, Mr. Speaker. Let me...let me get to number three here and then we'll go back. On this potential for repetition, how in the world, in order to state a cause of action, you have to be able to show this potential for repetition, if that's the one out of the three factors that you're going to try to go under. How in the world would a person ever be able to find out the information that they need to make that, to make that claim?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, that's a fair question. I think under your scenario, number one would be the cause of action...would be the Section I would state if I was preparing a complaint. I think it would be tougher...it's going to be a tougher burden with number three, I grant you that, but I would...and as you note, if you'll look on line 25 it says, any of the following factors. So we could go either one, two or three. I think in your scenario one would easily be, would be applicable."

Speaker McAuliffe: "The Gentleman from Cook...the Gentleman from Winnebago, Representative Scott."

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Scott: "Well, I mean isn't it pretty fair to say that...that unless, you know, unless we've got somebody who's been publicly through the papers or whatever. I mean, there isn't going to be any discovery that's going to be able to be shown there. I mean, we're not saying the person is going to be able to discover these because they have to state a cause of action first and they're not going to know. They're not going to discover these things so they can't possibly know about prior acts unless they happen into them through newspapers or some other account."

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative that would apply to Section 2 on the repeated acts prior to the act involving the plaintiff, but once again, excuse me, on a violation of the odometer, for instance, if the dealer misrepresents the mileage, that would be a violation, I believe, under the Consumer Fraud Act as well, I believe, under the Illinois Vehicle Code. So that would be a violation of a statute that has a public interest impact. So, it doesn't matter about prior acts, it would only matter...or it would apply to the act that you're talking about in your scenario."

Speaker McAuliffe: "Representative Scott."

Scott: "Well, Representative, let's take it away from a violation of a statute so we're not even messing with number one here on the proof of public injury. How...did the potential for repetition, give me an example of how you would show that, that could be proven. I mean that to me, that gets into the predisposition argument we talked about last night. How do I show somebody's going to commit these things in the future? How in the world would I ever prove that?"

Speaker McAuliffe: "Representative...Representative Cross."

Cross: "Well, Representative, I guess anyone that violates the

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first part of that...that Section, I mean, if they violated the statute, there's certainly the potential for repetition. If they've had a history perhaps in other lawsuits or in other scenarios were they've turned back the odometer or they've misrepresented the mileage on the odometer. I would suggest that there's certainly potential for repetition in that scenario and so, I...there's all kinds of ways to show potential for repetition. Any of these violations there could be potential for repetition."

Speaker McAuliffe: "Representative Scott."

Scott: "Well, I guess that's the point, then why say it? I mean, we don't do that in other areas of the law. We don't allow unless you can show a whole habit and a whole history, but again, that's going to involve a lot of discovery that..."

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative that's once again, I think the reason this was drafted this way, I think it affords actually more protection to the drafter of the complaint because you have three different scenarios in which you could resort to. As you see one, with the violation of a statute, as I said, has a public interest, the repeated acts or the potential for repetition. So we really have given the consumer three different avenues in which to file a complaint. I mean, as I said earlier, with Representative...the prior Representative asking questions, this is some language that other states have adopted."

Speaker McAuliffe: "Representative Scott."

Scott: "Well, we're probably going to disagree on whether or not somebody can actually show that and that's fair enough. Let me go into another area that I know is one of your personal favorites and that's the evil motive. We talked about it at length during the...during the tort reform



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debate. Could you explain to us, don't cite a case or anything, explain to us in your words, as the author of this, what you think an evil motive is?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, you're not asking that question with evil motive are you? It, Representative, in all honesty, if you'll look at the way this language is drafted. It says, 'unless the conduct engaged in was willful or intentional and done with evil motive or reckless or reckless indifference to the rights of others'. So you can look to either the evil motive language or the reckless indifference. I think we know what reckless indifference is. I think we all know what an evil motive is. Quite frankly, as you know, more importantly it's a matter of whether the judge or the jury decides whether it's evil motive or not, and that's an issue for the trier of the fact."

Speaker McAuliffe: "Further questions, Representative Scott? All right."

Scott: "I do and I think other people have some time...if you want to do it that way to yield."

Speaker McAuliffe: "Representative Lang was waving a piece of paper at me and I wonder what that was about. Representative Lang."

Lang: "Well, thank you. I would like to yield my time to Mr. Scott but first, an inquiry of the Clerk. May I proceed, Sir? Thank you. I have before me what purports to be two notes. The first is a state mandates note purportedly filed with the Clerk on May 16th at about 3:30 p.m., the copy I have is unsigned. Is there a properly filed state mandates act note with the Clerk?"

Speaker McAuliffe: "They're checking right now, Representative

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Lang. Can we proceed to any further debate? Is that all right?"

Lang: "Can we...there's another one we need to check on then too, Sir. The fiscal note purportedly filed by the office of the Attorney General is dated May 16th at about 3:30 p.m. I note this not only is not signed, but is not on stationary of the Attorney General, in fact, it's on blank paper. If this is the fiscal note that was filed, this is clearly in violation of the statute and I would like a ruling on this as well, Sir."

Speaker McAuliffe: "They are checking on it right now, Representative Lang. Proceed with the debate. Representative Lang."

Lang: "So, I would yield my time to Mr. Scott but I would ask for a ruling on both of these matters prior to the vote on this Bill, Sir. Do you acknowledge?"

Speaker McAuliffe: "Yes."

Lang: "Thank you."

Speaker McAuliffe: "Representative Scott has no more questions, I don't believe. Do you have anymore questions, Representative Scott. All right. Representative Scott."

Scott: "Thank you, Mr. Speaker. Back into the evil motive, Representative Cross. Representative Cross. Okay. Back into the evil motive. I understand you say evil motive or reckless...or reckless indifference. Why do we need them both? What's the difference between them and why do we need them both?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, one of those would be more...would be intentional, while the other would not. Reckless indifference is not intentional."

Speaker McAuliffe: "Representative Scott."

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Scott: "I mean, why don't we just...I mean, pretty much all of us who do either are lawyers or have been involved the legal system one way or the other. We understand willful or intentional, we understand reckless indifference. Those are standards that have been out there for a long time. I realize evil motive has come on the scene here of late. I mean, why do we need that in there, what is served by including that in this legislation?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, as I said earlier, it's more along the lines of intentional when we discussed evil motive versus the reckless indifference. We're talking about, as you know, Representative Scott, punitive damages and this only applies in the case of punitive damages and I think we had this discussion on an earlier Bill. Punitive damages are designed to be awarded as a means of punishment and much like a criminal case. So, for that reason, we have it at a high standard, an evil motive is a difficult standard I grant you that, but if we're going to award punitive damages, we have to have and should have a tough standard."

Speaker McAuliffe: "Representative Scott."

Scott: "Could you explain to me, Representative Cross, what your interpretation of a statute that has a public interest impact, how broad is that list?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, Representative, I think I can think of about three or four right off the top of my head. The Criminal Code has a public interest impact as does the Motor Vehicle Code. The Illinois Securities Act, as I remember looking through the code, has a public impact, a public interest impact, as does the Savings and Loan Act. I...there may be others, those are the ones that I'm aware of now, and does,

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as I said earlier...to remind...I think and in answering the question a little while ago or answering a question a little while ago. The Consumer Fraud Act, the title of the Act; an Act to protect consumers and borrowers and businessmen against fraud unfair methods of competition and unfair deceptive acts or practices in the conduct of any trade or commission of commerce and to give the Attorney General certain powers and duties for the enforcement. So there's another one. So it's pretty broad which I think gives a great deal of protection to the consumer under this Section."

Speaker McAuliffe: "Representative Scott."

Scott: "Couldn't you make an argument that any...any statute that's in the compiled statutes has a public interest or else why would we pass it in the first place?"

Speaker McAuliffe: "Representative Cross."

Cross: "Well, I don't know if I want to go that broad, Representative, but I can understand your philosophy or your attempt on that argument, but I know, in those areas I just listed clearly, the Criminal Code, has a public interest as does a Consumer Fraud Act. I can't think of...there's certainly...I know there's some that would not or I'm sure there's some that would not."

Speaker McAuliffe: "Representative Scott."

Scott: "I want to ask you about one other area, Representative Cross, and that's the very last area of the Bill. It starts on the bottom of page 3 of the Bill and goes on to page 4, and that's this whole notice and then the mediation process that goes on here. As I read that, just a general question first, doesn't that almost necessitate a person who thinks they've been defrauded for having an attorney? Doesn't that almost necessitate they do it to work through

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this maze of notice and negotiation?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, could you...could you repeat that one more time?"

Speaker McAuliffe: "Representative Scott."

Scott: "Sure, I've got actually two questions. Doesn't that whole last Section almost necessitate from the notice and the perfecting of the notice and doesn't that almost necessitate someone as a lawyer; and second, I know we brought this up in committee also, doesn't it seem like this last portion is more broad than just claims that are dealing with automobile dealers and might be interpreted to be for all acts under Consumer Fraud Act?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, to your first one, I think your question was, would you need to be a lawyer to..."

Speaker McAuliffe: "Representative Cross."

Cross: "Certainly anyone could file an action under the statute either pro se or with the lawyer. To your second question and the way I remember discussing this in committee, if you look to...on page 4, lines 4 and 5, actually beginning on line 2, a written notice of the nature of the alleged violation of demand for release who is a new vehicle dealer or a used car dealer within the mean of Section 5 of the Illinois Vehicle Code. I think this Section is very specific and very clear in that it applies to Section 10 (a), the action for actual damages under the Consumer Fraud Act. That's my interpretation. You and I may disagree on this, I think we did in committee. I think it's very clear...I understand your question and I respect it but I think...I personally think it's very clear that it applies only to this Act."

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Speaker McAuliffe: "Representative Scott, I hope or Representative Cross. I was distracted."

Scott: "No. It's me but I'm out of time unless somebody else will yield..."

Speaker McAuliffe: "The Lady from Cook, Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. I yield my time to Representative Scott."

Speaker McAuliffe: "All right. Representative Scott, if you can think up some more questions."

Scott: "Oh. I think quite a few more. Thank you, Mr. Speaker. All written offers of settlement, the very last line, the very last sentence of the Bill. All written offers of settlement under the subsection shall be presumed to be offered without prejudice et cetera, et cetera. Could you explain what last sentence means?"

Speaker McAuliffe: "Representative Cross."

Cross: "Representative, I read that to say that if we start sending the notices back and forth and in...outside of the context of those notices, we compromise the matter in a different way or in a different style or outside the courtroom or in the courtroom, there's nothing that prevents us from doing that. There's no prejudice to either side by working out a compromise. That's my reading of that last language or that last part of the Bill."

Speaker McAuliffe: "Representative Scott."

Scott: "Let me back up to the clause before that. Could you explain how the interest and the fee provisions work? If...on the last page of the Bill there. Could you explain how the attorney's fees and the interest provisions work, with respect to awards? Could you explain that whole process for me please?"

Speaker McAuliffe: "Representative Scott."

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Cross: "Well, Representative, maybe it would be easier if I...after the notices go back and forth between the party and I think it's a lot easier and cleaner just to read that part of the Section of the statute, for everyone. 'If the offer of settlement is rejected in writing by the party who is seeking relief, then in any subsequent action the court shall deny any award of attorney's fees and costs requested by the party seeking release...relief under this Act, after the rejection of the written offer of settlement. If the judgment is less than the amount contained within the offer of settlement.' I think it's...I think it's pretty clear on its face, I think...I'll be glad to try to answer any questions, but I think it's pretty clear."

Speaker Johnson, Tim: "Representative Johnson in the Chair. Representative Scott."

Scott: "Thank you, Mr. Speaker. So that would be almost exactly equivalent to the federal offer of judgment provisions in civil cases?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "I really don't know what the federal offer is, it may be, Representative, but I honestly don't know what the federal offer is."

Speaker Johnson, Tim: "Representative Scott."

Scott: "We've gone through a lot this year in terms of passing Bills because 48 other states do it or 46 other states do it or in the case of the Structural Work Act, we repealed the law because we were one of two states that did it last. Could you tell me how many states have this public interest requirement for pleading in cases like this?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "I have in my facts the State of Washington, Georgia, Connecticut, New York, Hawaii and I don't have others in

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front of me. I know of those, at least at this point,  
Representative."

Speaker Johnson, Tim: "Representative Scott."

Scott: "So the information that's been put out that says there's  
only two states that have that, that's incorrect to  
your...to your knowledge?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "I think there's several fact sheets floating around,  
Representative and the one I have that the proponents have  
been submitted...submitting and giving to people, outline  
those."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Under the...under the Washington Act though, isn't it  
possible, much more possible than we've drawn up in this  
statute, to show a public injury from just one act as  
opposed to the repeated or prospective violations as we've  
set out here?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative you and I both just went over what  
would be a public interest impact and I...one of us and I  
believe it was you said, that potentially any Section...any  
Section of the statute would have a public interest impact,  
and I think under the first subsection, the violation of a  
statute that has a public interest impact is extremely  
broad, and I think affords a great deal of protection to  
one that is filing a cause of action under this Section of  
the statute, extremely broad. As we said earlier and I'll  
repeat it, the Vehicle Code is one, the Criminal Code is  
one, the Consumer Fraud Act is one. So, I think this is  
about as broad as you can get in legislation."

Speaker Johnson, Tim: "Representative Scott, you have 24  
seconds."



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Scott: "Thank you, Mr. Speaker. To the Bill. I appreciate the...Representative Cross for answering the questions, but it's obviously there's a lot of disagreement on this Bill, and there's disagreement because I think what we're doing is we're setting up a cause of action that's going to be impossible to prove. Now I don't believe that that's the goal of the Sponsor or the people that are proposing this legislation, but that's, in fact, what we're going to do and we're going to carve out another cause..."

Speaker Johnson, Tim: "Just go ahead and complete your remarks."

Scott: "Thank you, Mr. Speaker. What we're going to end up doing, as a result of this legislation, is carve out a specific exemption for one type of product sales people and that's the car dealers in this case. There are only 250 of these suits. Well, it's interesting, that was described as a rash of these lawsuits, but in the whole scheme of things and we know how many suits there are in Civil Court statewide, we've got 250 on this particular cause of action. When you think of the thousands of car dealers that exist in this particular state. In fact, in talking to car dealers in Rockford, the second biggest city in this state, I find that there aren't any of these suits at all in that particular city, that are going on right now, and so I think some of the claims have been over sold a little bit in terms of what this Bill is designed to do, and I think what we would end up doing is, is making a worse problem than we're trying to solve here with this legislation by excluding legitimate people who don't have the means to go invest in discovery, excluding them from lawsuits."

Speaker Johnson, Tim: "Thank you, Representative Scott. The Lady from Cook, Representative Currie."

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Currie: "Thank you, Speaker. Would the Gentleman yield to a few questions?"

Speaker Johnson, Tim: "He indicates that he will."

Currie: "First, your decision to...to change the standard for punitive damages with respect to used and new vehicle dealers. Would those vehicle dealers include people who peddle yachts and boats?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, my understanding of this language to your question the answer is no. We're talking about Chapter 5 of the Illinois Vehicle Code and when we talk about new and used vehicle dealers."

Speaker Johnson, Tim: "Representative Currie."

Currie: "What about...I mean and no other kind of consumer good, no refrigerators, bedroom suites, no household repair jobs, no matter what their price? Could I ask why you want to single out car dealers rather than, for example, yacht dealers or other people who might in some manner defraud a hapless consumer?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, this was language that was agreed upon by...as I said earlier, the trial lawyers and the Attorney General's Office. In talking with them, it was an attempt to compromise, it was an attempt to work out an agreement. As I just said earlier, they are neutral on the Bill. This seems to be one area where there has been an abuse of this statute prior to this proposed Amendment. That's the reason for limiting it to that. If you want to broaden the people or the entities or the agencies that have been listed, that we've listed here, I'll be glad to work with you on that. If you want to include yacht dealers that's fine, if you want to include refrigerator

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dealers that's fine, if you want include air conditioner dealers that's fine, motorcycle dealers. I'd be more than happy to talk to you about it."

Speaker Johnson, Tim: "Representative Currie."

Currie: "Thank you. Now it was in 1989 that unanimously this Assembly agreed that you should not have to show more than a single fraudulent or unfair practice in order to bring a complaint under the Consumer Fraud and Deceptive Business Practices Act. Can you explain to me, what was wrong with the General Assembly's decision in 1989 and why it is you feel it's important to join the only two states in the nation that set a similar threshold obstacle?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, with all due respect, I disagree. There are more than two states and we went over them earlier. If you've got information that confirm that there are more...that are less than the ones I mentioned, I'd be glad to hear from you. The reason we're changing this is that in the original legislation the language had said, 'Any other relief has allowed courts to award punitive damages and attorney's fees and especially in the area of punitive damages without a burden of proof'. We were trying to set out a burden of proof. As we said earlier, where the action is either willful or intentional and done with evil motive or reckless indifference. When we're talking about punitive damages, we're talking about punishment. It should be a strict standard, I don't know why this General Assembly or at least some, are afraid to have a strict standard when it comes to punitive damages, and that's the reason for the change."

Speaker Johnson, Tim: "Representative Currie."

Currie: "Thank you, Speaker. He wasn't answering my question."

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My question had to do with the broader change in the Bill which has to do with a higher threshold for bringing a complaint under this Act, but to the Bill, Speaker."

Speaker Johnson, Tim: "To the Bill."

Currie: "First of all, I think that it is not only bad public policy but unconstitutional to separate out one kind of consumer good and say for fraud charges, for consumer complaints. There will be a different standard for punitive damages, if it happens that the person who defrauded you was a car dealer than a yacht dealer, a refrigerator salesman or someone who is revamping your entire home. It is not good public policy. It's bad constitutionalism and it seems to me that cars are pretty important items in our society that we should treat in a way that makes them particularly safe, particularly unlikely to break down, cause accidents, and bring harm to our people. If there were anyplace where we might want to set a special standard it would seem to me it might be some of those other less inherently dangerous, less inherently likely to risk the safety and the health of the people items. But secondly, I think a much...at least as serious a problem with the Bill is the change in standard, the requirement that a plaintiff would have to show violations of a statute that has a public interest impact, repeated acts and potential for repetition. If they phoned up the odometer on the car I buy, I have no way of knowing whether that happened to anybody who bought a car there before me, and as long as they tell me they fired the rat who did it, there's no argument that its likely that this act will be repeated in the future. I think a standard we now have, that says if you did it to one consumer..."

Speaker Johnson, Tim: "Could you bring your comments to a close,

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Representative Currie?"

Currie: "I think the current standards which says if you did it to me, if you did it to you, that's enough for you to come to court and make your case. I think that's a sound standard, I think we should keep it and I think we should vote 'no' on Senate Bill 317."

Speaker Johnson, Tim: "Now, Representative Lang, you had made an inquiry of the previous Speaker and I would ask the Clerk to respond to your inquiry. Mr. Clerk."

Clerk Rossi: "Representative Lang, I have a state mandates note that is signed by Dennis Whetstone and a fiscal note from the Attorney General's Office that's signed by John Crain, the Director of the Fiscal Bureau. Both notes appear to be in order."

Speaker Johnson, Tim: "Does that satisfy your inquiry, Representative?"

Lang: "Not completely. I have a few more questions, if I may proceed? Relative to the note that was signed by Mr. Whetstone, when did he sign that note, Sir?"

Speaker Johnson, Tim: "Mr. Clerk."

Clerk Rossi: "The evening of the 18th."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Was that after or before the Bill went to Third Reading?"

Clerk Rossi: "That was after the Bill went to Third Reading."

Speaker Johnson, Tim: "Representative Lang."

Lang: "If the Bill...if the note was signed after it went to Third Reading then you had an invalid note when the Bill went to Third Reading, and I would move that the Speaker hold the note invalid and ask that the Bill be moved back Second Reading."

Speaker Johnson, Tim: "Representative Lang, I understand your inquiry. Your point is not well taken. On Senate Bills,

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fiscal notes, notes...this note does not have to be filed. If you wish to overrule the Chair you may proceed to do so."

Lang: "Well, first...well first I wish to reiterate Mr. Daniels comments, which I've read into the record several times, where he has indicated that he will protect the fiscal notes and indicated that he will follow the long standing practices of the House in honoring Members requests for fiscal notes. Once that has been said, it's obvious that if we're going to have fiscal notes and if they're going to be protected they have to be filed in accordance with the statute books. Statute requires that it be signed. It was not signed before it went to Third Reading, accordingly it should not have gone to Third Reading. I would ask the Chair to so rule."

Speaker Johnson, Tim: "Mr. Clerk, if you could respond to the question as to whether these notes and the response comply with long standing practices of the House including the prior Speaker, inform this House accordingly."

Clerk McLennand: "Yes. It was found under the long standing practices of the House including the previous Speaker."

Speaker Johnson, Tim: "Representative Lang. The notes are in order and your recourse is to move to overrule the Chair, if you so desire."

Lang: "Let me just make one additional comment, Sir and that is this..."

Speaker Johnson, Tim: "Yes...yes, Sir."

Lang: "Mr. Daniels in his own comments when he indicated that there were 36 irregular notes. Indicated that some of them were irregular because they weren't signed. That's exactly the point. Mr. Daniels in his own comments indicating that some were irregular because they weren't signed, obviously

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means that this is irregular because it wasn't signed. If it was signed after the Bill went to Third Reading it doesn't count, Speaker."

Speaker Johnson, Tim: "The Chair has made its ruling. You have a recourse. Do you wish to overrule the Chair?"

Lang: "I would move to overrule the Chair, and ask for a Roll Call Vote."

Speaker Johnson, Tim: "The question is, 'Shall the Chair be sustained?' All in favor signify by voting 'yes'; those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr...Mr. Clerk, take the record. On this question, there are 64 voting 'yes', 53 voting 'no', none voting 'present', the Chair is sustained. The Chair recognizes the Gentleman from Lake...the Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The main question is put. Representative Cross, to close."

Cross: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Proceed, Representative Cross."

Cross: "Thank you, Mr. Speaker. As I stated earlier, no one on this side of the aisle or no one that supports this Bill doesn't want to afford protection to people buying new or used cars. For those of you that are concerned about the consumer, rest assured that there are many avenues in which...with which they can proceed. The uniform commercial code, a breach of contract action, and under the new Buyer Protection Act also known as the Lemon Law Act, a consumer can proceed, as could he or she can common law

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fraud complaints. This is a Bill that merely sets out standards if we're going to award punitive damages. It's a Bill that merely sets out standards for a cause of action to be filed. I think it's a good Bill and I'd ask for a favorable vote."

Speaker Johnson, Tim: "The Chair recognizes the Minority Leader, the Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, just with a suggestion. The Gentleman wants to ask some questions relative to a second note. Now you were in the Chair last night when a riot broke out. Why don't you just let the Gentleman ask his questions? You know he's been seeking recognition. If you don't, you better see an ear doctor."

Speaker Johnson, Tim: "My ruling, Mr. Minority Leader, was and I thought I articulated this with respect to both notes. If the Gentleman wishes to overrule the Chair with respect to the second note, we'll recognize you for that purpose. Proceed Representative Lang."

Lang: "Thank you. I wish my leader would be on the floor more often. That calm voice of his and just got you to listen to me. You're barely awake yourself, Sir but..."

Speaker Johnson, Tim: "And you like my tie."

Lang: "Sir, before I make a Motion to overrule you I think I should tell you what is going on with the second note, which you yourself have not looked at. If you'll look at the second note, you'll see that it's purportedly filed by the Office of the Attorney General. It's not on the Attorney General's stationary, it's a blank piece of paper. I don't know who filed it, I don't know when, I don't know when it was signed, I don't know who prepared it. It appears that it was faxed from the Attorney General's Office but Mr. Nemerovski or you could have done that. I



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don't know who went to the Attorney General's Office to fax it. It's not on Attorney General stationary. Who did it, Sir? In the...in the atmosphere we have today when we're acknowledging that there are irregular fiscal notes, it seems to me that an investigation should be undertaken or at the very least, someone from the Attorney General's Office should file a new valid fiscal note."

Speaker Johnson, Tim: "Mr. Clerk."

Clerk McLennand: "The fiscal note from the Office of the Attorney General was signed and filed by John S. Crain, Director, Budget Fiscal Bureau, Office of the Attorney General dated May 19th."

Speaker Johnson, Tim: "The Chair has ruled, with respect to that note...go ahead make your point, Representative Lang."

Lang: "Well, actually I'm tired of making it. I'll just rule...move to overrule the Chair and ask for a Roll Call Vote."

Speaker Johnson, Tim: "Question is, 'Shall the Chair be sustained?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'yes', 53 voting 'no', none voting 'present', and the Chair is sustained. Representative Lang."

Lang: "Thank you. Mr. McAuliffe was in the Chair when it was requested so I just want to remind you that Representative Schakowsky asked for a verification."

Speaker Johnson, Tim: "On the Bill itself? Your request is acknowledged. Representative Cross has closed, and the question is, 'Shall Senate Bill 317 pass?' All those in favor signify by voting 'aye'; those opposed by voting

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'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'yes', 43 voting 'no', 2 voting 'present', and the Lady has requested a verification. Do you persist in your request? Representative Schakowsky. Your request is withdrawn. This Bill, having received 70 'yes', 43 'no', and 2 voting 'present', having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 354."

Clerk McLennand: "Senate Bill 354, Bill for an Act Amends the Motor Fuel Tax Law. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Chair recognizes the Lady from McHenry, Representative Hughes. Proceed."

Hughes: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Give the Lady your attention, Representative Hughes."

Hughes: "First of all, this does not have anything to do with the Motor Fuel Tax. This was just read. The first point I'd like to make about Senate Bill 354 is that the Bill as Amended, that I present to you today is dramatically different from the Bill as it passed the Senate. Many of the concerns that were raised about that Bill have been addressed in this Amended form, which I'm bringing to you now. The most significant of which is, the impact of this Bill, applies only to cases of wrongful discharge and no others. Basically Senate Bill 354 is a Bill requiring."

Speaker Johnson, Tim: "Excuse me, Representative Hughes. The Clerk has informed me that he has read the wrong Bill and would like to read the correct Bill into the record. Mr. Clerk."

Clerk McLennand: "Senate Bill 354. Bill for an Act in Relation to

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Grievance Procedures in Employment. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Now on the Bill, Representative Hughes."

Hughes: "Senate Bill 354, as Amended, for the record, do I need to repeat what I've already said?"

Speaker Johnson, Tim: "You can if you so desire. It's your choice, Representative Hughes."

Hughes: "All right. This is a..., I would like to make it very clear, this is a dramatically different Bill from that which passed the Senate. Many of the concerns have been addressed in Amendment #3. The Bill, as it now stands, applies only to cases of wrongful discharge. Senate Bill 354 is a Bill requiring the use of work place grievance procedures for termination cases where wrongful discharges alleged, prior to filing a civil action against an employer. I would be pleased to answer questions. Proceed."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Johnson, Tim: "She indicates that she will yield."

Schakowsky: "Thank you, Representative, I... I know that you made some changes in the... in the legislation, but none the less, could you explain to us the kind of situations where someone would have to go through the employer's grievance procedure, before taking a situation to court?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Again, this would apply only to cases of wrongful discharge and not to any state agencies, examples would be retaliatory, retaliatory discharge for filing worker's comp claims, whistle blower violation, violation of Civil Rights Act, that type of thing."

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Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "So, in other words, if someone feels that they were fired because of some kind of discriminated, they would have to exhaust grievance procedure set up by the employer, who they feel discriminated against them, before they were able to take their case to court. Is that correct?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "No, that's not entirely correct. As I said, this only applies to wrongful discharge in a case that may lie in a state court. Discrimination cases would have an administrative remedy under state law and would not be included in these provisions."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "I... I'm not talking about a..., I understand that now you're saying that under his Bill, a person could go to Department of Human Rights or they might be able to go to the Department of Labor. But, if a person wants to go to court, they would have to go through the entire grievance procedure that has been set up by the person that they believe has wrongfully discharged them. What is the point?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes : "The point here is that often times, the lowest level and the soonest opportunity to resolve the dispute, is the most beneficial, not only for the employer, but the employee as well. The remedy is achieved in the more um... expeditious manner and at lower cost to both parties."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "Well, when you say both parties, Representative, is this Bill agreed to by both parties, that is, has labor agreed to this, this process that you say could even save them money?"

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Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Labor has not agreed to this Bill. However, there are many contracts to which Labor has agreed, which have grievance procedures that are required for workers prior to proceeding elsewhere."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "No, labor has clearly not agreed to this. In fact, is this Bill not at the behest of the Management Association?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "This Bill is... yes, it is supported by the Management Association, amongst others. It's also supported by the National Federation of Independent Businesses and the State Chamber of Commerce."

Speaker Johnson, Tim: "Representative Schakowsky."

Schakowsky: "And does this Bill not require that the employee file this a... grievance within thirty days?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes. Yes, it requires that the grievance be filed within thirty days of the time or the date, the employee becomes aware of the occurrence giving rise to the grievance. Again, this is not something that is uncommon with grievance procedures, that there's a time frame for initiation."

Speaker Johnson, Tim: "Rep... Representative Schakowsky, could you bring your comments to a close?"

Schakowsky: "Yeah, so though I think that I... yes, Mr. Speaker, but I believe that Representative Dart would be willing to give me his time. I'm wondering if I could have more time?"

Speaker Johnson, Tim: "Representative Hughes."

Schakowsky: "No, Mr. Speaker, I wonder, Representative Dart is willing to give me his time. I wonder if I could have his

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time to ask a few more questions?"

Speaker Johnson, Tim: "We'll proceed to the various other lights that are on. Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Johnson, Tim: "She indicates that she will."

Mulligan: "Representative Hughes, we've discussed a little bit on the time frame. This has to be brought within thirty calendar days, is that correct?"

Speaker Johnson, Tim: "Representative."

Hughes: "That is correct and again that's from the date the employee becomes aware of the occurrence, not from the date of discharge."

Speaker Johnson, Tim: "Further questions? Representative Mulligan."

Mulligan: "So, Representative, if someone is discharged, say because the employer says the position is being eliminated and six months later they find out the the position was not eliminated and perhaps there was another reason why they were discharged; would that be the time then, if they discover it that the time for the thirty days would start running?"

Speaker Johnson, Tim: "Representative, Representative Hughes."

Hughes: "Yes, it would be that point, six months later, when the employee became aware of the circumstances creating his cause."

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Could you also discuss what would happen as far paying for procedures if you lost?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, this a... the grievance procedure, in order to qualify, must culminate in arbitration. The cost of

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arbitration would be paid by the loser, however, there is a sliding scale. If the loser is an employee, he would be required to pay which ever is the lower, fifty percent of the cost or at a salary of fifteen thousand or less, two hundred dollars. The numbers change up to at a salary of ninety-nine thousand, nine hundred ninety-nine dollars per year, his share of the cost would be capped at eight hundred dollars. And that cap includes the cost of arbitration and reasonable attorney's fees. If the decision is overturned on a appeal, that money would be repaid."

Speaker Johnson, Tim: "Proceed."

Mulligan: "Representative, could you tell me what kind of a selection of arbitrators would be available to someone that's filing a grievance?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, the arbitrators shall be selected by the employer and the employee alternating striking names from a list provided by either the Fed... excuse me, Federal Mediation and Conciliation Service or the American Arbitration Association."

Speaker Johnson, Tim: " Representative Mulligan, you have further questions?"

Mulligan: "Representative Hughes, could you tell me if this is customary in other types of arbitration and are those arbitrators the same people that are normally available?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes."

Speaker Johnson, Tim: "Representative Mulligan."

Mulligan: "Thank you, Representative, that's all I have to ask."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, this Bill, I'd just like to make a statement, then

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possibly ask questions later. I certainly do respect the Sponsor of this Bill. I think we've worked together on many issues, but with all due respect, to the Sponsor, this is probably one of the worst pieces of Legislation that I have ever seen come across this House floor. Now, this is not only opposed by labor, it's not only opposed by people who are on their collective bargaining agreements, but really who this sticks it to, is the workers throughout the State, who are not under collective bargaining agreements. Because what this says is sure, organized labor and businesses can bargain. And you can bargain a grievance procedure in that collective bargaining agreement. But if you don't have a collective bargaining unit, we're going to impose this, arbitrarily on you. And I want... just some of the questions that I would have asked and I'll give you the answers to these. Give me some examples. Give me some examples of wrongful discharge that would come under this. I'll give you some examples. A worker's compensation case, you file one, you get fired. You know what, that wrongful discharge now goes to the state court. That comes under this. Let's say, let's say you catch your boss stealing. You catch your boss stealing and you turn him in and he fires you because you blew the whistle upon him. You know what? You gotta go through that same boss's grievance pro... procedure. Sure, sure, he'll rule in your favor. He'll rule in your in favor and you just lost your job and you're out on your keister. That's real good. Let me ask you this, let's say you're... let's say you're working for the organization that makes Delcon Shields and you find out they're killing people and you call the Food and Drug Administration and you say, 'Hey, I got information, these Delcon Shields are killing women across the State of



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Illinois.' You know what? You gotta go through the employers grievance procedure, if he fires ya, before you can go to court. For God's Sakes! What are we doing? What are we doing? We're taking the court system and throwing it away! The access to the court system for people in this state is being put on the back burner. This is awful! This is terrible! Don't stand by and let this happen to the people in your district, who are not represented by a... collective bargaining agreements. It's awful! Question number two. Who pays? I'll tell you who pays. Every single worker in this state pays. Every single worker who gets fired wrongfully pays, because sure its got a sliding scale. We're being all nice to the workers here. We're being gracious to them. We're going to pay a little bit of their cost, but then when you don't make it through the grievance procedure, when you don't file it in a timely manner, what happens to you? Oh, I'm sorry. I'm sorry. We know you can't support your family. We know you can't feed them. So you're not going to have any recourse, you know why? Because you turned us into the FDA! You turned us into a state agency and just because you blew the whistle and you didn't go through the grievance procedure, we're firing you. Great piece of legislation. Super piece of legislation. Hey, the people of this state should be very proud! The workers of this State should be very proud! They should be very proud that now we're just going to; we've done to them by taking away the right to sue for products. We've done it to them for taking away their right to sue, if we have a faulty car. So now, let's let them lose their jobs and you can't sue then either. Throw the families out on the street! We don't care in Illinois because we care about special interest. Well, give me a break! This

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should not be about special interests. This is terrible!  
Don't do this to the workers' of Illinois. Vote no!"

Speaker Johnson, Tim: "Cha... the Chair recognizes the Gentleman  
from DuPage, Representative Roskam."

Roskam: "This is a great piece of legislation. The previous  
speaker is misinformed about the nature of this  
legislation. It doesn't take anyone's substantive right to  
bring a cause action into circuit court. It simply says  
that before you bring a cause of action, you go through the  
employer's grievance procedure. It is going to leave  
anybody out in the cold? Absolutely not! This Sponsor has  
worked as hard as anybody to craft a piece of legislation  
that will deserve the the 60 votes required to pass this.  
She came before the Commerce Committee, she heard the  
questions, the concerns, the substantive comments and  
recommendations of the Commerce Committee and she crafted  
it, brought it back so that it is something that I'm happy  
today to be proud of a... and to speak on its behalf. One  
of the things that Representative Hughes put in place was  
this idea that a... the only thing we're talking about is  
wrongful discharge. Sexual harassment, any other type of  
work grievance procedure, is not included in this Bill.  
Notwithstanding the comments of the previous speaker. The  
sliding scale was ridiculed a couple of minutes ago, but  
from my point of view, I think that's meritorious. The  
notion that, that someone should come in and just be able  
to always bring a cause of action without any recourse,  
would almost just invite a frivolous type of mentality. To  
have them, the lower end employees bear the total cost of  
this, would be unreasonable, so Representative Hughes  
carefully crafted an artful sliding scale. What this Bill  
does is it encourages the reconciliation of problems in the

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work place. It gives an employer an opportunity and many times an employer is not necessarily aware of the situation that, that would involve recourse. This gives an employer opportunity to get squared, to try and get it right with an employee, and if they don't do that, then the employee is still able to bring their cause of action in the circuit court or wherever. So, Representative Hughes, I rise in strong support of your legislation and I cast an enthusiastic 'aye' vote."

Speaker Johnson, Tim: "Recognizes the Gentleman from Washington, Representative Deering."

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

Speaker Johnson, Tim: "She indicates that she will."

Deering: "Representative, with all due respects to my good friend and colleague, Jay Hoffman, with his very elaborate and emotional tyranny went on, and it seems about then he mentioned the fact there are certain things that the working men and women are to worry about in this state. I only have one question. Does anything in this Bill take away anybody's guns?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "You know better than that."

Speaker Johnson, Tim: "The answer's no. Proceed."

Deering: "Thank you."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Macon, Representative Noland."

Noland: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "Question is, 'should the main question be put?' Those in favor signify by saying 'aye', those oppose by saying 'no', the 'ayes' have it. The main question is put. Representative Hughes to close."

Hughes: "Senate Bill 354 is narrowly crafted to apply that

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amendatory grievance procedure only for wrongful discharge. Only in those instances where there is a grievance process that culminates in arbitration all ready in place, either through contract or, or at will employee. It provides for notice be given to employees of the process and the time limitations. It provides a sliding scale, so that an employee has access to fair arbitration at minimal cost. I have worked at a setting, where we have hearings for employee/employer disputes. This is not an anti-employee piece of legislation. What is best for the employee is to have a dispute resolved at the lowest common denominator through a fair hearing process, at the lowest cost and in the fastest time frame possible. If this saves 50 per cent or even 25 per cent of cases going through a protracted court proceedings, it will benefit everyone concerned including the workers involved. I urge a 'yes' vote."

Speaker Johnson, Tim: "Before the question is put, Representative Granberg has asked for a verification, is that correct, Sir?"

Granberg: "Yes, it is, Mr. Speaker."

Speaker Johnson, Tim: "Okay. Question is, 'Shall Senate Bill 354 pass? 'Those in favor signify by voting 'aye'; those oppose by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 54 voting 'yes', 62 voting 'no', 1 voting 'present'. Representative Hughes, what's your desire?"

Hughes: "I request that this Bill be put on Postpone Consideration, Mr. Speaker."

Speaker Johnson, Tim: "Your request is granted. The Clerk place the Bill in the Order of Postpone Consideration. Be at

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ease, just for a moment. Mr. Clerk, any announcements?"

Clerk Rossi: "Messages from the Senate. Message from the Senate by Mr. Jim Harry, Secretary to the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the Bill of the following title. House Bill 1279, Bill for An Act to Amend the Illinois Public Aid Code, together with Senate Amendment#two, passed the Senate as Amended, May 22, 1995.'"

Speaker Johnson, Tim: "Further announcements?"

Clerk Rossi: "'Mr. Speaker, I'm also directed to inform the House of Representatives, that the Senate has concurred with the House of Representatives in the passage of a Bill of the following title, to wit, House Bill 2403. Bill for An Act to Amend the Illinois Public Aid Code, together with the attached Senate Amendment #1, passed the Senate, as Amended, May 22, 1995.'"

Speaker Johnson, Tim: "Any further announcements? Mr. Clerk, please read Senate Bill 618."

Clerk Rossi: "Senate Bill 618, Bill for an Act concerning emergency medical services, Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Gentleman from Jersey, Representative Ryder, on the Bill."

Ryder: "Thank you, Mr. Speaker. Senate Bill 618 is a rewrite Emergency Medical Services System Act. It's agreed to by most groups in interest. We had committee on it and it was passed out. The Department of Public Health indicates that it has no significant fiscal impact. I'd be glad to answer any questions."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Cook, Representative Lang. Very nice tie, Representative Lang."

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Lang: "Thank you and Mr. Speaker, we're glad to see you're up now. It's a pleasure to see you. But can I make an inquiry of the Clerk, please?"

Speaker Johnson, Tim: "You may state your inquiry."

Lang: "Thank you. I have two notes in front of me. One is a judicial note and one is a fiscal note from the Department of Public Health. Were both of these filed before the Bill went to Third Reading?"

Speaker Johnson, Tim: "Mr. Clerk? If you could just be at ease for a moment while the Clerk endeavors to answer your question, Representative Lang. We'll be right with you."

Clerk Rossi: "The notes were filed on the eighteenth and the Bill was moved to Third Reading on the nineteenth."

Speaker Johnson, Tim: "Does that answer your inquiry, Representative?"

Lang: "One more time, please."

Speaker Johnson, Tim: "The Clerk has indicated that the note were filed on the eighteenth and the Bill was moved to Third Reading on the nineteenth. Well... Mr. Clerk?"

Clerk Rossi: "The Judicial Note was filed on the eighteenth and the Bill was moved to Third Reading on the nineteenth. And the Fiscal Note was filed the nineteenth and the Bill was moved to Third Reading on the nineteenth."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, I don't know what time the Bill was moved to Third Reading, but the Fiscal Note filed by Michelle Gentry-Wiseman, from the Department of Public Health is so well done, that I won't challenge it at all. Will the Sponsor yield?"

Speaker Johnson, Tim: "Sponsor well, you want to speak to the Bill now, Representative Lang?"

Lang: "Yes."

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Speaker Johnson, Tim: "Proceed."

Lang: "Representative, there's some language in here, relative to a immunity from liability, can you tell us what that's all about?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Thank you, Representative Lang. I also would like to compliment the Department of Public Health, that was a nicely done Fiscal Note, wasn't it? It was very nicely done, I thought so, too. The liability deals, I think, with language concerning decisions that are made by EMS Systems concerning coordination of EMS and Trauma, and because of that, there is some language within the Bill that allows those folks to meet together and make some decisions and that sort of thing. And I believe that's the case. If you're looking at specific language, Sir, I'd be happy to look in the Bill and try to give you a more complete answer; because I realize the answer that I just gave you may have been lacking somewhat."

Speaker Johnson, Tim: "Representative Lang."

Lange: "Can you tell me why my analysis indicates that the Press Association would be opposed to this Bill. Are they still opposed?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Your staff wisely, but belatedly has warned you of an issue that came up in committee and that was raised by Representative Kubik. Part of their organization of the Emergency Medical System Act, included a disciplinary commission that would be in charge of discipline of personnel. And the original drafters of the Act, then created under this Act, this disciplinary commission. The sole purpose, of which, is for discipline of personnel. The drafter then said, therefore that commission would be

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exempt from the open meetings Act. The Press Association objected to that saying, we understand that you're entitled to executive session to meet, to decide, to make those kinds of inquiries and that the protection of the current Act would provide for that. But we take exception, the Press Association takes exception to excluding the open meetings Act from application in this Bill. So, Representative Kubik and I agreed and he has followed through. He has language on a separate Bill that would treat this correctly, rather than excluding it from the Act."

Speaker Johnson, Tim: "Representative Lang."

Lang: "So we would have to pass the other legislation to satisfy the Press Association, would that be correct?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "It's exactly correct and with the agreement, not this language, but in the other Bill, their opposition, I believe, has been removed. But they would clearly satisfied upon the passage of both Bills, Sir."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Do you have assurances from Speaker Daniels that the other Bill will be called?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "My negotiation with Speaker Daniels are on an on going, every day, almost hour by hour process and most recently he has indicated that I'm doing okay and he'll probably will let me do that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Can I give you a list of Bills I'd like you to discuss with him, since you have an on going relationship with him?"

Speaker Johnson, Tim: "Representative Ryder."



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Ryder: "Representative Lang, you'd be, I'd be happy to get a list of Bills from you and I'm certain that they would be treated appropriately."

Speaker Johnson, Tim: "Thank you. Representative Lang."

Lang: "Can you tell why DECA needs 50 thousand or is it Public Health needs 50 thousand dollars to administrator this program?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, because it's a brand new rewrite and because there will be relicensing, recertification, and the collection of fees in that regard, this is..., this is an appropriation to allow for those funds to transfer through. It's not like any money that the state collects, we have to authorize the department to spend the money and that's the reason for it."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I... this is going to establish some EMS Regions. How many new regions will it establish?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, the number of regions are not specified. That's left up the committee to do what they feel to be geographically and by population appropriate, so that the best number of people are served. My guess, by square miles, would be much bigger downstate than upstate. By population, would be much bigger upstate than down, but there is not a specific number indicated in this Bill; as to the size, either in square miles or number of people."

Speaker Johnson, Tim: Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates that he will."

Novak: "Representative Ryder, can I ask you who requested this

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legislation? Was the Department of Public Health request this or some other interest?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative Novak, Sir? There you are. It was suggested by the Illinois Pre-hospital Care Coalition that's been working on this legislation for several years. The Coalition includes the Illinois State Medical Society, the Illinois Hospital Health Systems Association, Illinois State Police Emergency Nurses Association, Associated Firefighters of Illinois, Pre-hospital Care Providers of Illinois, Illinois Fire Chiefs Association, the City of Chicago Fire Department, EMS, Resource Hospitals, Trauma Centers, and the Department of Public Health, Sir."

Speaker Johnson, Tim: "Representative Novak."

Novak: " Well, gosh! Sounds like everybody's for it. But I tell ya, speaking from my own experience, I received about a half a dozen faxes, from volunteer fire departments, that have members that are EMT's, EMTI's and the other designated individuals that were vehemently opposed to this. They indicated to me that this would usurp local authority and puts their put their function under the osmosis of the Department of Public Health. Is that not correct?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, I certainly understand the concern expressed by the folks who were kind enough to fax to you their concerns. Any time there's a change and the State's talking coordination, cooperation, consolidation, obviously folks who work very hard and in some cases, either volunteer their time or work hard at a paid position as an EMT for a fire department, they're concerned about that. The purpose is not to eliminate them. The purpose is

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not to delete their job. What the purpose is, Sir, is to try to coordinate these programs around the state to provide for uniformity, to provide for consistency of care, so that if a EMT or an emergency room physician, or someone in that chain of care, is to...would be to provide service in Kankakee, that you expect an equivalent kind of service in the Jerseyville area, the Chicago area, or the southern Illinois area."

Speaker Johnson, Tim: "Further questions? Representative Novak."

Novak: "Well, Representative, we have two fine hospitals in Kankakee. As a matter of fact, they compete very vigorously and they train the EMTs at the local level. Now, would this legislation preempt any training responsibilities that the hospital provide at the local level?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, I'm confident that the training provided by the hospitals in Kankakee, would far exceed any standards set within this Bill, because they've always gone beyond what's necessary to do what is best and possible for the people of the State of Illinois. But even today, without this Bill, EMT training is such that it is constantly under review. These are the people that try to make the very best better. They are improving themselves, their techniques, their equipment, the response in a conscientious effort to save and preserve human life."

Speaker Johnson, Tim: "Representative Novak, are you concluded?"

Novak: "Mr. Speaker, I've got about a minute and a half. Representative Ryder, I just, I love your eloquence, but I have a few more questions to ask. Will the Department of Public Health license these individuals? I think there's going to be a certification process, a licensure, a fee,

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can you explain please?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative Novak, as I'm sure you know by the fact that you asked the question, we already license and collect fees from these individuals. We require them to meet the standards necessary in the law and as a result, that will not change, Sir. And in fact, the purpose of this is to provide the consistency and the standards of training that you and I would hope to expect any time we would be treated by emergency medical personnel."

Speaker Johnson, Tim: "Representative Novak. You have 36 seconds."

Novak: "One last question. When was Senate Amendment #2 adopted, Representative, can you give us a reasonable date when it was adopted? Senate Amendment #2."

Speaker Johnson, Tim: "Proceed. Representative Ryder."

Ryder: "Representative, my understanding and I have the Senate Sponsor right here beside me, you notice this guy? He's not undercover today. He indicated that that Amendment was spon..."

Speaker Johnson, Tim: "Go ahead and conclude your remarks, Representative Ryder."

Ryder: "That, that Amendment was sponsored and adopted in the Senate Committee under his leadership, in order to answer some questions and to accomplish the wonderful support and make it an agreed to Bill by almost all Parties, that I can tell you that it is today."

Speaker Johnson, Tim: "The Chair recognizes the Lady from DuPage, Representative Pankau."

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

Speaker Johnson, Tim: "He indicates he will."

Pankau: "At the time of the executive committee meeting, at which

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this was discussed. I had also, like Representative Novak, received several phone calls from my local fire chiefs, not the volunteers guys, but the fire chiefs. And at that time, their main concern, particularly in the the northwest suburban area was the establishment of these regional boards. Some regional boards of some sort and that they, as the fire chiefs at..."

Speaker Johnson, Tim: "Yes, Representative Pankau."

Pankau: "And the people directly responsible for providing the assess for use by these these medical boards, did not have any kind of a say in those boards. In other words, the board itself, could opt to say well, we want this kind of a vehicle instead of that kind of a vehicle. They may say well, instead of ten hours of training, we need twenty hours of training. Instead of this kind of a ladder, we want that kind of a ladder, instead of this kind of oxygen, we want that kind of oxygen, and their concern was particularly in the northwest suburbs where we have the Tax Cap, is that they would be unable to provide those and that the whole subject of cost efficiency would be lost among the medical types that were on these boards. Is this still a valid fear?"

Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, you were just as eloquent in committee when we talked about this and at your request, I've met a couple of times with representatives on behalf of the fire chiefs. We have a difference of opinion for this reason. The committee, to which you make reference, makes medical decisions. And as a result, the fire chiefs, or whomever designates a person to serve on that with the medical training, to make that decision. The fire chiefs are still ultimately responsible. They're the ones that are

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designated by the municipalities. It is not the intention of this committee to create more mandates to state, to local government, to make them buy new items, more expensive items. Although, I have to suggest to you, with the advancements in medical technology, I sure that's going to be the case as we do learn more and better ways to treat persons who have been injured. But, the difference of opinion, is this, we're asking for these folks to designate someone familiar and conversant with medical practices, so that we can then talk about what kinds of restrictions we put on various trainings of EMTs. What kinds of medical procedures can be performed. We are not by this committee, suggesting that the committee has the ability to say, your fire department has to have a hook and ladder that is able to go up eighteen stories or that they have to have a certain number of personnel, non-related to the emergency medical technicians. So, there is... there still remains a difference of opinion, between the fire chiefs and myself, even though the representative has talked to me a couple of times already. It is clearly my intention, as Sponsor of this Bill, that the fire chief does remain in charge of the department and is ultimately responsible for the department. But they designate a medical person to serve on the committee to make medical decisions."

Speaker Johnson, Tim: "Further questions, Representative? Proceed."

Pankau: "Then is this advisory board... is this board advisory in nature? And could not make the departments in a certain area do something? It would be their suggestion and then they would hope that they would comply within a reasonable period of time?"

Speaker Johnson, Tim: "Representative Ryder."

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Ryder: "Representative, I have two answers to that question. The first answer is going to be delivered to you by the Speaker, who is going to come over and tell you that, for the first answer. The second is that it is advisory. That's the purpose of it."

Speaker Johnson, Tim: "Representative Pankau? No further questions. The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes, we had some dissension in Peoria, when we went to the private sector on BLS called just on the basic life support calls since it went to the private sector and they've taken over practically all the area, our fees for transport now, runs anywhere from 400 to 700 dollars, for a trip to the hospital. We also had some rules that were put down approximately a year and a half ago, which the members dissatisfied with, and those rules were what the restrictions would be and who could preform these services, like they were trying to cut the fire departments of the basic life support program and put it all into the private sector. And the restrictions that were put on the members would have made it almost impossible for them to go out and answer calls which they have been doing for a number of years. And they kind of blamed the Department of Public Health, going back about a year and a half ago, with the program that we had there. The certification that some of the people had to have, the cities couldn't compete with the hospitals. And therefore, there we...there were many of the, which would be calls from a local fire department with no cost factor or nothing involved, they were thinking at that time, that they were trying to run the public service out of the program, because there's such a big profit now in the basic life support programs in the CMS service."

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Speaker Johnson, Tim: "Representative Ryder."

Ryder: "Representative, the calls that you're talking about have increased, but let me be very clear about what this Bill does and does not do. This Bill does not create privatization. This Bill does not take away from fire departments, if that's where the emergency medical technicians are located. In fact, the City of Chicago has had this working, I'm told by the Senate cosponsor, for six years or so, and they are, they helped to participate in the final decision on this Bill. It is not intended to privatize through this Bill. It is not intended to take away from fire departments, the responsibility the municipalities may give to them in this area. I'm like you, am concerned about the increase cost that are taking place, not just in the areas where private folks do it, but also the cost of municipalities, that's a part of the cost. I believe the rapidly increasing cost of providing medical care today, and as a result, we are expecting more from these folks and I'm sure that's one of the reasons why we're paying more, but this Bill does not affect that, Sir."

Speaker Johnson, Tim: "Representative Saltsman."

Saltsman: "Yes, in the city of East Peoria just across the river, they have their ambulance service there within the fire services and the cost is about 40 percent cheaper than, I mean about 40 percent the cost of what a normal run is with our private services there, and people are starting to complain about it. But if it's going to be the same operations, which Chicago's got, you got the expert standing right next to you and all he has got to do is shake his head that we'll be in the same position as Chicago."



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Speaker Johnson, Tim: "Representative Saltsman."

Saltsman: "Thank you, I just wanted it read in the record."

Speaker Johnson, Tim: "Representative Ryder. The Chair recognizes the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise in strong support of this Bill. Senate Bill 618, provides for standards allowing for diversity, existing between various communities within this state, based on different aspects such as, geography, personnel and financial standing. It is supported unanimously and I ask my colleagues for a affirmative vote on this. Thank you."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "Question is, 'Shall the main question be put.' All in favor, signify by saying 'aye', those opposed by saying 'no'. The main question is put. Chair recognizes the Gentleman from Jersey, Representative Ryder, to close."

Ryder: "I sincerely appreciate the questions and comments on this Bill and I especially appreciate, Representative Feigenholtz, for offering words of closure. I would appreciate a favorable vote."

Speaker Johnson, Tim: "Question is, 'Shall Senate Bill 618 pass?' Those in favor signify by voting 'aye', those opposed voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 105 voting 'yes', 12 voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr.

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Clerk, read Senate Bill 232."

Clerk McLennand: "Senate Bill 232. Bill for an Act that Amends the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Peoria, Representative Leitch. On the Bill."

Leitch: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 232 is a very important Bill to our state for a number of a important reasons, because with the tremendous amount of change that is occurring on the national front, with respect to utilities and the services they provide and the changes that are on the horizon, is very important indeed. It's urgent for our state to be able to experiment and to be in a position to prepare for the changes that are on the horizon. And to that end, is Senate Bill 232, which would authorize the Commerce Commission after public hearings to approve a public utilities petition to operate under alternatives to the present system of rate of return regulation. The commission would be empowered, again after public hearings, to provide for experiments that would reward a utility for, for performance that is based on its performance, on its ability to save money, become more efficient, and serve the public better. This is a Bill that I think whose time has come. Its one that is of major importance to the state. And indeed, its very important for Illinois to have an opportunity to experiment with this prior to the federal government, one of these days, making a rather abrupt precipitous action, which would throw our state into this competitive environment without having had benefit of having some demonstration projects and having some opportunity to experiment with this system. I'm

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available for any questions that you may have."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Speaker Johnson, Tim: "He indicates that he will."

Novak: "Yes, Representative Leitch, is it my understanding that the incentive behind this Bill is trying to stimulate competition within the public utilities system or industries?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Representative, I'll be very honest with you, I have not made a decision on how I'm going to vote on this Bill. I've spoken to Mr. Lane, and I've also spoken to the...citi...excuse me. Representative, I am, I have not taken a position on how I'm going to vote on this Bill. I thought I would listen to the debate because I have a few questions that I want to have answered. And I've spoken with Mr. Lane, with the Commerce Commission, and I've spoken with the representative for the the Citizens Utility Board, and I just can't seem to get you know a real clear perspective on where we're going with this. Would you say that this is a precursor to retail wheeling, concerning the power industry in the State of Illinois?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, I think anyone who has read very much about what is occurring with in the utility industry and read about in the National Press and other periodicals, knows that retail wheeling is around the corner. Just as some years ago, there was action by the FERC with respect to natural gas deregulation. I think it's only a matter of time before

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retail wheeling is upon us. As may be the authority to do alternatives to rate of return compensation to utilities."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Under the proposed legislation, is there a definition for alternative regulation, within the Bill?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "No."

Speaker Johnson, Tim: "Representative Novak."

Leitch: "The flexibility is there for, for companies themselves to propose some definitions to that, as long as they meet some criteria that are in the Bill, which are to become more efficient and to produce cost savings or to achieve improvements in productivity."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Okay, so I take it then that, under the current law, we set rates through pursuant to the Commerce Commission Order and a lot of it is based on this rate of return premise, correct? Rate of return for the share holders and utilities stocks, is that correct?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I would say yes. At the present time, there is a cost that is in the base plus the utilities are guaranteed a certain rate of return. What this would do, would and in the system, there's no real incentive other than maybe some competitive incentive, to go for lower rates. What this would do, would be to set up a system that reverses that and over time, create meaningful and very real incentives to drive down costs to rate payers."

Speaker Johnson, Tim: "Representative Novak."

Novak: "So, I take it, Representative Leitch, is that we... we're going deviate from this rate of return premise and how we set rates and base it on a utilities performance, is that

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correct? Performance within the industry, is that correct?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, that's very possible."

Speaker Johnson, Tim: "Representative Novak."

Novak: "Thank you. Well, how do we assess this performance, I mean, what does the Bill do, or what does the Bill provide in language for us to...how we can determine performance? To me, performance means competition, when you're talking about in you know, in the utility industry. I mean, can you elaborate a little bit more, Representative Leitch?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I think that the comparisons from peer to peer among the utilities has a lot of the Commerce Commission has volumes of material on the various cost aspects of what one utility is doing as opposed to another utility and I believe that they are in a position to evaluate a performance criteria."

Speaker Johnson, Tim: "Representative Novak, could you bring your questions to to close."

Novak: "Speaker, thank you, I believe there may be another colleague on my side that wishes to yield some time. One other question. How does the Commerce Commission determine what's going to be a fair rate? After the public, after the public hearings and all the other criteria are met?"

Speaker Johnson, Tim: "You just respond to that question, Representative Leitch."

Leitch: "Well, I think that what will occur, is the...this will in power the commission to set up rules and guidelines for implementing that and other issues that are involved in...in setting up a proposed system that has all the rates within it. I think there will be extensive public hearings on a proposal, especially as we're cutting new

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ground here in Illinois. I think, I think will receive a considerable amount of attention in the eyes of the midwest, who will be on these first few experiments."

Speaker Johnson, Tim: "The Lady from Lake, Representative Andrea Moore. For what purpose do you rise?"

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

Speaker Johnson, Tim: "He indicates that he will."

Moore, Andrea: "Representative, in this legislation, I am told that there is something that is referred to as cost shifting. Could you explain to me what exactly that is?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "There...well first of all, we don't believe that that this legislation would permit cost shifting. What cost shifting would be, would be to permit a residential rate payer, in effect, to subsidize a commercial or business one. We don't believe that, that is a problem, because this one of the most important findings in here is, is that commission shall make a finding that first implementation of the program, is in the public interest, shall make the finding that the implementation would produce fair, just, and reasonable rates. And where appropriate make a finding that programs respond to changes in the industry that are, in fact actually, occurring, and specifically identify how the program departure from traditional rate of return, rate making principles, will benefit rate payers through realization of one or more of the following: either efficiency, cost savings, or improvements in productivity."

Speaker Johnson, Tim: "Further questions, Represent..."

Leitch: "I'm sorry to use up all your time, but I think it's important that the Body hear that those are very specific elements that are within this Bill."

Speaker Johnson, Tim: "Further questions, Representative Moore?"

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Moore, Andrea: "I also think that it's important. Basically, what you're saying is that, the utilities will be allowed to redesign their rates and will there continue to be the regulatory oversight that exists now, as they redesign their rates?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, yes, very, very definitely and as I mentioned a moment ago, I think that certainly in these first examples, there will be very considerable public scrutiny, very much public comment, and a great deal of interest and I, I certainly don't anticipate that the Commerce Commission would be approving something that would be to the detriment of the residential rate payer."

Speaker Johnson, Tim: "Further questions? Representative Moore."

Moore, Andrea: "But the current regulatory oversight with evidentiary proceedings before the ICC, I'm told is to be changed. It would be the standard of requirements that you've...you've named previously, that would be the measure. Is that correct?."

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I'm sorry, I couldn't hear the Lady's question."

Speaker Johnson, Tim: "If we could have a little more quiet in the chamber so that we could hear the Lady's question, Gentleman's response. Representative Moore, do you want to restate the question?"

Moore, Andrea: "The current evidentiary proceedings that are required before the ICC will no longer be required, what it will be are the standards that you named previously that will be the proof for allowing these kinds of either cost shifting or redesign of the rates. Is that correct?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "What this says is that the commission must come up with

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a formula that specifically identifies or finding, I should say, not a formula, how the program will benefit rate payers through efficiency, cost savings, or productivity improvements. So that must be a specific finding by the ICC."

Speaker Johnson, Tim: "Representative Moore?"

Moore, Andrea: "Thank you, one more question. During the committee process, there was an Amendment that was discussed in committee and there was an understanding that there would be some further discussions between CUB and some members of the utilities. Do you know if those discussions continued?"

Speaker Johnson, Tim: "Representative Leitch?"

Leitch: "Not that I'm aware of."

Speaker Johnson, Tim: "Representative Moore."

Moore, Andrea: "Why is that?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I don't know, I have not heard from CUB subsequent to this meeting in committee and in any event, as I review their suggestions, I felt that they were amply covered under the original Bill."

Speaker Johnson, Tim: "Representative Moore, further questions? Bring your comments to a close."

Moore, Andrea: "I think one of the important things to remember is that the CUB needs to be brought to the table in apart of these kinds of proceedings so that when changes are made, they've, they are considered in the process. Basically I think this is a good Bill, but I would really like to see that CUB is at the table for."

Speaker Johnson, Tim: "Chair recognizes the Lady from Cook, Representative Schakowsky."

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



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the House, and it what appears to be our never ending quest to help 'poor old special interests'. We now have some special Bill for the utilities companies. Now we've got something that Commonwealth Edison and Illinois Power have been asking for and that is the opportunity despite the presentation, to raise consumer rates. So, if you want to vote for a Bill that can raise the rates, then this is your piece of legislation. Right now, we have utility regulation that is based on the cost of doing business. It is not surprising that the utility companies want to do experimental rates, or alternative rates. These sound very high tech, but what it really means, is that this is an opportunity now for Commonwealth Edison and Illinois Power and other utility companies, who have proven to be inefficient providers of electricity, whose rates are already above the national average, to now go ahead and raise rates even higher. We're asked to believe that the Illinois Commerce Commission will regulate them. Why should we? We have seen under the Commerce Commission's regulation, rates sky rocket way above the national average. In fact, this Bill no longer gives the ICC clear authority to modify a utility's rate proposal to protect the public interest. We shouldn't be allowing the utilities to call the shots, when their own rates are being set. This Bill allows alternative regulation to result in cost shifting from large industrial and commercial customers to small businesses and residential customers. If you care about small business, if you care about residential consumers, then you don't want to vote for this piece of legislation. It allows the utilities to redesign their rates, without regulatory oversight. This is a Bill that is vigorously opposed by the Citizen Utility Board and the

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American Association of Retired Persons, which has looked carefully at this piece of legislation and is warning all of us, in the General Assembly, that this is a bad piece of anti-consumer, anti-senior legislation that we should resoundly reject."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Johnson, Tim: "He indicates he will."

Black: "Representative Leitch, I'm always amazed at some the rhetoric I hear on the floor, regarding legislation. I guess, we're never suppose to change anything. If we've had a regulatory practice for a hundred years, I guess it's suppose to last us into the next century. I think everybody knows you're a man of extreme integrity. Would you characterize this in any way, shape, or form, legislation that would allow an unbridled rate increase on behalf of any electric utility in the State of Illinois?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "No, I totally disagree with the other Representatives characterization of this Bill. We're going to get retail Whelling, we're going to get some alternative rates. The issue is, will Illinois have had the opportunity to sort them out, because we have a very diverse population, a very diverse group of utility companies, or are we going to stand back and wait for the next federal wave of deregulation to hit our state? This is not a punitive Bill in any way. This is a Bill, where the very specific finding, within this Bill, must be one that it will benefit rate payers through realization of one of the more following efficiency, cost of savings, or improvements in

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productivity. Now, what's going to happen if we don't investigate retail wheeling and investigate alternative rates, is our Illinois utility companies, will be at a gross disadvantage when the federal wave of the deregulation comes, whenever it does. And that is why it is so important, that we give the Commerce Commission the flexibility to work with these utilities and to experiment with these utilities and to report to us, by the year, 2000, what their findings are and help our utility industry and our business community, stay competitive going into the next century. This is not just an issue that has the interest of some utility companies, this is a very important, very important issue to the commerce in the industry in this state. The ability to..."

Speaker Johnson, Tim: "Proceed."

Leitch: "The ability of our businesses and industrial base in this state to compete and to purchase their electricity in an efficient fashion, is one of the most critical elements in our future and it certainly in the 21st century."

Speaker Johnson, Tim: "Further questions, Representative Black? If you'd bring your comments to a close."

Black: "You're trying to say that we've used up five minutes? So be it. I didn't know one question could use up that time. To the Bill, Mr. Speaker, to the Bill."

Speaker Johnson, Tim: "Certainly I'll give you another minute, Representative Black."

Black: "I just simply join in support with my colleague, Representative Leitch. Competition is coming to this industry. Finally, we're really going to have some some action on the market place, that will be able, therefore we will be able to pick and chose on some rates. I've seen this happen. I've seen this happen in the district that I

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use to represent. Because of the old regulatory structure can't, can not quickly enough react to market forces. We had a strip mine operation from Indiana come into Illinois down in Edgar County, and the strip mine is done by a huge drag line powered by electricity. Well, because the electric rates in that particular part of Edgar County were not comparable to Public Service Indiana, you know what they did? The drag line just dragged the electric cables with them from Indiana into Illinois, and because the regulatory structure cannot, has never been able to and will never be able to meet every conceivable change in the market place in the economy, there wasn't anything anybody could do. So as they moved into Indiana or Illinois to mine coal, they just dragged these huge electric cables from the Indiana border with them. So Illinois didn't gain anything out of that. The Gentleman has a good Bill. Competition is coming, we might as well get on the train before it leaves the station. Vote 'aye'."

Speaker Johnson, Tim: "The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As one of the founders of CUB and also as someone who has reached the age where I could join the AARP, I have to stand against this Bill and ask for a 'no' vote. This Bill absolves utilities of their statutory responsibility to provide service at least cost. That's the present law. Regardless of the pricing mechanism, utility monopolies whose customers remain at risk for the companies mistakes, and we know from Commonwealth Edison there's been a bundle of them. We know from Illinois Power, there's been a bundle of them at Clinton. These mistakes, these companies must remain accountable for their actions. It...This Bill

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does not give the ICC clear authority to modify utilities rate proposals to protect the public interests. The Legislature should not allow the utilities to call the shots when their own rates are being set. Now, why is the AARP, people who are most affected, our senior citizens, small businesses, residential customers, why are they all against this? Because the traditional method, which has been used for 75 years, although not totally acceptable in many, many ways, is still better than this which turns loose a wild open cannon. Theoretically, effective competitive market forces will drive prices toward costs and thereby, protect ratepayers in much the same way that rate of return regulation does. But if there is not effective competition, then there is not an adequate substitute for regulatory protection. Senate Bill 232 does not require any kind of finding of the economic readiness of the utility market that would make alternative regulation appropriate. Nothing in the Bill provides for distinctions to be made between customer classes, leaving the residential customer at economic risk. It is impossible to know from this proposal rather residential ratepayers would be protected from the dangers inherent in noncompetitive markets, such as: shifting of costs from the large customers to smaller customers like small business, senior citizens, other residential ratepayers. There's nothing to protect against degradation of service quality in exchange for increase profit margins and nothing to protect against higher rates that provide excessive earnings. It is not at all clear that competition is going to develop for residential customers, so very specific protections must be provided until these customers can benefit from competition. Ladies and Gentlemen, please do

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not turn this loose. Let's get back to the table. Let the AARP, let CUB and other groups in on it and work out an acceptable route to a new market system. Thank you."

Speaker Johnson, Tim: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. Will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates that he will."

Persico: "Representative, isn't it true that already we're already doing this alternate regulation for noncompetitive local telephone companies?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, we certainly are."

Speaker Johnson, Tim: "Representative Persico, further questions? Proceed."

Persico: "Do we know how that's working thus far?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I don't think it has been implemented yet, but it has certainly brought the issue to the floor and we will be in a much better place to benefit in our state as a result of what is going on with this experimentation."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, isn't it also true that they still have to go through this evidentiary process, this 11 month hearing, before they can even go through...before the commission in order to implement this?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, and as I indicated, the findings that are protective to the public must be met before they may proceed."

Speaker Johnson, Tim: "Representative Persico."

Persico: "And could you very briefly explain what those

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requirements are before implementation...before they can proceed on the implementation?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes. The proposal again must, and this is in statute, the commission shall make a finding and shall specifically identify how the...how the program's departure from the traditional rate of return rate-making principles will benefit ratepayers through the realization of one or more of the following: Efficiency gains, cost savings or improvements in productivity."

Speaker Johnson, Tim: "Further questions, Representative Persico? Proceed."

Persico: "Thank you, Mr. Speaker. Just to the Bill."

Speaker Johnson, Tim: "To the Bill."

Persico: "As Representative Black and Representative Leitch have said, this is a concept that is coming to Illinois. What our job in the General Assembly is, to begin to prepare for this. As it presently stands, there is no incentive to operate efficiently for a rate of return regulation because the utility is allowed to charge a rate of...given return on investment. This concept, which is becoming known as retail wheeling, is coming. It's coming in other states. I think it's imperative that the Members of the General Assembly vote 'aye' on Senate Bill 232 to put us in position to implement this. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Johnson, Tim: "He indicates that he will."

Granberg: "Representative Leitch, I understand where you're going and like Representatives Persico and Black, I think we have to make modifications in public policy to anticipate the

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new wave of technology and the issue of wheeling which we will eventually have to confront. But I do have a couple of questions because I'm not quite sure how to vote on this yet. What protections would be afforded the public by the Commerce Commission or others, against excessive rate-making in the alternative rate schedule?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "That's a very important question and I would like to read again those protections for the public because I think that would be critical, and frankly, I wouldn't be sponsoring this if they weren't in there. This says the commission shall make a finding that the implementation of such a program is in the public interest. They shall make a finding that the implementation of such programs will produce fair, just, and reasonable rates consistent with the provisions of Section 9-241 of this Act. They shall find where appropriate...make a finding that the programs respond to changes in the utilities industry that are in fact occurring and specifically identify how the program's departure from traditional rate of return rate-making principles will benefit ratepayers through the realization of one or more of the following: Efficiency gains, cost savings, or improvements in productivity."

Speaker Johnson, Tim: "Further questions, Representative Granberg?"

Granberg: "Representative, would this prohibit what is termed as 'cherry picking', that in fact residential customers would absorb; higher costs because the best and the customers with the greatest amount of volume would go to a separate entity or a different rate structure?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I believe that it does because there must be a finding



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in here that this is a fair change for the ratepayers.  
It's specifically in here."

Speaker Johnson, Tim: "Representative Granberg, do you have  
further questions?"

Granberg: "And Representative, I think they're going by that  
because of the language in your Bill, and does the Commerce  
Commission, the regulatory authority, do they have the same  
position? Do you they agree with you, that in fact there  
are more than adequate protections for the residential  
consumer?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, I've had at least two extensive discussions on this  
subject with Dan Miller, who is head of the...Chairman of  
the Illinois Commerce Commission and he is extremely  
excited, I might add, about the prospect for being able to  
conduct some of these experiments in Illinois. But in each  
one of those conversations that I have had with him, he has  
emphasized the importance of not permitting the cost  
shifting and not having this result in something that would  
be unfair to the residential taxpayer. He's very, very  
concerned about that consumer aspect to this  
experimentation."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Representative Leitch, does the Illinois Retail  
Merchants Association have a position on your Bill or other  
small business groups?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I don't recall hearing specifically from the Illinois  
Retail Merchants."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Representative, I noticed on a fact sheet that we have  
that I think most of the utilities are in support of this

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policy. Does that include Illinois Power? Because that services a great deal of downstate Illinois."

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "I believe Illinois Power is neutral and the point that you raise is an interesting one because not every utility is wild about retail wheeling and about the future. This is within the utility community itself, has been, although not so much presently, been a very controversial issue."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, that's why I'm curious, Representative, because if Illinois Power is neutral, it was my understanding that they were moving forward with the issue of retail wheeling which Commonwealth Edison was opposed to initially. So, that's one of my concerns, where the consumer stands in the middle of all this."

Speaker Johnson, Tim: "Representative Leitch, you have 30 seconds."

Leitch: "I think they're meeting...attempting to come to a compromise. I think the issue that you are referring to would have been on another Bill. There was a more aggressive, more immediate introduction of retail wheeling that would have been on another Bill, I think, had this been agreed upon."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'. Those opposed by saying 'no'. The 'ayes' have it. The main question is put. Representative Schakowsky, for what purpose do you rise?"

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Schakowsky: "Thank you, Mr. Speaker. If this Bill gets the requisite number, I'd like to request a verification."

Speaker Johnson, Tim: "Your request is acknowledged. Requests...Now...Representative Leitch, to close, on Senate Bill 232."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen. This Bill is not a Bill about the past. This Bill is a very important, a very urgent Bill about our future. We will have one kind of future if we remain fossilized and unable to change and only in a position to wait and see what happens and to wait and see what the next wave of federal deregulation brings to Illinois. This is a very important Bill to strengthen our state, to give us an opportunity to do some experiments, and to find out how the future will work in Illinois, and it is for that reason that I proudly commend to you, Senate Bill 232 and ask for your favorable roll call support."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 232 pass?' Those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'yes', 17 voting 'no', 2 voting 'present'. Representative Schakowsky, do you persist in your request for a verification? She indicates she does not persist. So, on this question there 97 voting 'yes', 17 voting 'no', 2 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 405."

Clerk Rossi: "Senate Bill 405, a Bill for an Act amending the Counties Code. Third Reading of this Senate Bill."

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Speaker Johnson, Tim: "The Gentleman from McHenry, Representative Skinner, the Sponsor."

Skinner: "Thank you, Mr. Speaker. Senate Bill 405 has four parts. The part that came over from Senator Klemm allows county boards in four counties, the following four counties; McHenry, Madison, Peoria, and Sangamon, by resolution, to pass an increase in the fee which is charged everyone who files a lawsuit. An increase from \$6 to \$10 maximum per lawsuit filed. The second part corrects the mistake that I made 22 years ago when I sponsored the Bill...a Bill to implement the 1970 Constitution. Prior to the 1970 Constitution, judges made appointments for special district trustees. I attempted to apportion where these...apportion the appointment power rationally. But in one instance that I'm aware of, I failed, and that is the instance where there's an overlapping tax district into Cook County where the majority of the voters, that is the majority of the population, is in Cook County. Currently, that appointment is made by the Cook County Board President. I propose that the appointment be taken back to the...a more local level and that it be given to the townships in which the overlapping tax district laps on a pro rata basis according to population. The third part of the Bill allows county boards to enact anti-gang ordinances. My state's attorney tells me that county boards currently do not have this power, municipalities do have the power. My county, McHenry County, would like to be known as a, basically a county which will not tolerate gangs. We want them basically to think we're nuts and go someplace else. The fourth part of the Bill would allow a judge in a case to allow a defendant to contribute to organizations fighting drug or alcohol abuse or drug or

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alcohol rehab organizations or anti-gang groups similar to the way...similar to the authority that judges have to convince defendants to contribute to Crimestoppers organizations. If there are questions I'd be happy to answer them."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Inquiry of the Clerk, please."

Speaker Johnson, Tim: "State your inquiry."

Lang: "Thank you. I have before me two notes prepared by DCCA. One is a Fiscal Note prepared on what appears to be their old style stationery which appears to be one of the ones we called phony that Mr. Daniels called irregular, and it was on his list, Sir, and when it was on his list, this Bill was on Second Reading and at that time we were told this Bill would not go to Third Reading until the problem was resolved. This is an unsigned note and perhaps one of the irregular notes, filed on May 18th at about 10:00 a.m. Later, a State Mandates Act Note, which admittedly, I think you'll admit, is a different kind of note. The statute has two different notes. A Fiscal Note and a State Mandates Act Note are different notes. This appears to be a proper note signed by Mr. Whetstone and filed with the Clerk at about 2:00 p.m. on the 21st. There are two inquiries. The first inquiry is whether the Fiscal Note is valid and what the reason would be if you ruled that it is. The second question is whether the State Mandates Act Note was filed before or after the Bill went to Third Reading."

Speaker Johnson, Tim: "Mr. Clerk, if you could respond."

Clerk Rossi: "Representative Lang, these notes were filed prior to the Bill going to Third Reading."

Speaker Johnson, Tim: "Representative Lang."

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Lang: "Well, that answers the second question and resolves my problem with the State Mandates Act Note, but what about the admittedly phony Fiscal Note, the irregular Fiscal Note that was filed on May 18th? Do we know who this is... the one that was prepared by staff, admittedly that is irregular, or is this a different kind? I don't have any explanation as to the Fiscal Note that was filed on May 18th."

Speaker Johnson, Tim: "Mr. Clerk."

Clerk Rossi: "The Fiscal Note that was filed on the 18th is one of the notes that's considered to be irregular, the Clerk's Office has held invalid, and a new note has been filed on the Bill which was filed prior to the Bill moving to Third Reading."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Is the Assistant Clerk referring to the State Mandates Act Note that was filed on May 21st?"

Clerk Rossi: "No I'm referring to the Fiscal Note on Senate Bill 405 that was filed by DCCA, as amended, by Amendments 1, 2, 3, and 4."

Speaker Johnson, Tim: "Representative Lang, does that answer your inquiry?"

Lang: "Well, thirty seconds while staff reviews it, Sir, and then I'll let you know if I have additional inquiry."

Speaker Johnson, Tim: "We will proceed to a question from Representative Rutherford. Representative Rutherford, on the Bill."

Rutherford: "Thank you. Representative Skinner..."

Speaker Johnson, Tim: "We'll get back to you.."

Rutherford: "...Go back and repeat, please, the portion in regards to the fee increase. I want to understand that this is the Cal Skinner that I know, the Cal Skinner I've

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seen, the Cal Skinner I've watched. Go back again and highlight for me the specificity of the fee increase your legislation brings to the Body."

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Well, Representative, as I told you, I was walking at the back of the parade behind the horses and this Bill ended up on my list of Bills. I know where it came from, it came from my McHenry County Board. They would like to...The county board...Okay, all of you have bet that I would...that I'd be able to get through this Bill without laughing, just lost."

Speaker Johnson, Tim: "Further questions, Representative Rutherford?"

Rutherford: "No. Actually, Mr. Speaker, I appreciate it. The specificity in regards to the fee increase that Representative Skinner is sponsoring here has been made quite clear. Thank you."

Speaker Johnson, Tim: "Now, Mr. Clerk, are you prepared to respond to Representative Lang's inquiry. Representative Lang, the Clerk has indicated he's responded. Do you have a further inquiry?"

Lang: "Yes, Sir."

Speaker Johnson, Tim: "Proceed."

Lang: "On page...Well, I have two additional inquiries. The first inquiry would be, do we know who filed the Fiscal Note that was declared invalid that was filed on May 18th?"

Speaker Johnson, Tim: "Mr. Lang, could you indicate to the Body what the significance of your question is? Proceed."

Lang: "Well, because Mr. Daniels promised us an investigation. We have a document filed of record that the Speaker of the House says is a phony document. We should try to find out how that got there and what is being done to save that

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document; make sure that document is still a public record so that the investigation can continue. Can the Clerk indicate that we still have the document?"

Clerk Rossi: "Yes. The document is still in the Bill file."

Speaker Johnson, Tim: "The Speaker has indicated the investigation is complete. Do you have any further inquiries, Representative Lang?"

Lang: "Yes, thank you. On page 6 of Amendment #4, Mr. Speaker, this clearly indicates to me that the Fiscal Note on Amendment 4 should have been prepared by DASA and not DCCA, and I would ask the Parliamentarian and the Chair to take a look at this Amendment. It talks about contributing money to an alcoholism and drug abuse prevention program or prevention or anti-gang program. I don't think DCCA has any of those kinds of programs. I think DASA controls those programs. Accordingly, DASA should have filed the Fiscal Note and I would ask the Chair to so rule."

Speaker Johnson, Tim: "Which page of the Amendment are you making reference to, Representative Lang?"

Lang: "Page 6, lines 1 through 7 refer to where the money is being spent and by who. I do not believe DCCA has any programs like this, and therefore, it looks like DASA should have prepared the Fiscal Note, Sir."

Speaker Johnson, Tim: "We're examining that. We'll be at ease. Which Amendment number, again, Representative?"

Lang: "Four."

Speaker Johnson, Tim: "Amendment #4. We'll get back to you, Representative, as we proceed with the debate. Representative Lang, as you recall, this issue was raised yesterday when the Bill was on Second Reading. As you further recall, you had, I believe, moved to overrule the Chair and the Chair was sustained. Representative Lang."



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Lang: "Speaker, we have raised many issues regarding many notes. This is the very first time since 'notegate' began that I have made the argument to that the wrong agency prepared the note. I have not made this claim before. This is the first time because it's the first time that it's apparent that the wrong agency prepared the note. You know, I've been overruled by the Chair many times; however...however, I think the Chair, being fair-minded, the Parliamentarian reading the plain language of this Amendment will see that this is not a DCCA matter, this is a DASA matter and DASA should prepare the note."

Speaker Johnson, Tim: "That issue could have been properly raised on Second Reading yesterday and it was not. On the Bill, the Gentleman from Winnebago, Representative Scott. Representative Scott, on the Bill."

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

Speaker Johnson, Tim: "He indicates that he will."

Scott: "Representative Skinner, I've got a few questions about both the underlying Bill and about each of the...each of the Amendments. On the underlying Bill, we'll start there. How many counties are you adding by lowering the population from 250,000 to 175,000?"

Speaker Johnson, Tim: "Representative, in response."

Skinner: "As I enumerated, there are four; McHenry, Madison, Peoria, and Sangamon."

Speaker Johnson, Tim: "Representative Scott."

Scott: "I understand McHenry, with respect to you, but the other three counties, is that...did people from those counties come to you and request this, or was that just a way to get McHenry in and those other counties fell into it?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "I'm fairly sure we could have crafted legislation that

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would have only had McHenry. I am not privy as to who else wanted in, but my guess is that at least one of the other three counties wanted this authority."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, we don't know that for sure. That's just...Okay. Let me ask about Amendment #1. Have there been abuses by the county board as to why we're changing to have the townships appoint rather than the county board?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "I'm not sure that I would characterize the appointments over the last 22 years as abuses. I would suggest that they could be more representative of the...of political landscape in the outlying areas of the...of Cook County than they are now."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, is this done anywhere else to your knowledge or is this done just specifically for this particular county. Is this done in Winnebago or any other county where things are going on right now?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Actually, I drafted a Bill to cover the entire state and found out nobody else had a problem."

Speaker Johnson, Tim: "Representative Scott."

Scott: "When we say Amendment #1 applies to a district partially within a county of 3,000,000 or more, are we...do you have a specific district in mind that we're contemplating with this legislation?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "I do not know the name of a district. I understand there a...is at least one fire protection district that is situated as is described in this Amendment. There may be others."

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Speaker Johnson, Tim: "Representative Scott."

Scott: "Why would we want to draft or craft legislation so it applies to one particular fire protection district then?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Representative, as you can see it is not drafted in that manner. It's drafted to cover all sorts of district."

Speaker Johnson, Tim: "Representative Scott, further questions?"

Scott: "Well, why are we that concerned with what's going on in terms of Cook County and how they're appointing these members right now?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Well, I'm concerned because I'm the author of the original Bill and I'd like to leave things better than they were when I started. This I...This...Amendment #1, I would point out, covers fire protection districts, mosquito abatement districts, street light districts, local mass transit districts, not the RTA, public water districts, water service districts, and water authorities. Now, I'm not an expert on the tax districts that overlap the periphera (sic-periphery) of Cook County. There may or may not be any of those districts, but I asked the Reference Bureau to draft it so that all of the districts for which appointments are made by county board presidents would be covered."

Speaker Johnson, Tim: "Further questions, Representative Scott?"

Scott: "So, we don't know for sure how many districts this might or might not apply to? We know of many that might not, but we don't know how many that might apply to?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "I asked one of the lobbyists for Cook County to attempt to get such a list and he has not gotten back to me."

Speaker Johnson, Tim: "Representative Scott."

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Scott: "Well, that smacks greatly of special legislation. But let me move on to a couple of the other Amendments, since there's a bunch on here. In Amendment #2, we're going to say, with 2% of the people you can get on the ballot. No, we've changed that now?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "As I'm sure your crack staff has told you, Amendment #2 has been tabled."

Speaker Johnson, Tim: "Representative Scott, you have a minute."

Scott: "That's good, cause that really had some awful things in there. Let me go to Amendment #3. I understand, though, the reasoning for wanting to do it and I come from an area that has significant problems with street gangs as well. What are you contemplating with this language of reasonable regulations? What do you have in mind with respect to that or what does the county have in mind with respect to that?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Well, as you may know, my county has the town of Harvard which has virtually a zero tolerance ordinance with regard to gangs, and if it is not overturned by any court to which it is brought, that's what I have in mind."

Speaker Johnson, Tim: "Representative Scott, if you could bring your comments and questions to a close."

Scott: "Well, let me ask one more question with respect to that and make the statement that at first that I think that an ordinance probably will be in Harvard. But doesn't that essentially say that...is the wearing of certain clothing, for example, is enough to be able to get somebody stopped by the off..."

Speaker Johnson, Tim: "If you'll respond to the question, Representative Skinner."

Skinner: "All I know about the ordinance is what I've read in the

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paper and I've read some things similar to that in the paper."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Scott."

Speaker Johnson, Tim: "Representative Scott, proceed."

Scott: "Thank you, Mr. Speaker and thank you, Representative Dart. As I understand that particular ordinance, it could. For example, if a particular street gang is fond of a certain college team's wardrobe - pick the college - whether it's Georgetown or any of the other ones, Michigan or some of the other ones that are worn right now, isn't it the truth that that particular ordinance would allow police officers to stop young people who are wearing those colors whether they've done anything else at all or not? I mean, isn't that probable cause to stop?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "I wish I could answer your question, Representative, but I'm not an expert on the ordinance. I've never seen it."

Speaker Johnson, Tim: "Further questions, Representative Scott?"

Scott: "Which brings me back to my first question, then. With respect to this Amendment, what then is a reasonable regulation that we'd expect them to adopt that they couldn't already do with either (a) the police powers that are already given through the statutes, or (2) the Street Gang Racketeering Bill that we just passed out of here a couple of weeks ago? What extra are we looking for them to do in terms of regulation that they can't already do?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "Representative, I'm a mere messenger of my county

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board. They said they wanted this language and I have offered it."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, I appreciate...I appreciate your forthrightness (sic-forthrightness) on that particular point, but that's a little scary to talk about just granting some kind of generalized power of reasonable regulations. I mean, a court's going to interpret it that they can do what's reasonable anyway, right now. I mean, I don't know why we have to create an entire new statute for that. Well, let me move on to Amendment #4. Do you have any concern at all that the imposition of money going to particular drug treatment agencies will lessen the fines that will end up going to municipalities or to counties for people who are convicted of these offenses?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "No."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Have you ever seen an instance where the imposition of a second fine or additional fine has caused the taking away of fines from other places? Cause I know I have, having been a former prosecutor, and I think some of the other former prosecutors in the room can see that as well. I mean, it's natural to say if a judge is trying to impose a penalty on a particular defendant, taking that defendant's financial circumstances into effect is one thing that judges do when they make fines. Isn't it natural to expect that they are also going to take into account the amount of money that's being assigned to that particular program, and if not, why not?"

Speaker Johnson, Tim: "Representative Skinner, I'm not sure that was a question. Do you wish to respond? Two questions.

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Do you wish to respond?"

Skinner: "Well, I'm certain that the judge will take into consideration what the the officials running the given county that he is serving in, what their needs are, as well as what he thinks the needs of either drug abuse or alcohol abuse or prevention programs or prevention or anti-gang programs needs are."

Speaker Johnson, Tim: "Representative Scott."

Scott: "One more question with respect to the underlying Bill. How much of a fee increase is it?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "This size of county is allowed to levy, by ordinance, a \$6 per lawsuit fee at the current time. This would allow the county to change the ordinance to raise it up to \$10 per lawsuit filed."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Well, aside from the fact that that's a...that's a fairly substantial increase in one shot. I mean, aren't the districts in McHenry County, McHenry County being a fairly substantial growth county, aren't they already receiving a great deal more in terms of funds than they were a few years ago just from assessed valuation going up?"

Speaker Johnson, Tim: "Representative Skinner."

Skinner: "The short answer is, yes, Representative. But since I was elected County Treasurer in 1966, the county law library has always been exclusively financed, to the best of my memory, from fees that are levied against those who file lawsuits with the McHenry County Circuit Clerk. I mean, you would have a better idea than I how fast the cost of law books are going up. But it seems conceivable to me with the computerization of the law books, that perhaps the county is planning to put in a couple of computer terminals

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so people can have access to more wide-ranging resources than are found between hard covers."

Speaker Johnson, Tim: "Representative Scott, you have 10 seconds."

Scott: "Well, I appreciate your responses, Representative Skinner. Unfortunately, I think there's a lot to recommend against this particular Bill from the number of the different Amendments..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

Weaver: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those by saying 'no'. The 'ayes' have it, the main question is put. The Sponsor, Representative Skinner, to close. Representative Skinner."

Skinner: "Would you like to start the clock again?"

Speaker Johnson, Tim: "Proceed, Representative..."

Skinner: "Mr. Speaker, I would be quite pleased if the Democrats went for a caucus after this Bill. I'm about ready for a nap, having stayed up till 1:00 last night."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 405 pass?' We'll go to Representative Lang. Representative Lang, what is your point?"

Lang: "Thank you, Sir. I have a couple of points, so don't leave me until we finish all of them, okay."

Speaker Johnson, Tim: "Proceed. I was about to compliment Hamilton Caterers on their food tonight because the mood seems to have been very calm. So we want to keep it that way. Proceed, Representative Lang."

Lang: "Thank you, Sir. First, I did not get a response to my inquiry as to who should file the Fiscal Note relative to



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Amendment 4. You'll recall we discussed Amendment 4. You'll recall that we discussed that on page 6 it indicates..."

Speaker Johnson, Tim: "Representative Lang, we did respond to that inquiry by indicating that that issue would have properly been raised on Second Reading yesterday and it was not raised. Representative Lang."

Lang: "You'll also recall, Mr. Speaker, that Mr. Daniels, your leader and I guess mine, voted...indicated from where you're standing that no Bills would move until all mysteries regarding the Fiscal Notes were resolved on this particular Bill. In fact, this Bill moved to Third Reading from Second without the mystery being resolved, and accordingly he broke his word to this General Assembly. I ask you to take a look at the plain language on page 6 and tell me if you think that this should have been filed by DASA or DCCA."

Speaker Johnson, Tim: "We have indicated that the issue would have been properly raised on Second Reading. It was not, and that's the ruling of the Chair. Representative Lang, what's your second point?"

Lang: "Well, first, I would move to overrule the Chair on that and ask for a roll call vote."

Speaker Johnson, Tim: "The question is, 'Shall the Chair be sustained?' All in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted wish? Have all voted wish? Mr. Clerk, take the record. On this question there are 64 voting 'yes', 52 voting 'no', and the Chair is sustained. Representative Lang, do you have a further point of order?"

Lang: "Yes, point of order. Amendment 1 is not in order because the Bill amends the Counties Code and Amendment #1 amends

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the Fire Protection District Act. The Amendment is not germane and I would ask the Chair to so rule."

Speaker Johnson, Tim: "It'd be the easiest...respond...You want to restate your point, Representative Lang?"

Lang: "My point is that Amendment #1 is not germane because it does not amend the same Act that the Bill amends."

Speaker Johnson, Tim: "The Bill deals with matters, Representative Lang, of local government as does the Amendment. The Amendment is ruled germane. Representative Lang."

Lang: "You said they deal with matters of government?"

Speaker Johnson, Tim: "Local government."

Lang: "Local government?"

Speaker Johnson, Tim: "Correct."

Lang: "The Counties Code and the Fire Protection District Act can be on the same Bill because they both deal with government?"

Speaker Johnson, Tim: "That is our ruling. Correct."

Lang: "...Overrule the Chair and ask for a roll call vote."

Speaker Johnson, Tim: "The question is, 'Shall the Chair be sustained?' All in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'yes', 53 voting 'no' and the Chair is sustained. The Chair recognizes the Gentleman from...Representative Lang, is there a third point?"

Lang: "Thank you. I have a couple more points, then we'll be finished, Sir. You...The next point is on...to Amendment #3. I question whether Amendment #3 is germane."

Speaker Johnson, Tim: "What is the basis, Representative Lang, for your indication that the Amendment is not germane?"

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Lang: "Well, two reasons. Number one, Amendment 2 was tabled, and also subject matter."

Speaker Johnson, Tim: "The subject matter is local government, as to the Bill and the Amendment, and your other point was what, Representative Lang?"

Lang: "Did you rule on that Motion?"

Speaker Johnson, Tim: "Yes, I ruled on that."

Lang: "And your ruling was, Sir?"

Speaker Johnson, Tim: "My ruling was that the Amendment was germane, and your other point?"

Lang: "And the reason as to why Amendment 3 was germane, Sir?"

Speaker Johnson, Tim: "I just stated that the Amendment relates to the same subject matter as the Bill, local government. The question is, 'Shall Senate Bill 405 pass?' All those in favor vote 'aye'; those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 65 voting yes, 47 voting 'no', 4 voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we're proceeding to the Order of Consideration Postponed. Read Senate Bill 818."

Clerk McLennand: "Senate Bill 818 has been read a third time previously. It is on the Order of Postponed Consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 818 was heard the first time last Monday. It received 59 votes. At one point, prior to the verification, the Bill had substantially more than that and I understand someone was giving away free ice cream or

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something out by the rail because during the verification I turned around and I saw many people walking out the door. I'm told that there is no free ice cream out by the rail tonight, so hopefully everyone will stay in the House during the vote. The Bill itself amends the Emergency Telephone Systems Act and it deals with indemnifying an emergency telephone board or a local unit of government against civil damages in the performance of their duties; and also, delays requirements for 9-1-1 for private residential switches for one year and for private business switches for six months. Excuse me, reverse that. The residential for six months and the private business switch for one year. On this, at the time that it was originally heard, I was the only Sponsor. Since that time I've had discussions with Members on both sides of the aisle and the Bill has picked up additional Sponsors. It...From a bipartisan standpoint, I believe it's a good Bill and would ask for your favorable vote. Be happy to answer questions."

Speaker Johnson, Tim: "Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. It's been 10 minutes since my light's been on. But I rise on a point of order."

Speaker Johnson, Tim: "State your point."

Granberg: "You refused to acknowledge us on the previous points, Sir. But first of all, I believe this Bill should be on the Order of Postponed Consideration."

Speaker Johnson, Tim: "It is."

Granberg: "The board does not so indicate."

Speaker Johnson, Tim: "If you'll examine your Calendar, it is on the Order of Postponed Consideration. The board does not show or indicate that in any event, Representative.

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Further point?"

Granberg: "Yes. The board normally indicates that, Sir; and secondly, it's also showing on the Calendar it's on Short Debate. It was removed previously."

Speaker Johnson, Tim: "We'll certainly remove that if that's your desire."

Granberg: "And finally, I rise in the spirit of bipartisanship to thank you for passing 23 Bills today, all Republican Sponsors, and not dealing with any Democratic Member's Bills."

Speaker Johnson, Tim: "Hearing no further debate...On this issue? Now there's a new light on. Representative Dart, proceed."

Dart: "Well, thank you for recognizing us finally. So very kind of you."

Speaker Johnson, Tim: "Well, your light wasn't on, Representative Dart. You just turned it on. I'm recognizing you."

Dart: "Well, no. Actually it's because I was trying to give my colleague here, Representative Lang, the benefit of being recognized. But since you see fit to ignore him regularly, I figured I might put mine on and maybe your vision is blocked in this general area. I was just testing you out here and apparently you can see...You miss it right over here, though."

Speaker Johnson, Tim: "Proceed on the Bill, Representative Dart."

Dart: "This is to the Bill. Question of the Sponsor. Representative, can you explain to me the...what was the impetus behind this Bill?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Yes, I can, Representative. The Bill itself deals with emergency telephone system boards across the state that would be required to be set up because a county or a municipality has passed a surcharge in order to pay for the

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equipment to implement 9-1-1, and it was brought to my attention by a county board member of DuPage County who lives in my district. But quite frankly, it's much broader than just one county. It is what is required by law. It effects boards that are required by law to be set up, currently. So, it's statewide."

Speaker Johnson, Tim: "Representative Dart."

Dart: "How far does your limit on liability go on this Bill?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Currently, public agencies are given similar liability. Again, the spirit is to just extend this to the board that's required by law to be set up to implement the 9-1-1 systems for the public agencies that are already given..."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Why is it we want to give the board willful and wanton exemptions?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I'm sorry, Representative, I didn't understand the question."

Speaker Johnson, Tim: "Representative Dart, could you restate your question?"

Dart: "Why is it we want to exempt the board and not just the members?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, my understanding is the board is made up of the members of...and those are the people in addition to the board itself that would be taking action to implement the 9-1-1 system."

Speaker Johnson, Tim: "Representative Dart."

Dart: "Well, how about the companies that provide the equipment? They'd also be exempt on our list, wouldn't they not?"

Speaker Johnson, Tim: "Representative Meyer."

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Meyer: "Currently, the land line equipment is already covered by this. This Bill...By the way, one other aspect of it that we haven't talked about is yet...it...a number of municipalities and counties have requested that cellular one, 9-1-1 systems, be implemented and just as the land line systems that are currently in effect are immune and this brings the cellular systems under that, also."

Speaker Johnson, Tim: "Proceed."

Dart: "What about for the software? Something such as that. Will this exemption cover that as well?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Yes, the software and the hardware."

Speaker Johnson, Tim: "Representative Dart."

Dart: "So, can you give me a running list then, of all these exemptions we're giving here?"

Speaker Johnson, Tim: "Representative Meyer, a minute and a half."

Meyer: "I believe that we've basically talked about the ones that are in the Bill. I could read sections of the Bill if you'd so desire."

Speaker Johnson, Tim: "Representative Meyer, proceed."

Meyer: "Under current law no public agency or public safety agency, nor any office or agent or employee of any public agency or public safety agency shall be liable for any civil damages as a result of an act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating, or implementing any plan or system required by the Emergency Telephone System Act. Now that's what the current law is. It also covers...immunes anyone that gives emergency instructions through the system under the Act. Local public entity includes county, township, municipality, municipal

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corporation, school district, school board, educational service region, regional board of school trustees, community college...You want me to do on, I will, but those are the types of things that are already covered under the Act, and so, all we're doing is adding in addition to these that are already under the Act. The cellular equipment and also the..."

Speaker Johnson, Tim: "We'll give you another minute."

Meyer: "We're adding the cellular equipment in addition to the emergency telephone system board, in addition to what's already there."

Speaker Johnson, Tim: "Representative Dart, we'll give you the additional minute, too. Go ahead."

Dart: "Thank you, Mr. Speaker. To the Bill. I understand the..."

Speaker Johnson, Tim: "To the Bill."

Dart: "...the Sponsor has put a great deal of time into this Bill, but unfortunately this is a very bad Bill. It extends the liability exemption way beyond where it should be. It's one thing to exempt board members personally, it's another thing to exempt the board altogether. If you have an instance where 9-1-1 has been designed poorly or where someone's death has been caused by it, we have now gone to an extreme where we now have limited the liability against that board. That's irresponsible at best and is not something we should be condoning, let alone passing legislation to do, and for that reason this Bill was defeated before and should be defeated again."

Speaker Johnson, Tim: "The Lady from Cook, Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to Representative Scott."



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Speaker Johnson, Tim: "Representative Scott, your...The request, Representative Flowers, is acknowledged. Representative Scott, on the Bill."

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

Speaker Johnson, Tim: "He indicates that he will."

Scott: "Representative, having worked in local government, I understand very well the need for the exemption for the emergency services for police and fire and ambulance services who are out responding to calls, and I even understand extending that exemption to the actual operators who are also under a lot of pressure - the telecommunicators. But, if I understand what...correctly from your responses to Representative Dart's questions, now the person who in the comfort and the safety of their on office is developing software packages for a 9-1-1 center as well as the hard line. We're going to exempt them from liability except in cases of willful and wanton conduct?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Again, all this does is to bring under the exemption the cellular equipment and hardware and software for it. In ad...Already you have the...all the hardware and software equipment for the land lines. It is no different than what you already have for the majority of the system. This only allows you to bring the cellular under it. As far as the boards themselves, the members of the boards, public agency people sit as a part of the boards. In addition, you'll have volunteers step forward and ask to be appointed to them. It brings them under it just as it does any of the other decision makers of the public agency system today. Without this, quite frankly, Representative, I doubt whether you're going to find members that are willing to sit on those boards and I'm sure your constituents will

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wonder why they don't have 9-1-1 if they levy a surcharge."

Speaker Johnson, Tim: "Representative Scott, do you have further comments or questions?"

Scott: "Yes, Sir, a couple. I understand wanting to limit the people's, on the board, their personal liability. Why...Secondly, why do we want to exempt the board and then, that's one question. The second question, a police officer is in a high speed chase, he's covered by willful and wanton...Unless he's willful and wanton he's exempted from liability, but the person who designed the squad cars is not exempted except for willful and wanton liability. If the squad car malfunctions and causes an accident, that company that designed the squad car is going to be liable. What's the difference between that and the situation where you're trying to extend liability right now because I can't see one?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, again, Representative, I believe that if you look at the current law you've already extended everything that I'm asking for cellular. You've already extended it to the land line based operation and this just brings cellular into it. It doesn't, in technical terms, expand the scope of 9-1-1 immunity indemnification. It just brings this one aspect under it just like you've already afforded to the land line portion."

Speaker Johnson, Tim: "Representative Scott."

Meyer: "Well, I think we're talking about two different things, Representative Meyer. I understand not applying to the PBX telephone extend...I understand that particular part of Amendment #1. But the first part of Amendment #1 is the troublesome part because you're adding to the exemptions from liability. I'll quote, 'Or any telecommunications

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carrier, including but not limited to wireless carriers, designer, installer, maintainer, provider, or supplier, through sale or otherwise of services, software, hardware, or customer premises equipment, nor their officers, employers or agents'. That's brand new. That's being added through Amendment #1. Again, I've got to go back to the analogy. If we're adding all these people here, why aren't we also doing the same thing to exempt the people who are designing, manufacturing, selling squad cars? I don't think we ever want to be in that position. Why do we want to do it for 9-1-1 equipment?"

Speaker Johnson, Tim: "Representative Meyer, you have 30 seconds."

Meyer: "Well, I really can't ex...Squad cars and high speed chases certainly are not a part of this Bill. This Bill deals with 9-1-1 and ability of people to pick up a phone and call the 9-1-1 number and get an answer at the other end. I believe that this Bill is good to cover it the way that it's doing and I don't know how else to answer you."

Speaker, Johnson, Tim: "The Chair recognizes the Lady from Lake, Representative Clayton. For what purpose do you rise?"

Clayton: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'. Those opposed by saying 'no'. Main question is put. The Chair recognizes the Gentleman from Will, Representative Meyer, to close."

Meyer: "Well, thank you, Mr. Speaker. I would just ask the Members of the General Assembly to look at the Bill. 9-1-1 is a service that our constituents are demanding. It's not that they are even asking for it anymore, they're demanding it. They expect it and I think this is a good

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Bill and will go a long ways towards bringing this into compliance as far as cellular goes also. I'd ask for..."

Speaker Johnson, Tim: "The questions is, 'Shall Senate Bill 818 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 83 voting 'yes', 30 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, do you have any announcements?"

Clerk Rossi: "Committee announcements. The House Committee on Elementary and Secondary Education will meet Tuesday, May 23rd at 8:00 a.m. in 118 of the Capitol. The House Committee on Executive will meet Tuesday, May 23rd at 8:00 a.m. in 114 of the Capitol. The Judiciary Criminal Committee will meet Tuesday, May 23rd at 8:30 a.m. in D-1 of the Stratton Building. The Judiciary Civil Committee will meet Tuesday, May 23rd at 8:00 a.m. in D-1 of the Stratton Building. The House Committee on Counties and Townships will meet Tuesday, May 23rd at 8:30 a.m. in 114 of the Capitol."

Speaker Johnson: "Now proceed to the Order of Senate Bill Third Reading. Mr. Clerk, read Senate Bill 412."

Clerk Rossi: "Senate Bill 412, a Bill for an Act for the conveyance of certain real property. Third Reading of this Senate Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, the Sponsor, Representative Balthis. Proceed."

Balthis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 412 authorizes the Cook County Forest Preserve District to convey approximately 26 acres to Acme

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Steel and Exchange for approximately 46 acres of land. Senate...House Amendment #1 is a technical Amendment to clarify some language in the underlying Bill. As well, it authorizes the state to convey .1848 acres of land in DuPage County; authorizes the state to convey .61 acres in Washington County in the Village of Irvington; allows the Downstate Forest Preserve District Act...amends the Downstate..."

Speaker Johnson, Tim: "If you could give the Gentleman your attention?"

Balthis: "...The boundaries of...boundaries of a forest preserve...coterminous to the boundaries that those members will be...the number of members will be reduced from 24 to 18 and that the forest preserve district members will be elected from similar districts. Allows the forest preserve district situated in a county with a population of less than 100,000 to enter into a long-term lease for a minimum of 15 years with any county fair board participating in the Agricultural Premium Fund. Amends the Sanitary District Act of 1917. Provides a board of trustees consisting of five members of any sanitary districts which includes one or more municipalities with a population of over 95,000, now 100 but less than 500,000, according to the most recent federal census. Strikes the language forbidding more than three members of a five member board from being from the same political party. Be happy to try an answer any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. If we could get the chamber to give Representative Hoffman your attention. Representative Hoffman, on the Bill."

Hoffman: "Yes, will the Sponsor yield?"

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Speaker Johnson, Tim: "He indicates he will."

Hoffman: "Now, it's my understanding that this gives the forest preserves some quick claim provisions. Why weren't these provisions added to one of the many Omnibus Land Bills which have passed out of here earlier in the year?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Representative, your question was in regard to quick-take? There is no quick-take language in this Bill."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Can DuPage County do this without legislative approval?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Can DuPage County do which portion of the Bill?"

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "It seems that DuPage County could do their portion of the Bill without legislative approval. Why do we need to be even addressing this?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Representative, this request came from the President of the DuPage County Board."

Speaker Johnson, Tim: "Further questions, Representative?"

Hoffman: "Yes, what's the fiscal impact of this Bill?"

Speaker Johnson, Tim: "I didn't hear your comment, Representative Hoffman."

Hoffman: "I asked the Representative what the fiscal impact is on this Bill?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Representative, the Department of Agriculture indicates it has no fiscal impact and the Department of Transportation indicates it has no fiscal impact on the state."

Speaker Johnson, Tim: "Representative Hoffman."

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Hoffman: "Did you ask the staff to prepare a Fiscal Note for you?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "What does the...What does the Illinois Department of Commerce and Community Affairs feel the impact of this Bill would be?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "There is no impact on the State of Illinois."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Now, did you...are you looking at the same notes that I looked at. One that...It's my understanding that this was one of the Bills that the Speaker had on the list that he indicated that there were fraudulent notes prepared to."

Speaker Johnson, Tim: "Proceed, Representative."

Balthis: "Representative, the Fiscal Notes I have were filed by the agencies I requested from."

Speaker Johnson, Tim: "Proceed, Representative."

Hoffman: "So, you're not looking...you're not looking at the Department of Commerce and Community Affairs' Fiscal Note that says there's no fiscal impact, but was admitted by the Speaker for being a fraudulent note?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Representative, the Fiscal Notes that I have in my file were filed by the agencies and appropriately signed."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "The question is, are you relying on the phony Fiscal Note that was filed by the Department of Commerce and Community...Excuse me, that was filed...that was filed for the Department of Commerce and Community Affairs by staff. Are you relying on the fraudulent Fiscal Note that was

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filed for the Department of Commerce and Community Affairs  
in order to state that there is no fiscal impact?"

Speaker Johnson, Tim: "Representative Balthis, do you wish to  
respond?"

Balthis: "Representative, I'm relying upon the documents that  
were filed by the agencies that they were requested from  
and those are in the file."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, Representative, I'm not trying to ask a trick  
question here. The only thing that I'm trying to ask is  
whether you are relying in your representation that there  
is no fiscal impact on the fraudulent Fiscal Note that was  
admitted to be fraudulent by the Speaker of this House?"

Speaker Johnson, Tim: "Representative Balthis."

Balthis: "Representative, I'm not trying to trick you either, but  
I've answered that question three times."

Speaker Johnson, Tim: "Representative Hoffman, you have a minute  
left."

Hoffman: "Well, let me just say this and with all due respect to  
the Representative, he hasn't answered the question. What  
he said is that he is relying upon the department's  
representations. What department are we talking about?  
Are we talking about the Department of Commerce and  
Community Affairs, the department...the department who had  
a Fiscal Note that was filed that they said they didn't  
file? Are we talking about other Fiscal Notes? What are  
we talking about? The integrity of the process has been so  
tainted, we can't even figure out what agency may or may  
not have filed the Fiscal Note. We can't figure out what  
agency may or may not have had forged Fiscal Notes filed in  
their name. This Bill has been admitted to have a forged  
Fiscal Note filed upon it and we're sitting here debating a



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Bill and I can't get from the Sponsor whether he relied on a forged Fiscal Note or whether a new one was filed by that agency or whether we're relying on it. That is the problem with this whole process. It's the problem with what we're dealing with. Take this back to Second Reading and let's work on it."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Harold Murphy. Proceed."

Murphy, H.: "Thanks, Mr. Speaker. I stand in support of Senate Bill 412. It's a good Bill. It's something that we need in the State of Illinois and south suburban in particular. I had an opportunity to go to the Chamber of Commerce to watch them make steel there on the sly. The reason, because there are going to do an improvement in my district and in south suburban 'Perry' we need the extra land. So, I stand in support of Senate Bill 412 and hope the rest of my colleagues do also. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Mr. Speaker, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed by saying 'no'. In the opinion of the Chair the 'ayes' have it. The main question is put. The Sponsor, Representative Balthis, to close."

Balthis: "I would just ask the Members to look at the intent of the Bill and what it does for jobs in the south suburban area and ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall Senate Bill 412 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'nay' The voting is open. This is final action. Have all voted who wish. Have all voted who wish?"

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Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', none voting 'no', none voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. Speaker Daniels in the Chair."

Speaker Daniels: "Senate Bills Second Reading. Senate Bill 135. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 135, a Bill for an Act that amends the Illinois Municipal Code. Second Reading of this Senate Bill. Committee Amendment #1 and 2 were adopted. Floor Amendments #3 and 4 have been referred to Rules. A Fiscal Note has been requested on the Bill, as amended, and has been filed."

Speaker Daniels: "Hold that Bill on Second Reading. Senate Bill 180. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 180. The Bill has been read a second time previously. Committee Amendment #1 is referred to Rules. Floor Amendment #2 has been referred to Rules. The Fiscal Note has been requested. A State Mandates Note has been requested and all notes have been filed."

Speaker Daniels: "Third Reading. Senate Bill 203. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 203. The Bill has been read a second time previously. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 was adopted. Committee Amendments #3 and 4 were referred to Rules. Floor Amendments #5 and 6...Floor Amendments #5 and 6, referred to Rules. Fiscal Note requested on the Bill, as amended, and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 363. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 363. The Bill has been read a

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second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note and a State Mandates Note have been requested on the Bill and both have been filed as requested."

Speaker Daniels: "For what purpose does the Gentleman, Representative Lang, arise?"

Lang: "Thank you, Mr. Speaker. Do to 'notegate', we feel we must ask some questions about the Fiscal Note that was filed. I see that the Fiscal Note was purportedly filed on May 18th at about 5:00."

Speaker Daniels: "Excuse me. Excuse me. Take this Bill out of the record. Okay. Mr. Clerk, take that Bill out of the record. Senate Bill 371. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 371. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 has been referred to Rules. No further Floor Amendments. A State Mandates Note and a Fiscal Note have been requested on the Bill, as amended, and both have been filed."

Speaker Daniels: "I don't know how you guys are going to break it to the Minority Leader. I guess you've given up on him. So, you know, that's a shame. Mr. Madigan has to be advised you guys are for someone else. Okay, hold that Bill on Second Reading. Senate Bill 477. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 477, a Bill for an Act that amends the Downstate Forest Preserve District Act. Second Reading of this Senate Bill."

Speaker Daniels: "Hold that Bill on Second Reading, Mr. Clerk. 528. Read the Bill, Mr..."

Clerk McLennand: "Senate Bill 528. The Bill has been read a second time previously. Committee Amendment #1 was

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adopted. No Floor Amendments. A Fiscal Note has been requested on the Bill, as amended, and has been filed."

Speaker Daniels: "Representative Lang."

Lang: "The note the Clerk...Inquiry of the Clerk."

Speaker Daniels: "State your inquiry."

Lang: "The Fiscal Note that I'm looking at is dated May 17th and filed May 17th at about 8:30 a.m. Is that the note the Clerk refers to?"

Clerk McLennand: "Yes."

Lang: "And the question is, was this note signed when the Clerk received it and was it received before the Bill...Never mind. Was it signed when the Clerk received it?"

Clerk McLennand: "It was signed...I believe the signature was on it when it was filed."

Speaker Daniels: "Anything further, Representative Lang?"

Lang: "No."

Speaker Daniels: "Third Reading. Senate Bill 560. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 560, a Bill for an Act that amends the Historic Preservation Agency Act. The Bill has been read a second time previously. Committee Amendment #1 has been adopted. No Floor Amendments. A Fiscal Note and State Mandates Note have been requested on the Bill and have been filed."

Speaker Daniels: "Third Reading. Senate Bill 586. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 586. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 was referred to Rules. A Fiscal Note, State Mandates Note, and a Home Rule Note have been requested on the Bill, as amended, or as filed. A Home Rule Impact Note has been filed on the Bill. The Fiscal Note has been filed

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on the Bill and the State Mandates Note has been filed on the Bill. All notes are filed."

Speaker Daniels: "Third Reading. Senate Bill 675. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 675. The Bill has been read a second time previously. Committee Amendment #1 was adopted. No Floor Amendments. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 700. Read the Bill."

Clerk McLennand: "Senate Bill 700. The Bill has been read a second time previously. Committee Amendment #1 failed. Floor Amendment #2 was referred to Rules. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Daniels: "Hold that Bill on Second Reading. 718. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 718. The Bill has been read a second time previously. Committee Amendment #1 was adopted. No Floor Amendments. A Home Rule Note has been requested on the Bill, as amended. A State Mandates Note has been requested on the Bill, as amended. A Balanced Budget Note has been requested on the Bill and a State Debt Impact Note has been requested on the Bill. The State Debt Impact Note, the Fiscal Note, the Home Rule Note, and the State Mandates Note have all been filed. The Balanced Budget Note has not been filed."

Speaker Daniels: "All notes have been filed with the exception of the Balanced Budget Note. Is that what you said, Mr. Clerk?"

Clerk McLennand: "Yes, Mr. Speaker. For what purpose does the Lady from DuPage, Representative Cowlshaw, arise?"

Cowlshaw: "Thank you, Mr. Speaker. I rise to move that the

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Balanced Budget Note does not apply to this Bill. Balanced Budget Notes apply only to Supplemental Appropriations. This is not a Supplemental Appropriations Bill. Therefore, if...the Balanced Budget Note Act does apply."

Speaker Daniels: "You heard the Lady's Motion. On that Motion, Representative Youngue. Just a second, Representative Lang, we're recognizing Representative Youngue. Some other people would like to speak other than you. Representative Youngue."

Youngue: "I'll yield my time to Representative Lang."

Speaker Daniels: "Apparently she doesn't have anything to say. Representative Lang, Representative Youngue has nothing to say, so she wants you to speak for her."

Lang: "Apparently you were wrong, Speaker."

Speaker Daniels: "Apparently I was."

Lang: "I just have an inquiry of the Clerk. Who requested the Balanced Budget Note?"

Speaker Daniels: "We are on a Motion. We'll take that question when we're done with the Motion. Who requested the Balanced Budget Note, Mr. Clerk."

Clerk McLennand: "Representative Wyvetter Youngue."

Speaker Daniels: "Representative Youngue did. Representative Lang."

Lang: "Well, Sir, this may explain why Representative Youngue was a little concerned about the Motion to have her request held inapplicable. Apparently, Representative Youngue thinks that the Balanced Budget Note Act is appropriate here. Apparently, Representative Youngue will feel grieved if this Motion passes. So, I'm with Representative Youngue, I think we should vote 'no'."

Speaker Daniels: "The question is, 'Is the Balanced Budget Note inapplicable?' All those in favor vote 'aye'; all those

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opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there's 65 'aye', 47 'no' and the Lady's Motion prevails. Third Reading. Representative Lang."

Lang: "Thank you. On the Bill you just went by, I did have a question about an irregular Fiscal Note."

Speaker Daniels: "Well, excuse me, which Bill are we talking about, Sir?"

Lang: "The...Senate Bill 718, Sir. The Bill you just moved to Third Reading."

Speaker Daniels: "Yes, Sir."

Lang: "The one that's still on the board."

Speaker Daniels: "It's on Third Reading, Sir."

Lang: "Yes, I understand. But I think when I...why I have an inquiry and perhaps you'll want to move it back to second, Sir. The Fiscal Note that was filed with the Clerk stamped May 17th at about 2:00 p.m. was on a blank piece of paper. It says Fiscal Note - Senate Bill 718, as amended. It's not signed. It's not on anybody's letterhead. I don't know whose Fiscal Note this is. Is this the Fiscal Note you're relying upon to move the Bill to Third Reading?"

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "That Fiscal Note is not the one we are relying on. The Fiscal Note we are relying on is on the stationery for the Illinois Community College Board. It contains the same language as that, but was refiled on May 20th and signed by their Executive Director."

Speaker Daniels: "Third Reading. Senate Bill 764. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 764, a Bill for an Act that amends the River Conservancy Districts Act."

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Speaker Daniels: "Hold that Bill on Second Reading."

Clerk McLennand: "Second Reading of the Senate Bill."

Speaker Daniels: "Okay, hold that on Second Reading. Senate Bill 775. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 775. The Bill has been read a second time previously. Committee Amendments #1 and 2 have been adopted. No Floor Amendments."

Speaker Daniels: "Third Reading. Senate Bill 788. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 788. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 has been referred to Rules. No further...No further Amendments approved for consideration. A Fiscal Note has been requested on the Bill and a State Mandates Act Fiscal Note has been filed on the Bill on May 22nd."

Speaker Daniels: "Representative Lang."

Lang: "Well, I don't know what ruling you're about to make, Sir, but this is one of the Bills that was on your list."

Speaker Daniels: "There's no ruling. We're going to move it to third. Representative Lang."

Lang: "Is your plan to move this to Third Reading?"

Speaker Daniels: "A Fiscal Note was filed on May 26th...May 22nd. We're going to move it to third. Excuse me. Mr. Clerk."

Clerk McLennand: "I stand corrected. There was a Fiscal Note, in addition, for Senate Bill 788, together with House Amendment #1 that was filed on May 21st and signed by the Director."

Speaker Daniels: "Representative Lang."

Lang: "I'll accept the Clerk's comment, but I do have this question. Have you completed your investigation as to what happened with these phony Fiscal Notes, Sir? Are these



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irregular notes? How is that investigation going? We're all waiting to hear, Sir."

Speaker Daniels: "This Bill will be moved to Third Reading, and Representative Lang, you heard what I said when I issued the statement. That has been completed as the time I issued the statement. Senate Bill 804. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 804. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A State Mandates Note and a Fiscal Note have been requested on the Bill and both have been filed."

Speaker Daniels: "Third Reading. Senate Bill 830. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 830. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 was referred to Rules. No further Floor Amendments. A Fiscal Note has been requested on the Bill, as amended, and has not been filed."

Speaker Daniels: "Hold that Bill on Second Reading. Senate Bill 907. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 907, a Bill for an Act that amends the Metropolitan Water Reclamation District Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. Committee Amendment #2 was referred to Rules. Floor Amendment #3 has been referred to Rules. No Floor Amendments. Approved for consideration. A Fiscal Note has been requested on the Bill and has been filed on the Bill, as amended by House Amendment #1, filed May 21st."

Speaker Daniels: "Representative Lang."

Lang: "I'm not trying to be difficult, Sir, but it is noisy in here and I could not hear the Clerk. Has there been a new Fiscal Note filed that complies with the statutes of the

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State of Illinois?"

Speaker Daniels: "Yes. Yes."

Lang: "And is there any answer as to what happened to the phony one here, Sir."

Speaker Daniels: "I answered that when I gave my statement. Mr. Clerk."

Clerk McLennand: "The notes that were improperly (sic-improper) and were unauthorized have remained on the Bill. The Clerk is signing that they are not valid. A new Fiscal Note was filed on May 21st, as I stated."

Speaker Daniels: "Third Reading. Senate Bill 1122. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1122. Senate Bill 1122. The Bill has been read a second time previously. Committee Amendments #1, 2, and 3 have been referred to Rules. Floor Amendment #4 has been referred to Rules. A Fiscal Note and a State Mandates Note have been requested on the Bill and both have been filed."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. I see that the Board of Education, after filing one that was unsigned, filed one that was signed. I think it's all right."

Speaker Daniels: "Third Reading. Senate Bill 1123. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1123, a Bill for an Act creating the Metropolitan Airport Authority. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. Approved for consideration. A Fiscal Note has been requested on the Bill and a Fiscal Note has been filed on May 21st by EPA."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, Sir. I see that a new note has been filed by

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EPA, but I'm wondering what you've done with the phony notes, Sir."

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "As I've indicated on the last Bill, the note has been left on the original Bill. The note that was filed. The Clerk has signed and indicated that that note is not valid."

Speaker Daniels: "Representative Lang."

Lang: "And so, will the...since this note is still part of the file, will this be part of your ongoing investigation into 'notegate'?"

Speaker Daniels: "Mine is concluded, Sir. Third Reading. Senate Bill 1133. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1133. The Bill has been read a second time previously and no Committee Amendments, no Floor Amendments. A Fiscal Note and a State Mandates Note have been requested on the Bill and a Fiscal Note and State Mandates Note have been signed...filed on the Bill."

Speaker Daniels: "Third Reading. Senate Bill 711. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 711. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 was referred to Rules. No Amendments have been approved for consideration. A Fiscal Note has been requested on the Bill and has been filed on the Bill by DCCA with House Amendment #1. Prepared on May 22nd. Filed on May 22nd."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, Speaker. I appreciate the fact that DCCA has now filed a proper Fiscal Note. But I ask what has been done with the phony Fiscal Note, Sir?"

Speaker Daniels: "Mr. Clerk."

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Clerk McLennand: "The same as on the two previous Bills. The original will be left on the Bill and I have written on it that it is not valid and have signed it to that effect."

Speaker Daniels: "Third Reading. Representative Lang."

Lang: "Thank you. On Senate Bill 711, Sir, relative to the phony Fiscal Note, which is still part of the record, can we assume that this part of the record will be preserved for your ongoing investigation into 'notegate'?"

Speaker Daniels: "Mr. Clerk?"

Clerk McLennand: "I have made copies of all the notes that were improperly filed and I have them in my possession."

Speaker Daniels: "And our investigation has been concluded. Senate Bill 729. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 729. Bill's been read a second time, previously. Committee Amendment #1 was referred to Rules. Committee Amendments # 2, 3, 4, and 5, have been adopted. Floor Amendments #6 was referred to Rules. Floor Amendment #7, offered by Representative Kubik, has been approved for consideration."

Speaker Daniels: "On Amendment #7, Representative Kubik."

Kubik: "Mr. Speaker, could we take this Bill out of the record?"

Speaker Daniels: "Out of the record. Senate Bill 97, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 97, Bill's been read a second time, previously. Committee Amendments #, no Committee Amendments, no Floor Amendments. Fiscal Note has been requested on the Bill and has been filed, May 18th."

Speaker Daniels: "Representative Lang?"

Lang: "Speaker, again, it's so noisy in here, I could not hear what the Clerk said relative to the filing of any notes. Could I ask the Clerk to repeat his comments?"

Speaker Daniels: "Mr. Clerk?"

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Clerk McLennand: "On Senate Bill 97, Department of Transportation filed a Fiscal Note, signed by the Director Fred Sugent, for Governmental Affairs. That was filed on May 21st."

Speaker Daniels: "Representative Lang."

Lang: "Mr. Speaker, just a, just by way of historical perspectives, Senate Bill 97, is a Bill that began to unravel the notegate scandal. This is the Bill where I called DCCA and they said 'we didn't file a fiscal note.' So what happened to the...you have a fiscal note filed by the Department of Transportation, but what about DCCA's note? Should not DCCA be the agency filing the fiscal note here, Sir?"

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "The Clerk does not make that determination."

Speaker Daniels: "Mr. Lang."

Lang: " I'm sorry, again I did not hear the Clerk's..."

Speaker Daniels: "Said the Clerk does not make that determination. Mr. Lang?"

Lang: "Who makes that determination, as to who should prepare the Fiscal Note?"

Speaker Daniels: " Can someone ask the question? We'll have the Parliamentarian answer your question. Parliamentarian tells me its done by the agency most effected. Mr. Lang."

Lang: "Well, does that mean that whoever phoned up the original Fiscal Note, didn't even know what department to phony from?"

Speaker Daniels: "Apparently. That's your conclusion. Mr. Lang?"

Lang: "Yeah, so let me ask. Is the original phony fiscal note, part of the record as with the other Bills, Sir?"

Speaker Daniels: "Mr. Clerk?"

Clerk McLennand: "Yes it is. I have a copy of this improper fiscal note and unauthorized fiscal note for my records,

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but the original is on the Bill and is marked not valid and I signed to that effect."

Speaker Daniels: "Mr. Lang?"

Lang: "Thank you, and Sir, can we expect then that this phony fiscal note will be part of your ongoing investigation into the resolution of the 'notegate' problem?"

Speaker Daniels: "Mine has been concluded. Third Reading. Senate Bill 650, read the Bill, Mr. Clerk. Excuse me, first we'll have a Committee Notice."

Clerk McLennand: "Committee Notice; Rules Committee will meet, Monday, May 22nd, at ten p.m., Speaker's Conference Room. Rules Committee, ten p.m., Speaker's Conference Room."

Speaker Daniels: "Senate Bill 650, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 650, Bill's been read a second time, previously. Committee Amendment #1 was adopted. No Floor Amendments, no note requests."

Speaker Daniels: "Third Reading. Senate Bill 830, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 830 had been held on the Order of Second Reading, pending a Fiscal Note request for the Bill, as Amended. The Bill has not been Amended. And the Fiscal note request, at this point, will be out of order."

Speaker Daniels: "Fiscal note is out of order, move that Bill to Third Reading. Senate Bills Third Reading. Representative Johnson?"

Johnson, Tim: "I inadvertently failed to vote before on Senate Bill 317 and I just asked that the Journal record, that if had I voted on that Bill, I would have voted 'no'."

Speaker Daniels: "Journal will so record. Mr. Clerk, read Senate Bill 112, Representative Black."

Clerk McLennand: "Senate Bill #, Senate Bill 112, Bill for an Act that Amends the Counties Code. Third Reading of this

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Senate Bill."

Speaker Daniels: "Representative Black."

Black: "Yes, thank you very much. Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 112 was a brought to us by the Iroquois County Board. I'm privileged to represent that part of the county, along with Representative Novak, who's a cosponsor and also Representative Dan Rutherford. What the language does is simply says that a county board may approve, by Ordinance of Per diem and Mileage Allowance, for the unpaid members of a County Regional Planning Commission. The county board shall determine the amount of compensation and limits the maximum per diem in mileage, to no more than that paid to county board members. This language is permissive and will apply only in those counties that have Regional Planning Commissions. Iroquois County has asked for this because they are the third largest county in the State, geographically. The Regional Planning Commission consists of people who live all over that county, many of whom have to travel a long way for the Commission's night time meetings. Increasingly, they are having problems getting people to prepare, attend, and travel to these meetings, when they receive no compensation, whatsoever. So it was suggested by the chairman of the Iroquois County Board, I know of no opposition, I ask for your favorable consideration of Senate Bill 112."

Speaker Daniels: "Any questions? Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, it's my understanding and from your from your explanation, it appears that we could be possibly

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be putting something into law, which could potentially have been done anyway. Couldn't people already rev... reimburse Planning Commissioners for their expenses and their mileage?"

Speaker Daniels: "Representative Black?"

Black: "Let me... let me talk with staff here, just a second. I... I don't think so, but let me check it out. Thank goodness, particularly late at night, for staff. They're considerably younger and much more intelligent, I'll tell you that. No, it is not currently in law, Representative. Currently, members of County Zoning Board of Appeals can be compensated for per diem and mileage, but members of Regional Planning Commissions serve without pay, according to current statute."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is this only for County Planning Commissioners? What about city and village planning commissioners or municipal planning commissioners?"

Speaker Daniels: "Representative Black."

Black: "Will affect counties only. Amending the County's Code. We do not address municipalities, et cetera."

Speaker Daniels: "Representative Hoffman."

Hoffman: "The... the only concern, I guess, possibly, could be that we're potential pay increase. But you're not talking about salary here, is that correct?"

Speaker Daniels: "Representative Black."

Black: "This language does not address pay on behalf from the General Assembly. It would allow the County Board to give them a per diem and mileage, if the County Board decides to do that."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Will the per diem be based on any type of actual



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expenses or is it to be viewed as a reimbursement? For instance, we get 80 some dollars a day and that viewed... it's called per diem. That's viewed as a reimbursement for the expenses we need to incur. In addition to that, we do get mileage driving to and from our meeting here in Springfield. Is that your intent to do something like that?"

Speaker Daniels: "Representative Black."

Black: "No, Representative, this is entirely permissive, it leaves it up to the County Board. The County Board shall determine the per diem. And it also specifically says the maximum per diem and mileage can be no more than that paid to County Board members in the whatever they're getting to carry out their duties."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does that... I guess the question is, Representative, per diem is defined different ways to different people. Our per diem is to reimburse expenses. I understand that each County Board is going to make this determination as to the amount, but are they suppose to tie it into some actual expenses or can they just say we're essentially giving you an amount of money per day, just to come to the meeting? Sort of like a salary?"

Speaker Daniels: "Representative Black."

Black: "No, Representative, I served ten years on a County Board. We set our own per diem. It was not tied to any expenses. It had to be passed by ordinance and that is what a County Board per diem is. It is not tied to any IRS determination of the cost as... as we are here in the General Assembly."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is the... the mileage then, will also be left up to the County Board?"

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Speaker Daniels: "Representative Black."

Black: "That is correct and specifically states, they can not be paid any rate higher, than paid to County Board members, who travel to attend a County Board Meeting."

speaker Daniels: "Representative Hoffman."

Hoffman: "I... I don't see any problem with the Bill from my stand point. I think that, as long as we have the assurance that the voters who elect these County Board members, will then if the county board members were to get out of line, raise it to much, they could then be thrown out of office. Which is exactly what I think should happen. I think that these people serve on these Regional Planning Commissions, certainly deserve to have their expenses and mileage taken care of because they do give so much time to the community. For... since that is the case, I don't see any problem with it but I do have one quick inquiry of the Chair, if I could?"

Speaker Daniels: "State your inquiry."

Hoffman: "Yes, I noticed in the file that one of the Fiscal Notes is Senate Bill 112. This is on your list, and I know that there was an Amended one filed on May 21, 1995. Was this filed prior to moving to Third Reading?"

Speaker Daniels: "Mr. Clerk? We'll answer that shortly. Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. I simply rise in support of this Bill. This Bill is very simple. It's permissive. It allows the County Board to pay a per diem to the Planning Commission members. As Representative Black indicated, this county is the third largest county in the State of Illinois, with respect to square miles. I know it quite well cause I represented about two-thirds of it, before the 1992 maps. So, I simply ask my colleagues to pass this

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Bill. Thank you."

Speaker Daniels: "Mr. Clerk? Mr. Clerk?"

Clerk McLennand: "The State Mand... the Bill was moved to Third Reading on the eighteenth. And State Mandates Act Fiscal Note was filed on the nineteenth and a Fiscal Note, new Fiscal Note from Department of Commerce and Community Affairs, signed by Director, was filed on May 21st. State Mandates Act Fiscal Note was filed May 21st."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, the concern is, it's my understanding that this was already on Third Reading, when the fraudulent note was discovered. It's my understanding then, that this would have been improperly moved to Third Reading and this Bill has remained on Third Reading and has not gone back to Second. And this Fiscal Note has been subsequently filed. I think, I would ask an inquiry Chair, shouldn't this be moved back to Second Reading, where then, we should debate this Bill or potential Bill on Second Reading and properly file the, the amended Fiscal Note?"

Speaker Daniels: "Representative Hoffman, if you'd prefer, I'd move it back to Second, bring it back to Third and then pass it tonight. If you would like that to be taken. Is that what you like? Representative Hoffman?"

Hoffman: "Well, I'm in favor of the Bill, but I think we need to follow the procedures, so I would ask that you do that."

Speaker Daniels: "Sure. Mr. Clerk, return this Bill to Second Reading. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 112, Bill's been read a second time, previously. Fiscal Note, State Mandates have been requested on the Bill. Both of those were filed on May 21st."

Speaker Daniels: "Third Reading. Mr. Clerk, call Senate Bill 112

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on Third Reading."

Clerk McLennand: " Senate Bill 112, Bill for an Act Amends  
Commerce Code. Third Reading this Senate Bill."

Speaker Daniels: "Representative Johnson, Gentleman from  
Champaign. Representative Balthis?"

Balthis: "Mr. Speaker, I move the previous question."

Speaker Daniels: "Question is, 'Shall main question be put?' All  
those in favor signify by saying 'aye', oppose 'no'. 'Ayes'  
have it. And the Gentleman, Representative Black to close."

Black: "Thank you very much. I think procedure's been followed.  
I think you've heard from both sides of the aisle. It's a  
simple Bill requested by people that both Republicans and  
Democrats represent and request an 'aye' vote."

Speaker Daniels: "Gentleman's moved for the passage of Senate  
Bill 112. All those in favor, signify by voting 'aye';  
oppose by voting 'no'. The voting is open. Have all voted  
who wish? Have all voted who wish? Have all voted who  
wish? The Clerk, will take the record. On this question,  
115 'ayes', none voting 'no', none voting 'present'. This  
Bill having received the Constitutional Majority, is  
hereby, declared passed. Senate Bill 637, read the Bill,  
Mr. Clerk."

Clerk McLennand: "Senate Bill 637. Bill for an Act Amends the  
Illinois Fire Protection Training Act, Third Reading, this  
Senate Bill."

Speaker Daniels: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. Senate  
Bill 637, Amends the Illinois Fire Protection Training Act.  
It requires the State Fire Marshall to make rules  
establishing fees for administering exams, certifying  
schools, and certifying fire fighters. The State Fire  
Marshall's office, in a letter dated, May 18th, said that

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they want statutes...statutory authority to set the fees in the future, in special cases. And the special cases would be those departments who are offering to pay the cost of our agency proctors, to come to their jurisdiction to give the exams. Amended on to Senate Bill 637, was seven Bills... Senate Bills 781. Which provides that Fire Protection Districts may charge fees for services rendered, to residents of a county, municipality, or fire protection district, that has a mutual aid, or assistance agreement with the district, but is located out of the fire protection district and does not pay any taxes in the district. And also, to increase a minimum, the maximum hourly charges for services rendered. And I ask your favorable vote."

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "Rules Committee is meeting immediately in the Speaker's Conference Room. Rules immediately, Speaker's Conference Room."

Speaker Daniels: "Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, I have an inquiry to the Chair, Mr. Speaker. Or inquiry of the Clerk, I would assume. The question is, I know this is... I believe this is moved to Third Reading, yesterday. First of all, was it moved to Third Reading, yesterday, and was the signed note that was Amended to this Bill, in the file prior to moving it to Third Reading."

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "The Bill was moved to Third Reading yesterday, the Fiscal Note, are you referring to the one from the State Fire Marshall?"

Speaker Daniels: "Mr. Hoffman."

Hoffman: "Yes."

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Clerk McLennand: "That was... I signed for that one at May 2...  
on May 21st, six o'clock p.m."

Speaker Daniels: "Representative Hoffman, anything further?"

Hoffman: "Yes, to the Bill. If the Sponsor would yield?"

Speaker Daniels: "And she indicates she will."

Hoffman: "The Bill, my understanding is this would allow for an  
increase in fees by the State Fire Marshall, to allow for  
the taking and administrating exams, certificates,  
etcetera, for fire fighters?"

Speaker Daniels: "Representative Zickus?"

Zickus: "Yes, it simply allows them to set the fees, if the  
departments are not adhering to the set schedule, for the  
administrating the exams."

Speaker Daniels: "Representative Hoffman."

Hoffman: "This would potentially, or would definitely increase  
some types of fees, is that correct?"

Speaker Daniels: "Representative Zickus."

Zickus: "We don't know that at this time. This just gives them  
the opportunity to establish the fees. One of the things  
that we talked to the Illinois Municipal League and they're  
okay with this Bill. They just wanted to make sure what the  
intent of the Fire Marshall was. And in the letter that I  
quoted before, from May 18th, said that they want the  
statutory authority to set fees in the future, in special  
cases. The special cases would be those departments who are  
offering to pay the cost of our agency proctors to come to  
their jurisdiction to give the exams."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, the...I just for people on this side of the aisle,  
may be concerned. I guess it could be a future fee  
increase. I don't particularly see a major problem with  
that portion of the Bill, as long as it's to recoup cost.

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My only concern, I guess, with it is, it's my understanding that the State Fire Marshall has asked for an increase in the budget of two million dollars , and now we're allowing them to recoup more costs. How do you address that, Representative?"

Speaker Daniels: "Representative Zickus."

Zickus: "That is not addressed in this Bill. What they're asking for has been agreed and there is no opposition to it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, with regard to the House Amendment on this Bill. Now this would essentially allow people who live outside of fire districts, if, for instance, a fire is answered by a given fire district and it is answered outside that fire district, you could then charge those individual fees. Can't you do that now under current law?"

Speaker Daniels: "Representative Zickus."

Zickus: "Not in... not in all communities and the Amendment also said it provides that the fee charge shall be at a rate of not more than 125 dollars, rather than 75 dollars, per hour per vehicle and not more than 35 dollars rather than 20 dollars."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So again, with regard, just so everybody knows, again this... you're increasing the fee for answering these fires. In my opinion, it could be warranted, it should be warranted, some people on our side of the aisle, who may or not... may not believe in these types of increases may want to vote accordingly. I think I have that obligation to point that out. Representative, do you know of any opposition to this Bill and who brought this Bill to your attention? And why are we voting on it today?"

Speaker Daniels: "Representative Zickus."

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Zickus: "I know of no opposition to this Bill and the Fire Protection Districts are the ones who are asking for it. It came to my attention through one of the fire chiefs who called me about it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, personal stand point, I see no problem with this Bill. Would urge an 'aye' vote."

Speaker Daniels: "Representative McGuire."

McGuire: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As you know, I seldom rise to speak, I am a proponent of 'keep your mouth shut and your ears open'. I seldom rise to speak in opposition to a Bill and I sel... and I seldom rise... Mr. Speaker, they're out of control. And I seldom rise..."

Speaker Daniels: "You just finding that out?"

McGuire: "And I seldom rise to oppose a pretty young lady, but I must tell you, I have a letter from the Des Plaines Valley Division 15, Fire Mar... Fire Department, Fire Chiefs, I suppose they are, and at their meeting of March the fourteenth, 1995, they said Senate Bill 637 was discussed. Now, if there's anything subsequent to this, Madam Sponsor, why please bring me up to date. But in their letter, they said this Bill was unanimously opposed by the 35 departments of Division 15. Now, Division 15, for you Will County folks, would include, Joliet, Lockport, New Lenox, Plainfield, Rockdale, Channahon, and on and on. Bolingbrook, Braidwood, Channahon, etcetera, etcetera. I just did want to rise mention that, as I say, I hate to oppose your Bill, young Lady, but if there's anything later than this, I'd like to hear about it. But I think it's only fair that the members know about this. Thank you very much."



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Speaker Daniels: "Further discussion? The Gentleman from Coles, Representative Weaver. Representative Weaver? Further discussion?"

Weaver: "I move the previous question."

Speaker Daniels: "Question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; oppose 'no'. The 'ayes' have it. Representative Zickus to close."

Zickus: "Thank you, Mr. Speaker. The only question that I know of earlier, was what the fire marshalls' intent was. That was why I requested the letter, which is dated May 18th. Where as I said before, they only want the authority to set the fees in the future, in special cases. And the special cases would be those departments who are offering to pay the cost of the exam. So that may have been some of the concern of those fire districts. I think that should be raise... eased with this letter. So I ask your support."

Speaker Daniels: "Question is, 'Shall Senate Bill 637 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 65 'aye', 44 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby, declared passed. Senate Bill 703, read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 703, a Bill for an Act in relation to recapture of tax benefits. Third Reading of this Senate Bill."

Speaker Daniels: "Representative McGuire? Twice in one evening, Sir."

McGuire: "My lucky tie, Mr. Leader. I've got Senate Bill 7... 703, hold on." I have two Bills. Hold on, I've got it.

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I've got it. I've got it. It's in the green folder. Senate Bill 703, Amends the income tax Act and Property Tax Code. And it requires repayment of tax benefits by any tax payer who has received such benefits, as an inducement to locate or relocate, and then who subsequently relocates its facilities. In other words, if your territory, whether it's city, counties, state municipality of any type, gives tax abatements, and commonly called sometimes enterprise zone inducements to business to relocate or expand in your territory, it's usually a ten year moratorium on taxes. And if that business decides to move out before the term is up, I think it's only fair that they repay the inducements that they were given. And that's the essence of this Bill. And I would appreciate your vote."

Speaker Daniels: "Any discussion? Gentleman from Winnebago, Representative Scott."

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

Speaker Daniels: "He indicates he will."

Scott: "Representative McGuire, let me...let me ask you a hypothetical question, here. You've got a business that comes into a city and then gets enterprise zone benefit; sales tax benefit, a rebate of...of a property taxes for a certain period of time. And through no fault of that business's own, they go out of business, something else happens to them. Does your Bill cover that or is your Bill just covers the situation where they leave and go to anothe...another a local?"

Speaker Daniels: "Representative McGuire."

McGuire: "Good question, young man, I think the answer would be, if only they left on their volition. If I think extenuating circumstances, the building burned down, or such as that, I think you'd have a completely different

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situation. I think the Bill's intent would be to those who'd just pick up and leave."

Speaker Daniels: "Representative Scott."

Scott: "Well, Representative McGuire, now this Bill, when it... when it came out of the Senate, from Senator Dunn, was there an experience that he had in his particular district, which led him to develop this legislation, or is this just something that he'd seen happen over the... over a period of years over the state?"

Speaker Daniels: "Representative Scott? Representative McGuire?"

McGuire: "Yes, Representative. Senator Dunn, came up with this Bill, because I think it has happened in the past. And I think it was a move on his part to resolve something that shouldn't be going on."

Speaker Daniels: "Representative Scott."

Scott: "Would this also apply to a situation where, somebody was taking advantage of another, another incentive that, that we could give, say a sales tax benefit, like we just passed in Senate Bill 256 last week? Is... does it apply to anything or just is it to tax increment districts or enterprise zones?"

Speaker Daniels: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. The answer would be no, Representative."

Speaker Daniels: "Representative Scott."

Scott: "Do you realize how difficult you're making this, Representative McGuire? Well let me... let me just say this, to the Bill, Mr. Speaker. This is, this is a good piece of legislation. Almost what the genesis of it is, if you live in areas, older developed areas of the state as I do, and I know Representative McGuire, represents a district that's quite similar to mine. You run into a

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situation often times, where businesses will use one particular municipality to compete against another. There are very good reasons for us to establish things like TIF districts, for like enterprise zones in the first place. The purpose of that is either to lure business to come into a particular municipality or in the alternative to retain businesses, who are having a difficult staying there. The provisions of the a tax increment financing district will help keep the dollars that are raised in that district. Within that particular district, perhaps to attract new businesses, you may come or retain other businesses that are there. And what we've seen happen throughout the state, is that not on...we don't have to worry about competition from states, we have to worry about competition from within our own state. And one business leaving one area to go to perhaps a better or newer enticement somewhere else. And I think what Representative McGuire's Bill does, is help to present... prevent that by making sure that somebody who takes the carrot and comes into a particular TIF area or into a particular enterprise zone area, will then stay there. And not do the free agency route as we see in professional sports these days, and go to further greener pastures, but instead will keep the commitment that they made to the municipalities that made a commitment to them. So I rise in support of the Gentleman's Bill. I think it's a very good piece of legislation. Ask everyone to support it."

Speaker Daniels: "Further discussion? Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. To the Bill, I certainly rise in strong support of this. I can speak from experience with respect to these plant relocations. In my community back home, the

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City of Kankakee, is contiguous to two other communities, which are right next to each other. And there has been many instances, where a business or community would use some of these incentives to entice one auto dealership or some other business to come into another town. And certainly, it certainly creates hard feelings amongst all the people that live in the communities, because we live so close to one another. But the real point is that, that's not the purpose why we provide tax incentives and tax breaks for people to either expand their existing businesses, retain jobs they have or currently on their payrolls or to hopefully bring new businesses in. So, I think this is a great Bill, I think everybody should support it. It's common sense, people or businesses or people in should not be in the business of exploiting the incentives, that we as Illinois taxpayers, provide to people to provide job opportunities in the State of Illinois."

Speaker Daniels: "Further discussion, Gentleman from Grundy, Representative Spangler."

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

Speaker Daniels: "He indicates he will."

Spangler: "Representative McGuire, this is a just about one of the most foolish things that I've ever seen. I mean we talk about tax breaks for this and tax breaks for that, but a rose bush? A tulip? Actually relocating plants like that? Is that what this is all about?"

Speaker Daniels: "Representative McGuire?"

McGuire: "No, no, Sir!"

Speaker Daniels: "Representative Spangler?"

Spangler: "No further questions."

Speaker Daniels: "Further discussion? Representative Wennlund?"

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

Speaker Daniels: "Question is, 'Shall the main question be put?'. All in favor signify by saying 'aye', oppose 'no'. The 'ayes' have it. Representative McGuire to close."

McGuire: "Thank you, Mr. Speaker. I would just simply ask for your 'aye' vote. I think it's a good piece of legislation. I appreciate your attention and your time at this late hour and thank you very much."

Speaker Daniels: "The Gentleman's moved for the passing of Senate Bill 703. All those in favor signify by voting 'aye', oppose by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there's 117 'ayes', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 345, read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill, Senate Bill 345, a Bill for an Act Amending the Motor Fuel Tax Law. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Persico?"

Persico: "Thank you, Mr. Speaker, Members of the House. Senate Bill 345, Amends the Motor Fuel Tax Law. Provides that DuPage shall distribute its portion of motor fuel tax received from the state to the road taxing districts, that levy a tax rate of at least .08 percent or of an amount greater than or equal to 12,000 per road mile, under the jurisdiction of the road district, which ever is less. Now, in all counties, MFT receipts are distributed to road districts within the county if their levy rate is greater than .08. This Bill passed out of Senate 49 to 4, and I

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ask for your favorable support of Senate Bill 345."

Speaker Daniels: "Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. You have a Point of Order, I think that Representative Granberg, has a Point of Order first."

Speaker Daniels: "Okay. Representative Hartke? Oh, Representative Granberg, I'm sorry. Representative Granberg, I guess you've been..."

Granberg: "Thank you, Mr. Speaker. A Point of Order, not to the merits of the Bill, but I believe whom ever was in the Chair, last night, improperly brought the Bill, back without a Roll Call vote. They made a motion to reconsider. They did not do a Roll Call vote. I believe that violates the House Rules, Rule 715. 'Cause I believe the rule says, Speaker, that a question that requires the votes of a majority of those elected or more to carry, requires the majority of those elected to reconsider. And so, I think we have to do that by a Roll Call vote, Sir."

Speaker Daniels: "I'm just checking with the Parliamentarian. I think I know the answer, but I want to make sure he tells me the right answer. Upon a motion to reconsider the vote of the final passage of any Bill, an affirmative vote of majority of those elected, shall be required to reconsider the same. It does not say that it has to be a Roll Call vote, Sir. No one raised that objection at the time. Gentleman from Effingham, Representative Hartke, do you wish to complete your time, Sir? Representative Hartke?"

Hartke: "They keep interrupting me."

Speaker Daniels: "They keep interrupting ya. We're willing to give you the rest of your time, so why don't you complete it, then I'll recognize Mr. Davis, when you're done. All

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right. Mr. Davis?"

Davis, Steve: "Speaker?"

Speaker Daniels: "Yes?"

Davis, Steve: "Thank you. Thank you very much."

Speaker Daniels: "You're welcome."

Davis, Steve: "I have a Point of Inquiry, Sir."

Speaker Daniels: "Yes, Sir!"

Davis, Steve: "I'm under the understanding that there was an agreement on this Bill, made between Representative Cowlshaw and Township Officials of Illinois. And that the Township Officials of Illinois are now in agreement with this Bill, but it's my understanding that there was a resolution that was supposed to be prepared and presented before this Bill was suppose to come up on the calendar."

Speaker Daniels: "Representative Persico?"

Persico: "Representative, you are correct in your assessment. We did have meetings with the lobbyist for the townships, for Township Government and we decided to House Resolution 52, which will be done tomorrow by Representative Bost. We talked to Ed Staiwitz, ten minutes ago, and he has no problem with us running Senate Bill 345 right now. He's neutral on Senate Bill 345."

Speaker Daniels: "Now, Representative Hartke, it's now your turn, Sir."

Hartke: "Thank y... thank you very much, Mr. Speaker. Now, I'd like to address a question to you."

Speaker Daniels: "Of course."

Hartke: "Okay. Last night, this Bill was soundly defeated and knowing that it was a piece of legislation, that you wanted for DuPage County and your area, the Township Officials have agreed that, that, that there will be some negotiating being done. And part of the negotiation was a



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resolution, which will do some things here, that we're going to hear about in a few minutes. Do I have your assurance that you won't come back next year, with this same type of legislation and try to do, what you're doing now, again, in Township Government? With the motor fuel tax?"

Speaker Daniels: "Representative Hartke, I think you should address your question to the Sponsors of the Bill."

Hartke: "Cause you as the Speaker, can decide, well this is a grand idea or if it's not a grand idea. I want your assurances that you will make no attempt to...to get in the motor fuel tax fund, with this type of legislation again."

Speaker Daniels: "Well, I'm go...not going to get into a debate with you as the Speaker, but I will tell you that I support Township Government throughout Illinois and I work with the Township Officials. But I'm sure the Sponsors of this Bill, will be happy to answer any questions you may have of them. Representative Hartke?"

Hartke: "Thank you. I'll take that as an affirmative support of a Township Government, throughout the State of Illinois."

Speaker Daniels: "Further Dis..."

Hartke: "Mr. Persico, you're a very reasonable man and I appreciate you're taking the lead in this piece of legislation for Representative Cowlshaw, who is having problems with her voice today. I'm having the same problem. We support your legislation."

Speaker Daniels: "Representative Wojcik, the Lady from Cook."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Daniels: "Question is, 'Shall the main question be put?' All in favor, signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Gentleman, Representative Persico, moves to the passage of Senate Bill 345. All those in favor

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signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 63 'ayes', 49 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, hereby declared passed. Senate Bill 961, read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 961, a Bill for an Act Amending the School Code. Third Reading of this Senate Bill."

Speaker Churchill: "Representative Churchill in the Chair. Chair recognizes the Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. Senate Bill 961 will allow local school districts the opportunity to streamline school bus transportation for their districts. The Bill would allow local school districts to receive bids from private school bus contractors. After an open bidding process, the local school district may elect to award the transportation contract to the lowest bidder. However, if the local school district does not elect to accept the lowest bid, the school district must publicly announce the cost under its present system and the amount of sealed bids in the lowest sealed bid. I consider this a truth in bussing Bill, because it really provides school districts with a cost saving measure and I urge a favorable vote."

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

Dart: "Will the Sponsor yield?"

Speaker Churchill: "She indicates she will. Please proceed."

Dart: "Thank you. Representative, what is the present school board policy now in regards to transportation and transportation contracts?"

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Speaker Churchill: "Representative Wojcik."

Wojcik: "School boards of community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts provide free transportation for pupils under the following conditions."

Speaker Churchill: "Representative Dart."

Dart: "What are those conditions?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Pupils who reside at a distance of one and one-half mile or more from the school to which they are assigned for attendance, unless adequate public transportation is available or pupils reside at a distance of less than one and one-half miles or more from the school to which they are assigned for attendance, when conditions are such, that walking constitutes a serious hazard to the safety of the pupil."

Speaker Churchill: "Representative Dart."

Dart: "Now, in regards to the actual school districts, themselves, when it comes for putting together contracts for school bus services, what is their present mode for doing that? How is that they're doing that right now?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Right now, some school districts own their own school buses and that's how they run it."

Speaker Churchill: "Representative Dart."

Wojcik: "Representative, what this Bill would do. It would force those school districts to provide an accurate cost of bussing."

Speaker Churchill: "Representative Dart."

Dart: "It would provide what cost? I'm sorry, Representative."

Speaker Churchill: "Representative Wojcik."

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Wojcik: "Representative, it would provide an accurate cost."

Speaker Churchill: "Representative Dart."

Dart: "So what you would be doing for these districts right now, that have their own... for starters, this is just limited to the districts that have own school buses?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "No, it's for all school districts."

Speaker Churchill: "Representative Dart."

Dart: "And then, what this Bill would be doing, would require then, for whatever mode they have set up right now, they must sort of throw that mode out and go with a competitive bidding procedure then instead?"

Speaker Churchill: "Representative Wojcik?"

Wojcik: "That's correct, but they're allowed to still keep their current bussing system. All they have to do, is divulge the cost of the bid."

Speaker Churchill: "Representative Dart."

Dart: "That's if the bid they get is lower than the one they... they decide to go with, correct?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "That's correct. But they don't have to go with the lowest bid. It's not mandated."

Speaker Churchill: "Representative Dart."

Dart: "Now, under the present scheme now, are not the school boards informed of these things at school board meetings, as far as, who they're paying out their money for to transport their children and whether they're the lowest or highest bidder?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "That is correct, but they don't have to have competitive bids. What this Bill would do, it would show you the cost of transportation. In some areas, they are getting a

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certain percent from the state and they don't have to account for what the cost of transportation is. This will show what their cost is."

Speaker Churchill: "Representative Dart."

Dart: "So then, at the heart of the Bill, then, there is a distrust for what the... how the school boards have been, how they've been operating right now. Because they have been hiding the amount of transportation cost or in other ways not being up front with their local school boards?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, there's no distrust here. They're local elected people, we just want to give them the opportunity and to give the taxpayers the opportunity to know what the cost is out there."

Speaker Churchill: "Representative Dart."

Dart: "Can these school boards not put their transportation contracts up for competitive bid right now?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "They can."

Speaker Churchill: "Representative Dart."

Dart: "Well, to the Bill, in this...we made such a big deal out of waiving mandates and the like and yet, here we are with another mandate for the local schools. The local schools right now, have the authority and the ability to contract out for transportation. They have the ability to have competitive bidding. They have the ability to do all this... all these things and now, we are going to tell them, how we want them to run their local school district. We're all for open bidding, competitive bidding, and informing the local school districts. But if in fact, they are contracting out and not informing the local school district, then I would suggest they vote those people out

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of office, is probably the proper mode. More importantly, this can be seen, if probably yet, another one of the many mandates we have passed recently here, which can in fact be waived, if they so decide to do it. So in effect, this may very well be doing nothing."

Speaker Churchill: "Representative Wojcik. Please bring your answer to its conclusion."

Wojcik: "I would just like to point out that this not a mandate. That this is just an entity so that you can have competitive bidding. It's also something to show you what the cost is of transportation. Right now there is a hidden element here. It's a good Bill, I think that it's something for the local taxpayers. It's a way of finding out what the cost is to the state and it's not telling the local school boards that they must, it's a may. It's permissive and it's a good Bill."

Speaker Churchill: "Further discussion, the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Churchill: "Indicates she will. Please proceed."

Brunsvold: "Okay, there aren't any formula changes or anything on transportation funding in here?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Not at all, Representative."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Has there been a situation that developed that... that brought this Bill to, you know, to fruition for you or is there a problem out there? Is someone complained about the funding of transportation or where... where was the problem here in this in this Bill?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, the Bill was suggested by the School

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Transportation Association."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So, evidently the Transportation Association felt there was something wrong with what's going on?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "I would assume so."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So they... they may do this. So they can sit there and not do this?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, they have to take the bids. But they don't have to take the lowest bid. What they must do is divulge the bid, the both bids, or three bids, whatever the bids are, they must divulge the cost."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So evidently, this... the organization felt there was someone out there that was not performing properly as far as the bussing costs were concerned. And they thought this Bill would... would let some sunlight into the bussing finance?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "I would assume that that's what they're directing it at."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Would you call, if you go out for bids on these things and you get a bid that's lower than what you're doing it at now, then I guess to some degree, this would be a half way privatization proposition?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "I think you could say that."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So they don't have to do this, but they have to go

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out for bids. They have to compare what it costs them to bus and what a private company would charge to bus. Then they can choose not to do this?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "That is correct."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Would... would the low bidder have an option to take the school district to court? If they bid on this and then didn't get the bid?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "No."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "I guess the question, why would they bid it then?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "To save money and to just show that perhaps it could be done at a lesser cost. You know, some areas have a humongous transportation system. They're charging the state 'X' amount of dollars. We pay 80 percent back to them and they never have to say what cost of bussing is! So in essence, if you have a bussing system and you may be paying 500,000 and you're charging the state 800,000, you could be making 300,000 off your bussing system."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Representative, could they do this now? Without this Bill?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Not all school districts get bids. This Bill would ask them to get bids. This Bill would say, okay, show us what the cost of bussing is and we as taxpayers can concur or not concur, and you as the school board, go ahead and do what you want to do. But now we know what the actual cost is."



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Churchill: "Representative Brunsvold."

Brunsvold: "I don't know if you answered my question. Can they do this now? Could they go out and get bids right now and say 'well, we don't want to do this?' The cost is different? Without even having this Bill?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, they can do this now, but not all school districts do it."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So we're at a mandate point now, right? And can they waive it?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "The word is, they 'may' and 'must'. It is not a mandate. They must get the bids, but they do not have to take the lowest bid. All they must do is show the cost."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "But the mandate part here, would be, they shall have to go out for bids."

Speaker Churchill: "Representative Wojcik."

Wojcik: "That's the word, 'shall'. This is 'may' and 'must'."

Speaker Churchill: "Further discussion? Gentleman from Bureau, Representative Mautino. Nothing further, Representative Mautino?"

Mautino: "Thank you. Just a couple of questions on this. I was listening to your discussion with Representative Brunsvold. The... the portion of this where you're saying, 'that they must do it?' Are you saying that this is not a mandate?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, they must get the bids, but they do not, they do not have to use the lowest bid. So it is not 'shall'. The word is, they 'may' but they 'must' get the lowest bid, but they don't have to use the lowest bid. It's

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actually when I'm saying, it's a 'truth and bussing Act';  
it's just showing you the actual cost of transportation."

Speaker Churchill: "Representative Mautino."

Mautino: "Line eleven, the word is 'shall', if you'll take a look  
in the language itself. How do they... so that would be a  
mandate. Your telling them that they have to go through a  
bidding process. What is the process? Who would they have  
to seek bids from? Do they have to put out notices of  
record? What's the process that we're now going to tell  
the school boards that they 'must do' or 'shall do'?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, it requires the school district, at the  
conclusion of the bidding process, to publicly announce the  
district's fully allocated cost of providing transportation  
of its pupils to and from school, under its present system.  
It's good government. Wouldn't you want to find out as a  
taxpayer, what the cost of bussing is in your local school  
district?"

Speaker Churchill: "Representative Mautino."

Mautino: "Representative, the... as far as the... the terms at  
what I'm looking, in the Bill that I'm looking at here, is  
there any cost that will be involved? Do you know... have  
an idea what this is going to cost the local school  
districts? Are we going to send any money with this mandate  
for the school districts to involve themselves in the  
bidding process? There has to be some cost associated with  
soliciting bids."

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, first of all, it's not a mandate. It's  
not the word. It's 'may' and 'must'. It's not a mandate,  
when Senator Fitzgerald presented the Bill with me, in  
education, he reiterated that word, it is not a mandate.

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And it states here, according to the State Board of Education's Fiscal Note, there will be no fiscal impact, due to this Bill."

Speaker Churchill: "Representative Mautino."

Mautino: "So then, for the legislative intent, the school districts do not have to do this. They may do this. We're not saying they 'shall' do it. So that would be a mandate, from my understanding of the word 'shall'. So we're saying there they may... they may do it. Or is this something they can just waive?"

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, first of all, we're back to square one. It says the district shall get sealed bids, but they do have to use the lowest bid, so therefore, it is permissive. They're told to get the sealed bids. The bids are exposed. They're going to tell their taxpayers and their local people, we have a low bid here, but we don't like that bussing company because they have a bad accident rate. So therefore, we're not taking the lowest bid. So they go with their regular standard bussing company. They have that right. They do not have to take the lowest bid."

Speaker Churchill: "Representative Mautino."

Mautino: "Looking at the, this is the Fiscal Note here? Illinois State Board of Education, May 19th, 1995. Under the fiscal impact, however the net fiscal impact to local education agencies is difficult to determine since there is potential for additional cost, ie; bidding process."

Speaker Churchill: "Representative Wojcik."

Wojcik: "Representative, you didn't continue to read what it has to say. It says, 'impact to local education agencies is difficult to determine, since there is potential for additional cost, ie; bidding process, as well as cost

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savings, ie; lower operation cost. Therefore, the net fiscal impact to ISBE is zero. And the net impact to the local education agencies can not be determined, as well as cost savings.'"

Speaker Churchill: "Representative Mautino."

Mautino: "I understand that there is no cost to the State Board of Education, what I'm talking about is, to the school, which will absorb an additional cost in the bidding process."

Speaker Churchill: "Representative Wojcik."

Wojcik: "I may point out again to you, Representative. It says the local education agencies, there may be a cost saving."

Speaker Churchill: "Representative Wojcik to close."

Wojcik: "I think you've heard some very good debate. I think this is a very, very good Bill, for your local, back home, grass roots taxpayers, who deserve to know. So, when I call this the truth in bussing Bill, I think that is exactly what it is and I would urge your 'yes' vote."

Speaker Churchill: "Question is, 'Shall Senate Bill 961 pass?' All those in favor vote 'aye'; all those oppose vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there is 76 voting 'aye', 37 voting 'no', and 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 441."

Clerk Rossi: "Senate Bill 441, a Bill for an Act in relation to part-time law enforcement officers. Third Reading of this Senate Bill."

Speaker Churchill: "For what purpose does the Gentleman from Cook, Representative Morrow rise?"

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Morrow: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. On that last Bill, Senate Bill 961, I believe. I would like... and my button was inadvertently switch... hit 'no'. I would like to be recorded as 'aye' on that last Bill."

Speaker Churchill: "Representative Morrow, the Journal will so reflect. For what purpose does the Gentleman from Kankakee, Representative Novak rise? Will you be asking questions on the Bill, Sir?"

Novak: "Yes, I'll wait."

Speaker Churchill: "Okay. The Chair now recognizes the Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 441 amends the Police Training Act and State Mandates Act. Allows the police training board to train both full-time and part-time law enforcement officers. Mandates that all Home Rule local governments shall comply with the Act and have their officers both full and part-time trained by the police training board. Presently, police officers and county correctional officers working part-time, approximately 3,000 officers, are only required to complete 40 hours of fire arm training. However, full-time officers are required to complete 400 hours, law enforcement basic training and successfully pass the state certification exam. Yet both perform the same enforcement duties. Senate Bill 441 allows the Illinois Law Enforcement Training and Standards Board to train and fund the same amount of law enforcement training to part-time officers and county correctional officers. The training program will be offered regionally and funded under the Intergovernmental Law Enforcement Officer's In-Service Training Act. Senate Bill 441 requires all Home Rule municipalities to have their full-time and part-time

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officers trained. Currently all Home Rule governments participate voluntary because the training board pays for substantial portion of 100% of the training cost. Senate Bill 441 allows the training board to waive a part-time officer's training as is currently for full-time officers based on the officers extensive prior law enforcement training and experience. Senate Bill 441 provides that the training board shall adopt rules defining what constitutes employment on part-time basis, ie. the JCAR process. Senate Bill 441 amends the Illinois Municipal Code to allow any municipality to appoint, discipline and discharge part-time officers. They shall, by ordinance, establish hiring standards for part-time officers and submit those standards to the training board. Senate Bill 441 further amends the IMC to allow part-time officers to be members of the regular police department, except for pension purposes. Part-time officers could not replace, supervise, or direct full-time officers. Any part-time officer who has not received state certification or a waiver shall be directly supervised. Be happy to entertain any questions."

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

Novak: "Yes, Mr. Speaker. Thank you. Representative Balthis."

Speaker Churchill: "The Sponsor indicates he will yield."

Novak: "I'm going to read a few things into the record here for the purpose of legislative intent, and I would like to ask you a question or two. The purpose of Senate Bill 441 is to require certification by the Law Enforcement Training Standards Board of all persons employed by unit of local government as a law enforcement officer...enforcement employee. It is the intent of the Legislature to prohibit

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any persons being authorized by statute, ordinance, Resolution, or other action to be empowered as a police officer, unless and until such persons have been certified by the Illinois Law Enforcement Training Standards Board. The only exceptions to this certification requirement are to be as follows: Section 2901/1 of the Peace Officer Fire Investigation Act, 20ILCS2901/1, et seq.; which is applicable to sworn members of any organized and paid fire department of a political subdivision of this state, who are authorized to investigate fires and explosions and (B) Section 3.1-30-20 of the Illinois Municipal Code, 65ILCS3.1-15-20 which is applicable to auxiliary policemen when they are on duty. And (C) Section 3-6013 of the Counties Code, 55ILCS3-6013 applicable to the auxiliary deputies when they are on duty. It is, is it not, the... excuse me, let me rephrase that. The information that I just eluded to and stated into the record, this is for purposes of legislative intent, is that not correct, Representative Balthis?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes, Representative Novak. That is the legislative intent of this legislation and that is language that was agreed to by the Paternal Order of Police and the other folks that were negotiating this language."

Speaker Churchill: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. I stand in very strong support of this legislation, I think it answers some very perplexing problems that we've been attempting to deal with; dealing with police training in the State of Illinois. It certainly will upgrade the professional standards of our law enforcement personnel and I would certainly ask my

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colleagues to join myself in overwhelmingly supporting Senate Bill 441. Thank you."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. I have three questions... will the Sponsor yield, please?"

Speaker Churchill: "He indicates that he will yield. Please proceed."

Capparelli: "This is for the intent of the legislation for the record. I would like to ask him. Does Senate Bill 441 Amend the Municipal Code to provide for the employment of part-time police officers?"

Speaker Churchill: "Representative Balthis."

Balthis: "That is correct. A new section 3-... 3.1-30-21 is added authorizing a municipality to appoint, discipline, and discharge part-time police officers."

Speaker Churchill: "Representative Capparelli."

Capparelli: "My second question to you is, does the existing Municipal Code provide for auxiliary policemen?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes, the existing Municipal Code provides for auxiliary policemen and specifies the duties of those auxiliary officers in section 3.1-30-20, such as traffic control, aid and control of disasters, civil disorder as directed by the police chief. These officers are separate from the regular police department and are identified by auxiliary police symbols and uniforms different from the regular police officers."

Speaker Churchill: "Representative Capparelli."

Capparelli: "My last question is. Does Senate Bill 441, in providing for part-time police officers and their training, affect the existing auxiliary officers section of a



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Municipal Code?"

Speaker Churchill: "Representative Balthis."

Balthis: "No. The part-time officers provided in Senate Bill 441 has no impact on auxiliary officers. The Bill only provides for part-time officers and their training. It makes no statutory changes with regards to auxiliary officers or municipalities authority to use officers under the existing statutes. A municipalities authority to use auxiliary officers does not change and it is not the intention of this Bill to change in any manner whatsoever, the current authority and municipal use of auxiliary officers."

Speaker Churchill: "Representative Capparelli."

Capparelli: "Thank you, Representative Balthis. The intent is now in the record and I can support this legislation. Thank you, very much."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Dart. Representative Dart."

Dart: "Thank you, Mr. Speaker. I too, rise in support of this legislation. This is something that's been worked out by numerous groups and has received the support of the FOP, Municipal League and other groups. I would just ask a couple of quick questions of the Sponsor, if he would?"

Speaker Churchill: "He indicates he'll yield. Please proceed."

Dart: "Representative, how is this... would this Bill in any way limit small municipalities right now that rely heavily and primarily on part-time police officers? Would there be anything that would, by putting in the requirements, they have more police time training, would this in any way hurt them as far as being able to keep their part-time forces going?"

Speaker Churchill: "Representative Balthis."

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Balthis: "No, Representative. In fact, it allows those officers that have been participating as part-time officers, many of who are full-time officers to apply for a waiver to the training board. So, many of them may already be qualified under the Part-Time Act and those that aren't have 24 months to qualify for that training and it can be done at the local level."

Speaker Churchill: "Representative Dart."

Dart: "The Municipal League has worked on this with you as well, from what I understand and there would be no constraints as far as fiscal constraints, it would be cost prohibitive as far as making the... sending these part-timers to the Academy for the training. Correct?"

Speaker Churchill: "Representative Balthis."

Balthis: "No, in fact, the good part about this is that the full cost of that training will be paid for by the Police Training Board."

Speaker Churchill: "Representative Dart."

Dart: "Once again, to the Bill. This is something that was well thought out, well worked, and I urge your support."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Lang. Representative Lang."

Lang: "Thank you. An inquiry of the Clerk."

Speaker Churchill: "State your inquiry."

Lang: "Thank you. Well, of course I'm concerned about the Fiscal Notes. I'd like to know who filed the notes and when they were filed."

Speaker Churchill: "Mr. Clerk."

Clerk McLennand: "On Senate Bill 441, the Home Rule Impact Note was filed on May 18 and signed by Director Whetstone, filed by DCCA. The Fiscal Note was from the Illinois Law Enforcement Training and Standards Board, dated May 17,

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when it was filed and was... is signed by the Executive Director, I believe he signed that on the 18th and those are the only notes filed in the House."

Speaker Churchill: "Further discussion? The Gentleman from Peoria, Representative Saltsman. I'm sorry, I was... Representative Saltsman had been seeking recognition. I didn't see your light on, Representative Lang. We'll get back to you. Representative Saltsman, you want to proceed and we'll go back to Representative Lang after that."

Saltsman: "Yes."

Speaker Churchill: "You asked about the notes, the Clerk read to you the notes. Put your light on and I'll recognize you. Representative Saltsman was next. Representative Saltsman."

Saltsman: "Yes. A question, Representative Balthis. I didn't hear you on the... there's a nine million dollar cost factor on this... on fiscal report..."

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, from where did you receive the nine million dollar cost factor on this?"

Speaker Churchill: "Representative Saltsman."

Saltsman: "I believe... excuse me, one second. The Law Enforcement Training Board has a nine million dollar cost factor on this."

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, the representative of the training board is standing here and that, indicated to me is not correct."

Speaker Churchill: "Representative Saltsman."

Saltsman: "There was a note filed, one second, please. They are going to take the report over, Representative. Just take one quick look at it, you and the Sponsor. It says, 0 to 9

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million, excuse me. Do you have that report in your file?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Will, that be shared by the municipalities or is that going to be a new cost factor with us on our GRF or, where that money come from?"

Speaker Churchill: "Representative Balthis."

Balthis: "The cost for the training will be picked up by the Police Training Board."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Then this isn't going to cost the municipalities anything at all?"

Speaker Churchill: "Representative Balthis."

Balthis: "Not to train their officers, no."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Does the Police Training Board have this in their budget for this fiscal year?"

Speaker Churchill: "Representative Balthis."

Balthis: "This will be done over a two year, two budget years and they do have the money for that."

Speaker Churchill: "Representative Saltsman."

Saltsman: "Thank you, very much. I just wanted that a matter of record, too."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Back to the notes, Sir. I have some additional inquiries, so that you know there's more than one. I have not yet determined whether the notes were signed when filed and that would be the Home Rule Impact Note, as well as the Fiscal Note."

Clerk McLennand: "The Home Rule Impact Note was signed when

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filed. As I indicated, the Fiscal Note was filed on the 17th and I believe it was signed the evening of the 18th and the Bill was moved to Third Reading on the 21st."

Speaker Churchill: "Representative Lang."

Lang: "So, the Fiscal Note that was filed was changed after it was filed, there was no new Fiscal Note filed but, in fact, the evidence in the ongoing 'notegate Investigation' was changed. The public record that was filed was changed after it was filed. Is that correct?"

Speaker Churchill: "Representative Lang, I'm not sure that we caught the drift of your question, perhaps you could ask that again."

Lang: "The question is, was the public record changed after it was filed on the 17th? The answer is obvious, it was changed. The question I have is, isn't that note now invalid? Shouldn't a new note be filed? The note was filed on the 17th and it's part of the ongoing investigation in to the 'notegate' scandal. It seems to me that we should have left that note alone and asked that a new note be filed. Should that not have been done, Mr. Speaker?"

Speaker Churchill: "Mr. Lang. As you have been told, several times before, these are not notes that are required by statute, but as a matter of custom in the House, these notes have been customarily filed in the past and are customarily filed now. And so, I guess the Chair would ask the Clerk, if this is a note that has been customarily filed in the House."

Clerk McLennand: "Both in content and in the form that it was put together. Yes."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. I don't question the Bill going to Third

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Reading and I don't question the validity of the note. What I question is, why Speaker Daniels and all other surrogate Speaker's have allowed a situation to occur, whereby notes that were filed have been tampered with after they were filed. Once a document is filed it becomes public record. There are statutes to protect documents that are public record and no one should have tampered with those. Mr. Speaker, how will you complete your ongoing investigation of the 'notegate' scandal, if we continue to tamper with the documents before we've had a chance to review them?"

Speaker Churchill: "Representative Lang, if you had heard the Speaker when he was in the Chair and in previous times, that investigation has been concluded and is over. This note is on the Bill properly, was not questioned at the time the Bill was moved from Second to Third, and at this time we really should go forward and give the Sponsor an opportunity to have the Sponsor's Bill called. Representative Lang."

Lang: "Thank you, Mr. Speaker. What will you do when House Resolution 49 passes and we bring the Attorney General in here to investigate this? What evidence will he then look at?"

Speaker Churchill: "Representative Lang, this is a line of questioning that you've been following for several days. Constantly, we have given you the same answers and you've asked the same questions. At this point, let us move on so we can finish this Bill. Representative Lang."

Lang: "Well, let me say one thing and then we'll certainly permit you to move on. Mr. Speaker, House Resolution 49 is waiting to be voted on. House Resolution 49 is one that we should all support and House Resolution 49 would require

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that somebody be able to look at these documents that someone is tampering with, every note has been tampered with. The public record has been tainted. How will someone continue to investigate this?"

Speaker Churchill: "Representative Lang, I assume that you've made your statement and we can move on. Let us move on. Representative Lang, one more time and then let us move on. Representative Lang, make your statement as you wish."

Lang: "Thank you, Sir. I'll certainly take as many times as I wish, but I'm prepared to move on. I just wanted to let you know that we're concerned about House Resolution 49, that you refuse to call, Sir."

Speaker Churchill: "Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. I would ask everyone to listen to the testimony that's been given here this evening. This Bill is about public safety, it is about safety of citizens, it is about safety of police officers and I would ask everyone to vote 'aye'."

Speaker Churchill: "The question is, 'Shall Senate Bill 441 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 3 voting 'no', and none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 246."

Clerk McLennand: "Senate Bill 246, Bill for an Act that Amends the Illinois Public Labor Relations Act. Third Reading of this Senate Bill."

Speaker Churchill: "Gentleman from Cook, Representative Parke."

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

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House. Senate Bill 246 is a effects the public relations Act. The Act governing resolution of police negotiation impasses. The purpose of the Amendment is to prohibit unilateral changes in wages, hours, and conditions of employment during the period of between the initiation of arbitration and proceedings in the dependency of those proceedings between the arbitration panel. Also, Amendment #1, on the Bill, clarifies the intent of the language included in Senate Bill 487, which is intended to exempt the certain motor carriers from the overtime provisions of the minimum wage law. This language was initiative of the Illinois Transportation Association. It wasn't until after the language was signed into law, that the language exempted certain motors carriers from the entire minimum wage law. This language eliminates substances to Senate Bill 487, was signed into law. And adds language specifically in the over time exemption of the minimum wage law to accomplish the intent of the exclusion. I would look forward to answer any questions that people may have on this legislation."

Speaker Churchill: "Any discussion? Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Churchill: "He indicates he will. Please proceed."

Hoffman: "Yes, Representative, I would like to begin with the problems that individuals have brought to my attention, regarding the drafting problems with this Bill. It's my understanding that the state AFLCIO is vehemently opposed to this Bill. And specifically the Teamsters of this state are vehemently opposed to this Bill because of drafting problems. It's my understanding that this Bill would apply retroactively to 1976, is that correct?"



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Speaker Churchill: "Representative Parke."

Parke: "Representative Hoffman, Amendment 1, is... would be retroactive back. You are correct."

Speaker Churchill: "Representative Hoffman."

Hoffman: "It is also my understanding, that the intent of this Bill was to make some clarifications to Public Act 880594, of the 11... Public Act 880594, which we've passed prior to this. And was intended to exempt from over time, requirements over-the-road truck drivers were paid by the mile or load, rather than by the hour. That is the intent of this Bill, but it really goes further, doesn't it?"

Speaker Churchill: "Representative Parke."

Parke: "Representative Hoffman, it achieves the clarification of a legislation that in essence was in error. And that is what this Amendment 1 does to this Bill."

Speaker Churchill: "Representative Hoffman."

Hoffman: "It's my understanding that the Bill, the mistakes that need to be corrected, is the clarifying that the exemption applies only to those truck drivers who are paid by the mile or load and not to those paid on a hourly basis."

Speaker Churchill: "Representative Parke."

Parke: "Representative Hoffman, it is so loud in here, I could not hear that last question. Could you please repeat it?"

Speaker Churchill: "Representative Hoffman."

Hoffman: "It's my understanding that the reason that we...that the Teamsters are willing to go along with the portion of the Bill, was that they wanted to clarify that the exemption applies only to those truck drivers who are paid by the mile or load and not to those paid on an hourly basis. However, this goes further. They're willing to sport... support that only is applying to the overtime exemption to interstate truck drivers, but this goes much

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further than that. It goes further and applies to more. And in addition to that, it specifically applies back to 1976. Now, Representative, are you aware of a case that is presently be...filed against the United Parcel Service, to which is awaiting class certification that would involve this or would essentially take away potential class certification and would take away potential actions, if we apply this retroactively to 1976?"

Speaker Churchill: "Representative Parke."

Parke: "Representative, I'm not personally aware of this law suit. Quite frankly, this was filed for the Illinois Transportation Association and UPS for protection under that law."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, I think everybody in this chamber needs to understand and I think this is a precedent that is dangerous, a precedent that we're about descent, and I don't think we want to be in that business. Right now, there's a law suit, my understanding pending against a particular company in this state. There's class certification that is pending. The law...this Bill would essentially say that we're going to make the law in this state, retroactive until 1976. We're going to say, everything that happened, prior to 19... subsequent to 1976 to today, didn't happen, with regard to this Bill. So, we're interfering in a pending suit. We're interfering in such a way, that we're going to retroactively take away people's rights. People's rights they've had from the day 1976 till now. Hard working people, people that work for a living. People that drive a truck for a living and we're going to say, 'we know, we know that the United Parcel Service, may have made a mistake. We know that you may be

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due some money. We know that this could be a class certification, where by over 3,000 people are affected, but we're going to pass a law that take away your rights. Just like that. We, as the General Assembly, are going to impend on the province of the court and take away your rights. Well, I say we don't want to do that in this case. We don't want to do that in any case. The AFLCIO is vehemently opposed to this. The working men and women who drive trucks in this state, are opposed to it. And we too, should be opposed to it."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Kaszak."

Kaszak: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Granberg."

Speaker Churchill: "Well, Representative Granberg, hasn't had a chance to talk yet, so he hasn't used his own five minutes. Further discussion, Representative, the Lady from Cook, Representative Fantin. Representative Fantin?"

Fantin: "I just want to yield... I want to yield my time to Representative Hoffman, please."

Speaker Churchill: "Okay, further discussion, Representative Hoffman."

Hoffman: "Yes, Representative, let's, first of all, if I could have an inquiry of the Chair, without my time being taken? Inquiry of the Chair, Representative, Speaker? Speaker?"

Speaker Churchill: "Yes, Representative Hoffman, I'm sorry."

Hoffman: "Before my time, I've been trying to get a hold of you. Of, where do we get this ruling that a person can't yield to another person? Wouldn't it be easier just to yield, give them the five minutes and go on from there? I've never seen that in the rules, anywhere. Regarding rule yielding. So, I would ask the Parliamentarian to please sight the

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rules to where that is?"

Speaker Churchill: "Well, I asked the Parliamentarian to find out...find the rule where you could yield your time, and perhaps he'll take a look at the whole rule, but generally what happens is, is that after you are done using your time and you have your...and your time is all used up, then people will yield you additional time so that you can ask additional questions, and that is what Representative Fantin did for you. We're recognizing you for an additional time period."

Hoffman: "Well, Mr. Speaker, I would just like to point your attention to House Rule 7-3E."

Speaker Churchill: "House Rule?"

Hoffman: "House Rule 7-3E. A Member may... It specifically says, a Member may yield to another the time allotted for the Member's Debate. It does not say that we have to recognize that person previously. I would ask a ruling from the Chair as to where it says we have to have that person recognized previously?"

Speaker Churchill: "And does it say that the...opposite? Representative Hoffman. I was just trying to make sure you're awake, Representative Hoffman, that is all."

Hoffman: "Well...well...."

Speaker Churchill: "Why don't we do this. Let's... I know you have valid time... Yeah, Representative Hoffman, I know you have valid points on this Bill. We'll ask the Parliamentarian to look at this and we'll get back to you. Why don't you start your five minutes, and perhaps you could go back to asking Representative Parke questions. I know you have valid questions on this Bill. So, let's start with the five minutes for Representative Hoffman."

Hoffman: "Okay, Representative Parke, we had...we had gone into

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this a little bit earlier; however, with regard to this specific provisions in this Bill, could you answer me why we want to go back to 1976 and make this retroactive, because in 1976, I wasn't even in high school yet. I think it is a little bit ridiculous that I'm voting on a Bill that would make it retroactive to prior to the time that I was in high school?"

Speaker Churchill: "Representative Parke."

Parke: "Well, it's pretty simple that they want to exempt themselves from the exposure that this legislation puts out."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, what you're saying is, it is your intent then to impede on the providence of the courts by allowing us to make a retroactive law to 1976 in order to avoid the potential exposure of an action by the United...against the United Parcel Service?"

Speaker Churchill: "Representative Parke."

Parke: "That's correct."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, you're passing this legislation to specifically effect that lawsuit, is that correct?"

Speaker Churchill: "Representative Parke."

Parke: "I'm not sure if that is directly affecting a particular lawsuit. Again, I'm not aware of the lawsuit."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, Representative, you just got done telling me that it was correct, that you wanted to attempt to stop and provide for legislation that would insure that people do not have the type of action being brought against them, that this Bill purportedly would keep from happening. What I'm asking you is, what is the exact intention. If it is

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not to impede on that lawsuit, is it to impede on other lawsuits?"

Speaker Churchill: "Representative Parke."

Parke: "This...in essence... Let me just clarify, I guess, what we're trying to do here. This is an exemption that will protect the UPS from the exposure that this Amendment going on would open up them to."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, well, Representative, they've have opened themselves up to it. Just so everybody in the chamber knows...just so everyone in the chamber knows. What this Bill is all about is, between 1976 and today's date, certain workers in this state have earned overtime. Now, it's my understanding that companies in this state have realized that they have made errors in not properly paying the overtime. So, they come to the General Assembly and they say to us, 'Well, we understand that these people worked and they worked overtime and they may have been due overtime under laws of this state, and we understand that it is important to you to insure that the laws of this state are enforced and we don't want to break those laws. So, so we don't have to break the laws, what we're going to do...let's change the laws.' Let's change the laws and make them retroactive to the Bicentennial for God's sake! Let's go back to 1976. Why don't we just go back to 1776? Go all the way back. Let's get rid of all the labor laws in this state. Why should we have any? Hey, let's get rid of 'Taft Hartley'. What the hell do we need that for? Let's get rid of 'Davis Bacon'. What do we need that for? Let's get rid of overtime? What do we need that for? This is absolutely, unbelievably unconscionable that we would pass a law that would go back to 1976 and say that

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everything happened, everything you did wrong, every law you broke, overtime you didn't pay, is wiped out. Real good legislation, Representative. Let's get all the rest of it, too. I say a 'no' vote is the vote that we should be voting for, and I ask you, Mr. Speaker, to please rule on my previous inquiry."

Speaker Churchill: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Representative Hoffman, you brought up some excellent points, and what I'd like to do is I'd like to revisit... Mr. Speaker, would you take the Bill out of the record?"

Speaker Churchill: "Out of the record. Mr. Clerk, announcements?"

Clerk McLennand: "Rules Committee will meet on Monday, May 22nd, immediately upon adjournment. Committee Report from the earlier Rules Committee. To which the following joint action motions were referred, action taken on 5-22-1995, reported same back due proved for consideration: Floor Amendment #1 to House Joint Resolution #30, Floor Amendment #2 to Senate Bill 371, and Floor Amendment #7 to Senate Bill 387. Also, Concurrence: House Bill 150 together with Senate Amendment #1. Committee notices: House Committee on Judiciary for Criminal will meet on Tuesday, May 23rd at 8:35 a.m. in Room D1. On the issue of Concurrence: House Committee on Judiciary for Civil will meet on Tuesday May 23rd at 8:05 a.m., C-1, Concurrence in D-1 Stratton. Judiciary Civil, D-1 Stratton. An Executive Committee will meet Tuesday, May 23rd, 8:05 a.m., Room 114 for Concurrence and Floor Amendments."

Speaker Churchill: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Since we aren't dealing with the issue of 'notegate' and the inappropriate notes that were

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filed, I hereby move, pursuant to a written Motion previously filed, and I'm joined by the requisite number, that we immediately change the order of business. Go to the order of Motion to discharge Committee and immediately take up my Motion on House Resolution 49. Said Motion being pursuant to Rule 3-8D, I move to discharge the Committee on Rules from further consideration and advance to the order of Resolutions, and I further hereby move that we have immediate consideration of House Resolution 49. I ask for a Roll Call Vote on my Motion."

Speaker Churchill: "Representative Lang, we will get to that Motion in due time. Representative Lang."

Lang: "I've made a Motion, Sir, orally and in writing. I've been joined by the requisite number and we have a Motion to change the order of business which is in order. You cannot avoid it, and we ask for a Roll Call Vote on my Motion, Sir."

Speaker Churchill: "Representative Lang, I was going to read the Motion. I'm having a hard time reading your...your writing, but basically, if you would just restate the Motion so that everybody knows what it is, it's in your handwriting, I'm sorry, I just can't read it. Representative Lang."

Lang: "The Motion, Sir, and I'm joined by the requisite number, is to change the order of business to immediately go to the order of Motion to discharge Committee and to take up under that order the Motion for House Resolution 49 which is pursuant to Rule 3-8D. I move to discharge the Committee on Rules from further consideration and advance House Resolution 49 to the order of Resolutions, and I ask for immediate consideration of my Motion and on House Resolution 49. I am joined by a sufficient number to ask



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for a Roll Call Vote. I was joined by a sufficient number to change the order of business and we demand an immediate Roll Call Vote, Sir."

Speaker Churchill: "The Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Churchill: "State your inquiry."

Black: "Was the Motion written in crayon?"

Speaker Churchill: "No, it looks like it was written in pen..."

Black: "Oh!"

Speaker Churchill: "But I really... I would not have been able to read through the whole thing."

Black: "Okay..."

Speaker Churchill: "I'm sorry."

Black: "I can understand that at this late hour. I just simply would ask... I believe I am joined by the requisite number, I want to divide the question. There's so many Motions here I can't keep them all straight. So, let's just divide the questions as the Gentleman's asking for."

Speaker Churchill: "Okay. A Motion to divide the question. So, all those in favor of the Motion to divide the question, signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The question will be divided. So, the first point would be... Representative Lang moves to change the order of business. All those in favor of that Motion will vote 'aye'; all those opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? have all voted who wish? Mr. Clerk... The question... Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 52 voting 'aye', 64 voting 'no' and that Motion fails. Mr.

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Clerk, please read Senate Bill 711."

Clerk McLennand: "Senate Bill 711 has been read a second time previously. Senate Bill 711, a Bill for an Act to amend the Downstate Forest Preserves District Act, was moved to Third Reading earlier today. This is the Third Reading of this Senate Bill."

Speaker Churchill: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Senate Bill 711 amends the Downstate Forest Preserves District Act. It allows Forest Preserves Districts to create, maintain and increase an endowment fund to pay all costs and expenses incurred or anticipated by the Forest Preserves District. The Bill states that no appropriation of the endowment fund shall lapse. It provides that money for the endowment fund must come from private sources only, and states that the fund must be audited annually by a licensed Certified Public Accountant. I'd be happy to answer any questions."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative Schoenberg."

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

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

Schoenberg: "Mr. Meyer, who initiated this legislation..."

Speaker Daniels: "Representative Meyer."

Schoenberg: "Which entities?"

Speaker Daniels: "Representative Meyer."

Meyer: "Representative...and I thank you for being a Sponsor on this Bill with me, this was initiated by forest preserve, I believe, up in Dupage County area, but it would apply to all forest preserves. It's not entirely just for that forest preserve district."

Speaker Daniels: "Representative Schoenberg."

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Schoenberg: "Thank you, Mr. Speaker, to the Bill. This would enable all forest preserve districts to be able to establish private endowments to be able to alleviate the...some of the tax burden in order to be able to encourage private giving, facilitate private giving with the necessary standards of accountability. In the case of those of you from Cook County, I just want to call to your attention that the Cook County Forest Preserve District technically has oversight, over entities such as the Chicago 'Botanic' Garden, and this would enable them as well, to be able to establish an endowment to raise private funds which would enable them to do more in the way of programming and offering other services. The Chicago 'Botanic' Garden is in my area. Many of you from the northern and northwestern suburbs in suburban Cook County, and your constituents do participate in the programs and take in the flora and the fauna, and I encourage you to vote for this. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. An inquiry of the Clerk."

Speaker Daniels: "State your inquiry."

Lang: "Thank you. I notice that a replacement Fiscal Note..."

Speaker Daniels: "Representative Lang, that question was asked on Second Reading two hours ago and answered. Further questions?"

Lang: "Is this a Bill we... Did we move this to Third today? Was this on the original list on Second Reading?"

Speaker Daniels: "You did it today. You asked those questions. They've already been answered. Would you like to discuss the Bill, Sir?"

Lang: "No, thank you."

Speaker Daniels: "Representative Meyer to close."

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Meyer: "Thank you, Mr. Speaker. This Bill is a good Bill. I think it benefits the forest preserves by allowing them to have private funds, funded endowment funds. As the previous Speaker from the other side of the aisle, Representative Schoenberg, indicated that cuts across all forest preserve districts in the state. I would encourage a 'yes' vote."

Speaker Daniels: "The Gentleman moves for the passage of Senate Bill 711. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 116 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 788. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 788, a Bill for an Act that amends the Downstate Forest Preserve District Act. The Bill was moved to Third Reading earlier. This is Third Reading of this Senate Bill."

Speaker Daniels: "Representative Moore."

Moore: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this amends the Downstate Forest Preserve District Act to allow them, as the effective date, to construct, equip, acquire, extend, improve or store and maintain and operate historic buildings and cultural education centers and all necessary related facilities, including gift shops, cafeterias, snack bars and restaurant: effective immediately. Please, vote 'aye'."

Speaker Daniels: "Representative Lang."

Lang: "Thank you. I rise on a point of order, Sir. This Bill does not appear on any kind of Calendar on Third Reading."

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There has been no Supplemental printed. It shows up on our Calendar on Second. I know you've moved it to Third today, but we have no Supplemental Calendar. I believe the Rules require that it be printed on a Supplemental Calendar."

Speaker Daniels: "You are correct, Sir. We'll take that Bill out of the record. Every once in awhile you get lucky. Mr. Clerk, will you comment upon Mr. Lang's question now so we don't have to sit around for a Supplemental, we'll have the Clerk respond to that. He's searching his records. Mr. Clerk."

Clerk McLennand: "Under House Rules, it merely provides that the Bill shall be read by title on three different days, and that the Clerk shall prepare a Calendar. The Clerk has prepared a Calendar. This Bill has appeared on the Calendar and has been read on three different days."

Speaker Daniels: "All right. Senate Bill 788. Read the Bill, Mr. Clerk. Third Reading."

Clerk McLennand: "Senate Bill 788, a Bill for an Act amending the Downstate Forest Preserve District Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Andrea Moore."

Moore, A.: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this Bill allows any forest preserve district down under...with the population under 3 million to construct, equip, acquire, extend, improve, restore, maintain, and operate historic buildings and cultural educational centers. All necessary related facilities including: gift shops, cafeterias, snack bars, and restaurants. This Bill would be effective immediately. I would appreciate an a 'aye' vote. Thank you."

Speaker Daniels: "Any questions? Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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Speaker Daniels: "She indicates she will."

Hoffman: "With regard to House Amendment #1, has that been adopted to the Bill, Representative?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Yes, Representative, it was adopted in Committee."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So this deletes the Section of the Bill regarding the requirement that two-thirds vote for licensed activities directly related to the districts purpose? That has been deleted from the original Bill?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "It's my understanding that this only applies to the forest preserve districts outside of Cook County. Why are we making a distinction?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Because the statute currently does not...currently allows this in Cook County. This clarifies the language for the Downstate County Forest Preserves."

Speaker Daniels: "Representative Hoffman."

Hoffman: "This still applies to restoring historic structures. Is that correct?"

Speaker Daniels: "Representative Moore."

Moore, A.: "It adds that to the current list of...and more clearly defines what they are able to do."

Speaker Daniels: "Representative Hoffman."

Hoffman: "The provision regarding the contracting out gift shops and snack bars, why are we requiring? Why can't we just allow these downstate forest preserve districts to run their own gift shops and snack bars? Why do we require them to contract out under this Bill?"

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Speaker Daniels: "Representative Moore."

Moore, A.: "This Bill would not require them to. It gives them the option to contract out if they wish or operate. Either way, it's permissive."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Then maybe I misunderstood your...your explanation. It is my understanding that you wouldn't be able to run a gift shop or a snack bar unless you did it before the effective date of this Bill. That is not your intention?"

Speaker Daniels: "Representative Moore."

Moore, A.: "The language in the proposed legislation clarifies the existing statute and will allow, either to privatize or to operate."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And that will be allowed regardless of when the gift shop or the snack bar is opened or begins to operate?"

Speaker Daniels: "Representative Moore."

Moore, A.: "Yes, that is correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I personally see no problem with this Bill. I think it is a good Bill, and I would urge an 'aye' vote."

Speaker Daniels: "Further discussion? The Lady from Cook, Representative Wojcik."

Wojcik: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Moore to close."

Moore, A.: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, please vote 'aye'."

Speaker Daniels: "The question is, 'Shall Senate Bill 788 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'aye', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. We got one more Bill. Then we're going to move a few Bills to Third, and then we can adjourn for the evening. This will be the last Bill on Third Reading. Senate Bill 830. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 830, a Bill for an Act that amends the Open Meetings Act. The Bill has been read a third time. It had been moved to the order of Third Reading earlier today, and this is Third Reading of this Senate Bill."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 830 addresses a needed clarification in the Open Meetings Act. Now, from the time of the creation of the Open Meetings Act, it has allowed governmental bodies to consider the acquisition of Real Estate in closed Session; however, recent second district appellate court decision stated that if a governmental body is going to consider buying land, the body had to discuss the relative merits and factors about the land in open Session and then go on to closed Session. It was understood and recognized by governmental bodies and the press association that this was an unrealistic provision. So this Bill would allow local governments to go into closed Session when...considering the acquisition of Real Estate. The second provision of the Bill would provide that a quasi adjudicated Body shall not include local election boards when such bodies are considering petition challenges. That



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is the extent of the provision of the Bill. Both the Press Association and local government are in favor of this legislation, and I would be happy to respond to any questions."

Speaker Daniels: "Representative Woolard."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Kubik to close."

Kubik: "I can't top that. I just ask for an 'aye' vote."

Speaker Daniels: "The question is, 'Shall the Senate Bill 830 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 99 'aye', 4 voting 'no', 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. I think the signs tomorrow will probably read, 'Woolard for Speaker'. That will be their third candidate for Speaker in three days. Okay. Senate Bill 246. Mr. Clerk, what is the status of that Bill?"

Clerk McLennand: "Senate Bill 246 had been read a third time previously."

Speaker Daniels: "Return that Bill to Second Reading, Mr. Clerk. Representative Parke."

Parke: "Thank you, Mr. Speaker. I would like to table House Amendment #1 to Senate Bill 246, please."

Speaker Daniels: "The question is, 'Shall Amendment #1 be tabled?' All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. Amendment #1 is tabled. Anything further?"

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Clerk McLennand: "No further Amendments."

Speaker Daniels: "Mr. Clerk, return that Bill to Third Reading.  
Mr. Clerk, tell me the status of Senate Bill 358."

Clerk McLennand: "Senate Bill 358. The Bill's been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 has been referred to Rules. No further Floor Amendments. Fiscal Note, Correctional Budget Impact Note requested on a Bill and have been filed."

Speaker Daniels: "Third Reading. Status of Senate Bill 484."

Clerk McLennand: "Senate Bill 484. Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Notes."

Speaker Daniels: "Third Reading. Senate Bill 485."

Clerk McLennand: "Senate Bill 485. Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Notes."

Speaker Daniels: "Third Reading. Any announcements?"

Clerk McLennand: "Rules Committee will meet immediately upon adjournment. Rules Committee immediately upon adjournment. Members are encouraged to look at the Committee Notices that have been placed on their desks for Committee Meetings tomorrow morning at 8:00 and 8:30, 8:05, 8:35."

Speaker Daniels: "Representative Black now moves that the House stand adjourned until Tuesday, May 23, 1995, at the hour of 9:00 a.m. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it and allowing perfunctory time for the Clerk, the House now stands adjourned until Tuesday, May 23, 1995, at the hour of 9:00 a.m. Get some rest."

Clerk McLennand: "House Perfunctory Session is in order. Introduction of Resolutions. House Resolution #52, offered by Representative Bost, Rules Committee. Being no further

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business, the House Perfunctory Session is in recess for a few minutes."

Clerk McLennand: "House Perfunctory Session will be in order. Committee Reports. Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Amendment was referred, action taken on May 22nd, 1995, reported the same back with the following recommendations, 'do approve for consideration', Floor Amendment 3 to Senate Bill 135. Committee notice: Executive Committee will meet on Tuesday, May 23rd at the hour of 8:10 a.m. in Room 114 of the Capitol to consider the following Floor Amendment. Floor Amendment #1 to Senate Bill 100. Being no further business, the House Perfunctory Session stands adjourned. The House will reconvene on Tuesday, May 23rd at the hour of 9:00 a.m., nine hours and five minutes from now."

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