

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

148th Legislative Day

December 5, 1996

Speaker Daniels: "The House will come to order, the Members will please be in their chairs. Those not entitled to the floor will please retire to the gallery. We will be led in the invocation today by...the Chaplain for today is Pastor B. G. Nevitt of the Glad Tidings Assembly of God Church in Decatur. Pastor Nevitt is the guest of Representative Duane Noland. Guests in the gallery may wish to rise for the invocation. Pastor Nevitt."

Pastor Nevitt: "Heavenly Father, I thank You for each person that gathers here, and I pray that You would strengthen this the leadership of this great state. As decision-makers God, I pray that we would all recognize that we need Your wisdom and we need Your insight. And I pray that we would all have incredible courage to do right things, to live as an example of truth and integrity as people observe our leadership. May we ever be aware that even though we as people stumble, You are there to pick us up, and even in the darkness of trials You are the light of hope. In Christ name we pray. Amen."

Speaker Daniels: "Thank you Pastor Nevitt. We will be led in the pledge of Allegiance by Representative Flora Ciarlo."

Ciarlo - 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 on the Democratic side of the aisle for excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez, is excused. Representative Morrow. Representative Kenner, who is attending a National Legislative Conference, and Representative Scott, who is in

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the district for a funeral."

Speaker Daniels: "The record will so reflect. Representative Cross, is recognized on the Republican side of the aisle for any excused absences and to explain where he was yesterday."

Cross: "Thank you, Mr. Speaker. I didn't realize I wasn't here yesterday, and good morning on such a nice morning, by the way. But, if the record would please reflect that Representative Wojcik, is excused today. Thank you."

Speaker Daniels: "The record will so reflect. Take the record, Mr. Clerk. There are 113 Members answering the Roll and a quorum is present and the House will now come to order. Committee Reports."

Clerk McLennand: "Committee Report from Representative Saviano, Chairman from Registration and Regulation to which the follow Joint Action Motions were referred, action taken on December 5, 1996, reported the same back 'do approve' for consideration: Conference Committee Report #1, to Senate Bill 454."

Speaker Daniels: "Resolutions."

Clerk McLennand: "Introduction of Resolutions. House Joint Resolution 142, the Adjournment Resolution, offered by Representative Churchill. And House Joint Resolution 143, offered by Speaker Daniels."

Speaker Daniels: "Mr. Clerk, approval of Journals."

Clerk McLennand: "The following has been offered by Representative Tom Cross. Members on the Committee on Journal review hereby, certify that they examined the record of the proceedings of the House and Journals, numbered as attached along with the attached corrections. And find the same to be approved. The Journals are approved for the 1st to the 132nd Legislative Day."

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Speaker Daniels: "Representative Cross, now moves that the House Journal for the 1st through the 132nd Legislative Days of the 89th General Assembly be approved. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it and the Journal for the 1st through the 132nd Legislative Days to the 89th General Assembly is hereby approved. Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #1, is being distributed."

Speaker Daniels: "Mr. Clerk, on Supplemental Calendar #1 appears Senate Bill 454, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1, would create the Acupuncture Practice Act for the State of Illinois. It would extend the sunset for the Pharmacy Practices Act to the year of 2007. It would also clean up some language in the statutes in regards to Environmental Health Practitioners. It would also take the Barber Cosmetologists and Nail Technicians Act and restore them to the Department of Professional Regulations in regards to the process for their continuing education. It would change some language that was inadvertently changed in the Real Estate Licenses Act in regards to the initial fees being deposited in the right accounts. And I would be glad to answer any questions you might have."

Speaker Daniels: "Any discussion on the question? Representative Dart."

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

Speaker Daniels: "Indicates he will."

Dart: "Representative, I was wondering why, can you explain to me what the connection between the Acupuncturists and the Farm Products Act is?"

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Speaker Daniels: "Representative Rutherford."

Rutherford: "That's a sticking point."

Speaker Daniels: "Representative Dart."

Dart: "Can...Is there any opposition to this?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "Representative, I'm not aware of any opposition to it. Today in committee it was a bipartisan, unanimous support out. No one filed opposition slips to it, so, I'm not aware of any."

Speaker Daniels: "Representative Dart."

Dart: "This is to license acupuncturists, is that it?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "In part the Conference Committee's language does put in the Acupuncture Licensing Act. Yes, Sir."

Speaker Daniels: "Representative Dart."

Dart: "Is there any limited liability provisions contained in this Act?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "No, Representative, there is not."

Speaker Daniels: "Representative Dart."

Dart: "Nothing further."

Speaker Daniels: "Is that all, Sir? Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise in support of this Bill. We've been waiting in Illinois to see Acupuncture Practice Act for a long time and I want to commend all the people that worked hard on this, including the Farm Bureau, (that's a joke), and I will ask all the Members of the Chamber to support this measure. Thank you."

Speaker Daniels: "Representative Parke."

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

Speaker Daniels: "Indicates he will."

Parke: "Yes, Representative...Representative, you said there were

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no slips filed against this. All the Professional Associations that are affected by this Bill have indicated that they have worked with you and all in agreement with all the provisions of this?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "They've either worked with myself personally or the associations that were involved to help craft the language and there is no one in opposition to it, nor filed in the committees, any opposition slips."

Speaker Daniels: "Representative Parke."

Parke: "That's what your staff liaison has said?"

Rutherford: "Right."

Parke: "Okay, I have no further questions. Thank you."

Speaker Daniels "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. I believe this Bill is going in the right direction, however, I will be abstaining from voting on the Bill because it does have a possibility of conflict in our own business at home."

Speaker Daniels: "Representative Rutherford, now moves that the House adopt Conference Committee Report #1, to Senate Bill 454. All those in favor will 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? Mr. Clerk, take the record. On this question there are 110 'aye'; 0 voting 'no'; 1 voting 'present'. And this Bill having received the Constitutional required Majority, extra ordinary Majority. The House does adopt Conference Committee Report #1, to Senate Bill 454, and is hereby declared passed. Messages from the Senate."

Clerk McLennand: "A Message from the Senate, by Jim Harry, Secretary of the Senate. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has

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concurred with the House of Representatives in the passage of a Bill with the following title, to wit; House Bill 365, together with Senate Amendment #1. The adoption of which I am instructed to ask concurrence of the House. Passed the Senate as Amendment, December 5, 1996."

Speaker Daniels: "Mr. Clerk, on page 3, of the Calendar appears Senate Bill 1463. What is the status of that Bill, Sir?"

Clerk McLennand: "Senate Bill 1463, is on the Order of Third Reading, Consideration Postponed."

Speaker Daniels: "Please return the Bill to the Order of Second Reading. Mr. Clerk, on page 2, of the Calendar under House Bills, Third Reading appears House Bill 3769, Representative Mulligan. Read the Bill, please, Mr. Clerk."

Clerk McLennand: "House Bill #3769, a Bill for an Act concerning medical coverage for mastectomies. Third Reading of this House Bill."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. House Bill 3769 would mandate an inpatient stay for mastectomy surgery. The Bill, with Amendments 1 and 2 added in committee, would cover a 96 hour stay for a woman in the hospital or a man, some men do have breast cancer, having a mastectomy. It would also cover all insurance in Illinois. It would make sure that the doctor is not penalized for allowing that 96 hour stay. It would also have the company inform the patient or policyholder of the fact that they are allowed to stay that long. The reason this Bill was brought so late in this Session is the fact that it has come to light that here and around the country mastectomy surgery is now being allowed on an outpatient basis. In Illinois, which is the sixth state in the country as far as new breast cancer cases each

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year for the last three years. It is expected there will be 9,500 women each year, it has been last year and are projected for this year who will come...be diagnosed as having breast cancer. The majority of them will have some kind of surgery. Each year for the last three years the stay in the hospital has gone down and approximately seven to eight percent of patients now are on an outpatient basis. Women around the country have spoken up that they feel this is particularly harsh. Not only do you have a disease that may take your life, but you have a disease that where at least 30 percent of the women have some implication, long-lasting if you do live, with either sexual activity or self image. To go home and be expected to change a dressing, look at an amputation, the first day after surgery without being contacted possibly by somebody from a support group, we feel is inappropriate. Perhaps the reason the stays are going down, is an advance in the technique of surgery, but we also feel that this advance may also be not just in the way surgery is but in the way we do the cost. And so I would stand ready for any questions and I would hope that you would support me on this Bill."

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

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

Speaker Daniels: "She indicates she will."

Novak: "Representative Mulligan, are there any exemptions in this Bill? Are there any constituencies in this state or groups of employees that let's say may work for municipal government? Are there any exemptions in this Bill like we had with the 'drive by deliveries?'"

Speaker Daniels: "Representative Mulligan."

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Mulligan: "No, Representative, this covers all insurance in Illinois."

Speaker Daniels: "Representative Novak."

Novak: "Well, that's great, that's excellent because I think under the other Bill that we passed last year, on the 'drive through deliveries', I think there was some exemptions. But I certainly stand in strong support of this Legislation. I commend the Lady for reacting very quickly through all the news accounts and certainly I just find it absolutely unconscionable how either a hospital, and I know I don't think it's the hospitals in this case, it must be certain HMOs that are requiring ladies that have such a serious, life-threatening medical condition where they have to be sort of pushed out of a hospital after a certain amount of time. And because there are so many complications that could develop after a surgery such as this nature, takes place. So I certainly rise in strong support. It's very, very unfortunate and to bring another case to light that was reported in the Sun Times, I think last week. A man is suing an HMO because his wife had died. She had a serious complication from a drug she took in the State of Hawaii and the doctors there had advised her to not be moved but the HMO refused to allow the surgery and the hospital stay to be done in Hawaii and she subsequently died. That case is in litigation right now. It's very unfortunate. It seems that the HMOs, and nobody likes to talk about regulations, we all want smaller more efficient government and more efficient businesses with less regulations but it seems certain HMOs are bringing this on themselves and here is another example. So, Ladies and Gentlemen, this is a very, very good Bill that certainly addresses a critical, critical issue facing women



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in the State of Illinois and I strongly support this measure. Thank you."

Speaker Daniels: "And further discussion. The Gentleman from Vermilion, Representative Black."

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

Speaker Daniels: "She indicates she will."

Black: "Representative, you indicated there were no exemptions in this. That says to me that self-insureds will be mandated under this action. In fact, is that the case?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Yes, Representative, it is."

Speaker Black: "Representative Black."

Black: "Can you give me the rationale as to how we can mandate what a self-insured group will do when it's been my understanding for years that we don't have the right to do that?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative, earlier this Session, I passed a Bill where we did just this. It was the Bill where women are allowed to choose an obstetrician-gynecologist as their primary care physician. Actually, what this is is a challenge to your ERISA Law, which is being debated right now in which Congress apparently is in the process of changing also. When ERISA Law was originally put into effect, it was there mainly in regarding pensions and since then, with the changes in health care, it has become applied to health care. And we're finding that that's really inappropriate. And if we don't cover these people, actually, we're leaving 60 percent of the women in Illinois or the people that are covered under these policies out, which seems inappropriate. It would put all the burden on

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small employers or people that are paying for their own insurance rather than some place where they spread the cost."

Speaker Daniels: "Representative Black."

Black: "So, under your explanation, I can go home and tell somebody who is employed by the largest corporation in the State of Illinois, largest private corporation, and that corporation is self-insured, that if the Governor signs this Bill, that company is forced to include this in their coverage? Is that correct?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "If they have a form of managed care where they offer a mastectomy surgery, yes. Quite frankly, from what the insurance people tell me, that they claim they do not require this on an outpatient basis and in some instances when we look at the cost and how the stays are reported to us by the Illinois Health Care Cost Containment Committee. They are now covering approximately two and a half to three and a half days for these operations if not more if it becomes more serious. So, yes, you'd have to tell them that. Would it increase their costs? Probably not if they're handling this in the manner which it should be handled."

Speaker Leitch: "Representative Leitch in the Chair.  
Representative Black."

Black: "Representative, have you had any conversations with the Department of Insurance trying to regulate these kinds of ridiculous practices by Administrative Rule or by Rule of the Department? Have you had any conversations with the Department, whatsoever?"

Speaker Leitch: "Representative Mulligan."

Mulligan: "No, Representative, I have not. They have not

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approached me and I didn't seek them out in this."

Speaker Leitch: "Representative Black."

Black: "Thank you very much, Representative, for your patience. Ladies and Gentlemen of the House, to the Bill. I stand in support of the Bill for intensely personal and family reasons. However, I stand here today, one of only two people who voted against the so-called 'drive through delivery Bill'. The only caveat I'm saying today is that at some point other states are doing this by Administrative Rule, through their Department of Insurance. We are choosing in Illinois to legislate on a case by case basis. There will come a time, Ladies and Gentlemen, when we can't do that. What are we going to do? Take every single case in which someone in managed care is not happy and legislate what the result will be. I don't think you want to get into that. I don't think there's enough time in a Legislative Session to start mandating each medical, surgical procedure no matter how reprehensible it might be, as this one certainly was. There are other ways to do this other than legislation. This will fly out of here. I can't imagine anybody voting against it. But I caution all of us, at some point we need to bring the Department of Insurance to the table and say, 'How do we stop this? How do we put road blocks in the way? How do we make sure HMOs and insurance companies are doing what's right without having to bring every single medical, surgical procedure to the General Assembly?' This should be the case of last resort. If we start making medical policy for the State of Illinois, God knows we do such a phenomenal job of all the other policy decisions we make. That kind of scares me..."

Speaker Leitch: "Are you finished, Representative Black?"

Black: "Thank you very much. I'll bring my remarks to a close."

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Obviously, nobody wants to stand in opposition or vote 'no'. My only concern is at some point we need to back off a little bit and see if we can do this through Administrative Rule by revising the Department of Insurance's authority rather than to Legislate every case that might come before this Body. Thank you, Mr. Speaker."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky. For what purpose do you rise?"

Schakowsky: "Thank you, Mr. Speaker. I rise in support of House Bill 3769 and I'm pleased that it has come this quickly before this Body. I do want to point out that, as far as I know, there are among us no physicians. None of us who can make really good medical judgments. And so I would agree, for that reason, with the previous speaker that our policy that seems to be evolving into going body part by body part and deciding how long certain procedures should be allowed for inpatient hospital stays is not the best way to regulate health care. But let this Bill be a loud and clear signal, to particularly the managed care industry. If you are going to disregard the welfare, the health, the psychological, and physical health of your patients, if you're going to abuse that to the extent that you have in the instance of sending women home on the day that they have had a breast removed, then we will go body part by body part. We need, in the next General Assembly, to consider an overall policy on how decision making is made. And let the managed care industry note that it is not going to be in the hands of non-professional bureaucrats to decide, based on bottom line considerations, how long people are going to stay in the hospital or receive medical care. In the meantime, we are acting appropriately and I urge an 'aye' vote to protect the safety and the lives of

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women."

Speaker Leitch: "The Lady from Sangamon, Representative Klingler.

For what purpose do you rise?"

Klingler: "Thank you, Mr. Speaker. The woman who's addressed the hearing yesterday, Ann Vaughn, is a resident of Sherman, Illinois and is a director in personnel of the Department of Natural Resources. She had the difficult circumstance of finding that she had breast cancer but then as she was getting ready for the surgery, was told that this is going to be an outpatient procedure. She would be in and out the same day. Representative Poe and I have received hundreds and hundreds of petitions signed by employees of the State of Illinois under this same health care plan, that are outraged and shocked by what happened to this woman and what would happen to other women diagnosed with breast cancer. I agree strongly with the speakers on both sides of aisle who have said that we need to address the issue of medical care on a total basis and that this is an issue which should be decided by the physician and the patient. But until we get to that point and as...while we have companies deciding without even seeing the patient how long that person can stay or what kind of care that person can receive, I think we're obligated to step in for our constituents. I strongly support this Bill."

Speaker Leitch: "Representative Phelps. For what purpose do you rise, Sir?"

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I also rise in support of this issue and this Legislation before us. However, this issue along with the 48 hour maternal stay, reflects the great dilemma of which we face in this state in regards to solving health care problems. And I know there are those that have already

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previously spoke that have indicated that we should caution our actions as to mandate on a piecemeal basis and the approaches in which we are taking to deal with these kind of problems. However, isn't it ironic if we had the comprehensive approach, and had all those individual problems together and we were looking at those as a whole, I doubt if there would be those same people that say we should caution and not mandate on an individual basis these problems that come to our attention either through the news media or debate or individual family problems. If we look at all the total picture, many of us would probably step back and say, 'Oh, we can't do that. We can't mandate the big picture.' So we find ourselves in a circle, vicious cycle, and lack the courage to really face and come up with the solutions that we know really is the answer to making health care more available and accessible and fair to all sexes and to all individuals of this state. And I think this issue is one of those that we can look at as a guide why we should be very cautious in what we do. I suggested to the Sponsor of this Bill, and still do that, there is still time, especially with the hurdles that this piece of Legislation must jump to go through the process to reach the Governor's desk, that we take the time to meet with the HMOs and those people, who said, they would be willing to talk to all of us about making this plan a little bit more acceptable. But that's just the recommendation that I've given to the Sponsor. But with that I do support this Bill and hope we all vote for it. Wish we had a little more time to debate it and talk about the problems that exist."

Speaker Leitch: "Representative Spangler, for what purpose do you rise, Sir?"

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

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House. You know the concept of this Bill is very good, especially when it points out the different examples that slip through the safety nets and the problems and the concerns that it causes. I really feel that the General Assembly is making a serious mistake when we go in and try to micro-manage the insurance industry and micro-manage the medical industry. Now, there's people out there that'll say, 'You vote against this Bill and you're voting against women.' That's not the case at all. If we had a Bill up here that had to do with vasectomies, outpatient vasectomies, then I too think, that everyone should start to look very closely at what we're doing here to that profession. When we all voted for the 'drive through delivery Bill' that certainly was a Bill that came to the forefront. It came to the forefront from many, many people and many, many areas. It was not an isolated case. And what we had to do at that time and say, 'You know what? We do need to send that message.' But to come back as quickly as we are now and already address another women's issue as we are and not you know a male gender issue, then I think we're kind of leaning on the political whims of everybody that's out there, in which way you should be politically correct and vote. I really have very serious concerns of the General Assembly going after each and every different procedure. And it was mentioned on the other side of the aisle, limb by limb or piece by piece. But when we start micro-managing, we better be prepared to take every isolated incident and every isolated case and every different procedure that's medically out there and be prepared to come back here as a result of this precedent setting Legislation and Bill and say, 'Yes, we need to, as Legislators, determine how long an insurance company or a

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medical profession can have our men and women stay in the hospital.' So I cannot support this Bill on that pretense. And it has absolutely nothing to do with the gender thing. I just think that it's the wrong thing for us to be doing. Thank you."

Speaker Leitch: "Representative Ronen."

Ronen: "Thank you, Speaker. I can't help but respond to the prior speaker. We continue to be amazed at the things that come out of his mouth. Of course he is not talking about the gender thing. I would remind Representative Spangler that a mastectomy is performed on somebody because of cancer. We're talking about a serious procedure. For him to compare that to a vasectomy, an elective procedure, is really outrageous and it is just one more example of how he doesn't get it. But let me just speak to this Bill. I am a strong supporter of this Bill. It's too bad that we have to step in and do something like this but the managed care programs have made us do it. And until they start or until they stop building in economic disincentives and causing doctors to perform procedures in ways that are not appropriate, we'll continue to do this. The number one concern should always be the quality of health care. Decisions have to be made based on what's the best health care available, what's going to provide the best quality of health care. Until they start doing that, we are going to have to step in and as other speakers have said, we wish not to have to do this. It's too bad we have to. But they should hear this loud and clear that we're going to keep on doing this until appropriate, adequate health care is being provided and until we're assured that decisions are made only based on what's good health care."

Speaker Leitch: "Representative Mulligan to close."



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Mulligan: "Thank you, Mr. Speaker. I'd like to commend the House Leadership and the House Rules Committee for getting this Bill out so quickly. And I'd also like to thank the Representatives Klingler and Poe who have both worked on this because they have constituents that were up in arms over this issue. Representative Schakowsky for adding Amendments to the Bill, and Representative Burke who also had a Bill in. I would ask for your favorable vote."

Speaker Leitch: "The question is, 'Shall House Bill 3769 pass?' All those in favor shall 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. And on this question, there are 112 voting 'aye'; 0 voting 'no'; 1 voting 'present'. And House Bill 3769, having received a Constitutional Majority, is hereby declared passed. Messages from the Senate."

Clerk McLennand: "A Message from the Senate by 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 in the adoption of the following Joint Resolutions: House Joint Resolution 75, together with Senate Amendment #1, passed by the Senate as amended December 4th, in the adoption of which I'm instructed to ask concurrence of the House. In addition I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I'm instructed to ask concurrence of the House, Senate Joint Resolution 118, the Adjournment Resolution, adopted by the Senate December 5th. Introduction of Resolutions; Senate Joint Resolution 118, offered by Representative Churchill, referred to the Rules Committee."

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Speaker Leitch: "Mr. Clerk, please read House Bill 3734.  
Representative Stephens."

Clerk McLennand: "House Bill 3734, a Bill for an Act that amends  
a the County Code. Third Reading of this House Bill."

Speaker Leitch: "Representative Stephens. Just a moment, Sir.  
If we could have some order. A little order, please. It's  
difficult to hear. Representative Stephens, proceed, Sir."

Stephens: "Thank you, Mr. Speaker. House Bill 3734, has been  
amended. Two Amendments, the first Amendment calls for the  
creation of a Storm Water Management Committee to study the  
following objectives, a consolidation of storm water  
districts and deals with the problem of setting minimum  
standards for the flood plain and storm water management,  
storm water run-off, including the management of natural  
man-made drainage districts in Madison, St. Clair, and  
Monroe Counties. This is a Committee that will report back  
to the General Assembly by April of '98. A Committee to  
advise the General Assembly as to the action that should be  
taken. This is my way of dealing with an otherwise,  
unresolvable problem of storm water management in the Metro  
East area. Secondly, the second Amendment has to do with  
the appointment of Commissioners to the Metro East Sanitary  
District, a district that has existed for some 22 years and  
is a...not a source of pride in our area, many storm water  
district...drainage ditches in our area go untended because  
of...they happen to be in the wrong county. This would add  
one appointment to the St. Clair County Chairman, who now  
has two, to make that equivalent to Madison County Chair's,  
appointment of two. And one appointment by the Governor's  
Office, so that we can have a level playing field. Still  
be controlled locally by six appointees. The Governor's  
Office just to facilitate dealing with those of us here in

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Springfield. I would move favorable consideration of House Bill 3734."

Speaker Leitch: "The Gentleman has moved for passage of House Bill 3734. And on this question, is there any discussion. Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. Mr. Speaker, I have two objections to this Bill. First of all, it studies a matter that's been studied seven or eight times for the last 30 years. Not everyone agrees with the last recommendations made but we would like to implement them. They didn't make it out of committee, I understand that. However, this does nothing more than extend the process even further to a critical situation. My other objection to this is twofold. And that is, I don't believe the Governor should be appointing anyone to a mosquito abatement district, to a drainage district or to any district that has local control. I don't believe it's proper. I believe it's an intrusion by the Executive Branch, and I object strenuously to this and I would urge people to vote 'no'. Thank you."

Speaker Leitch: "The Lady from St. Clair, Representative Younge."

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

Speaker Leitch: "He indicates he will."

Younge: "Right. I have two questions that I would like to ask Representative Stephens, in order to establish Legislative intent in reference to the purview of this Bill. Has everything in this...Bill that would authorize the...a tax by the county board been taken out?"

Speaker Leitch: "Excuse me, Representative. Could we have some order, please? The Lady is attempting to ask an important question of the Sponsor. Could we please, have some order? Representative, proceed. Did the Gentleman hear the question? Representative Stephens."

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Stephens: "Yes, Mr. Speaker, maybe we could have everyone's attention. There have been previous Southwestern Illinois storm water Legislation that have talked about tax increases. Property tax or otherwise. This Bill has absolutely no fee or tax increase or referendum calling for the same at all."

Speaker Leitch: "Representative Younge."

Younge: "Thank you. The second question has to do with the Metro East Sanitary District. Has everything...anything in here have to do with the ability of the county board to dissolve the Metro East Sanitary District? Has that been taken out?"

Speaker Leitch: "Representative Stephens."

Stephens: "In reference to the Metro East Sanitary District, Representative, no mechanism for dissolving. Simply gives the county you represent a great deal of, St. Clair County, a more fair representation on that commission and for that reason, I think that's reason enough to support this Legislation."

Speaker Leitch: "Representative Younge."

Younge: "Thank you, Mr. Speaker. With these two changes in this Bill, I think that Representative Stephens, has improved the Bill and therefore, I believe we ought to support it."

Speaker Leitch: "The Gentleman from Cook, Representative Lang. Does the Gentleman still wish to be recognized?"

Lang: "Yes. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Representative, do I understand that the Governor is the appointing person of these additional people to the board?"

Speaker Leitch: "Representative Stephens."

Stephens: "To the Metro East Sanitary District. That's right, a

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gubernatorial appointment."

Speaker Leitch: "Representative Lang."

Lang: "Whatever happened to the notion of local control, Representative? I thought you were a local control freak. Why don't we...why don't we have your local people doing this appointing?"

Speaker Leitch: "Representative Stephens."

Stephens: "The fact that the Governor's Office has one out of seven members on this commission should send a message of cooperation political and otherwise, to facilitate what is currently a situation that leads to ditches in a sanitary district, Representative, if you can believe this, as I toured it that had 15 year old trees. In Representative Younge's district, trees that were 15 years old right in the middle of a levee drainage ditch that should have been taken out years ago and tended to. I think we need a spirit of political cooperation. So, what we've asked or here is three from one county, three from another, that's six local representatives and one from the Governor's Office to help facilitate should they need Legislative assistance. I think it's appropriate Representative that that one commissioner who is elected by the people of that district, excuse me, who's Governor is elected by those people of that district be a part of that commission. I think it's very appropriate."

Speaker Leitch: "Representative Lang."

Lang: "Well, isn't the whole purpose of your Bill to change the majority of the people that are on those committees that commission to Republican as opposed to Democratic which is what it is today/ Isn't that your goal?"

Speaker Leitch: "Representative Stephens."

Stephen: "Absolutely not, Representative. Let me 'refamiliarize'

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you with the politics in Madison, St. Clair County. The county board in both counties...dominated and have a Democrat county board chair. They make the appointees. One of each has to be Republican. The most that I see being Republican would be three at maximum out of seven. The Governor's appointee can be of either party."

Speaker Leitch: "Representative Lang."

Lang: "Mr. Speaker, to the Bill. I would recommend 'no' votes. I hope my side of the aisle is listening. There's a lot of talking going on my side of the aisle. This is another power grab by the Governor. One day it's Meigs Field, the next day it's the storm water committees down in Madison, and St. Clair County. Representative Stephens, is attempting to help the Governor get his hands into every pot. That is...that area is now run by Democrats. Mr. Stephens wants to let the Governor grab in there and turn it into another Republican bastion in the State of Illinois. Now, if that's what you after, let's go ahead and do it. If that's what you want to do or maybe, I sure the Republicans will be interested in doing that. But, no one on this side of the aisle should make the mistake of thinking this is another innocuous Bill. I would recommend 'no' votes. It's another power grab. We should stop this in its tracks."

Speaker Leitch: "Representative Davis, for what purpose do you rise?"

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

Speaker Leitch: "He indicates he will."

Davis, S.: "Representative, could you explain to me where origin of...of these two proposals come from? Did somebody locally ask you to, personally get involved and change the makeup of the Metro East Sanitary District? And did

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somebody locally purpose to you the formation of the task force of the storm water management in our area?"

Speaker Leitch: "Representative Stephens."

Stephens: "Representative, as you know, we have dealt with the issue of storm water management, various proposals have come forward. None have made it further than a vote in committee. Each of which have failed. Every substantive Bill dealing with storm water management in the House or Senate has failed in committee. After years of frustration, I would like us to go forward with at least this meager attempt to make one small step forward in the management of storm water. And I would furthermore state, Representative Younge has stood in support of the Bill. This is...I think historic Legislation for that reason alone. Representative Younge and I have not always agreed on Legislation. But, we agree that this is a small but yet, a positive step in the management of storm water in an area, a region of the state that is been dealt blow after blow. Every time there is a major rain, it seems that we have to call the Emergency Management Agency down to Madison, St. Clair, Monroe County and deal with yet another disaster. The origin of this Legislation is my frustration in having to live in that area and deal with the various political entities and seemingly never to agree or cooperate on this very important issue. It's my hope that because it's bipartisan, because it is with the Governor's influence, with the influence, the major influence of the County Board Chairman in your county, Madison County, and Representative Younge's County, St. Clair County, and Monroe County that we can come together and make a small step so, that we won't have to call the Emergency Management Agency every time there's a three inch rainfall

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in our backyard. That's the origin."

Speaker Leitch: "Representative Davis."

Davis, S.: "Representative, I could not agree with you more that we do have a major storm water problem in our area. And I know that you're well aware that there has been a group of local people who have been working diligently over the past two or three years trying to come up with a comprehensive solution to our storm water problems in both Madison and St. Clair Counties. This group has put in numbers, hundreds and hundreds of hours and you are aware of this and you've been involved in this, as myself and Representative Holbrook has, working with these local people. And I certainly don't see where a government task force, to where the Governor of the State of Illinois gets two appointees and Monroe County only has five percent of the population in that whole area down there, gets one appointee, are going to determine how they're going to solve our problems for waste water and storm water in our area. This once again is an attempt to take away local control, local input and to bring the State of Illinois into our area and it's truly not needed. It's a waste of state time, state effort, to come down into Madison and St. Clair County to form another task force. We have local people who know our issues and who are working hard to get them solved, yourself, included. We do not need this task force. Once again, it's unneeded, it's unwanted. It's intrusion by state government into local control, into local government. I understand that your colleagues on that side of the aisle are completely against state coming in and taking over local control of local business and local government. So, I strongly urge all of my colleagues on this floor for a 'no' vote on this piece of Legislation.



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Thank you."

Speaker Leitch: "Seeing no others, Representative Stephens, to close."

Stephens: "Just to remind the Members of the Body, we've been talking about local control. Ladies and Gentlemen, the key word in this Legislation is 'study'. What is wrong with having anyone who is interested and can help us come to some resolution, to having their input to 'study' recommendations that would come to the General Assembly. And, Yes, I agree with you. When it comes to the management, in the long run, we want to make sure we have local control. That's why we assured in Amendment two, that six out of the seven members of the commission that is...of the drainage district there, the Metro East Storm Water District, are absolutely local appointees. Six out of seven. I don't care what your politics are, six out of seven adds up to an overwhelming majority every time. That's the sort of control that I believe in. So, don't be misled here, this is not about Governor Edgar or the Legislature taking control. I wouldn't have that and neither would you and that's not what this is about. Let's not misrepresent it. This is simply a small positive step forward. Please, help Southwestern Illinois cure its own problems and vote 'yes' on 3734."

Speaker Leitch: "The question is, 'Shall House Bill 3734 pass?' All those in favor shall vote 'aye', all those opposed vote 'nay'. The voting in 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. And on this question, there 62 voting 'aye'; 47 voting 'nay'; 3 voting 'present', and House Bill 3734 having received a Constitutional Majority is hereby declared passed. Mr.

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Clerk, please read House Bill 3168. Representative Zickus."

Clerk Rossi: "House Bill 3168, a Bill for an Act concerning benefits for certain health treatments. Third Reading of this House Bill."

Speaker Leitch: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 3168, is if you'll look at your analysis on it, you'll see that it is a bipartisan effort. There are probably at least 20 Sponsors on it right now. This Bill has been carried in the past by Representative Erwin, who's done a great job and I would ask that if she would like...that she be able to respond and maybe make some comments on it and help answer some of the questions. House Bill 3168 amends the Insurance Code, the HMO Act, and related laws. It requires that insurers and HMOs provide coverages for patients receiving certain investigational treatments. More specifically, it provides that policies must provide coverage for patient care when medically appropriate to participate in an approved research trial or a qualifying investigational treatment. It provides that the investigational treatment must be administered as part of the medical management of a life-threatening disease, disorder, or health condition. Coverage must be included for items or services required to provide patient care except for those items or services that are normally paid for by other funding sources. It does not apply to no-frill policies issued under the Small Employer Group Insurance Law. It does not apply to the State Employee Group Insurance Plan, Comprehensive Health Insurance Plan, or Medicaid. It also does not apply to any of the self-insured plans. It's a very important piece of

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Legislation to help find cures for cancer and some of the benefits...some of the opposition to it has been that it may increase cost. However, through clinical trials, it does help to develop more cost effective and clinically effective treatments which will ultimately lower premiums. And as Representative Erwin, I'm sure he (sic-she) has some remarks."

Speaker Leitch: "Mr. Clerk, Committee Announcements."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. Rules Committee immediately, Speaker's Conference Room."

Speaker Leitch: "Representative Erwin."

Erwin: "Thank you, Speaker. I would first like to thank the Chairman of the Health and Human Services Committee, Carolyn Krause, as well as the Sponsor for the time and effort that they have put into this Bill. Representative Krause held a special Committee Hearing in Chicago to take, really a half a day of testimony on this Bill. And I know that many cancer survivors and cancer patients and future cancer patients greatly appreciate the time and effort that she and Representative Zickus have put into this. Very briefly, Mr. Speaker, I would just like to add that in terms of mandating the patient care cost coverage in clinical trial, we need to remember that we are not talking about increasing cost. We are talking about patients whose insurance is already going to cover the cost of their treatment. So it isn't as though it's something on one side and nothing on the other side of the ledger. What we are speaking about here is where a cancer patient and there are very, very few of them. We're talking about a very, very small percentage of patients, two percent or less that would agree to be in a clinical trial. That would qualify

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for an NIH or a Cancer Institute clinical trial. And usually we're talking about two types of protocols to try and determine which is the most effective. It is something that in the end will save all of us a lot of money, let alone, save lives. The one experience in another state that we do have data on is in Rhode Island where they monitored the cost for a couple of years and they found that indeed there was no increase in insurance rates. So I do urge an 'aye' vote."

Speaker Black: "With no one seeking recognition, Representative Zickus to close."

Zickus: "Thank you, Mr. Speaker. I just want to leave this Body when you're debating...you know thinking of how you're going to vote on this, with some statistics from the American Cancer Society. You know I think everyone has been touched by cancer, either by a friend, a loved one in our families. One in every two Illinois men and one in every three Illinois women will develop cancer in the course of their lifetime. This year 64,000 Illinoisans will be diagnosed with cancer and 26,000 will die of it. By the year 2000, cancer will surpass heart disease as the leading cause of death in this state and across the nation. Everyday, 1,500 Americans die of cancer. The clinical trial system has been the mainstream of progress against cancer in this country. Where 50 years ago, only one in four cancer patients could be cured, today, 56 percent of the people survive their cancers. And the cancer survival rate for the children has skyrocketed to 70 percent. Almost every current method of cancer treatment, every standard therapy in use today was developed for the clinical trial system. I urge your 'aye' vote."

Speaker Black: "Representative Black in the Chair. The question

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is, 'Shall House Bill 3168 pass?' All those in favor vote '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 111 voting 'aye'; 0 voting 'no'; 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, under Conference Committee Reports appears, House Bill 1653. On that, the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. Conference Committee Report #1 to House Bill 1653, amends everything by replacing everything after the title with the Amendment to the Public Utilities Act to exclude certain entities from the common carrier by pipeline definition. What happened last year, we passed House Bill 2294 and as a result there was a drafting error and we inadvertently did not exclude certain municipality...or water commissions from the common carrier pipeline and this put them under the ICC regulation. The ICC is in full support of it. In fact, it's their language and this would put these entities back to where they were originally before this. And I ask support of Conference Committee Report #1."

Speaker Black: "You've heard the Gentleman's Motion. And on that is there any discussion? The Gentleman from Kankakee, Representative Novak."

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

Speaker Black: "He indicates, he will."

Novak: "Representative Persico, you mentioned entities. Was this Bill generated by a certain corporation or gas company...looking for some type of resolution to a problem?"

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Speaker Black: "Representative Persico."

Persico: "Representative, this was originally House Bill 2294 where the Citizens Utility Company wanted to put the pipeline in Will County and that and they needed a common carrier definition. But, we inadvertently did not exclude certain other entities from this language and so this is a technical change to replace it and put it back to where they originally were."

Speaker Black: "Representative Novak."

Novak: "Does the Citizens Utility Company located in Will County? Is that around Bowling Brook up there? Where are they located?"

Speaker Black: "Representative Persico."

Persico: "They are located in Will County, yes."

Speaker Black: "Representative Novak."

Novak: "Is the...are there any opponents to this Bill?"

Speaker Black: "Representative Persico."

Persico: "No, there are not."

Speaker Black: "Representative Novak."

Novak: "Is there a statewide pipeline association that...that are proponents of this Bill? Who are the proponents of this Bill besides Citizens Utility? Is that it?"

Speaker Black: "Representative Persico."

Persico: "Representative, this came about because of a drafting error which the DuPage Water Commission, when they read the Bill found out that they were no longer excluded, which they were originally before, as well as Lake County Water Commission, the Northwest Water Commission and any future entities that would want to enter into this kind of agreement. And so this puts it back to where they originally were, where they're no longer under the regulation of the ICC."

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Speaker Daniels: "Representative Novak."

Novak: "So, in a sense these entities are deregulated now, is that it?"

Speaker Black: "Representative Persico."

Persico: "They're back to where they originally were before this became a Public Act."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Representative. Does it have anything to do is there anything to do with rates in that Bill at all? Rates of these various entities that they charge consumers?"

Speaker Black: "Representative Persico."

Persico: "No, it does not."

Speaker Black: "Representative Novak."

Novak: "And one other question, Representative. Could you explain to me correlation between this Bill and soybean ink?"

Speaker Black: "Representative Persico."

Persico: "Yeah, we needed to find a very good home for this Bill."

Speaker Black: "Representative Novak."

Novak: "Well, that just seems kind of funny. Soybean ink on the title of the Bill and we're talking about public utilities. Okay, no further questions. I stand in support of this Legislation. Thank you."

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

Hartke: "Thank you very much, Mr. Speaker. I have an inquiry of the Parliamentarian. Don't we have some rule or something that says that the title of the Bill must somehow be related to the subject of the Bill? And I would like for the Parliamentarian to explain to me that correlation

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between soybean ink and public utilities."

Speaker Black: "Your inquiry is in order. Let us take a look at it and we'll get right back to you. Representative Hartke, in the opinion of the Chair, past practice being a guide, the conferees are appointed to resolve the differences in the Bill and in their infinite wisdom the conferees in this instance decided to change the title of the Bill and amend the Bill accordingly to where the conferees were in agreement on the subject matter that they added. Yes, Representative Hartke."

Hartke: "Well, Mr. Speaker, could you inform the Body whether there were any Amendments on House Bill 1653 that dealt with utilities in the original Bill before it went to Conference and what was the difference between the House and Senate version that they were to coordinate?"

Speaker Black: "Representative Hartke, I don't have the original Bill at the Chair. You've stated your inquiry and we have given you an answer as to the precedent of a Conference Committee. It's been done for many years and if you don't agree with the ruling of the Chair you're certainly more than welcome to request an override. Yes, Representative Hartke."

Hartke: "Well, I just care to make a comment, you know, all of us here have a very difficult time the way it is trying to follow the legislation once an a while even with our handy-dandy computers. But, it would seem to me that at some point in time when we print this legislation in soybean ink in our manuals, this piece of legislation, I would have no idea how to look up the Utility Act and find this under that House Bill."

Speaker Black: "Well, what we might do, Representative Hartke, is remember that even soybean ink has some water components to



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it and we're dealing with a water pipeline here. So, I certainly see the relationship. Any further discussion on the Gentleman's Motion? Seeing none. Representative Persico, to close."

Persico: "Thank you, Mr. Speaker. I just ask for your favorable consideration to Conference Committee Report #1 to House Bill 1653."

Speaker Black: "The question is, 'Shall the House adopt Conference Committee Report #1, to House Bill 1653. All those in favor will signify by voting '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 112 voting 'aye'; 0 voting 'no', 0 voting 'present'. The House does adopt Conference Committee Report #1 to House Bill 1653, and this Bill having received the required Constitutional Majority is hereby declared passed. Mr. Clerk, Messages from the Senate."

Clerk McLennand: "Messages from Jim Harry, Secretary of the Senate. 'Mr. Speaker, I am directed to inform the House of Representative that the Senate has concurred with the House in the passage of the following Bills: House Bill 444, together with Senate Amendment #1. And House Bill 2963, together with Senate Amendment #1, together in the adoption in which I am instructed to ask concurrence of the House, passed the Senate as amended, December 5, 1996.'"

Speaker Leitch: "Representative Leitch in the Chair. On page 2, of the Calendar under Senate Bills, Third Reading, appears Senate Bill 1263. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 1263, a Bill for an Act making appropriations to the Department of State Police. Third Reading of this Senate Bill."

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Speaker Leitch: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This appropriates 52.2 million dollars of which 3.75 million is GRF. The remainder of that amount is other funds primarily Federal funds, which are available to be spent and this simply gives us the authority to spend it. The purpose of this is to meet the request from the 11 Northern Illinois counties declared disasters as a result of seven inches of rain falling in a 24 hour period. For the individual and family grant programs, those includes the counties of Cook, DeKalb, Grundy, Kane, Kendall, LaSalle, DuPage, Ogle, Stephenson, Will, and Winnebago. It also includes public assistance program for those counties and the hazard mitigation program for those counties. It received bipartisan support in committee. The funds are available, the Federal Funds are available. The claims have been filed. The spending authority, spending authorization has been maxed and that's the reason that we need to do this Bill today. Unless we do it at this point, we'll not be able to...will not be able to spend the dollars that are there and available. I'd be happy to answer any questions, Mr. Speaker."

Speaker Leitch: "The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. I wanted to request that the Sponsor to take this Bill out of the record. We have been talking about an emergency that exists in the 114th Legislative District involving 85 former employees of State Community College who have not received their vacation pay and their sick leave. They were terminated when the State Community College was abolished in July of 1996. And for about six months, they have been unemployed. They have lost their health insurance and it is an extreme emergency involving former state employees who are entitled as the

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result of an Attorney General's opinion to their sick leave and vacation pay. And, I am asking as I have asked earlier in the day and yesterday that an Amendment be drawn that would add that this group for this emergency for my district. And I think that this matter should not go ahead if the emergency involving these 85 former state employees who are entitled to sick leave and vacation pay is not put in this Bill. This is the only vehicle that I think that this matter could be taken up on and I think that these people should not be treated as second class citizens. They are former employees of the State of Illinois and I think it is a terrible thing if we were to leave here and not give these people their sick leave and vacation pay. I have been attempting to get the Governor's Office to talk with Mr. Ryder, about this matter and the Governor's Office has agreed. So there is no reason in the world except process that these people are not included in this Bill by an Amendment. And I'm asking that the matter be taken out of the record so that the Amendment can be put on there."

Speaker Leitch: "Representative Ryder."

Ryder: "As much as I wish to accommodate the Lady's request, because I believe it has merit. I am unable to do so at this time and I apologize to the Lady for that."

Speaker Leitch: "Representative Younge."

Younge: "What is to keep it...that from happening? It's just a matter of an Amendment to be put on the Bill and I think that we are ready to do that for these people who are entitled to their money."

Speaker Leitch: "Representative Ryder."

Ryder: "The Lady came to me after the Amendment came out, after the Bill came out of committee. There is no committees...further committees scheduled, the funds are

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there ready to pay on this amount. I happen to support the Lady in her cause and I believe that the State Board of Higher Education has also made a similar request that should, a second supplemental which I anticipate will occur, that the funds that the Lady has described to be included on those. And I will do my best to support that when it comes. I agree with the Lady's case but I apologize that her request came to me after the Bill had already been moved to Third Reading for the purposes of this reason that I have given to you."

Speaker Leitch: "Representative Younge."

Younge: "It should be possible to pull this Bill back and amend it and then put it back on. And, that's what we're asking to do in all fairness and justice to these people. Mr. Ryder has said that he agrees with the subject matter and the entitlement. And so, therefore, the Bill ought to be pulled back so that these people's claim can be satisfied."

Speaker Leitch: "Representative Ryder."

Ryder: "I apologize to the Lady but I'm just not in a position to do that today. I'm sorry."

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

Hannig: "Yes, Mr. Speaker. I have a Parliamentary Inquiry. It's my understanding that this has an immediate effective date and requires 71 votes. Is that correct?"

Speaker Leitch: "Let me check. You're correct, Sir."

Hannig: "Could I have a verification? Mr. Speaker, I request a verification if this gets 71. And also let me make a further inquiry about the title. It's my understanding that the Amendment that was adopted yesterday changes the title."

Speaker Leitch: "Representative Ryder."

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Ryder: "Mr. Speaker, I have the copy of the Amendment before me and it says, by replacing everything after the enacting clause it's an Act to making appropriations. The synopsis on the board indicated that previously those appropriations were the state police and that's not the Amendment that I'm looking at. So, I'm attempting to answer the Gentleman's question."

Speaker Leitch: "Representative Hannig."

Hannig: "Well, Mr. Speaker, the original Bill makes an appropriation to the Department of State Police. Now this changes some numbers. This Amendment changes some numbers within the Bill but, I think it still directs the money toward the Department of State Police."

Speaker Leitch: "Representative Hannig, this Bill would amend Public Act 89-0501, which is the budget. We believe that the...this is germane and intend to proceed on that basis. Representative Hannig."

Hannig: "It's...Mr. Speaker, it's not a question of germaness, I guess it's a question, perhaps I should direct to the Sponsor as to whether or not this money would even go to the correct state agency. It's our understanding, the way that it's amended that this money goes...would go to the state police, Representative and not to the Emergency Management Services which is where it needs to be. So, Mr. Ryder, maybe you could clarify that."

Speaker Leitch: "Representative Ryder."

Ryder: "Gary, I would be glad to. Section 4, on Amendment #4 to the Bill says, the following amounts or so much thereof, as may be necessary are appropriated to Illinois Emergency Management Agency for the objects and purposes herein after named disaster relief public and their subjections thereafter. Representative, in your vast experience in the

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appropriations process, you know, that any Amendment is germane to another appropriations Amendment or to appropriations Bill. The appropriation in Amendment #4, goes to the Illinois Emergency Management Agency for exactly the purposes that I said."

Speaker Leitch: "Representative Hannig."

Hannig: "Okay. Representative, the original Bill starts out by saying, an Act making appropriations to the Department of State Police. Then it says, being enacted, okay. This thing says, it says by replacing everything after the enacting clause. So it did not replace the original line that says, an Act making appropriations to the Department of State Police. It only replaced lines after that. So, the point, I guess I'm trying to make is your directing the money to the Department of State Police not to the Emergency Management Services. I think the Amendment is incorrectly drawn."

Speaker Leitch: "Representative Ryder."

Ryder: "Representative Hannig, nice try but I don't think you are correct in this. The Amendment which it becomes the Bill does everything after the enacting clause and as you know, we have the ability to place an appropriations Amendment on any other appropriations Bill. I don't think you are arguing is that. I don't think you are arguing the germaness of the Amendment. What I hear you arguing is that because we say, this was originally appropriating money to the state police that an Amendment on to it that now appropriates money to the Illinois Emergency Management Agency is somehow inappropriate. That's just not...that's not the rules. That's not the practice. That's just not right. Have I correctly stated your objection."

Speaker Leitch: "Representative Hannig."

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Hannig: "Yes, I think we're at least on the same page now, Representative, in my objection. So, my objection is that this Bill, the underlying Bill still, with the Amendment still makes an appropriation to the Department of State Police. We can give the money to the Department of State Police or authorize them to do this. But I think you really want it to go to the Department of Emergency Services. And in that respect, I believe that you really need to address a problem in the Bill. We can pass this, you can pass this, perhaps and the Governor can sign it and the state police would have this authority but I don't think that's the agency you want to have it."

Speaker Leitch: "Representative Ryder."

Ryder: "That's an interesting argument. I guess what I need to hear Representative is, then how do you address specific language in Section 4, of the Bill that says, the following named amounts are so much as may be necessary appropriated to the Illinois Emergency Management Agency? That's who gets the money. Not the title. What the Bill says. That's who gets the money. So, the folks in Cook County and LaSalle County and other counties that had a terrible disaster can get the flood money, the claims paid that they need to get paid."

Speaker Leitch: "Representative, have you completed your discussion? Representative Hannig."

Hannig: "Well, Mr. Speaker, could I have a few minutes to address the Bill?"

Speaker Leitch: "You have two minutes left, Sir. Proceed."

Hannig: "Well, I was making, I thought a Parliamentary Inquiry, that I was trying to clarify whether the Bill was even in the correct order."

Speaker Leitch: "Okay. Proceed."

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Hannig: "Thank you, Mr. Chairman. I appreciate the courtesy and I appreciate Mr. Ryder. I still disagree with him but nevertheless, he wants to persist in moving this Bill. Just let me make this case. There's no question that there are a number of people in the Northern part of the state that have...through no fault of their own, found themselves in a situation where they are in need of some state help. But, let me also point out that there are some people in the Southern part of the state, who through no fault of their own have found themselves without a job, without health insurance and on the other hand needing some money from the State of Illinois that is due them. I simply see no difference between these two situations that occur. The State of Illinois ought to address both of these problems and we ought to address both of these problems today. It seems to me that we ought to hold this Bill today until such time as we can draft and adopt an Amendment to address the concerns that Representative Wyvetter Younge has in her district. Because no one contests those claims, everyone is in agreement that we owe that money just like we owe the money to the people up in the Northern part state. So, I would suggest to Members who feel that fairness is an important issue that we should address the needs of Members on both sides of the aisle, fairly and equitably, that they vote 'present' on this Amendment and try to hold this Amendment in this Body until we can reach a resolution that solves the entire problem today. I'm willing to work with the Governor's Office and Members on the other side of the aisle to try to do that as quickly as possible. But we need to have cooperation on both sides. So, I would ask my colleagues who feel that fairness is an issue today and tomorrow and next year, that they join us today in this



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effort to try to resolve two important problems in the State of Illinois. Please vote 'present'. Mr. Speaker, I did request a verification, did you acknowledge that?"

Speaker Leitch: "I did acknowledge that previously. The Gentleman from Bureau, Representative Mautino. For what purpose do you rise, Sir."

Mautino: "Thank you, Mr. Speaker. I simply rise in support of the Legislation before this Body today. In the...and I also commend the Emergency Management Agency and all those who work diligently to help preserve and to restore the communities which were damaged by a devastating flood which affected much of Northern Illinois and on down into to LaSalle County. I think that it is appropriate that we should allow for these payments to be made, the money is there and it is available. And I think it is the responsibility of this Body to send this Legislation forward for the good of all the people of the State of Illinois."

Speaker Leitch: "Seeing no other discussion, Representative Ryder to close."

Ryder: "Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the consideration on this Bill and I also appreciate the arguments given by my esteemed colleague on the other side. There are lots of other needs for the State of Illinois. I wish that I had the answers for all of them. I don't. I hope together we can work on it. But let me tell you that today we've got Federal money. We've got claims. We have people in 11 counties in the northeastern part of this state that was devastated and they've been waiting since last spring. I hope we can answer the problems of others that are brought before us, but we've got the Federal dollars now. The flood has

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passed. It is time for the State of Illinois and for us to do our business and I ask your assistance in that. Thank you."

Speaker Leitch: "The question is, 'Shall Senate Bill 1263 pass?' All those in favor shall 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. Representative Hannig has requested a verification. Do you waive...do you withdraw that, Sir? He withdraws the verification. On this question, there are 95 voting 'aye'; 4 voting 'nay', 13 voting 'present'. And Senate Bill 1263 having received a Constitutional Majority, is hereby declared passed. Committee Report."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman from the Committee on Rules to which the following Joint Action Motions were referred, action taken on December 5, 1996. Reported the same back, 'do approve' for consideration to the House Floor Floor Amendment #4, to Senate Bill 326. Senate Joint Resolution #118. Floor Amendment #2 to Senate Bill 1463. House Joint Resolutions #141, 142, 143. Reported to the Order of Concurrence House Bill 365, and House Joint Resolution #75."

Speaker Leitch: "Representative Ronen, for what purpose do you rise?"

Ronen: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would like the attention of all the Members. We were going to invite you to have cake with us, but we really didn't feel comfortable ordering it because we weren't sure when the Representative would arrive. But he's here now and I would like all my colleagues to join us in congratulating Congressman elect Rod Blagojevich."

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Speaker Leitch: "Congratulations, Representative. You're recognized, Sir."

Blagojevich: "Well, thank you. That's very gracious of you Carol, and is there really going to be cake here? Oh, oh, there's no cake. Marie Antoinette, let them eat cake and there's no cake. First of all, it's with mixed emotions that I'm going to Congress. Frankly, it's been great being here for four years. We were very lucky in the election, I've got to be very honest with you. The district's, a Democratic District. It was a Democratic year. If a Democrat couldn't win that seat, a Democrat wasn't going to win a seat anywhere. So, had Nancy or some other Democratic candidate been the nominee they would have been just as successful. I was just lucky enough to...frankly have married better than some of the others. In any event...in any event, thank you for serving with me over the past four years. I'm going to work very hard as a Congressman. I'm sitting on the national security, which is the National Defense Committee and the Government Reform and Government Ethics Committee. So, if anybody needs a...if anybody needs a B-1 Bomber in their district, come and see me. In any event thank you very, very much. It's very nice of you and I'll miss you. Please come and see us in Washington. Thank you."

Speaker Leitch: "You are already making some great quotes that could show up in the press tomorrow, Congressman. So, congratulations again. Representative Black."

Black: "Thank you very much, Mr. Speaker. I have a Inquiry of the Chair."

Speaker Leitch: "State your inquiry, Sir."

Black: "The previous speaker sounded...it sounded to me as if he was giving a retirement and or a resignation speech. I

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would ask the Chair to join me in saying that is, in fact, what he did and remove him from the roll. Have you resigned, Sir?"

Blagojevich: "Representative Black, is going to have to wait a little bit longer for that to happen, but...sorry to disappoint you. But I promise I'll be out of here before January 7."

Speaker Leitch: "Representative Black."

Black: "Rule 11-4, if the Chair would check. The Gentleman has announced his intention to resign on a 'pro forma' basis sometime within the next six weeks in the future. Rule 11-4, he has resigned his seat and furthermore, and furthermore his seat cannot be filled because of his actions today until January 7, 1998, and I would ask the Chair to so rule."

Speaker Leitch: "It sounds like there's no question, but what you're correct, Sir. So, the Gentleman can absent himself from the Chamber, if he will. Representative Blagojevich."

Blagojevich: "Rule 17, says that when you make a statement like that and you come from a district in the City of Chicago and you have a long ethnic last name that that does not apply in that particular instance."

Speaker Leitch: "Representative Black."

Black: "Once again, the Rule of Chicago. How quickly we forget here. The Gentleman's right. The Gentleman is absolutely right. How foolish of me to overlook it. But be that as it may, Representative, before you leave the City of Chicago for that great city out east. I have a few parking tickets I would like to talk to you about."

Speaker Leitch: "Representative Blagojevich, does not wish to discuss those parking tickets. Mr. Clerk, please read Senate Bill 1463."

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Clerk McLennand: "Senate Bill 1463, the Bill has been read a second time previously. Committee Amendment #1, was adopted. Floor Amendment #2, offered by Representative Zickus has been approved for consideration."

Speaker Leitch: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. I'm bringing back Senate Bill 1463. It pertains to the Real Estate Property Transfer Taxes. As you recall we had a lengthy debate on this during the Spring Session. And the main opposition to this Legislation was the prohibition of establishing the prerequisites tied in with the transfer of the...with the issuance of the tax. So, I have removed...I'm asking to adopt Amendment #2, which removes the prohibition of those prerequisites, such as the home inspection or payment of the water bill. I ask for the adoption of the Amendment."

Speaker Leitch: "And on this question is there any discussion? The Gentleman from Cook, Representative Stroger. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You may recall when we discussed this...when we discussed this Legislation previously that this was one of the major sticking points of contention that was yet to be resolved and I'm pleased to say that, as I understand it this was a major issue, particularly of interest to the City of Chicago and that concern has been addressed. This language removes that contentious issue. So, on principle at least, that has been resolved."

Speaker Leitch: "The Gentleman from Cook, Representative Hassert. For what purpose do you rise, Sir? Representative Novak."

Novak: "Yes, will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

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Novak: "Representative Zickus, can you...since I'm one of the hyphenated Sponsors and I appreciate that. Can you explain the changes that were made on this Amendment? Does this Amendment delete one of those onerous provisions?"

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, it does, Representative Novak. As you recall the municipalities were strenuously opposed to the prohibition of establishing the prerequisites and I said, that I would take that out. That's what the Amendment does. So, right now as amended, the Bill would just require the Home Rule Units to have the public hearings before they could impose or increase a Transfer Tax."

Speaker Leitch: "Representative Novak."

Novak: "Did you, excuse me. Did you say public hearing and referendum or just a public hearing?"

Speaker Leitch: "Representative Zickus."

Zickus: "And referendum."

Speaker Leitch: "Representative Novak."

Novak: "So, that's...that's it now. When this Amendment will be adopted it just...if the municipality Home Rule or non Home Rule wishes to either impose or increase their Real Estate Transfer Tax, they have to have a public hearing or referendum. That's it, correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "That is it. It does not take anything away from the municipalities that already have it, those are still in place."

Speaker Leitch: "Representative Novak."

Novak: "Thank you very much."

Speaker Leitch: "Representative Zickus moves for the Amendment...the adoption of Amendment #2 to Senate Bill 1463. All those in favor say 'aye', all those opposed say

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'nay'. In the opinion of the Chair the 'ayes' have it and Floor Amendment #2, is adopted to Senate Bill 1463. Any further Amendments?"

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

Speaker Leitch: "Third Reading. Mr. Clerk, on the Order of Third Reading, please read Senate Bill 1463."

Clerk Rossi: "Senate Bill 1463, a Bill for an Act concerning local transfer taxes. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1463 is a pro-taxpayer initiative. I strongly urge your 'aye' vote. As amended it simply requires Home Rule Units to have a public hearing and front door referendum prior to imposing or increasing a Home Rule Real Estate Transfer Tax. It does not take anything away from the municipalities that already have taxes. When the municipalities raised the objections, I addressed those and had those taken out with the Amendment that we just adopted and I urge your 'aye' vote."

Speaker Leitch: "Representative Zickus, has moved for the adoption of Senate Bill 1463 and on that question, is there any discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. First, with a Parliamentary Inquiry. This Bill has an immediate effective date, is that right? And would it require then 71 votes to pass?"

Speaker Leitch: "Senate Bill 1463 will require 71 votes to pass. Representative Currie."

Currie: "Second, this is a preemption of Home Rule. Wouldn't it on that ground as well require 71 votes for passage?"

Speaker Leitch: "Yes. Representative Currie."

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Currie: "Third. Speaker, should this Bill should get the required 71 votes I would ask for a verification and I'm sure I'm joined by five of my colleagues in making the point that a verification would be in order. Would the Chair recognize that the request has been legitimately asked and will be granted?"

Speaker Leitch: "So acknowledged. Representative Currie."

Currie: "Thank you, Speaker. May I speak to the Bill?"

Speaker Leitch: "Proceed."

Currie: "Thank you. I would urge my colleagues to reject this piece of Legislation. We have a strong respect for Home Rule governments in our state for local control, local opportunities to set appropriate 'parameters' for the way they behave within their own municipal boundaries. This Bill is a preemption of Home Rule Authorities, authorities granted in the 1970 Constitution. I don't think there is any justification for it. While some portions of this Bill may read better today than they did last spring, the essential point is to say that the local folks can't make taxing decisions on their own. I think we should reject that proposition. The Real Estate Transfer Tax and any number of other taxes that are available to local governments, should remain available to them. There is, I think, little point in separating out those individual cities, those individual municipalities who may rely upon that kind of tax among a host of other taxes in order to provide services for their citizenry. And I would urge us to reject this. I would point out too, that when this Legislature approved sales tax reform a few years ago, it was the clear intent of the Legislature not to preempt local Home Rule communities in respect to the Real Estate Transfer Tax and several other kinds of taxes. I recognize



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that earlier General Assemblies may not bind later ones but it was an important sense of what the point of sales tax reform of uniformity across the state in sale taxes on goods and services should be. To make a commitment to let Home Rule units operate in these other areas the way they traditionally have done. So, I would strongly oppose Senate Bill 1463, and I hope I will be joined by my colleagues in rejecting this measure."

Speaker Leitch: "The Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. I think Home Rule communities and all communities have been hit hard enough with tax caps, other restrictions that we've imposed on here. And I think this is just one more way of taking away the authority for local governments to do what they have to do. And I think it's bad Legislation, it's bad policy."

Speaker Leitch: "The Gentleman from Cook, Representative Stroger."

Stroger: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I have...solution from the Cook County Board of Commissioners from all 17 Commissioners that says that this Bill as amended would be burdensome to them, would not help them in their budget making decisions and as we know, for counties there is a sharp increase in the cost of corrections. So, the increase that is allowed in Senate Bill 1463, is very small and it would not be enough for a Cook County Board to use on their oncoming budget. The last budget was...had a very big hole in it that they did not expect. And I'm certain as years goes on there will be a bigger holes as we have more prisoners. We tried to send

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money to the Sheriff's Department and this Bill will not help the County of Cook. All 17 commissioners are in opposition. And I ask that we defeat this. Thank you."

Speaker Leitch: "Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "Thank you. Will the Lady yield?"

Speaker Leitch: "She indicates she will."

Granberg: "Representative Zickus, can you name the opponents of this Legislation?"

Speaker Leitch: "Representative Zickus."

Zickus: "The opponents that I'm aware of would be the Illinois Municipal League and the City of Chicago, probably I just heard, the County of Cook, the Mayors and Managers. Not the taxpayers, the taxpayers are in favor of it."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you. So...and I just wonder, just to clarify the record, are the counties, have they taken a formal position in opposition to the Bill? Are you aware of that?"

Speaker Leitch: "Representative Zickus."

Zickus: "Representative, I'm not sure as amended. If you recall from the Spring Session, the major obstacle was taking out those prerequisites. So, that's what I did in order to meet what would be acceptable to the municipalities. They have not come to me, so I'm really not sure. I do hear from taxpayers though. They were opposed initially to it, but I'm not sure as amended."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Representative. One more...one more question, Anne. This would apply to all counties and to all Home Rule units regardless of whether they have an enacted property tax caps or not, based on the Legislation

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that we passed last year. Is that correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "It applies to Home Rule counties and Home Rule municipalities."

Speaker Leitch: "Representative Granberg."

Granberg: "It does not apply to non Home Rule counties?"

Speaker Leitch: "Representative Zickus."

Zickus: "No, Representative, it applies to Home Rule."

Speaker Leitch: "Representative Granberg."

Granberg: "Representative, could you actually then name the counties this would apply to? If this only applies to Home Rule municipalities and home rule counties, I can't imagine there being that many of them. Do you have a list of who would be impacted?"

Speaker Leitch: "Representative Zickus. Representative Zickus."

Zickus: "I do not...I don't know about counties, I know it applies to Home Rule municipalities and I do have a list of municipalities that presently have the tax."

Speaker Leitch: "Representative Granberg."

Granberg: "Yeah, I just want to make sure for the knowledge of the Members. So, you indicated that this would apply to Home Rule municipalities. It would not apply to other municipalities and it would not apply to counties that do not have Home Rule powers. Is that correct?"

Speaker Leitch: "Representative Zickus."

Zickus: "That is correct. Only Home Rule."

Speaker Leitch: "Representative Granberg."

Granberg: "And on that list, Anne, can you just give me the number of Home Rule units that would be impacted? You don't have to read the numbers, just give me the bottom line figure."

Speaker Leitch: "Representative Zickus."

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Zickus: "There are 62 municipalities that are listed on my list. I'm not sure how many of those are Home Rule. I'm sorry, they're all home rule. They're 62 plus...keep in mind there's also a State Transfer Tax and the County Transfer Tax."

Speaker Leitch: "Representative Granberg."

Granberg: "All right. Thank you, Representative Zickus, for your time. Mr. Speaker, I reluctantly rise in opposition. I know Representative Zickus, and the realtors have done an admirable job of trying to reach a consensus but, the Municipal League is still opposed. The counties are still opposed and it's very difficult as Representative Balthis said, to impose further restrictions on our local units of government at the same time we have restrictive their revenue last year with property tax cap...caps and other restricted measures. I don't think those two are consistent. So, I'm in favor of the local control on this issue. I was in favor of local control with Meigs. I am in favor of local control with other issues and therefore, I rise in opposition to the Bill."

Speaker Leitch: "The Gentleman from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Mr. Speaker. I rise in support of this Bill. I've been contacted by our local realtors a long time ago in regards to the Transfer Tax. A tax that is unfair because it makes a tax on young people starting out, buying their first home and it's a tax that has escalated in size. Now, this does not do anything to the taxes that are already in place. What it does, states that any Home Rule municipality that wants to increase that tax just needs a hearing and needs to put it to a referendum. I think that's very fair and I would urge support of this Bill."

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Speaker Leitch: "The Gentleman from Cook, Representative Lang.  
Representative Lang. Do you wish to proceed, Sir?"

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

Speaker Leitch: "She indicates she will."

Lang: "Thank you. Have you addressed the concerns of the City of  
Chicago with your Amendment?"

Speaker Leitch: "Representative Zickus."

Zickus: "The concerns that I heard from the City of Chicago were  
the prohibition of the prerequisites. And, yes, I did  
address that with the Amendment. When we left here in the  
spring, it was with the understanding that if we moved this  
Bill again that that would be amended out of it. I acted  
in good faith. They told me that that's what their  
objection was and that's what I did. If they keep changing  
the rules and the Municipal League keeps changing the  
rules, I can't help that. I went by what I gave my word on  
that I would do. They're not."

Speaker Leitch: "Representative Lang."

Lang: "Well, that wasn't my question, but I appreciate what you  
told me. The question was, has the City of Chicago signed  
off on the final version of the Bill."

Speaker Leitch: "Representative Zickus."

Zickus: "Well, I have...no, they have not come to me and signed  
off on the final version of the Bill."

Speaker Leitch: "Representative Lang."

Lang: "Were they in committee when you presented the Amendment?"

Speaker Leitch: "Representative Zickus."

Zickus: "They were there for the initial Bill. We just did the  
Amendment."

Speaker Leitch: "Representative Lang."

Lang: "I have a Resolution in front of me from the Cook County

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Board, all 17 commissioners have signed on to this, including the six Republican commissioners. They are all opposed to your Bill. Why would they be, Representative?"

Speaker Leitch: "Representative Zickus."

Zickus: "Why would any taxing district be opposed, if their reason for being opposed is that they need voter approval on it. The voters and the taxpayers are certainly not opposed to it. It is only right if they are going to raise...anyone is going to raising taxes that they seek the voter approval on it."

Speaker Leitch: "Representative Lang."

Lang: "But, whatever happened to the notion of local control? You know, first it's Meigs field and now it's this. How many other places are we going to take local control away from people? I thought your Party, Representative, was the Party that wanted to give power back to locals so they could take power away from the state, away from Washington, give it back to the people. Don't you want to give power back to the people?"

Speaker Leitch: "Representative Zickus."

Zickus: "Yes, I need to respond to that. This does give the power back to the people and this is local control the way it should be. This is voter approval, if government is going to take more money out their pockets. This is local control."

Speaker Leitch: "Representative Lang."

Lang: "Well, then what is the role of government? What is the role of government? Should we put every issue that is too sticky for us to deal with to a referendum? Is that what your plan is?"

Speaker Leitch: "Representative Zickus."

Zickus: "Representative, that is not what this Legislation is

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about. This is a pro-taxpayer Bill. This gives the voters the opportunity the taxpayers to say yes or no, if they want their taxes increased. This helps protect property rights. This is a good piece of Legislation. We are not revamping all of government with this Legislation."

Speaker Leitch: "Representative Lang."

Lang: "I thank the Representative for answering my questions."

Speaker Leitch: "The Gentleman from Cook, Minority Leader, Madigan. For what purpose do you rise, Sir."

Madigan: "Mr. Speaker, to request an immediate Democratic Caucus. Before this Bill is called on Third Reading."

Speaker Leitch: "Representative Madigan, how long do you estimate it, Sir?"

Madigan: "One half hour."

Speaker Leitch: "Okay. We shall stand in Recess. Returning at the hour of, say, 1:15 for the Democrats to have their conference."

Madigan: "Well, if all of those weren't listening, Room 118 immediately, please for one half hour. Thank you."

Speaker Leitch: "House Republicans will not go to conference, but please be here at 1:15. Thank you. The House shall be at ease until the hour of 1:15."

Clerk McLennand: "Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Attention Members of the House of Representatives, the House is prepared to reconvene. All persons not entitled to the House Floor, please retire to the gallery. Thank you."

Speaker Daniels: "The House will come to order. Members will please be in their chairs. Those not entitled to the Floor, please retire to the gallery. Committee Reports."

Clerk Rossi: "Representative Churchill, Chairman from the

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Committee on Rules to which the following Motions were referred. Action taken on December 5, 1996, reported the same back: 'Do approve for consideration'. Motion to concur in Senate Amendment #1 to HJR 75. Referred to the House Floor, Floor Amendment #10, to Senate Bill 729."

Speaker Daniels: "Mr. Clerk on page 3, of the Calendar appears Senate Bill 1463. The Bill having previously been read. Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I just...am urging your support on Senate Bill 1463. Senate Bill 1463, does not affect the rate of any existing property taxes. The Amendment took care of the concerns that were expressed to me by the Municipal League and by the city and I hope I will have your support on this. I hope the taxpayers in the state will have your support."

Speaker Daniels: "Is there further discussion on the Bill? Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just wish to reiterate that this is also an initiative that's supported by the Taxpayers Federation of Illinois which has historically felt that it's important for taxpayers throughout the state, whether they live in the city or suburbs or downstate communities to be more fully informed on how the taxation system works in their local communities and in this state and Amendment #2, should have addressed all the outstanding concerns. I would urge my colleagues to support the Bill."

Speaker Daniels: "Are you completed, Representative Schoenberg? Okay. Further discussion? Representative Black."

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

Speaker Daniels: "She indicates she will."



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Black: "Representative, this Bill...is it on Postponed Consideration?"

Speaker Daniels: "Representative Zickus."

Zickus: "It's on Third Reading. It's no longer on Postponed Consideration."

Speaker Daniels: "Representative Black."

Black: "But it was on Postponed Consideration, correct?"

Speaker Daniels: "Representative Zickus."

Zickus: "Yes, it was from the Spring Session."

Speaker Daniels: "Representative Black."

Black: "Would that have been the Spring Session of '95 or the Spring Session of '96?"

Speaker Daniels: "Representative Zickus."

Zickus: "The Spring Session of '96, Representative."

Speaker Daniels: "Representative Black."

Black: "How quickly, I forget. I see the word tax up there and my colleagues on the other side have become somewhat paranoid about titles, lately and, you know, I'm going to keep my promise to my constituents and take a look at every tax Bill very carefully. Why are we...what is this Bill doing, transferring taxes from Home Rule to non home rule? I'm confused. I don't remember this original discussion at all. This is something entirely new to me and I just...it's late in the day. It's snowing, at least one airport up north has already closed. I don't know if we're going to get home and we're dealing...we're dealing with some tax issue. You are going to have to kind of bring me up to date here. I don't know what we're doing."

Speaker Daniels: "Representative Zickus."

Zickus: "This Bill as amended simply requires that Home Rule units to have a public hearing and a front door referendum prior to imposing or increasing a Home Rule Real Estate

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Transfer Tax. So, it's one that you could support very, very easily and have before."

Speaker Daniels: "Representative Black."

Black: "Thank you, Representative. Now, it comes back to me. This was that measure, some cities are imposing outrageous and horrendous taxes on people when they go to sell their homes. Is that it?"

Speaker Daniels: "Representative Zickus."

Zickus: "Representative, taxes are imposed on...yes, on the sales of homes. Sometimes they are incurred by the seller, sometimes by the purchaser."

Speaker Daniels: "Representative Black."

Black: "So, now it comes back to me. So, in other words, if I were going to purchase a home, if I win the lottery and could afford to move up in the Northern area of the State of Illinois and I go to buy a home and somebody says, it's going to cost me 100 thousand dollars, wouldn't that be a good home up north. It really is going to cost me more than 100 thousand dollars, isn't it?"

Speaker Daniels: "Representative Zickus."

Zickus: "In some communities it can cost an additional \$10 per thousand for the municipal tax, in addition to the State Transfer Tax and County Transfer Tax."

Speaker Daniels: "Representative Black."

Black: "Representative, I appreciate your patience in illuminating this issue for downstaters. It's been so long since a house has sold in my district, I just couldn't remember the process. Be that as it may, Mr. Speaker and Ladies and Gentlemen of the House. It all comes back to me now. This is an outrage. I'm shocked and appalled and I...in the words of some late lamented politician, where is the outrage? Where is the outrage? You're going to

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purchase a house and they're going to add 10, 20, 30 dollars a 100 for the right to sell your house on a transfer basis. This, in fact, we cannot sit idly by and let this happen. What is more American than to buy a home? And then have some obstructionist unit of local government, as near and dear those governments are to my heart, some of my closest friends work for local government. But, I think they are standing in the road of progress here and I think at some point we have to send out a message, enough is enough. Taxation is out of control. You're running us out of our homes. That creates a demand for apartments. We haven't built an apartment in my community in I don't know how long. We've got to take a stand right now. And I intend to vote for your Legislation. But, I would say to you, Representative. I'm somewhat disappointed that a Bill that's on Postponed Consideration from the spring of '96, can get considered when I have a Bill naming a commemorative holiday after Rod Blagojevich, will not come out of Rules Committee. I'm appalled at that action. So, I stand in support of this Motion but...her Bill, but I would certainly like to know why I can't get a simple Resolution out of the Rules Committee to honor one of our Members who served here 18 months and then moved onward and upward. And gave some ridiculous statement of about how he hates to go to Washington because he can't afford the pay cut. In fact, as I think back upon that, Mr. Speaker, I withdraw the Resolution."

Speaker Daniels: "Further discussion? The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Let me set the record straight with what we're dealing with here. Non Home Rule municipalities currently have to go to referendum to get

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authority to impose a transfer tax. All this Bill asks for is that all municipalities, before they impose a transfer tax, which they do every time they find a hole in their municipal budget, they increase their transfer tax. Let me tell you what it's about. A widow, speaking of Representative Black's district, you can't buy a mobile home in my district for less than a 100 thousand dollars. And then you don't even own the land. In the City of Berwyn, it's \$10.00 a thousand. In the village of Bolingbrook, it's \$7.50 a thousand. In the village of Cicero, it's \$10.00 a thousand. So, you sell...can you imagine the widow, who sells her home for \$200,000 in the City of Berwyn and then finds out she has to pay a \$2,000 tax on the transfer. Two thousand dollar tax on the transfer, on a \$200,000 home. A \$1,000 on a \$1,000 home. These taxes have gotten way out of hand because Home Rule municipalities can willy-nilly raise these taxes at their whim. That's what this is about. If you want to talk about local control, there is no more local control than asking the taxpayers at a referendum whether or not they want their taxes increased. So, at the time of sale of a home, the homeowner will not only pay income tax on it, unless he uses his one time exemption. But in addition to the income tax, in addition to the real estate taxes he pays, will have to pay a transfer tax so the Home Rule municipality can fill some budget gap. And they do it every time. The Village of Bolingbrook has raised theirs several times and now we're up to \$7.50 a thousand in Will County. It is a outrage, Representative Black, you're absolutely 100 percent correct. What this does is, it gives the voice of local taxpayers, in their own government, asking permission at a front door referendum

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before they can raise taxes. That's what this does. It prevents them from moving to raise taxes whenever they feel like it, without asking the taxpayers. And you know what it seems like, a silent tax. Because nobody really understands what a transfer tax is. It's a tax per thousand on the sale of a home within that municipality or sale of any land. It's outrageous the way the municipalities in Illinois, particularly Home Rule municipalities have used the transfer tax. Ten dollars a thousand in Cicero. That's ridiculous in addition all the other taxes that the City of Cicero imposes. From their share of the sales tax, their real estate taxes, their utility taxes. All this does is put some saneness and sensibility in the whole tax issue. And you ought to vote for it, otherwise you'll go back to your district saying, no, I voted against letting the people having a say in how much they pay in taxes in Home Rule municipalities. Because that's what you will be doing if you vote 'no', or 'present. You're going to let Home Rule and municipalities impose any transfer taxes they want and they will. Because currently there is no limit on the amount of transfer tax a Home Rule municipality can charge. This puts some sensibility in it and you ought to vote for it."

Speaker Daniels: "Any discussion? Being no further discussion, Representative Zickus to close."

Zickus: "This tax really is a hidden property tax because many buyers and sellers are not aware of it until the time they are buying or selling a piece of real estate in a Home Rule unit. Sometimes it takes much needed equity out of the pockets of the seller, especially those of senior citizens who many of them have their life savings in the equity. It becomes a major obstacle to many first time buyers if they

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have to come up with an extra 1,000 or 1,500 dollars. So, let's think about them when we cast our votes and I urge your 'aye' vote."

Speaker Daniels: "Representative Zickus, has moved for the passage of Senate Bill 1463. All those in favor will 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 80 'aye'; 29 'no', 1 voting 'present'. Does the Lady persist in her request for averification? Representative Currie?"

Currie: "Checking with the rules."

Speaker Daniels: "Yes, ma'am. She...the Lady withdraws her request for a verification. This Bill having received 80 'ayes', 29 'nays', 1 voting 'present'. Senate Bill 1463, having received the Constitutional Extra Ordinary Majority, hereby declared passed. Mr. Clerk, on the Order of Concurrence on Supplemental Calendar #2, appears House Joint Resolution #75. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out that on the Supplementary Calendar that was distributed of the content of this Resolution from a year ago is what is described on the Calendar. That is not the current content of this Resolution. There is a...there was a Senate Amendment #1, that was adopted in the Senate on this item that was...which removed what had previously had been in the Resolution and now does one thing. It disapproves a Mandate Waiver request that would have allowed the Rockford School District to have the option to not offer driver education. Which would require students to receive training through private providers at their own expense.

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This Resolution would deny that waiver request."

Speaker Daniels: "Is there any discussion? The Lady from Cook County, Representative Currie."

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

Speaker Daniels: "She indicates she will."

Currie: "Representative, I think it's a good idea to deny that waiver request. I agree absolutely with you. But, there was another waiver request that I thought we should have rejected as well. That's the one that permits the school district in Palatine to charge \$350 to youngsters who might wish to take driver training. Now, I suspect that Palatine may be concerned about its tax base, tax caps get in the way of raising the revenue you need. My concern is with those youngsters who cannot afford the \$350 and those may not be the lowest income children. It seems to me that we should be concerned about safety on the highways and we ought to be making sure that all of our youngsters can easily afford to do a driver's training program at school. Could you tell me why that waiver rejection is not included in House Joint Resolution 75, and why you didn't pursue that issue in the House initially when the waiver requests came to us?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, for your question. The representatives of the Palatine School District came to the hearing that the Education Committee of the House held on these waiver requests. They explained that they had suggested the number of 350, only because they did not want to have to keep returning here year after year, after year when they perhaps wanted to increase the fee that they would charge to those students who can afford to pay it.

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Their current plans are to ask students to pay \$150 a year if they wish...for the completion of the driver education course at Palatine High School. The provisions to permit any student who cannot afford to pay that, were carefully spelled out to us in the committee that kind of exception will be made. The members of that group who came here to speak to us also pointed out something which I found rather interesting, Representative. In that school district, when you take the total cost of the school district for each student who takes driver education, you subtract all the money that comes from federal, state, and local sources that are specifically for that program. How much money would the school districts still have to pay out of what is the equivalent of its general revenue funds, \$800. Eight, as in two times four. Eight hundred dollars a student per year to offer driver education. I do not blame them for wanting to ask for a \$150 fee, from those students who could afford it, to help cover those costs."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker. To the Resolution, if I might. I certainly support rejecting the waiver request from Elgin, and I think we should all be for the Concurrence Motion. But I do think we ought to be concerned about what happens when we as an Assembly say, it's okay, to charge kids 350 bucks to take driver's education. As I understood the Sponsor who informed me that four and four is eight, when I guess eleven minus three would also be eight, that they really don't intend to charge \$350 per child. Well, if they don't intend to do it, there's no reason for us to give them the authority do so. And, while they may have some way of making sure that the poorest children don't have to pay that kind of exorbitant fee. The difficulty



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arises with kids who are just above the cutoff line. So, yes, it's a good idea to vote for this Concurrence Motion. But on the books now we are saying as an Assembly, any school district that wants to charge our kids up to \$350 to take drivers ed, may do so and they will not have to come back to us for that kind of permission."

Speaker Daniels: "Further discussion? Being none, Representative Cowlshaw, moves the adoption of House Joint Resolution #75. 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 104 'ayes'; 5 voting 'no', 1 voting 'present'. This Resolution having received a Majority vote is hereby declared adopted. Mr. Clerk, on page 3 of the Calendar, under the Order of Non Concurrence appears Senate Bill 164, Representative Cowlshaw. Cowlshaw on Senate Bill 164."

Cowlshaw: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to refuse to recede from House Amendment #3 to Senate Bill 164."

Speaker Daniels: "Representative Cowlshaw, has now moved that the House refuse to recede from House Amendment #3 to Senate Bill 164. All those in favor say 'aye', opposed 'no'. The 'ayes' have it in the opinion of the Chair and the House does refuse to recede from House Amendment #3, to Senate Bill 164. And the House requests that a Conference Committee be appointed. Mr. Clerk, on Supplemental Calendar #2, under Conference Committee Reports appears Senate Bill 1459. Representative Klingler."

Klingler: "Thank you, Mr. Speaker. The Conference Committee Report to, Senate Bill 1459 has already passed the Senate 59 to 0. This three initiatives by the Illinois Sheriff's

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Association, the Illinois Attorney General, and the Illinois State Police and it's in three sections. The first section was a concern of the Illinois Sheriff's Association and it amends the Police Training Act providing that probationary court security officers will include part-time court security officers as well as permanent security officers. The second provision that was in the Act amends the Criminal Code concerning the offense of aggravated kidnapping. An aggravated kidnapping occurs when a weapon is used, when there's great bodily harm for ransom with a child under age 13, or when the person wears a hood or an attempts a concealment. This provision would increase the penalty that a person convicted a second time of an offense of aggravated kidnapping would be sentenced to natural life imprisonment. The third provision are four technical changes of the Illinois State Police has suggested to the Child Sex Offender Notification Act. The first change is that disclosure would be made not only of those persons who are registered on the registration list but also those who should have registered and did not. So, these names in addition to being able to pursue the person for failure to register, the schools and day care centers can also be notified. The second provision changes the way that the Department of Children and Family Services is notified. To receive the list directly from the Illinois State Police instead of a county by county basis. Since the Children and Family Services operates in a statewide basis, it is a much more efficient for it to receive one list. The third provision is that in addition to the information already included on the public notification and registration that the offenders date of birth should also be disclosed to the public. And this came about at the

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request of the Illinois State Police in situations where perhaps the father and son with the same name occurred and one was a child sex offender. It's a way to further establish identity. And the fourth and final method came about from school board concerns that provides that the grant of immunity for persons who fail to provide or provide information regarding child sex offenders, shall also extend to the secondary release of any information legally contained in conjunction with the procedures in this law. And this arose out of concern that principals be able to inform teachers without fear of any retaliation. I would be glad to answer any questions."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "She indicates she will."

Dart: "Representative, how many cases...the change in the aggravated kidnapping statute going to affect?"

Speaker Daniels: "Representative Klingler."

Klingler: "I'm sorry, would you repeat the question?"

Speaker Daniels: "Representative Dart."

Dart: "How many cases is the change in the aggravated kidnapping statute going affect?"

Speaker Daniels: "Representative Klingler."

Klingler: "You mean, how many cases? I don't know how many cases are pending. This particular case arose, as you're probably aware, out of the concern of the abduction of the girl from Woodfield Mall in the Schaumburg area and she was involved with discussions with Illinois Attorney General about ways that could be made to toughen the sentence on aggravated kidnapping. Since the person that kidnapped her had already kidnapped someone else."

Speaker Daniels: "Representative Dart."

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Dart: "But, do we know how many cases this will effect statewide. As far as concern of prison overcrowding, all those issues?"

Speaker Daniels: "Representative Klingler."

Klingler: "The...Representative for the Illinois State Police indicates he believes there are about 100 at this time."

Speaker Daniels: "Representative Dart."

Dart: "And how many people were charged...convicted of aggravated kidnapping under the old statue this past year?"

Speaker Daniels: "Representative Klingler."

Klingler: "I don't have the information on how many juveniles would have been transferred to criminal court."

Speaker Daniels: "Representative Dart."

Dart: "Did we increase the penalties as well for kidnapping for ransom as well or has that been excluded?"

Speaker Daniels: "Representative Klingler."

Klingler: "Our kidnapping for ransom was a Class X felony and remains a Class X felony. What we're looking at is changing the sentences for those who have committed the offense twice. I believe current law is, that under the third offense a person is eligible for natural life and now it would be after the second offense."

Speaker Daniels: "Representative Dart."

Dart: "Nothing further."

Speaker Daniels: "Representative Deering. Representative Deering."

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

Speaker Daniels: "She indicates she will."

Deering: "Representative, this language...there is language in here that amends the Illinois Police Training Act, is that correct?"

Speaker Daniels: "Representative Klingler."

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Klingler: "That's correct, yes."

Speaker Daniels: "Representative Deering."

Deering: "Okay, if...a county board can certify a person to work as a court security officer, are them people allowed to carry firearms?"

Speaker Daniels: "Representative Klingler."

Klingler: "This Amendment refers only also including part-time court security as well as permanent court security. And this was a change that was requested by Illinois Sheriff's Association."

Speaker Daniels: "Representative Deering."

Deering: "Because I read it in our analysis, it talks about changing the part-time to an employed security officer. But their's a bullet in here that also says, the county board can certify people to work as court security officers who has completed the counties training course. Now, if they designate someone, they become a court security officer, will they be entitled to carry a firearm?"

Speaker Daniels: "Representative Klingler."

Klingler: "Yes, they would if they've received the adequate training."

Speaker Daniels: "Representative Deering."

Deering: "Well, I guess that's my question. What's adequate training. Now we have part-time police officers have to go to a 400 hour course, I think, to carry firearms. Are we going to let security officers in the courts go to lesser training and still be allowed to carry firearms?"

Speaker Daniels: "Representative Klingler."

Klingler: "This does not refer to lesser training, this simply allows the courts in counties to be able to handle a part-time security officers as well as permanent security officers. And, again it's cleanup language that was

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requested by the Illinois Sheriff's Association."

Speaker Daniels: "Representative Deering."

Deering: "Well, I guess I just beg to differ with you on that. You're talking about it's only dealing with security officers in the courts. But you also said in an answer to an earlier question, that they can carry firearms if they meet certain requirements that's set by the county. Now, apparently this is different than the Police Training Board requirements that someone has to go through if he or she wants to be a local municipal part-time police officer. Is that not correct?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, Representative Tom Cross, has indicated...wanted to address this issue as, he has worked with this extensively."

Speaker Daniels: "Representative Cross."

Cross: "Terry, if I could try to address this. This is an issue that started out of Kane County and we're trying to address an issue of court security officers. We created a new designation and this language was cleanup that we put in there on behalf of the Illinois Sheriff's Association, some other agencies to try to resolve a problem we had. The training though, to carry a firearm will be the same for a court house security individual as well as a sheriff's deputy."

Speaker Daniels: "Representative Deering."

Deering: "Thank you, Mr. Speaker. I have one or two final questions here. It also says here, sheriff's can use...I misread that. That's all. Thank you."

Speaker Daniels: "Being no further discussion. Representative Klingler, now moves for the adoption of Conference Committee Report #1, to Senate Bill 1459. All those in

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favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 'ayes'; 0 voting 'no', 0 voting 'present'. This Bill having received an Extra Ordinary Majority is hereby, declared passed and the House does adopt . Conference Committee Report #1, to Senate Bill 1459. Mr. Clerk Senate Joint Resolution 118. Read the Resolution."

Clerk Rossi: "Senate Joint Resolution #118, offered by Representative Churchill. Be it resolved by Senate of the 89th General Assembly the State of Illinois, the House Representatives concurring herein, that when the two Houses adjourn on Thursday, December 5, 1996. The Senate stands adjourned until Monday, January 6, 1997, at 4:00 p.m. And the House of Representatives stands adjourned until Monday, January 6, 1997, at 9:00 a.m., in Perfunctory Session and 12:00 noon, in Regular Session. Adopted by the Senate, December 5, 1996, Jim Harry, Secretary of the Senate."

Speaker Daniels: "Representative Churchill, now moves the House adopt Senate Joint Resolution 118. All in favor will say, 'aye', opposed 'no'. The 'ayes' have it. The Resolution is adopted. Representative Cross. For what purpose do you run to your chair? Representative Cross."

Cross: "Thank you, Mr. Speaker. I apologize. But there was some confusion on a Bill I did, House Bill 3455, as to the definition or clarification...for clarification purposes, what a retail credit account is or was, and it does mean transactions involving the extension of credit to consumers. So, thank you very much."

Speaker Daniels: "Representative Phelps. For what purpose do you arise, Sir?"

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Phelps: "Thank you, Mr. Speaker. I would just like the record to show that on House Bill 3734, I voted 'no', but the Roll Call Vote showed that I had not voted. Thank you."

Speaker Daniels: "You voted 'no', Sir, but the..."

Phelps: "Roll Call showed I was absent."

Speaker Daniels: "So, if your switch had been working properly, you would be reported as voting 'no'. The record will so reflect. Mr. Clerk, on page 3, of the Calendar appears Senate Bill 326, Representative Kubik. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 326, has been read a second time previously. Amendment #1, was adopted in committee. No Motions have been filed. Floor Amendment #4, has been approved for consideration and is Sponsored by Representative Kubik."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #4, would change the title of the Bill and Amend the Election Code and make this a vehicle Bill. I move for its adoption."

Speaker Daniels: "Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, what is it that you plan to do with this Election Code shell Bill?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I really don't know at this point in time. I know that there is some wish to have this sort of vehicle available. But I personally do not know what the reason for this is."

Speaker Daniels: "Representative Kubik, Representative Dart, excuse me."



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Dart: "Yes. Thank you. Well, given that response, I would ask my colleagues on this side of the aisle to oppose this Bill. And I would ask for a Roll Call Vote on this, and a verification if it receives the necessary votes."

Speaker Daniels: "Further discussion? Being none. Representative Kubik, moves for the adoption of Amendment #4, to Senate Bill 326. All in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all vote who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 62 'aye'; 47 'no'. Does the Gentleman persist in his verification? This is just a majority voting on the issue, Representative Dart. This is an Amendment. Representative Dart, withdraws his request for verification. This Amendment having received 62 votes, 47...62 'ayes'; 47 'no', is hereby adopted. Further Amendments?"

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

Speaker Daniels: "Third Reading. Mr. Clerk, on the order of Third Reading, appears Senate Bill 326. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 326, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Vehicle Bill. I would urge my colleagues to support the Bill, it's Senate Bill 326. I move for its adoption."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker. Question of the Sponsor."

Speaker Daniels: "He indicates he will yield?"

Currie: "Representative, now that the Bill has been amended, I

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wondered if anybody had whispered in your ear what the intent of the Bill might be now. I know you didn't know five minutes ago. But information moves in rapid waves through this Chamber, and I thought perhaps you'd let us know if someone had clued you in on the point of this measure."

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I've got both of my aids on but at this point I still don't know exactly what this Bill is for. So, although my hearing is working, I'm not sure quite what it's for. I do know that there's a need for this sort vehicle for the last two days."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Speaker. To the Bill. Well, it's still a vehicle Bill, we still don't know what it's about. Election Code Bill, I don't know what elections in the City of Chicago or the City of Moline, or whatever it is. The plan for this Legislation might be, but I would certainly urge my colleagues who are concerned about voting for pigs in pokes. And that's nothing to do with Representative Hartke. Nothing at all to do with Representative Hartke. But those who would be concerned about voting for pigs in pokes, to lay off this one. A 'present' or 'no' vote would advised and Speaker, I'm sure I'm joined by an appropriate number of colleagues in seeking a verification should this Bill...should this Motion reach 60 votes."

Speaker Daniels: "So noted. Representative Black. For what purpose do you rise, Sir?"

Black: "Thank you, very much, 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'

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have it. Representative Kubik, now moves that the House pass Senate Bill 326. All in favor signify by voting 'aye', opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 63 'aye'; 47 'no', and the Lady from Cook requests a verification of the Affirmative Roll. Do you wish to proceed with your verification, Representative Currie? You withdraw your request for verification. Withdrawn. This Bill having received 63 'aye'; 47 'no'. Senate Bill 326, having received the required Constitutional Majority, is hereby declared passed. Committee announcements?"

Clerk Rossi: "Committee announcements. The House Committee on Financial Institutions will meet today. Committee announcements. The House Committee on Agriculture will meet today at 2:15, in Room 114. The House Committee on Financial Institutions will meet today at 2:15, in Room 118 of the Capitol Building. The House Committee on Transportation and Motor Vehicles will meet today at 2:30 in 114 of the Capitol. The House Committee on Judiciary, Civil Law will meet today 2:30 in Room 118 of the Capitol."

Speaker Churchill: "Representative Churchill, in the Chair. For what reason does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Thank you, Mr. Speaker. I believe the times that the Clerk read were not the same times on the notices I received at my office. So, could we read them again, please, Mr. Rossi?"

Clerk Rossi: "The House Committee on Judiciary Civil Law will meet today at 2:30, in 118. The House Committee on Transportation and Motor Vehicles will meet today at 2:30, in Room 114. The Committee on Financial Institutions will

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meet at 2:15, in Room 118, on the Capitol. The House Committee on Agriculture will meet at 2:15 today, in 114, of the Capitol."

Speaker Churchill: "Ladies and Gentlemen, we will conclude today...please, Ladies and Gentlemen, may I have your attention? We will conclude today with a Death Resolution of Arthur F. Quern. So would the Members please rise? And I would ask the Clerk to please read HJR 143.

Clerk Rossi: "House Joint Resolution 143, offered by Speaker Daniels.

WHEREAS, The members of the General Assembly were saddened to learn of the sudden and tragic death of Arthur F. Quern of Evanston on October 30, 1996; and

WHEREAS, He was born on July 6, 1942 in New York, New York, and was a graduate of St. John's University in New York; and

WHEREAS, Arthur Quern had a long and distinguished career of public service to his country, beginning with service in the United States Army Intelligence Corps, followed by appointments as assistant to Governor Nelson D. Rockefeller of the State of New York for more than five years and Deputy Assistant for Domestic Affairs under President Gerald Ford from 1975 to 1977; and

WHEREAS, Art served as Director of the Illinois Department of Public Aid and, subsequently, as Deputy Governor, for more than four years, under Governor James R. Thompson; and

WHEREAS, Art was appointed Chairman of the Illinois Board of Higher Education under Governor Jim Edgar and, in that capacity, he over saw sweeping reforms of Illinois' public university systems, increasing the productivity,

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cost-effectiveness, and accountability of the State's universities by eliminating bureaucratic waste and duplication in order to maximize education dollars directly available for education programs; and

WHEREAS, After leaving public service, Art became a highly successful and well respected insurance executive, acting most recently as Chairman and Chief Executive Officer of Aon Risk Services, Inc., a multi-national brokerage and risk management firm providing services world wide to corporate and commercial clients, and Senior Vice President and Corporate Secretary of Aon Corporation; and

WHEREAS, Notwithstanding the demands placed upon him by virtue of the high level positions he held in the government and private sectors, Art gave freely and enthusiastically of his time and energy as a civic and community leader, serving as President of the Board of Directors of the University of Chicago Hospitals, Trustee of the University of Chicago, Chairman of the Board of Directors of the Field Foundation, and Trustee of the Lincoln Academy; and

WHEREAS, His passing will be deeply mourned by his family, friends, and colleagues, especially his wife Jacqueline; his daughters, Susannah and Margaret; his mother Marcella; his brother John; and his sister Elizabeth Nilson; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we note with sorrow and deep regret the death of Arthur F. Quern and extend our appreciation and recognition of his many contributions and accomplishments and our sincere condolences to his family

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and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his widow, Jacqueline Laske Quern."

Speaker Churchill: "The Chair now recognizes the Gentleman from DuPage, Speaker Daniels."

Speaker Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. This is always a tough thing to do when you talk about somebody who gave so much to this state and to his fellow man, who was so dedicated to public service that his career spanned many states from New York, serving under Governor Nelson Rockefeller, to Washington, serving under President Jerry Ford, to the State of Illinois, serving under Governor Jim Thompson and of course under Governor Edgar. What struck me the most, knowing Art over the years that I did, and I know many of you in this House had the pleasure of meeting and working with him, was his brilliance and his intelligence and his approach to problems and making sure he sought a solution to them. Every time I saw Art, and frankly I saw Art about a week before his death, he always had a smile on his face and he had a sense of confidence that he knew that he could do the right things for all of us if he expended the time and energy to do those. And he was always willing to reach out and give a word of advice or a sense of encouragement. I remember, earlier in my legislative career, when I met with him when he was the Director of Public Aid, a terrifically difficult job in this state and he always wanted to do the best job there. He always had time to talk about those issues. When I went to his memorial service in the Rockefeller Center in the Rockefeller Chapel, I know many of you have been there but if you could imagine the giants that attended his memorial service to pay homage to him and to recognize his

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contributions, his life. Two Governors that spoke, and spoke eloquently about the service that he had given to our community. So October 30, was a sad day for all of us when we witnessed the film of the plane crash and the devastation that it brought upon Art's family and the people that were in that plane, people that didn't survive. We all recognize that we lost something on that day. Not only did his widow, Jacqueline, lose a wonderful husband and family man, devoted and committed to an excellent family and two wonderful daughters. And when they spoke at the memorial service, we understood the depth of this Gentleman and the compassion and commitment that he had to his family life. But we in Illinois, and frankly those of us in this country, lost a dedicated servant, and somebody that could always respond to the needs of his community. So, Members of the House, it was a sad day on October 30, and it will be a sad day when I think about the loss of Art Quern because he gave so much to all of us, whether it was at the University of Chicago and President of the Board of Directors, or trustee of the University of Chicago's hospitals, or whether in the Field Foundation, or his commitment to his beloved cities that he served so highly in. This is a man that truly inspired all of us. So I will think of Art Quern for the gifts that he has given to us during his life and think about the loss that we will mourn for many years to come, but also be grateful for what he has done for each and every one of us in helping make Illinois a better state. It is an example of a giant amongst all of us that we should all strive to be like, in our public career and in our lives. And, Mr. Speaker, Ladies and Gentlemen of the House, I hope that when any one of us, when we reach our time, that we reach our Maker,

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that we could look back and say, 'We did a job well done like Art Quern has done for all of us.' So with leave of the House, I would ask that all Members be added as Sponsors of this Resolution and we send our condolences to his widow, Jacqueline, and their two children."

Speaker Churchill: "A request has been made to add all Members as their leave. Leave is granted. Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker, and Members of the House. I knew Art Quern only a little, but I too remember his Directorship as the Department...as Director of the Department of Public Aid, a post he did not hold for very long, but he held with great commitment and he understood what that job was about. It was about serving the clients of the Department of Public Aid. It was about serving people, doing so efficiently and with respect for the taxpayers but he exhibited a great commitment to understanding that these were people who had only us standing, us the people, standing between them and the streets. He did a remarkable job in that context and I know him, as all of us do, by his works, as they say. 'Know a person by the works that he or she leaves behind.' His commitment to higher education, his service to the University of Chicago hospitals in my district was done with great commitment, great equanimity. He was an absolute born leader who used the talents he was given to make our community a better place. We will all miss him. All the people of Illinois will miss him. We were lucky that he walked amongst us for as many years as he did."

Speaker Churchill: "Speaker Daniels now moves for the adoption of HJR 143. All those in favor, signify by saying 'aye'; and the opposed say 'nay' and in the opinion of the Chair, the



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'ayes' have it. And the Resolution is passed. Mr. Clerk, do you have any other further announcements? Representative Ryder, now moves that...I'm sorry. The Gentleman from DuPage, Speaker Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I hope that you all enjoy a wonderful holiday season and that you'll go home and feel good about being with your families, feel good about what you've done these past two years and I might just take a little bit of advantage, right now in thanking each and everyone of you for allowing me to serve as you Speaker over these last two years. I wish you all a very happy holiday season. Safe travel. There will be some travel information for you in the Speaker's Office, in a few minutes. I guess the roads are kind of messy out there. So if you want to know the travel is like, either talk to Terry or check in the Speaker's Office. And now on Motion of Representative Ryder, that the House stand adjourned until Monday, January 6, 1997, at the hour of 12:00 noon. All those in favor signify by saying 'aye', in opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And allowing Perfunctory time for the Clerk, the House now stands adjourned until Monday January 6, 1997 at the hour of 12:00 noon."

Clerk McLennand: "The House Perfunctory Session will be in order. And the House Perfunctory Session will be in recess til the hour of 3:30 p.m."

Clerk McLennand: "The House Perfunctory Session will be in order. Committee Reports. Committee Report from Representative Noland, Chairman from the Committee on Agriculture to which the following Joint Action Motion was referred. Action taken on December 5, 1996, reported the same back 'do approve' for consideration. Conference Committee Report

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#1, to House Bill 2918. Committee Report from Representative Waite, Chairman from the Committee on Transportation and Motor Vehicles to which the following Joint Action Motions was referred. Action taken on December 5, 1996. Reported the same back, 'do approve' for consideration, Floor Amendment #2, to Senate Bill 157. Committee Report from Representative Cross, Chairman from the Committee on Judiciary for Civil Law to which the following Joint Action Motions were referred. Action taken on December 5, 1996. Reported the same back, 'do approve' for consideration. Motion to concur in Senate Amendment #1, to House Bill 365. Committee Report from Representative Deuchler, Chairman from the Committee on Financial Institutions to which the following Joint Action Motions were referred. Action taken on December 5, 1996. Reported the same back, 'do approve' for consideration. Floor Amendment #1, to House Bill 1311. Being no further business, the House Perfunctory Session stands adjourned. And the House will reconvene on Monday, January 6, at the hour of 9:00 a.m., in Perfunctory Session and in the hour of 12:00 noon in full Session. The House now stands adjourned. Everybody have good holidays."

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