

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

April 1, 1998

Speaker Brunsvold: "The House shall come to order. All Members shall be in their chairs. The unauthorized personnel from the Floor should retire to the balcony. All Members in their chair, please. We will be led in prayer today by Representative Coy Pugh, who is the Assistant Pastor with the Fenwood United Methodist Church in Chicago. Guests in the gallery may wish to rise for the invocation. Pastor Pugh."

Pugh: "Let us pray. Hear us, oh God, whom we call. Oh, God of all righteousness, You have enlarged our heart when our heart was in distress. Have mercy upon us and hear our prayer. Listen to our words, oh God, consider our meditation. Listen and hear the voice of Your children. Oh God of our ancestors, the God of Abraham, the God of Isaac, the God of Jacob, unto thee do we pray. Our voice shall You hear in the morning, oh Lord, and this morning we will direct our prayer to Thee and will look up. Let all that put their trust in Thee rejoice. Allow us to forever shout, shout with joy because You are with us. Those that love Your name and those that find solace in Your presence, take not Your presence from us and continue to encompass us about with Your favors with the shield. Arise oh Lord, and hear the desire of the humble. We offer You praise. Amen and Amen."

Speaker Brunsvold: "Thank you, Pastor Pugh. We will be led in the pledge today by Representative Steve Davis."

Davis-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 Brunsvold: "Roll Call for Attendance. Mr. Cross with Republican Absentees."

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Cross: "Well, first of all, it's nice to see the Speaker's back. We didn't know he was here."

Speaker Brunsvold: "Thank you."

Cross: "You're welcome. We're glad he could join us. We're all here on the Republican side. Thank you."

Speaker Brunsvold: "Representative Currie, Democrat absentees."

Currie: "There are no excused House Democrats today, Speaker. Please let the record reflect that."

Speaker Brunsvold: "Thank you, Representative Currie. Mr. Clerk, take the roll. One hundred and eighteen answering the Roll Call. We do have a quorum. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Skip Saviano, Chairman from the Committee on Registration and Regulation to which the following measures were referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 2687. Floor Amendment #2 to House Bill 2688. Floor Amendment #1 to House Bill 2690. Floor Amendment #1 to House Bill 3410. Representative Calvin Giles, Chairperson from the Committee on State Government and Election Reform, to which the following measures were referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment 1 to House Bill 3524. Representative Harold Murphy, Chairman from the Committee on Personnel and Pensions to which the following measures were referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment 2 to House Bill 2443 and Floor Amendment #2 to House Bill 2444. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil

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Law, to which the following Amendment was referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment #1 to House Bill 3790. Representative Todd Stroger, Chairperson from the Committee on Local Government, to which the following measure was referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendments 4 and 5 to House Bill 2716. Representative Phil Novak, Chairperson from the Committee on Environment and Energy, to which the following measure was referred, action taken on April 1, 1998 reported the same back with the following recommendation 'be approved for consideration' Floor Amendment 3 to House Bill 3287."

Speaker Brunsvold: "Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "House Resolution 377, offered by Representative Howard; House Resolution 378, offered by Representative Noland; House Resolution 379, offered by Representative McCarthy; House Resolution 380, offered by Representative Granberg; House Resolution 381, offered by Representative Monique Davis; House Resolution 383, offered by Representative Giglio; House Resolution 384, offered by Representative Hannig; House Resolution 391, offered by Speaker Madigan."

Speaker Brunsvold: "Thank you. The Lady from Cook, Representative Wojcik. For what reason do you rise?"

Wojcik: "Thank you, Mr. Speaker. I just rise for a Point of Personal Privilege. Today is my international day. I'm going to be hosting a family from Denmark and then Schumburg Lippe Germany. This is my daughter's au pair and these are her parents Mr. and Mrs. Peterson, and they just arrived from Denmark, and I thought they'd like to see how

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our government works in action. Thank you."

Speaker Brunsvold: "Thank you, Representative. Welcome to the United States and Illinois. Thank you. Representative Currie moves for the adoption of Agreed Resolutions. Are there any questions? Seeing none, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Agreed Resolutions have been adopted. The Gentleman from Cook, Mr. Lang. For what reason do you rise?"

Lang: "Thank you, Mr. Speaker. Just to announce that, according to my newspaper this morning, the Chicago White Sox are in first place and the Chicago Cubs are not."

Speaker Brunsvold: "Thank you, Mr. Lang. Mr. Black, are you prepared to go to the Order of Second Reading?"

Black: "Yes, Mr. Speaker. We do have an inquiry of the chair. We have not received a response."

Speaker Brunsvold: "Of me, already this morning?"

Black: "No, of... actually to the House Clerk. The Chief Clerk of the House."

Speaker Brunsvold: "Chief. Okay, Mr. Rossi."

Black: "He was just here, but he got away before I could ask him. There are several people in the back hall representing various groups for a free America and a Democratic Democracy, and they would like to know the status of the prayer contract as to whether or not that has been removed from the official House Rules, because we're having trouble, quite frankly, getting young men and women of the cloth to come down here because Mr. Rossi asks them to sign some kind of a document. It's kind of like the old House un-American Activities Committee, and I had asked him some time ago as to whether or not he had withdrawn that document and he has absolutely refused to give me an answer. So, perhaps he could respond today."

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Speaker Brunsvold: "Well, I will have a long talk with Mr. Rossi, see what that will do for your cause."

Black: "Well, my... my personal minister, contrary to popular belief, I do have one, also is on the phone and would like an answer because he will not be down after Easter if this has not been withdrawn."

Speaker Brunsvold: "Mr. Rossi indicates he'll have an answer for you on Friday."

Black: "Well, since it was all an April Fool's joke and now that he's blushing, it's been accomplished. We might also ask the Chief Clerk if he has lost his razor or is he not shaving until the Cubs win?"

Speaker Brunsvold: "Probably, it's a Cub deal."

Black: "Well, he may be a bearded rascal before this Session's over, I'll say that."

Speaker Brunsvold: "Thank you, Mr. Black. Page 2 of the Calendar appears House Bill 109, Mr. Hannig. Take that Bill out of the record. Mr. Novak, for what reason do you rise?"

Novak: "Mr. Speaker, thank you very much for your indulgence. Since the Parliamentarian is on the floor today, I'd like to ask a question. This morning... for a ruling from the Chair, this morning we had a situation in my committee, Energy and Environment. I was about seven minutes late because, inadvertently, I went to the wrong building. Now, the late Representative Terry Deering was my Vice Chairman, and that vacancy still exists. There is not a Vice Chairman of the Majority party, and as I walked into my committee room this morning, my committee was in operation hearing testimony. Could you give me a ruling from the Chair, if a Member of the Minority party of the committee has the power to convene a meeting in the absence of a Chairman, and when there is no Vice Chairman sitting on the

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committee."

Speaker Brunsvold: "From the podium today, Mr. Novak, I say that committee should probably not have convened without your leadership."

Novak: "Well, that's the purpose of my question, Mr. Chairman... or Mr. Speaker, if we could have a ruling."

Speaker Brunsvold: "Maybe you should solve that with the Minority Party person that convened the meeting. Mr. Brady."

Brady: "Thank you, Mr. Speaker. In reference to the previous Legislator's remarks, I'd like to make sure he understands that he was at least 10 minutes late and that Representative Davis convened the committee. He may have forgot he is a Member of his party, and he might have been... and I understand Representative Davis was in early last night, wide awake and in a hurry this morning. So, he might have a little discussion with Representative Davis on his side of the aisle. If Representative Davis wishes to switch sides of the aisle, we'd be happy to talk to him."

Speaker Brunsvold: "The Chair would request that you Gentlemen solve this problem on the starting time and place of the committee. We'll leave that totally in your hands, Mr. Novak. House Bill 2307, Mr. Hannig. Out of the record. House Bill 2373, Representative Lindner. Representative Lindner. Out of the record. House Bill 2374, Representative John Jones. Out of the record. House Bill 2436, Mr. Hassert. Out of the record. House Bill 2443, Mr. Capparelli. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2443 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Capparelli, has been approved for consideration."

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Speaker Brunsvold: "Representative Capparelli on Floor Amendment #2."

Capparelli: "Thank you, Mr. Speaker. Amendment #2 was agreed by the Pension and Laws Commission and the regular committee and it... what it does, it gives a 3%, for every 30 years, they get a 3% adage... hold on. Wait a minute... allows Members to retire at least, with at least 30 years credit and receive initial automatic increase of 3% a year. I know there is no one here objecting to this. I ask they adopt Amendment #2 to House Bill 2444."

Speaker Brunsvold: "The Gentleman's asked for the adoption of Floor Amendment #2, and on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, the Amendment becomes the Bill?"

Capparelli: "Right. Yes."

Black: "It only affects the Chicago Park District."

Capparelli: "That's right."

Black: "The world's largest park district."

Capparelli: "Right."

Black: "With more employees than all the other park districts combined in the entire Western Hemisphere?"

Capparelli: "I don't know about all that. Just the Chicago Park District."

Black: "The Chicago Park District."

Capparelli: "Right."

Black: "It's the world's largest. More employees than all the park districts in the Western Hemisphere, and then after Representative Turner's Bill yesterday, we're dredging all the lagoons. So, what... does this have anything to do

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with lagoons or... what do you want the park district to do? Do you want them to all retire?"

Capparelli: "Yeah, so we get all the younger guys to work, that's right."

Black: "You and I don't want these young guys coming up. So, this is just a straightforward early retirement Bill... "

Capparelli: "Right."

Black: "... for the Chicago Park District that takes effect immediately."

Capparelli: "Between August 31, 1998 to December 31, 1998. Those who retire between that time."

Black: "Is there a minimum number of years of service one would have to have before they would be eligible for this early retirement?"

Capparelli: "Well, they get five years to reach the maximum. They can buy five years at 4.5% of their salary each year they have to pay in. There would be no cost to the state."

Black: "No cost to the state?"

Capparelli: "None."

Black: "Would there be any cost to the Chicagoans?"

Capparelli: "The cost will be picked up by the retiree who has to pay 4.5% for their early retirement."

Black: "Once again, Representative, you've crafted a very, very good Bill. It needs a little examination on Third Reading, but I think the Amendment is rather straightforward and, as always, I appreciate your right to the... you get right to the issue when you answer questions and I appreciate that. Thank you."

Capparelli: "You're welcome."

Speaker Brunsvold: "Further discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Floor

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Amendment #2 to House Bill 2443 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. House Bill 2444, Mr. Capparelli. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2444 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Capparelli, has been approved for consideration."

Speaker Brunsvold: "Representative Capparelli on Floor Amendment #2."

Capparelli: "Thank you, Mr. Speaker. This is another Bill that's been agreed by the Pension and Laws Commission and the commission and the park district. This is a post-retirement 3% each year. I ask for adoption."

Speaker Brunsvold: "The Gentleman has asked for adoption of the Amendment, and on that question, is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All those in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #2 is adopted. Further Amendments."

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 2 of the Calendar appears House Bill 2498, Representative Flowers. Out of the record. House Bill 2607, Mr. Stroger. House Bill 2624, Mr. Lang. The note's been filed on that Bill. Take that Bill out of the record, Mr. Clerk. House Bill 2634, Mr. McAuliffe. Out of the record. On page 3 of the Calendar appears House Bill 2636, Mr. Winkle. Out of the record. House Bill 2637, Mr. Winkle. Out of the record. House Bill 2645, Representative Klingler. Read the Bill,

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Mr. Clerk."

Clerk Rossi: "House Bill 2645 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Klingler, has been approved for consideration."

Speaker Brunsvold: "Representative Klingler on Amendment #2."

Klingler: "Thank you very much, Mr. Speaker. Floor Amendment #2 was drafted to address two concerns that were raised in the Committee on Health Care, and I said in committee that I would hold the Bill on Second until I was able to address these concerns. The first concern had to do in the section of the Bill concerning reconstruction after mastectomy. The original Bill indicated language that reconstructive breast surgery performed on a non-diseased breast to establish symmetry in the manner determined by the attending physician and the patient to be appropriate, after reconstructive surgery on a diseased breast is performed. The concern was raised that there needed to be further input into this decision on reconstruction and at that the decisions may vary from different parts of the state. So, the language was added in addition to the patient-physician in accordance with utilization review guidelines which are consistent with clinical practice guidelines developed by the appropriate medical specialty society to be appropriate. That's the first part of the Amendment. The second part of the Amendment has to do with the cleft palate reconstruction. On the Bill, which is page 7 of the Bill, it referred to... 'coverage shall include treatment that, in the opinion of the treating physician, is medically necessary to return the patient to a more normal procedure, even if the procedure does not

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materially effect the function of the body part being treated.' The concern was raised in the committee that this would mean that cosmetic surgery was being contemplated, and this was not the intent. The intent was to determine... was to return to establish children with severe facial deformities to give them a normal appearance. So, what was added, in the second part of this Amendment, was to indicate that there, basically, excludes cosmetic surgery, which is defined as surgery to enhance an appearance, but that reconstructive surgery, in these cases of facial deformity, may be done to approximate a more normal appearance, but again, it specifically excludes cosmetic surgery which is being... which is to enhance a normal appearance. I believe that these Amendments, both parts of this Amendment, address important issues that were raised in the committee and I would urge the floor to adopt them."

Speaker Brunsvold: "Representative Klingler, Amendment 2 and 3 have been filed and approved for consideration. Is... could you inform the Chair about both Amendments to be adopted?"

Klingler: "I'm... I'm... I'm sorry. I thought I was addressing Amendment #3. Amendment #2 is identical... is the same except that a number... in Amendment #3 it's the same language, but it, in addition amends the Insurance Code and the HMO Code."

Speaker Brunsvold: "So... "

Klingler: "So, we really should be considering a Floor Amendment #3."

Speaker Brunsvold: "Okay. Is your wish to withdraw Amendment #2?"

Klingler: "Yes. Thank you."

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Speaker Brunsvold: "Okay, the Lady withdraws Amendment #2. Mr. Clerk, and we are on Floor Amendment #3."

Clerk Rossi: "Floor Amendment #3, offered by Representative Klingler."

Speaker Brunsvold: "Representative Klingler, again, on Amendment #3."

Klingler: "Again, thank you, Mr. Speaker and I apologize for the error. The same two parts that I just mentioned are in the Floor Amendment #3. One is to, in the mastectomy case, these decisions and reconstruction would be performed in accordance with utilization review guidelines consistent with clinical practice guidelines and regarding the cleft palate and facial deformities in children that the surgery should include returning the child to a normal appearance and a definition is given, which indicates that cosmetic surgery is excluded, cosmetic meaning to enhance a normal appearance."

Speaker Brunsvold: "The Lady has asked for the adoption of Floor Amendment #3, and on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, are you sure that you want the word 'utilization and review guidelines' in your Bill? Are you familiar with the utilization review process in Illinois?"

Klingler: "Yes, I am."

Black: "Well, you know who we're of the few states that don't regulate utilization review companies at all. I could go on the Utilization Review Business in Illinois this afternoon, and what... what if you go through this process and the utilization review people say, 'We're not going to

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pay for that.'" "

Klingler: "Well... "

Black: "Or we'll pay \$2.50. That's what utilization review does in Illinois."

Klingler: "I am aware of that, and that could be resolved in this case, and again, my initial Bill felt that this should be a decision of the patient and the treating physician. However, in working with Representatives for the insurance industry wanted to have additional... "

Black: "Well, I... "

Klingler: "... input especially concerned about different standards."

Black: "I could understand why they want it in there because utilization review, which is not regulated in Illinois, you could have a plumber be in the utilization review business and they could say, 'This procedure is worth \$10 and that's all we'll pay.' I really think adding utilization review to this Bill may, in fact, render your Bill meaningless, and I'm in favor of your Bill, absolutely in favor of it. But, I think once you allow utilization review to determine the cost and or the procedure, you may render this Bill impotent, to say the least. This is what Representative Lang and I have been working on for the last four years is trying to get utilization review regulated, to some extent, in the State of Illinois. I'm not about to vote against your Amendment. I'm for the Bill. You may want to work with your Senate sponsor because, I think, if the utilization review language stays in there, that the insurance companies will use it to render the Bill practically meaningless because of the way we fail to regulate UR in this state. They'll simply say 'this procedure does not meet contemporary or geographic cost

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guidelines and we, number one, won't pay, or, number two, will pay \$100' for a procedure that's going to be, obviously, more expensive than that."

Klingler: "Representative, I share your concern, but I just have to move forward, hoping that the insurance industry and the health care... the lobbyists with the insurance are acting in good faith when they said that they were concerned about different standards on the reconstruction."

Black: "... okay... and I appreciate their concern, and I appreciate what you have to do to move your Bill forward. Perhaps, at some date in the future, you and I and Representative Lang and some others could, again, take a look at the lack of regulation and review that exists in Illinois on utilization review companies, and I think that it's something we still need to take a look at, but I stand in support of your Amendment and would be more than willing to work with you and the Senate sponsor to carefully examine why you've had to... why you've been asked to put the utilization review language in there, because my fear is that that may render this Bill somewhat less effective than it could be, but I'm certainly in favor of your Bill."

Klingler: "Well, Representative, at some future point, I would be glad to work with you on the issue of utilization review."

Speaker Brunsvold: "The Lady from Cook, Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Klingler, as you know, in committee, I voted 'present' on this Bill because I had some concerns and my question is, it came up in committee that most insurance companies do this already, and I guess, what I'm trying to find out is, what are you trying to accomplish with this Bill? Isn't it done already?"

Speaker Brunsvold: "The Lady yields."

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Klingler: "Thank you, Representative Lyons. Representative Lyons was referring to testimony from Dr. John Pauly, who is Chief of Reconstructive Surgery at University of Illinois in Chicago and he indicated, regarding the children's portion of the Bill, the facial defects, the cleft palate, that almost 95% of insurance companies, in fact, cover the complete procedure, but he's seen, in the last two years, it's starting to be increasing denials. He said about 5% of the companies that are not covering the complete procedure to return the... not to return, to have a normal appearance. So, this was... the children's part was to really address a very small part of the insurance industry, which is not covering this, but also in the hopes that this denial would not grow."

Lyons, E.: "So, you're addressing that those small numbers that do not do this."

Klingler: "That's correct."

Lyons, E.: "And then the other question I have was, what was defined as normal?"

Klingler: "Representative, normal, we worked on definitions that we got from the American Medical Association indicating... the Amendment states that reconstructive surgery is performed on abnormal structures of the body caused by congenital defects, developmental anomalies, and other things. Reconstructive surgery is generally performed to improve function, but may also done to approximate a normal appearance and then we stated coverage shall not include cosmetic surgery, which is done, under definitions, to reshape normal structures or to improve appearance and self esteem. So, what we did is, we used language to specifically exclude cosmetic surgery designed to enhance or reshape normal structures. It was impossible to find a

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def... a definition for normal for each part of the face but I think, by excluding cosmetic surgery meant to enhance normal appearance, I hope that that takes care of that concern."

Lyons, E.: "And as far as the symmetry in the mastectomy surgery is concerned, is it true that they'll be... now be covered for the non-diseased breast, as well? There'll be coverage... in order to attain symmetry?"

Klingler: "That's correct."

Lyons, E.: "So, they will be required to provide coverage for the non-diseased breast as well as the... "

Klingler: "Right, and again, that is subject to a utilization review procedure, according to specialty guidelines."

Lyons, E.: "Which is what Representative Black had questioned about?"

Klingler: "That's correct."

Lyons, E.: "Thank you."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Lang."

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

Speaker Brunsvold: "The Sponsor yields."

Lang: "Representative, I appreciated the comments of Mr. Black regarding the joint efforts of he and I to work on this issue of utilization review and, of course, also invite you to join us. You talk about utilization review in this Amendment and you discuss utilization review guidelines, which are consistent with clinical practice guidelines, et cetera, et cetera. What does that mean in the context of current law?"

Klingler: "In... this area was... this Bill applies, this section refers to the part on the reconstruction of the non-diseased breast in order to provide symmetry and that... there was concern that this issue needed to be very

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carefully monitored by those in both the medical and the insurance field. And so, that is why this provision was added."

Lang: "But I'm not understanding what utilization review practices you want to use. What are you mandating, in terms of this section of your Amendment for utilization review purposes? What are you saying?"

Klingler: "That decisions on the reconstruction for symmetry, when both the diseased and the non-diseased breast would be subject to reconstruction, that guidelines of the medical specialty society would have to be followed. Again, concerns were expressed at the committee hearing that there may be different standards in Cook County or DuPage County compared to southern Illinois or Sangamon County and that they wanted to get some kind of statewide standards on the reconstruction and symmetry issue."

Lang: "You do acknowledge, though, that, at some point, this General Assembly should be about the business of reviewing the whole utilization review practice in the State of Illinois so that people who are in HMOs and managed care plans, and even in major medical plans, can make sure that decisions that are made relative to claims, are made by an expert, you know, we'd have situations where dentists are making the decisions about foot surgery. I think you would agree that that's inappropriate."

Klingler: "Well, I absolutely agree and I do have a lot of concerns on utilization review, and I think it's important that a person in the appropriate specialty and the appropriate profession be involved, and I would be glad to work with you on that issue."

Lang: "Thank you. I'll support your Amendment."

Speaker Brunsvold: "Any further discussion? Seeing none,

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Representative Klingler to close on the Amendment."

Klingler: "I would urge support for this Amendment which I think, again, addresses two important issues that were raised at the committee hearing."

Speaker Brunsvold: "The question is, 'Shall Floor Amendment #3 be adopted?' All in favor say 'aye'; all opposed say 'no'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 3 of the Calendar appears House Bill 2687, Mr. Saviano. On page 3 of the Calendar appears House Bill 2716, Mr. Mautino. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2716. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 was withdrawn. Floor Amendment #3, offered by Representative Hartke, has been approved for consideration."

Speaker Brunsvold: "Representative Hartke on Amendment #3."

Hartke: "Withdraw Amendment #3."

Speaker Brunsvold: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Mautino, has been approved for consideration."

Speaker Brunsvold: "Representative Mautino, Floor Amendment #4."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 4 embodies the provisions from Representative Hartke's Floor Amendment #3 and it also goes to legislation, which was passed last year and sent on to the Governor. This would allow for private water companies to enter into agreements or contracts with municipalities in the area of disconnects for nonpayment of sewer charges."

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It has due process built into the Bill. I'd be happy to answer any questions. We do have, with Amendment #5 that we're going to place on here, we do have all objections removed from the Bill."

Speaker Brunsvold: "The Gentleman asks for the adoption of Amendment #4, and on that question, is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #4 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments."

Clerk Bolin: "Floor Amendment #5, offered by Representative Mautino, has been approved for consideration."

Speaker Brunsvold: "Representative Mautino."

Mautino: "Thank you. This Amendment would make this Bill affect counties of 250 thousand or less. And I do understand that, with this adoption, we do have one more Amendment to fix part of it that's going to be coming along after that and with six, we'll have an agreed Bill. So, Amendment #5. I'd appreciate your support. Answer any questions you have on the Bill."

Speaker Brunsvold: "Discussion on Amendment #5? Seeing none, the question is, 'Shall Floor Amendment #5 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #5 has been adopted to House Bill 2716. Further Amendments?"

Mautino: "Mr. Speaker, I would ask that the Bill be held on Second Reading if we could get back to that today. We're expecting that Amendment to be brought up rather quickly."

Speaker Brunsvold: "Thank you, Mr. Mautino. On page 3 of the Calendar appears House Bill 2774, Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2774. The Bill has been read a second

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time, previously. Floor Amendment #1 has been adopted. Floor Amendment #2, offered by Representative Younge, has been approved for consideration."

Speaker Brunsvold: "Representative Younge on Floor Amendment #2."

Younge: "Thank you, Mr. Speaker. Floor Amendment #2 becomes the Bill and it would establish the consortium of student advocacy, which will give the State Superintendent of Schools the opportunity to choose a series of superintendents whose schools and districts who have scored poorly on the IGAP tests, and together, they would draw up a plan to put into place corrective incentives to bring the scores up. The plans will include pre-school, pre-kindergarten, kindergarten, enrichment programs, math and science academy, or whatever the group comes up with. The difference in this Amendment and the prior Amendment is that it is more generic covering any situation. Rather than just the districts in... school districts in my district, and I move for the adoption of the Amendment."

Speaker Brunsvold: "The Lady's moved for adoption. Is there any discussion on Amendment #2? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Floor Amendment has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. House Bill 2797, Representative Ronen. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2797. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. On page 4 of the Calendar appears House Bill 2800, Mr. Righter. Out of the record. Representative Wojcik."

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Wojcik: "As I said, Mr. Speaker, today's my day. I'm going against a rule again, but I'd like to introduce our young page here from Schumburg Lippe Germany, Tobias is his name."

Speaker Brunsvold: "Welcome. On page 4 of the Calendar appears House Bill 2842, Mr. Kubik. Mr. Kubik. Out of the record. House Bill 2843, Mr. Scott. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2843. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Brunsvold: "Mr. Scott on Amendment #1."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2843 would allow municipalities to have a code hearing procedure for all but traffic offenses. We have scaled this back... what Amendment #1 does is scale back, dramatically, what we'd originally come in with so that, now, they have to use the hearing procedures that are already set up for building and zoning codes. We also put in a provision that would clearly state that municipalities couldn't do anything other than what was already authorized to them by code. Again, this applies to just non-home rule municipalities and is greatly scaled back from the original Bill and I'd ask the Amendment be approved."

Speaker Brunsvold: "Gentleman's asked for adoption. Is there any discussion? Seeing none, the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #1 to House Bill 2843 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. If there is a computer technician on the floor, would they please report to

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Representative Monique Davis' seat, please? A computer technician is being requested by Representative Monique Davis. Representative Lou Jones, for what reason do you rise?"

Jones, L.: "Thank you, Mr. Speaker. I also need to see the computer technician."

Speaker Brunsvold: "Okay. Representative Jones also needs a technician at her desk, please. On page 4 of the Calendar appears House Bill 2846, Mr. Giglio. Out of the record. On page 4 also appears House Bill 2885, Mr. Mitchell. Representative Mitchell. Out of the record. House Bill 2921, Representative Ronen. Out of the record. House Bill 3016, Mr. Burke. Out of the record. House Bill 3019, Mr. Smith. Out of the record. House Bill 3047, Mr. Durkin. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3047. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Brunsvold: "Mr. Dart on Floor Amendment #2. Mr. Durkin on Mr. Dart's Amendment."

Durkin: "Thank you, Mr. Speaker. Floor Amendment 2 to House Bill 3047 is merely a grammatical change which was spotted in the review process, under the House Bill 3047, which is the Revisory Act, which is the Bill from the Legislative Reference Bureau to clean up and to reenact some of the codes. It does not make any substantive change to the existing law."

Speaker Brunsvold: "Mr. Dart. Are we okay on Amendment #2? Mr. Dart."

Dart: "Yes, that was a very good discussion of my Amendment."

Speaker Brunsvold: "Thank you, Mr. Dart. Appreciate that. Mr.

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Durkin's asked... or Mr. Dart has asked for the adoption of Floor Amendment #2. Is there any discussion? Seeing none, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. On page 4 of the Calendar appears House Bill 3067, Mr. Durkin. Out of the record. On page 5 of the Calendar appears House Bill 3093, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3093. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 3094, Representative Currie. Read the Bill."

Clerk Bolin: "House Bill 3094, the Bill's been read a second time, previously. Amendment #1 lost in committee. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 3128, Mr. Hassert. Mr. Hassert. Out of the record. House Bill 3197, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3197. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 3235, Mr. Schoenberg. Out of the record. House Bill 326... excuse me, Mr. Clerk, House Bill 3273, Mr. Kubik. On the bottom of page 5 appears House Bill 3287, Mr. Hassert. Out of the record. On page 6 of the Calendar appears House Bill 3325, Mr. Hartke. Out of the record. House Bill 3347, Mr. Hoffman. Mr. Hoffman. Out of the record. (sic-House Bill) 3356, Mr. Wait, House Bill... read the Bill, Mr. Clerk."

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Clerk Bolin: "House Bill 3356. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. On page 6 of the Calendar appears House Bill 3375, Mr. Bergman. Out of the record. House Bill 3387, Mr. Pugh. Coy Pugh. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3387. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted. No further Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 3399, Representative Lou Jones. Representative Lou Jones. Out of the record. House Bill 3403, Mr. Hartke. Out of the record. House Bill 3406, Mr. Kubik. Out of the record. House Bill 3431 on page 7 of the Calendar, Representative Zickus. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3431. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Clerk, House Bill 3431, what's the status of that Bill?"

Clerk Bolin: "House Bill 3431 was moved to Third Reading."

Speaker Brunsvold: "Move that Bill back to Second Reading. The Lady indicates there is an Amendment coming. House Bill 3513, Mr. Murphy. Out of the record. House Bill 3518, Representative Gash. Out of the record. House Bill 3519, Mr. Burke. Out of the record. On page 7 of the Calendar appears House Bill 3524, Mr. Hannig. Out of the record. House Bill 3533, Mr. Novak. Out of the record. House Bill 3539, Mr. Woolard. Out of the record. House Bill 3559,

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Mr. Turner. Art Turner. Out of the record. House Bill 3564, Mr. Burke. Out of the record. Page 8 of the Calendar, House Bill 3628, Mr. Granberg. Out of the record. House Bill 3630, Mr. McGuire. Out of the record. House Bill 3632, Mr. Scott. Out of the record. House Bill 3674, Mr. Dart. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 3674. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Brunsvold: "Representative Dart on Floor Amendment #2."

Dart: "Thank you. Floor Amendment #2 was at the suggestion of the Illinois State Police. This Bill is a cleanup Bill to clean up a problem we've had with a Supreme Court case. The State Police asked me if I'd put this Amendment on to make a technical change and I told them I'd be happy to and I'd be happy to answer any questions."

Speaker Brunsvold: "The Gentleman's asked for adoption. Is there any... and on that question, is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor vote 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #2 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. We're going to drop back and pick up a Bill that a Member has requested. Their Amendments are ready. Mr. Clerk, House Bill 3399, Representative Lou Jones."

Clerk Bolin: "House Bill 3399. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 was withdrawn. Floor Amendment #3, offered by Representative Lou Jones, has been approved for

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consideration."

Speaker Brunsvold: "Representative Jones."

Jones, L.: "Thank you, Mr. Speaker, Members of the House. I'd like to withdraw Amendment #3."

Speaker Brunsvold: "The Lady requests that Amendment #3 be withdrawn, and the Amendment has been withdrawn. Amendment num... further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Lou Jones, has been approved for consideration."

Speaker Brunsvold: "Representative Jones on Amendment #4."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. Amendment #4 now becomes the Bill. This Amendment is... was given to me by the Director of the Department of Public Health and they are now not against the Bill. They're in favor of the Bill. What this Amendment does is it allows the Director of Public Health, at his discretion, to allow a person, whose medical specialty is Psychiatry, to serve their volunteer time in a medical deprived area at his choice, anywhere in the State of Illinois."

Speaker Brunsvold: "The Lady's asked for adoption of Floor Amendment #4. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #4 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #4 has been adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. The Chair intends to go back and pick up some Bills that Mr. Saviano has that were... he was in negotiations on another Bill. On page 3 of the Calendar appears House Bill 2687, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. We have... "

Speaker Brunsvold: "Excuse me... excuse me, Mr. Saviano. Mr.

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Clerk, read the Bill."

Clerk Rossi: "House Bill 2687 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Brunsvold: "Mr. Saviano, Floor Amendment #1."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment 1 to House Bill 2687 is the committee Bill from the Registration and Regulation Committee. It's a series of noncontroversial issues, the main one being the creation of the Orthotics and Prosthetics Practice Act, which we've been negotiating over the last two years. I would ask that the Amendment be adopted and we are going to send this over to the Senate where my counterpart, Senator Burzynski, has indicated to me that he will rework this Bill and just to keep these issues moving along. Eventually, if he works it out, it will come back to us and I ask that we adopt Floor Amendment #1 to House Bill 2687."

Speaker Brunsvold: "The Gentleman's asked for adoption of the Amendment. Are there any... is there any... any discussion? Seeing none, the question is, 'Shall Floor Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. House Bill 2688, Mr. Clerk."

Clerk Rossi: "House Bill 2688 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Saviano, on Floor Amendment 2."

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Saviano: "An inquiry to the Clerk. I know there was a Floor Amendment #1 filed by Representative Phelps and myself. Has that been withdrawn yet?"

Speaker Brunsvold: "Mr. Clerk. They're checking right now, Mr. Saviano."

Clerk Rossi: "Floor Amendment #1 is still pending in the Rules Committee."

Saviano: "Very good. I believe Representative Phelps and I would ask that that be withdrawn because we incorporated that Amendment into Amendment #2 and we'd like to proceed with Amendment #2."

Speaker Brunsvold: "Proceed, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor... Floor Amendment #2 to House Bill 2688 has four issues in it. The main issue being the real estate rewrite of their sunset, which is due up next year. We have worked this out. It's an agreed... it's agreed language and we're going to send it over to the Senate. The Senate, presently, has that rewrite on Third Reading. We want to make sure that we have this legislation positioned so we address this sunset this year. Also, there is language in there which addresses Representative Phelps' constituent problem. Also my constituent's problems, as far as, clean up providing windows for some of our... some of our Practice Acts and I would ask that Floor Amendment #2 to House Bill 2688 be adopted."

Speaker Brunsvold: "Is there any discussion on the Motion to adopt Amendment #2? Seeing none, the question is, 'Shall that Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. "

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Speaker Brunsvold: "Third Reading. Mr. Clerk, (sic-House Bill) 2690, House Bill 2690."

Clerk Rossi: "House Bill 2690 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Brunsvold: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 becomes the Bill. This is a noncontroversial cleanup Amendment which removes provisions requiring an applicant for retail license from the State Commission to include, on the application, the document locator number found on the applicant's federal special tax stamp. This takes care of a logistical problem that we've had with the Commission. The Commission is in full support and I would ask that Floor Amendment #1 to House Bill 2690 be adopted."

Speaker Brunsvold: "And on that question, is there any discussion? Seeing none, the question is, 'Shall this Floor Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. House Bill 3063, Mr. Clerk."

Clerk Rossi: "House Bill 3063 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Durkin, has been approved for consideration."

Speaker Brunsvold: "Floor Amendment #3, Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #3 to House Bill 3063 will remove a provision which was previously in the Bill. That provision states that the Speedy Trial Act

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will not be... is suspended based on a Courts' own Motion. I have deleted that from the Act and it will remain as is that... which basically states there has to be an oral or written demand for trial in order to instigate the Speedy Trial Act."

Speaker Brunsvold: "The Gentleman's asked for adoption. Are there questions or any discussion? Seeing none, the question is, 'Shall Floor Amendment #3 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and Floor Amendment 3 has been adopted. Further Amendments."

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 3063, a Bill for an Act amending the Code of Criminal Procedure. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. House Bill 3063 is a Bill which was introduced to counter a very disturbing opinion which was returned from the First District Appellate Court in the case of People vs. Kevin Healey in which a convicted murderer was discharged from the Department of Corrections after being sentenced to 45 years in the Department of Corrections when there was overwhelming evidence of guilt. There was an issue which came up in which the defense counsel raised, at the Appellate stage, that the Speedy Trial Act had been... was enforced and the state did not bring this man to trial within the 120 day period. There was a problem on the court record of whether or not there was a formal demand for trial was made and the court has stated that the acquiescence to the... that the defense attorney gave to a continuance, is tantamount to a demand

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for trial and what I am doing is very simple. I am just stating that, under this Bill, that if a defendant is seeking to demand trial under the Speedy Trial Act, he must make a formal demand on the record. Your either orally or written. I believe what this Bill will do, it will close up one of the most ridiculous loopholes that I've ever seen in my life within the Criminal Code. I'm ready for any questions."

Speaker Brunsvold: "The Gentleman's asked for passage of House Bill 3063. This is final action. On that question, is there any discussion? Seeing none, the question is, 'Shall House Bill 3063 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. On page 7 of the Calendar appears House Bill 3520, Mr. Saviano. Out of the record. On page 8 of the Calendar appears House Bill 3697 and we are back to Second Reading. Mr. Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3697. The Bill has been read a second time, previously. Amendments 1, 2, and 3 have been adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration. A fiscal note and the home rule note that were requested on the Bill have been withdrawn."

Speaker Brunsvold: "Third Reading. On Second Reading appears House Bill 3273, Mr. Kubik. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3273 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Kubik, has been approved for

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consideration."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Kubik on Floor Amendment #2."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the benefit of the Body, Floor Amendment #1 has been withdrawn and Floor Amendment #2 becomes the Bill. This Amendment, essentially does two things, and what it does is, this amends the Freedom of Information Act. It provides that fees... there are two things. One, it provides that fees for copying records shall not exceed the actual cost of reproduction and certification of these fees and secondly, it provides the... that the following information would be... shall be made available for inspection, copying, with respect to arrest and summons records. That's essentially what this Amendment does and I'd be happy to respond to any questions and would appreciate your consideration of Floor Amendment #2."

Speaker Brunsvold: "The Gentleman's asked for adoption of House Amendment #2 and on that question, is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Where's Kubik here? On page 9 of the Calendar appears House Bill 3809. Mr. Clerk."

Clerk Rossi: "House Bill 3809. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

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

Clerk Rossi: "House Bill 3809, a Bill for an Act concerning state purchases and delivery of services. Third Reading of this

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House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this Bill is concerned with the Illinois Purchasing Act. It would provide a major revision in the methods and procedures employed by state agencies in terms of purchases by those state agencies. I would like to run through several of the provisions of the Bill and I would ask the Members to please bear with me because it's going to get to be rather lengthy and somewhat complicated. Number one, the Bill would apply to all executive and legislative branches, including pension systems. That would be a major change. So, the Illinois pension systems, today, function outside the purview of the Purchasing Act. Number two, we would require competitive bidding for any contract over \$10,000. Next, there would be a Procurement Policy Board, which would be required to promulgate binding rules governing purchases by state agencies. The same board would be required to maintain a list of bidders and contractors and publish those in a procurement bulletin. We would provide that there would be prior approval of this policy board before there could be an emergency purchase or a sole source purchase. Next, we would provide for the creation of the office of the Inspector General, who would be responsible for overseeing the compliance with the purchasing regulations. There would be a six year term appointed by the Governor and approved by a super-majority of the Senate. The compensation for this Inspector General would be equal to that of the Auditor General of the State of Illinois. Next, we would provide for public notice, Invitations for bids must be published at least 28 days prior to opening the bids. Contracts must be awarded to

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the lowest responsible bidder, which is not the requirement of the current law. Small purchases, contracts under \$10,000, would be exempt from competitive bidding. It's important to note that, in this Bill, we establish the threshold by law. The threshold today is at the discretion of the agency. Professional services, where it would be less than \$10,000, are exempt, but between \$10,000 and \$50,000, it would be through competitive selection. Over 50,000, by competitive bidding. We would require triple approval of the contracts of over \$100,000, which means there must be three agency officers signing the contract. Construction contracts may not be paid unless the work is certified by an architect or an engineer. In the area of conflicts of interest, we provide that all state officers and employees are prohibited from getting state contracts. It restores the pre-1998 law prohibiting contracts by employees and officers. Today, the only people who are covered by conflict of interest are those who are earning over 60,000... over 60% of the salary of the Governor, therefore, Members of the Legislature, today, are not covered by the conflict of interest provisions. Disclosure of contracts must be disclosed by the state officers and employees. There can be waivers issued by the newly created Procurement Policy Board, this is done by the Governor's office today. Concerning revolving door, we would provide the state employees engaged in a procurement may not have a contract with or lobby their prior agencies for two years, regardless of their length of employment or date of separation, and this would require that contractors are required to retain records for five years following the termination of contracts, rather than the current three year requirement. Mr. Speaker, I'm available for

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questions."

Speaker Brunsvold: "The question is, 'Shall House Bill 3809 pass?' And on that question, is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Are we on Third Reading?"

Speaker Brunsvold: "Third Reading, Sir."

Black: "Did you ring the bell?"

Speaker Brunsvold: "Yes, I did."

Black: "Is this an order... is this a... are we on special order of business? I looked on the Calendar and it would appear that this might be the Order of Speaker Madigan."

Speaker Brunsvold: "Well, the Chair goes back and picks up Members that have not been on the floor."

Black: "As well you should. As well you should. Would the Gentleman yield?"

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative Madigan, oh, look, he's getting the cake. No, they went past him. I'm sorry."

Madigan: "To celebrate my return."

Black: "Just save me a piece, if you would. What's different about this procurement Bill than the one we passed last year and has been signed into law? I mean, obviously, evidently, we didn't go far enough. That's what I hear you saying."

Madigan: "That's correct, and I have a list of differences that I could read through, if you wish me to do that."

Black: "Well, there's... and I... I think you've done a good job of explaining that. I do have a couple of questions. There's one thing I don't understand about your Bill that appeared in last year's law. That is, in last year's law, we have to take the lowest bid, obviously, but with written

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rationale, we would not be bound to take the lowest bid and that would seem reasonable to me, in case of bankruptcy or a very bad track record with a company. And as I understand it, your Bill says we must take the lowest bid, no exceptions. No way to get out of that."

Madigan: "Yeah, that's correct, and I thought that was what we were doing last year. But, I was rather surprised when I finally got a copy of what we did and read through it."

Black: "Okay. But what if the lowest bid is, in fact, very questionable. I mean, exceedingly under any other bid and, in the opinion of those experts, would tell us, 'We don't think the company can do this. They have no track record. They declared bankruptcy in 1988. I would suggest you not accept the lowest bid and go to the next lowest bid.' As I understand it, under your law, we would have no recourse."

Madigan: "Well, the law, the language reads qualified bid."

Black: "Okay."

Madigan: "The language reads qualified bid so, there is opportunity for an agency to disqualify a bid. My view is, then they go and they rebid, again."

Black: "All right. So, we would not be able to take the subsequent lowest bid, under this law, we would have to rebid if there was a question about the low bid not being qualified."

Madigan: "All right, I'm advised that, if there's a determination that someone's not qualified, then you can take the next lowest bid."

Black: "Well then, how is that different from what's already existing law?"

Madigan: "Current law never requires that it be the lowest qualified bidder. Current law. We want to put into law that it has to be the lowest qualified bidder."

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Black: "I think our staff would agree that we might disagree on whether or not that's true, and I trust my staff explicitly. And I noticed that you have a relatively young, inexperienced technical review person there helping you on the Bill. But, I'm sure the young fellow, when he gets a little experience, will... "

Madigan: "He's referencing me to Section 20-15 of the current law, which provides that the agency may use competitive proposals instead of bidding on any contract."

Black: "Well, let's just say that we can agree to disagree on that. Now, what about professional contracts. As I understand your law, rather than a request for proposal, say to hire an attorney, we now have to go out for sealed bids for professional and artistic services?"

Madigan: "We would provide, in the area of professional services, that if the contract were less than \$10,000, it would be exempt as a small purchase."

Black: "Less than 10,000."

Madigan: "For contracts between \$10,000 and \$50,000, we would provide for a competitive selection process."

Black: "Okay."

Madigan: "Over \$50,000, correct, we think there ought to be competitive bidding."

Black: "All right. Representative, we've taken a good look at this and, I think, many of us voted for the Procurement Bill last year, and I imagine many of them will vote for this one, as well, although, we were not sure that some of this is duplicative. However, many of us have focused in and been called by people back in our districts about Article 98, the Human Services Delivery Act, that appears in the Bill on page 85. I don't think that's related to Procurement Code at all and it appears to me that if this

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is, in fact, kept in your Bill, that we might be in the single subject problem again."

Madigan: "Mr. Black, I'm advised by... I'm advised by my counsel that in his, considered legal judgement, this Bill is not violative of the single subject rule. Now, we have several pieces of prior legislation that we could cite you to that were in violation of single subject."

Black: "Me?"

Madigan: "No, I'm simply saying we could reference you to several pieces of earlier legislation that we felt were in violation of single subject."

Black: "Oh... oh... Yes, I've read many of those very interesting court decisions. They're never in the fifth judicial circuit where I live, but their interesting, nonetheless. Well, let's focus on Article 98, the Human Services Delivery Act. This would appear to me to be similar to a Bill that we debated last year that, quite frankly, may very well put nursing homes, long term care facilities, out of business because at one site they had a labor problem and, therefore, the entire chain may be rendered ineligible by licensure for the State of Illinois. Now, the Sponsor of that Bill, last year, assured us that she would make that site specific. If your home in Oakbrook was found to be in labor violation, sanctions could be levied against that home, not against any of the other homes that the corporation may, in fact, operate. And it seems that this is not site specific if, in fact, the owner of a long term care facility, developmentally disabled facility, nursing home has three or more unfair labor practices filed against it in any 24 month period. Then, all of those homes could be in danger of losing the ability to do business with the State of Illinois. I really don't think that's your

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intent. And I... that's why I raised the question, I mean, those of... many of us would like to vote for this Bill, but this one section, Article 98, the Human Services Delivery Act, has some serious ramifications, particularly for downstate communities, who don't have the concentration of homes, that you enjoy in the metropolitan area."

Madigan: "Mr. Black, to relieve your concern, our learned counsel tells me that our intent is to be site specific."

Black: "Would you assure us of that language... we don't find the language in the Bill, and if that would be added in the Senate and made quite clear, we would be much more comfortable with the Bill."

Madigan: "I agree."

Black: "All right. Then that's, you've always been a man of your word, except when you're not here, and then I worry about that. And by the way, Mr. Speaker, you've been very kind to answer the questions. I again, for the record, want you to know that, in your absence, I raised a Parliamentary Point on several occasions when Members of your side of the aisle were moving your Bills all over the Calendar and I don't think they had your permission. They moved some to Second, some to Third, some back to First. I think some were even recommitted to Rules in your absence, Sir. I alone, stood for your rights as the principle Sponsor, so let the record so reflect. With your assurances on Article 98, the Human Services Delivery Act, I have no further questions. And, this does apply to any contract issued by the General Assembly as a Body or either party therein, as well? We're not exempting ourselves?"

Madigan: "Correct."

Black: "Very good. Thank you very much."

Speaker Brunsvold: "Further discussion? The Lady from Cook,

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Representative Currie."

Currie: "A question of the Sponsor."

Speaker Brunsvold: "The Sponsor yields."

Currie: "You may have missed an article in the Sunday Tribune that described some jetsetting activities on the part of the trustees of the Illinois Municipal Retirement Fund and there was concern that the trustees of that particular fund may do a lot more out of country junketing than either other pension trustees in the state or their counterparts in nearby states. It occurred to me that, one of the reasons they enjoy this junketing is because the pension investment groups tend to pick up the tab for the activities in Rome or Tokyo or, Auckland, New Zealand. It's my recollection that, under your Bill, gifts of that kind would not be available to trustees in these pension systems. Is that right?"

Madigan: "Representative, I believe that would be covered by a later Bill... "

Currie: "Oh, okay."

Madigan: "... that I plan to offer shortly."

Currie: "Okay, alright. Thanks."

Madigan: "Representative, this Bill, to the extent that it operates, does function relative to the pension systems. That's the change in this Bill from last year. So, then the Bill last year, there's no application to the pension systems. This particular Bill would apply to the pension systems."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "One of the newer things that's happening in purchasing is that, requests for proposal are being put on the internet. Does your Bill require CMS and other agencies to do that?"

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Madigan: "Yes."

Skinner: "Great."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Schoenberg."

Schoenberg: "Thank you. A question of the Sponsor, will he yield?"

Speaker Brunsvold: "The Sponsor yields."

Schoenberg: "Mr. Speaker, I wanted to ask if there was any difference in the disclosure requirements between this version of your Bill and that which became law in February?"

Madigan: "In the area of conflicts of interest, this Bill would provide that state officers and employees must disclose conflicts to the state, and the prior Bill does not have that requirement. Now in addition... "

Schoenberg: "The..."

Madigan: "I'm sorry. I'm sorry."

Schoenberg: "I'm sorry. I was going to say, there has been some discussion... public discussion subsequent to this law being signed by Governor Edgar in February that the disclosure of partnership agreements and other public financial relationships, that that threshold was... there are those who have said that that threshold was exceedingly high or exceedingly tough. Is that... are those disclosure provisions in this version of your procurement Bill?"

Madigan: "There's no change."

Schoenberg: "There's no change. Thank you. Is there any on the issue of... also on the issue of ethics? The version which became law in February had a delay in the effectiveness for the revolving door. Is there any change in the effectiveness for the revolving door prohibition on people who've been involved with contract transactions and then wish to go into the private sector and work the other side

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of the... work the other side of the transaction?"

Madigan: "This Bill would advance the effective date of that provision to the effective date of the Bill."

Schoenberg: "Is there any change in the provisions relating to state leases, in your version versus what had been previously signed into law in February?"

Madigan: "The answer is, no."

Schoenberg: "The final question that I have is relative to the Independent Policy Board. In my discussions and negotiations with the Senate Sponsor, Mr. Rauschenberger, as well as with the Governor's office, which produced the final product that was signed into law, one of the sticking points in the past had been, as you're aware, that an unwillingness or a fundamental disagreement as to where the ultimate responsibility should lie with respect to where decisions are made and who is accountable. And as such, the Independent Policy Board did not have the support of the Governor's office nor of the State Senate and thus, was not included within that final version of the Bill. Is there... has there been any development subsequent to that, which would lead us to think that there's been a change of heart and that they would be at all supportive of this oversight mechanism?"

Madigan: "I would hope, with the passage of time and an expanding public knowledge of the inadequacy of what was done last year, that we could persuade the Members of the Senate and the Governor's office that they ought to move ahead with the establishment of an Independent Policy Board so the decisions relative to purchasing can be elevated to a level of understanding where we'll get a better quality done by these state agencies."

Schoenberg: "Thank you. Finally, I just wanted to double check."

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Is the Illinois... one of the key concerns that I had during the course of my negotiations with the Senate and with the Governor's office was that the Illinois Toll Highway Authority be included within this sweeping procurement law, as well as the state's colleges and universities. Would that remain the case in this Bill?"

Madigan: "The answer is, yes."

Schoenberg: "Thank you very much."

Speaker Brunsvold: "The Gentleman from DeKalb, Mr. Wirsing."

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

Speaker Brunsvold: "The Sponsor yields."

Wirsing: "Given the fact that we passed a procurement back and is now an Act and trying to wade through that as to see what the effect it has. If this Bill becomes law, how does it interact with what we passed into law last year?"

Madigan: "If this were to become law, you would tighten the procedures. So, the stated intent of last year's law was to bring more accountability into the purchasing system by providing a threshold where there must be competitive bidding, establishing an Independent Policy Board, establishing an Inspector General. Certain of those things just didn't happen last year and I think we ought to acknowledge that some progress was made last year. My view is, this is an opportunity for more progress and to further tighten the procedures so that we don't get a repetition of some of the problems that we all know of that developed over the last few years."

Wirsing: "So, this would supersede or replace in total what we passed last year?"

Madigan: "Not in total, but in part. Replace in part, improve in part, tighten in part."

Wirsing: "Okay. Thank you."

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Speaker Brunsvold: "The Gentleman from Knox, Mr. Moffitt."

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

Speaker Brunsvold: "The Sponsor yields."

Moffitt: "Mr. Speaker, the language that you have in this Bill, with the Human Services Delivery Act, is it identical, that portion of it, is it identical to House Bill 735 from last year as passed out of here?"

Madigan: "Representative, we're not certain. We do believe that it is the same. Now, I had an earlier discussion with Representative Black where I indicated that we would amend this Bill in the Senate to provide that the provisions of that section of the Bill would be site specific."

Moffitt: "Okay, and that... and those things were brought up during debate and the Sponsor, last year, agreed that those would be put in there. One was site specific. Your language does have that it takes the third of conviction, isn't it? It would take the third conviction before a contract would be suspended? Is that correct?"

Madigan: "I don't think I understand your question. Could you restate your question?"

Moffitt: "It has to be... it would be with a third LRB finding within a 24 month period. Is that the way yours reads? This would be an actual finding, not just a charge of a labor violation. Is that correct?"

Madigan: "The answer is finding. Finding."

Moffitt: "Last, Mr. Speaker, one other thing that was agreed on last year that it would be based on graduated, a graduated degree of seriousness, that not every finding would be as serious as another, you know, there are different degrees of seriousness. Are you putting in that it would be based on graduated degree of seriousness as far as the offense?"

Madigan: "I believe the answer there is, no, because the language

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reads that... 'had been found to have committed three or more unfair labor practices during a 24 month period and the three years preceding the effective date of the contractor or grant.' There's no language, that I'm reading, that talks in terms of gradualism, but it does talk in terms of a finding of an unfair labor practice. So, you'd have to have a finding by the appropriate agency that there's been an unfair labor practice."

Moffitt: "Mr. Speaker, Section 98-35 of the Act... could this be then, could this provide for what would, in effect, be that there would be graduated degrees of seriousness. Not every labor violation is as serious, you know, there's different degrees of seriousness.. Would the most minor cause a contract be suspended or a facility shut down, or would it take the most serious, and last year, our intent was, it would have to be the most serious of these."

Madigan: "Representative, on page 88 of the Bill, and line 21, 22, states, 'Nothing herein shall preclude the department from making a finding that the violations were of a technical nature, with only de minimus impact upon the rights guaranteed under the National Labor Relations Act.'"

Moffitt: "Then, Mr. Speaker, that would allow that there could be three or four minor violations and still not have a contract suspended. Is that correct?"

Madigan: "That would appear to be the case."

Moffitt: "Okay. Thank you. I appreciate your response to these questions."

Madigan: "Thank you. Thank you."

Speaker Brunsvold: "The Gentleman from DuPage, Mr. Tom Johnson."

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Johnson, Tom: "Yes, Sir. Speaker, I'm just trying to scroll

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through here. I think you mentioned earlier in your remarks. Would you explain again, how does this apply to professional services, say legal contracts?"

Madigan: "In the area of professional services, we provide that where the contract is less than \$10,000, it would be exempt as a small purchase. If the contract is between \$10,000 and \$50,000 then the agency could use a competitive selection process, which they use today. However, if the contracts over \$50,000 then there must be competitive bidding, and that would apply to law firms, also."

Johnson, Tom: "Okay, can you, maybe, inform me with all your experience here. Do we really enter into legal contracts with law firms for specific amounts, ten thousand, twenty, or is there really more a per diem or hourly? Don't we set hourly rates, not a total amount, and then would this ever kick in?"

Madigan: "My experience is that you get all of those arrangements in legal services contracts. All right, but if you're into a contract where, obviously, you're going to be over \$50,000, it has to be competitively bid. So, what may happen with certain to the agencies, where they get in a major litigation, such as the Department of Children and Family Services, they retained a law firm, they were well over \$50,000, and that could have been competitively bid. The services went on for years and years and there were multiple of thousands of dollars paid out to a law firm in Chicago."

Johnson, Tom: "Well, I guess the only question I have is, wouldn't it be very easy to get around this in terms of just setting up a contract with a law firm, or whatever, and we'll pay you 'x' number of dollars hourly and never specify that it's ten, twenty, and then it never really

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kicks in, even though I might have exceeded 100,000, 200,000."

Madigan: "I think it becomes a factual determination for the agency, which is why we want the Independent Policy Board. So, we know that, over the years, the various state agencies have dealt in shades of gray on these things. There's nobody available to make a determination. This is right. This is wrong. That's one reason why we want the Independent Policy Board, we want the Inspector General to be able to come along and say, 'This was a violation of the Act. It was done deliberately. They knew in advance that they were going to be well over the threshold requirement, therefore, the thing should have been competitively bid, not through the competitive selection process.'"

Johnson, Tom.: "Okay, but you do acknowledge that, in terms of the language of this Bill, it's still very easy to bootstrap yourself into sums, well in excess of what might be required if I had bid a specific sum."

Madigan: "I think what I would acknowledge is that, as always, the members of the permanent bureaucracy will spend innumerable hours conspiring among themselves to advance, what they perceive to be, their cause."

Johnson, Tom: "All right."

Madigan: "And they don't always care what we do here."

Johnson, Tom: "Now, would a special prosecutor fall under, or an independent counsel fall under this type of a Bill. Do we bid that hourly or do we bid that by a total amount?"

Madigan: "It would be covered by the Bill."

Johnson, Tom: "Thank you."

Speaker Brunsvold: "The Gentleman from Adams, Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. First, I would ask that, if this House Bill receives the requisite number of votes, I'm

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joined by required number of colleagues and ask for a Verification of the Roll Call."

Speaker Brunsvold: "It's been acknowledged."

Tenhouse: "Would the Sponsor yield for a question or two."

Speaker Brunsvold: "The Sponsor yields."

Tenhouse: "Speaker Madigan, I was wondering, when we discussed this in committee, we had brought up the fact there was a letter written, I think October 28th of '97, to Senator Durbin raising some questions on the part... it was written by the acting Chief Council of the U.S. Department of Transportation, raising some questions as to this Bill's implications as far as the Illinois Department of Transportation funding dollars are concerned. Could you comment on that, Speaker Madigan?"

Madigan: "Our view is that the federal requirement is that, from time to time, under federal requirement, the Department of Transportation would be at odds with the Illinois Legislation. So, we acknowledge that, following the Supremacy Clause of the Federal Constitution, why we feel that, with our Bill as Illinois law, still DOT would be able to proceed under the federal mandate."

Tenhouse: "Thank you, Mr. Speaker. To the Bill. I just want to... "

Speaker Brunsvold: "Proceed."

Tenhouse: "... allow the Members of the General Assembly to understand what's part of this letter that was written to Senator Durbin from the acting Chief Council, and really, the final summary here but it... our statutory provision requires that, in order to obtain Federal Aid Highway Funds, the state must have a State Highway Department, which shall have adequate powers and be suitably equipped and organized to discharge the duties by the Title 23 of

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our implementing regulations. Really, what it says in our view, the construction related functions, required here, the conflict that the proposed provisions would create with our statutory provision would be eliminated if IDOT were given a blanket delegate of authority. Under... over procurement for federally assisted highway projects, and if the related construction functions, such as regulation and prequalifications, environmental planning, and architectural and engineering services were also delegated to IDOT and our delegations could impair IDOT's ability to carry on our Title 23 responsibilities in a comprehensive manner. The long and short of it is this, for those of us from downstate and all over this state, the implications of this Bill, written by the democratically controlled U.S. Department of Transportation, certainly raise serious doubts as to whether or not we will be able to continue receive federal highway funds. This is a concern that I think needs to be expressed. We'd hoped that this would have been addressed. We raised it in committee. I certainly appreciate the Speaker's comments, but notwithstanding that, I think we have serious reservations as the implications this could have, as far as highway funding. When you fight for highway dollars, and we know the battle that's going on in Washington right now, it's certainly crucial that the Members of the General Assembly don't take action which could have an adverse impact on our ability to be able to gather those federal dollars and use them in our much needed highway programs across the state. I would ask the Members of the General Assembly to vote 'no' or 'present' on this Bill and certainly take another look at it, get your screens up and take a look at this Bill and the implications it could have on your districts."

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Speaker Brunsvold: "The Lady from Cook, Representative Jones. Shirley Jones."

Jones, S.: "Mr. Speaker, I would just like to say to everybody in this chambers that we have two wonderful people, my seatmates back here, Harold Murphy's birthday and Representative Lou Jones' birthday and you are welcome to some cake."

Speaker Brunsvold: "Thank you, Representative Jones. Happy birthday, Mr. Murphy, and Lou Jones, happy birthday. The Lady from Lake, Representative Moore."

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

Speaker Brunsvold: "Sponsor yields."

Moore, A.: "Mr. Speaker, I am very concerned about the artistic services in the provisions that are changed this year over last year. Could you review again, for me, the provisions that relate to the bidding and how that works?"

Madigan: "I missed the first part of your question."

Moore, A.: "I'm concerned about the artistic services. It's my understanding the professional artistic services are changed over the Bill from last year, and how we would engage those services?"

Madigan: "Right, so, in the area of professional and artistic services, if the contract is less than \$10,000, it's exempt from the provisions of this Bill because it would be a small purchase. If the contract is between 10,000 and \$50,000, the agency letting the contract could use competitive selection process."

Moore, A.: "Is that like a request for proposal?"

Madigan: "Correct. However, if the contract is over \$50,000, there must be competitive bidding where the agency is required to take the lowest qualified bid, over \$50,000. The agencies will not like this because the agencies want

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unfettered discretion to spend money after it's appropriated by the General Assembly."

Moore, A.: "Architectural services would fall in this category?"

Madigan: "The answer is, yes."

Moore, A.: "And there's been much discussion about going forward with a Lincoln Library, as an example, and so, you would suggest that those artistic services fall into this category and require bidding?"

Madigan: "The answer is, yes."

Moore, A.: "Have you spoken to your wife about this Bill, Mr. Speaker? I am very worried that, at a point in time where the state is going to go forward with what will be a real... a very important national treasure in the Lincoln Library, that we may provide such a restriction that we may not end up with the best architect. And I think it's unfortunate. We have not actually put something forward to this magnitude in years and years and I would be very disappointed if we could not choose what we think is the best architectural proposal."

Madigan: "Representative, let me say that, if there is a company that wished to do work on a proposed Lincoln Library, then that company's background and qualifications were such, that they could convince the Independent Policy Board, created by this Bill, that it ought to be a sole source purchase, then there'd be a vote at a Independent Policy Board. The five members would be called upon to vote, should this be a sole source purchase. If they voted it, at least three of them, in favor of the sole source purchase, they could proceed with this company that you think would be qualified to do the work. The difference here is whether decisions on the expenditure of multi-million dollar contract is made in the open, before

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an Independent Board, or by an unknown member of the permanent bureaucracy."

Moore, A.: "So, as an example, if, as this happened in some of the major architectural buildings in Chicago, there is some kind of an international contest held and architectural firms submit their proposals and then there is a choice made from that, and that has happened over the years in Chicago, and that's why we are blessed with such beautiful architectural buildings. Would this kind of thing be possible with your Policy Board? Could they then submit what might be a request for proposal on an international competition type situation?"

Madigan: "The only choice would be the ability to vote for a sole source purchase and let me simply say... "

Moore, A.: "But I mean, if they all went forward and submitted their proposals to this Policy Board, could they then say, 'Yes, it's a good idea. We've looked at all these proposals. It should be a sole source bid.'?"

Madigan: "That would be within their authority. Could I add, I certainly hope that you're not referencing the Thompson Building as a great architectural treasure of Chicago."

Moore, A.: "You don't like your office there, Mr. Speaker?"

Madigan: "I'm sure the architect for that project was not selected before an Independent Policy Board, and I moved my office out of that building."

Moore, A.: "Very wise decision. The... but the issue does, does, I think, have merit because of the architectural significance that exists in the City of Chicago. Perhaps we don't always agree on each and every building that might fit that qualification. However, there have been really successful, over the... the Tribune Tower is one example of a classic piece of architecture that was put into a contest

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and did very well."

Madigan: "Now, you understand that this does not apply to a privately developed project. The Tribune Tower, the Wrigley Building, they would not be subject."

Moore, A.: "I do understand that. I understand that completely but, the process can still be the same for a public building if it's going to have some architectural significance. You think that... "

Madigan: "Sometimes... sometimes it does and sometimes it doesn't, alright, so..."

Moore, A.: "They could, actually, though several different proposals could go before the Policy Board that you are suggesting."

Madigan: "Correct."

Moore, A.: "Thank you."

Speaker Brunsvold: "Mr. Madigan to close."

Madigan: "To close, Mr. Speaker, I would simply reiterate, some progress was made last year in the area of purchasing. We now have an opportunity to make more progress, to do a better job, to put more restraints and intelligent restrictions upon the members of the permanent bureaucracy, who are authorizing the expenditures of millions of dollars in the area of purchasing. One of the Representatives, in my judgement, raised a red herring concerning the use of federal highway money. And as I have stated earlier, the members of the permanent bureaucracy don't want this Bill. And they're going to draw up whatever they can think of to try and stop the Bill. I would reference you to page 26 of the Bill, Section 20-90 concerning federal requirements. This is the exact language of the Bill. A state agency, receiving federal funds, like the Department of Transportation, shall have authority to adapt its

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procedures, rules, project statements, et cetera in order to remain eligible for such federal funds. Clear language in the Illinois law, the... if there is a federal mandate, then they can comply with the federal mandate and not be in violation of Illinois law. I would ask for a 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 3809 pass?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Tenhouse, do you persist? He does not persist in his verification. On that question, there are 113 voting 'yes', 2 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hannig in the Chair."

Speaker Hannig: "House Bill 3807, Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3807 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Crotty, for what reason did you wish to rise?"

Crotty: "Thank you, Mr. Speaker. On personal privilege... "

Speaker Hannig: "State your point."

Crotty: "Representative Brosnahan and I would like to introduce to you the band from Findley Junior High. They're up in the galleries here. They'll be playing in the rotunda right after this until 1:00."

Speaker Hannig: "Thank you. Mr. Clerk, read House Bill 3807."

Clerk Rossi: "House Bill 3807, a Bill for an Act concerning governmental ethics. Third Reading of this House Bill."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen. This Bill is concerned with gift giving and it would impose new and

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tighter restrictions on gift giving to employees, appointed officers, and elected officials of the State of Illinois. The gift ban would apply to employees, appointed officers, and elected officials and their spouses and children, and they would be prohibited from soliciting or accepting gifts from certain prohibited donors. Gifts would be defined as any tangible or intangible thing of value including food and beverages. Prohibited donors would be those listed on the lobbyist registration list maintained by the Secretary of State and on a list of vendors, contractors, and bidders, which will be maintained by the newly created Procurement Policy Board. There would be certain exceptions. There would be an exception for intrafamily gifts between spouses, siblings, ancestors, and descendants. Another exception would be certificates, plaques, coffee mugs, paper weights, t-shirts, and similar novelty items valued at less than \$25. The penalties would be as follows: for employees, a minimum fine level would be specified. It would be a business offence punished by a fine of ten times the value of the gift or \$500, whichever is higher. Employees may be subject to discipline including termination and officers may be subject to impeachment or expulsion. The value of the gift accepted must go to the State Treasury. The penalties for donors would be a business offence punishable by a fine of ten times the value of the gift or \$500, whichever is higher. Donors may also be prohibited from doing business with the state for three years. Mr. Speaker, I'm available for questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 3807. Is there any discussion? Representative Black."

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Black: "Yes, thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "Yes, state your point."

Black: "Will we be on this special order of call through the lunch hour so I can make plans, or I mean, this is kind of like Children and Family Law under Lee Preston. Are we going to be on this Order of Madigan for the next hour and a half?"

Speaker Hannig: "Representative, we'll be calling the Bills here on the Calendar."

Black: "... are all of his Bills in numerical order?"

Speaker Hannig: "Representative Poe is bringing chicken. I'll remind you... "

Black: "That's what I'm concerned about, you know."

Speaker Hannig: "... that'll be here shortly."

Black: "Well, all right. Well, will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative, this is very similar to a Bill that we passed last year with an overwhelming majority. Are there any significant changes in your Bill and the one that we passed during the veto session?"

Madigan: "No."

Black: "And I'm not trying to be cute, but will this cut off Legislators from lobbying for a period of how long? If you leave the General Assembly, how long a period must evolve before you can come back and lobby your former colleagues?"

Madigan: "Mr. Black, I'm pleased to tell you that the period would be one year and I'm further pleased to tell you that that is included in this Bill because it was an Amendment offered by Mr. Daniels."

Black: "I wanted to get that on the record. I know that the Amendment is... "

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Madigan: "I know. I could see that in your eyes."

Black: "The Amendment is very near and dear to his heart and it's in a bipartisan way that we're working on this. It's always good to see Speaker Madigan and Representative Daniels working together for good government. Yes. And this would, also, then preclude a Legislator retiring or resigning and being able to secure contract for services, not only from the General Assembly, but from a Constitutional Office holder as well?"

Madigan: "Mr. Black."

Black: "Yes, Sir."

Madigan: "My learned counsel advises that he thinks it's only for the Legislature."

Black: "So, a Legislator could retire or resign and go under a special contract with the Secretary of State or Office of the Governor... "

Madigan: "That's our understanding, yes."

Black: "Now, we may want to look at that at a later time, but I appreciate the work that you and Leader Daniels have put into this Bill. Mr. Speaker, if I might, to the Bill."

Speaker Hannig: "To the Bill."

Black: "The Bill... a very similar Bill has passed this chamber overwhelmingly and I don't think you need to be a rocket scientist to read, listen, watch, see the 23% turnout. I think the lowest turnout in the primary election in the City of Chicago since 1948. There are many, perhaps, reasons for that, but I think the public's sending us a very clear message that business as usual is not going to be tolerated and before we take on all of the problems of the state and or the nation, I think many of the voters are telling us to clean up our own house first and I think, this is a step in doing that. It is a bipartisan Bill, and

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I think it's a Bill whose time, not only has come, but it's probably long overdue, and I urge an 'aye' vote."

Speaker Hannig: "Further discussion? There being none, Speaker Madigan to close."

Madigan: "Mr. Speaker, again, this would ban gifts, except those under \$25,000, (sic-\$25 dollars) and I request a 'yes' vote."

Speaker Hannig: "The question is, 'Shall House Bill 3807 pass?' All in favor vote 'aye'; opposed 'nay'. 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 113 voting 'yes', None voting 'no' and this Bill, having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read House Bill 3808."

Clerk Rossi: "House Bill 3808 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

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

Clerk Rossi: "House Bill 3808, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Hannig: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen. This is concerned with campaign finance reform. It's a rather lengthy Bill, so please bear with me as I read through my explanation. Number one, the Bill is concerned with limitations on contributions. So, therefore, individuals would be restricted to a \$1,500 per election to all committees established on behalf of a candidate. The candidate for any office creates two committees. An individual can only contribute up to \$1,500 to both committees. Corporations and Labor Unions would be

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restricted to \$3,000 per election to all committees established on behalf of a candidate. Political Action Committees would be restricted to \$5,000 per election to all committees established on behalf of the candidate. There would be a single committee limitation and it would limit public officials and candidates to one political committee per office sought. There is an exception for the legislative leaders who would be permitted to maintain one caucus political committee, provided that the combined limitations apply to that leader and the caucus committee. Next, corporations, unions, and associations of individuals that contribute more than \$1,000, the political committees must register and file disclosure reports. Next, it would require the reporting of campaign contributions and expenditures in excess of \$25 rather than \$150. Mr. Speaker, I am somewhat in error and if we could just delete my references to the obligations placed upon corporations, unions and associations, and this Bill is concerned with everything that I spoke to before I reached that point. So, I'm available for questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 3808. And on that question, Representative Shirley Jones."

Jones, S.: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Jones, S.: "Is that \$1,500, is that for primary and general election or is that just for... "

Madigan: "\$1,500 for the primary and \$1,500 for the general election."

Jones, S.: "Okay. Thank you."

Speaker Hannig: "Representative Black."

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

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yield?"

Speaker Hannig: "He indicates he will."

Black: "Representative Madigan, if I read this correctly, if you hold multi-offices, I'm a precinct committeeman, I believe you are, and you may be aspiring to either, even higher office within the party hierarchy. That's a rumor, I'll not give it any credence. If I understand this, each office that one of us would hold could have a committee for that office. Would... is that... and that doesn't seem quite fair to me. If I... I'm a precinct committeeman, if I'm a township trustee, an elected state Representative, and perhaps, aspire to be a central committeeman, then could I not have multi-committees raising money for each office that I hold?"

Madigan: "You could have multiple committees, but the individual could only give \$1,500 to you through all of those committees. So, let's take a person that's got, you know, three committees. Total it all up among the three committees, you can only go up to \$1,500 per individual."

Black: "So, alright, because that was not my understanding. So, the \$1,500 would be the maximum limit for a primary, even if I controlled three committees, precinct committeeman, central committeeman, and elected state official, it still... the dollars are limited regardless of the number of committees."

Madigan: "Right."

Black: "What if... what if in the next election, the House Republicans, and I fully expect this to happen, elect 80 Members. We would have 80 committees. Your side of the aisle would have considerably less. Would that not give us a monetary advantage?"

Madigan: "If that's your view, then fine."

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Black: "Well, it seems like it might be a little unbalanced. I... because then each committee could solicit the maximum amount of dollars. Each individual Member."

Madigan: "From individuals. That's correct."

Black: "All right."

Madigan: "Individuals can make contributions... "

Black: "Right."

Madigan: "... to multiple committees."

Black: "All right now, what does this do to the state party?"

Madigan: "The state party is included within the \$1,500."

Black: "You mean if I... "

Madigan: "So, get to the... if you want to get to the example that you're eventually going to get to, if there happens to be an individual in the State of Illinois, who serves as a Democratic Ward Committeeman in Chicago and is a leader of a Legislative Caucus Committee and happens to become the state party chairman, if that person exists, and you, Mr. Black, wanted to contribute to that person, you could only contribute up to \$1,500 among all three of those committees."

Black: "I'm not sure, but I think I've just been solicited."

Speaker Hannig: "Representative Black, could we pause for a moment while Representative Poe makes an important announcement?"

Black: "Much more important than this repartee, I'm sure."

Speaker Hannig: "Representative Poe."

Poe: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I went hunting last night and I found 75 right winged and left winged chickens. We cooked them this morning, and it's all ready in the hall, and there's a serving line on each end, so you can come in from either end and have lunch. I hope this doesn't disrupt the debate."

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Speaker Hannig: "Thank you, Representative Poe."

Poe: "Are we taking this Bill out of the record?"

Speaker Hannig: "Representative Black."

Madigan: "Mr. Black, did you want to go out and get your food?"

Black: "Well, would... is each chicken going to be a committee or how are we going to handle this? Well, let's continue. What I... what I still am a little confused on, if I want to donate as you just indicated, to the political party, and I give the maximum to the party, am I then prohibited from giving to an individual candidate?"

Madigan: "If the candidate... if the candidate is the head of the party."

Black: "Well, what if I just wanted to give it to the party for building good will?"

Madigan: "And if that individual we've been talking about... "

Black: "Right."

Madigan: "... is the head of the party, the limitation applies to his committees, too."

Black: "I'm trying to figure out if there's a way that we're going to get into this mess with the Federal Government on soft money, and I'm not... I don't know that we are headed in that direction, but I'm sure you don't want to go there. So... "

Madigan: "The answer is, you don't because corporations and labor unions are permitted to make contributions, but under a limitation."

Black: "All right."

Madigan: "The essence of the Bill is to impose limitations."

Black: "All right, well, let's just take the primary, for example because it was widely reported that a labor organization purchased, I believe, \$100,000 worth of air time for commercials for certain Democrat candidate for Governor."

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Now, if this Bill were law, could they still have done that?"

Madigan: "Up to \$5,000 because it was done through their PAC."

Black: "Okay. Okay. So, they would have been, rather than the 100,000 in air time, they would be limited to 5,000."

Madigan: "Yes."

Black: "All right. Now, if they wanted then to turn around to that candidate that they were supporting, could they then give him \$5,000 because they've given 5 to the party for commercials, could they then say, 'Well, now we want to give the maximum amount to our candidate.'"

Madigan: "You're saying that the candidate is not the head of the... "

Black: "No."

Madigan: "... Democratic... "

Black: "No."

Madigan: "... party of Illinois."

Black: "No, using the Democratic primary as an example."

Madigan: "The labor unions could have contributed, under the Bill, \$5,000 to the Democratic Party of Illinois for primary purposes, and \$5,000 to Poshard."

Black: "Okay. Now, the only... this brings to mind something that I know we've seen and many of us have talked about, and it didn't start with Ross Perot, and it's not going to end with the race we just saw. There's no way to make this sound like I'm trying to cover my own rear end, and it's not that at all, but there's a glaring error in this and that is, of course, as the Supreme Court has ruled, if I have unlimited resources, if I want to spend a million dollars to be reelected to the Illinois General Assembly, I can do so. You, on the other hand, if you move to my area, and we'd love to have you, run against me, you are going to

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be limited as to the money you can raise, and I'm not sure if that is inherently fair under our American culture."

Madigan: "Mr. Black, I think you and I are in agreement on this. I disagree with that ruling of the Supreme Court. I think that everybody should be made to live under the limitations, if you're going to have limitations. Everybody should be made to live under the limitations. That's my view and the Supreme Court... "

Black: "Well... and I stand in total agreement with you on that because my fear is, without some redress on the current situation, running for any office could become the exclusive province of those who, through hard work or whatever, have unlimited financial resources."

Madigan: "I agree."

Black: "Well, it's an interesting Bill. Again, I think, while I certainly have some problems with some of the individual aspects of it, it's probably, again, an idea whose time needs to be discussed thoroughly, needs to be debated. I wish the Supreme Court would, perhaps, make the playing field truly level, because as long as an individual can use personal resources, and in this media society in which we live, for those who say television advertising, newspaper advertising, purchased media doesn't make a difference in a campaign. I think many recent elections have shown that that's just not the case. So, I will be interested in any further questions that people have, and I appreciate your willingness to debate and defend this Bill again. And I... assume this is going to pass with a significant number of votes, and over the years, I'm sure we'll visit it again. Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Schoenberg."

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

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a question?"

Speaker Hannig: "He indicates he will."

Schoenberg: "Speaker Madigan, this... this proposal appears to create a process that more, that mirrors the federal process. Is... would you generally agree to that?"

Madigan: "Well, the answer is yes to the extent that we impose the limitations. We don't attempt to deal with the question of soft and hard money."

Schoenberg: "Would this Bill, however, would this Bill not create the concept of soft money as a result of establishing these limitations? It's... under the Federal Election Law, what we've seen is a way to circumvent the limitations of \$1,000 per election cycle per individual and \$5,000 for a corporate or any other Political Action Committee by contributing to issue advocacy. We've seen this abuse perpetrated upon us by both labor unions as well as corporations as well... in addition to single issue groups, whether they are... whether it's the National Rifle Association or the Political Action Committee of Planned Parenthood, would this Bill not create a category of soft money, which would enable any entity of means to circumvent these limitations in the name of issue advocacy or some other amorphous standard which we've seen has been blatantly violated on the federal level."

Madigan: "Mr. Schoenberg, the federal Congress created the problem of soft money because, on the one hand, they said, 'There shall be limitations on contributions,' but on the other hand, they said, 'There will be a different set of limitations if the purposes are somewhat different.' We're not doing that. We're simply saying that there shall be limitations on all committees without regard to whether it's a candidate buying brochures or a candidate paying for

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a radio ad or whether it's an interest group doing issue advocacy. We're simply saying, if you're a political committee on registration with the State Board of Elections, there shall be limitations on contributions imposed upon your committee."

Schoenberg: "I'd certainly agree that there's nothing explicitly in the law... in this Bill which would do that, but it would appear that implicitly, this Bill, as a result of its consequences, would create the animal that's been... the animal known as soft money. It doesn't have to necessarily state what soft money is in this Bill in order to actually make the animal... to make that entity, which would be known as soft money, and it seems to me that soft money is... it seems to me that soft money points out, in the federal system, why dramatic change is necessary. The federal system also features a concept known as independent expenditures. Is there... is there anything in this Bill which would define what independent expenditures are? We've seen, for example, on the federal level that in the congressional race, in this... in the Illinois 13th district, as well as in California's 22nd district, that one way that single issue groups have ingeniously manipulated the Federal Election Law has been to not have any direct contact with a candidate, but we've seen groups circumvent the limi... the \$5,000 PAC limitation and spend anywhere from 50 to 100,000 to more. Is there anything in this Bill that deals... that deals explicitly with prohibiting independent expenditures?"

Madigan: "Again, Representative, the federal Congress has provided for independent expenditures, and Illinois Law prohibits independent expenditures, and there would be no change made to the Illinois Law, pursuant to this Bill."

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Schoenberg: "Thank you."

Speaker Hannig: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Sponsor yield for a couple of questions?"

Speaker Hannig: "He indicates he will."

Kubik: "Representative Madigan, aside from the limits in the Bill, what we're really doing, as I understand it, for the first time, we're bringing corporations, unions and associations... right now, they don't really have to disclose. There's no obligation to disclose political contribution, under the current law. So, one of the aspects of this Bill is to bring them into that system, is that correct?"

Madigan: "Mr. Kubik, that'll be a later Bill, but in the later Bill, we attempt to do that."

Kubik: "So, we track this Bill. My question, the other question is, the limitations, are we talking about, would this include in kind donations as well? Would they be included in the limits?"

Madigan: "The answer is yes."

Kubik: "Okay. What my other question deals with, how did... how did you arrive at these numbers? I mean, what is the methodology of saying that somebody ought to be limited to \$1,500 or a Political Action Committee or union corporation be limited to \$5,000. I mean, what is the thinking behind that?"

Madigan: "We did a very scientific survey of limitations all over the country and the world."

Kubik: "And the world?"

Madigan: "Right, and after several very learned people studied the product of our research, we arrived at these numbers."

Kubik: "Well, it's good to know that we have a global view on

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these things. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Kubik: "I think that this, I realize this Bill's probably going to pass. This kind of a Bill in an election year, is pretty tough to vote against. But I think this really gets down to a philosophical question of whether you believe in limits or whether you believe in disclosure. Let me tell you a little bit about limits. I happen to have been in Washington as an intern in 1973 and '74 when the limitations on political contributions were enacted by the Federal Government, and at that time, a thousand bucks was a lot of money, and it was a huge amount of money in the system, and at that time, it seemed like, well, that's not a bad level to set it at. And of course, at the time the Bill was debated, the questions were, 'Well, what about 20 years from now?' Well, we'll look at that issue 20 years from now. One of the problems with limits is that everything else, the cost of everything else is going up, but we, as a political body, responsive to voters, does anybody really believe in five years or 10 years we're going to move these limits one way or the other? I would suggest that if we pass this Bill and it's signed, I'm going to look back 15 years from now, while I'm in another business, by the way, and see the same limitations that have been enacted by this General Assembly and I... I think there's something wrong with that because campaigns cost money. The bottom line is campaigns cost money, whether it brochures, whether its television, whether its newspaper advertising, whether its direct mail, whether it's all of those sorts of things, campaigns cost money. And I think it's wrong for, and it's probably not popular to say this, but it's wrong for the public to assume that all of these

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expenditures are frozen in time while everything else is going up. So, the cost of campaigns have gone up, but the cost of everything has gone up, and the fact of the matter is, that we, by doing what we're doing today have limited the ability to communicate with voters in the future. Mr. Black raised a very good point. We, in the Republican primary, have just seen a situation where a person of immense wealth has been able to spend a tremendous amount of money to be victorious in a primary. Personally, I don't begrudge that person for spending every dime. Frankly, if I was in his position, I probably wouldn't spend that money. I'd probably be in the Caribbean on a boat enjoying the sunshine right now, but be it as it may, that was his choice and he played by the rules. But, you know what? There's something fundamentally wrong with a situation where somebody who has a huge amount of wealth can spend and spend and spend. Think about this. If this gentleman or any person... I know Representative Black created an imaginary figure of a Legislator or a Legislative Leader, and party leader. Well, let's create an imaginative Senate candidate in the GOP primary who spends say seven, \$8,000,000,000. The individual running against that person, in order to match that ward trust would have to get 70 to 80,000 individuals to contribute a thousand bucks. Now, come on. Are we going to see that? Of course we're not going to see that. The point I'm trying to raise is that the court has spoken, and we are stuck with these rules. So, it seems senseless to me that we're going to impose rules on a certain class of people who don't have money and allow another class of people who have a huge amount of money to run for office and be victorious. That's the problem with limits. Now, let me

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make one other point and then we can move on. I believe, with every bone in my body, that it is up to the voter to decide whether or not the contributions that I accept should be... that they agree with that. Whether they believe that I have accepted a contribution, and they make that judgment at the voting booth as to whether or not I should have accepted that contribution. And I'm talking about, obviously about, legal contributions, Ladies and Gentlemen. But, I think that is part of the process. That's part of the political debate. Who supports who? Who believes in who? And whose support, whether they vote, whether they contribute, whether they walk precincts, whatever they do, that's part of the process, and we should acknowledge that. We should acknowledge that that's part of the process, and we ought to disclose everything and let voters make judgments. So, I think the wise way is to learn from the federal example, which, frankly, is a poor example, and say, 'We want to disclose all we can.' Make sure that voters have that information. Let them make those decisions. Let's not create a system that allows rich people to get elected and creates a whole class of different politician. This Bill is really a decision where you sit philosophically on this issue. And I think it's a fair debate, but I happen to believe that the way to go is to disclose and to allow the political process to work. And I would urge every Member to oppose House Bill 3808."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker."

Speaker Hannig: "He indicates he will."

Mautino: "Speaker, in this... I have a question now to the workings as it relates to multiple office holders. For example, I am also, in addition to State Representative, I

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am County Chairman. Now, with the, the dollar limitations, and I'll use the unions for example, if they contribute a certain amount to the State Party, are they then barred from giving to the County Party if they wanted to support ads, or, you know, either newspaper or media ads?"

Madigan: "Mr. Mautino, let's take you as an example. You're the county chair and I presume you have a Representative Committee also."

Mautino: "Yes."

Madigan: "So, an individual labor PAC could contribute up to \$5,000 combined to both committees. They could give \$2,500 to the Representative Committee and \$2,500 to the County Committee and then they could give an additional 5,000 to the State Democratic Party."

Mautino: "So, they would... they can give their maximum of 5,000 to the State Party and additionally, could divide it between... "

Madigan: "They could put 5,000 into your Representative account or they could put 5,000 into the county account or they could put \$2,500 into the Representative account or \$2,500 into the county account, but the limitation on contributions to Frank Mautino is \$5,000 from the labor PAC."

Mautino: "Now, I noticed in that too. What was the reasoning for the differential, the 5,000 for PAC committees and the 3,000 for the labor?"

Madigan: "If I... if a labor union does not have a PAC, then they're under the \$3,000 limitation, but if they have a PAC, and I think most of them do, they would up to \$5,000."

Speaker Hannig: "Representative Cross."

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

Speaker Hannig: "He indicates he will."

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Cross: "Speaker Madigan, I just have a couple of questions. There's no limitation, if I read this correctly, of family members giving additional amounts of money under your Bill, is there? I mean, if I want to give a candidate the 1,500 my 10 kids, if I had them, could give 1,500 as well. Is that correct?"

Madigan: "If it's really their money, then they operate under the limitations as you do. If you are giving the money to them for the purposes of a contribution, then it would be in violation and that would be a determination to be made by the State Board of Elections."

Cross: "There's nothing in your Bill that outlines that. That is... my sense... or is that just your interpretation because, I mean, there's no... there's nothing that prohibits that."

Madigan: "That's the current law which deals with the contribution in the name of another, which is currently prohibited. That's the Illinois law today."

Cross: "So, an absolute gift from Tom Cross to Tom Cross, his son, would be allowable?"

Madigan: "Gift or contribution? Contribution?"

Cross: "Gift to my son, who in turn, makes the contribution to you, perhaps."

Madigan: "Well, that's a violation. That's a violation."

Cross: "Not under your Bill, but you're saying, under the State Board's rules."

Madigan: "Well, the current state law prohibits contribution in the name of another. The situation you described is in violation of current state law."

Cross: "It seems like you might want to clean that up. Let me ask you, go back to this other issue though that people have started to touch on. I don't see any prohibition in

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the amount, in fact, it looks like there's an outright exemption, in the amount of money a political committee can give to another political committee."

Madigan: "The answer is yes."

Cross: "That there is no limitation."

Madigan: "The answer is yes."

Cross: "One of the biggest criticisms of our process has been, at least since I've been here, is that there's a concentration of power among the four leaders and the state parties. We're not addressing that in this Bill, if I read it correctly."

Madigan: "Well, your first statement is correct. There's no limitation on the amount of money that one committee can give to another committee."

Cross: "So, I'm... "

Madigan: "So, to fully answer your question, my Members routinely bring me down to size, so... "

Cross: "Well, we encourage that and certainly, we'd like to see more of it, but if I'm the Speaker of the House or the President of the Senate and I'm the leader of the state party, I can get all the money I want to through both through those organizations to whatever member I want and there's no limitation, if I read this Bill correctly."

Madigan: "Well, you're correct in your reading of the Bill, and as we have stated, the essence of this Bill is to put limitations upon contributors. That's the essence of the Bill. There may be some among us that want to go further. I would not object to that, but I think this is a reasonable, good first step in terms of bringing some restrictions to the Illinois system."

Cross: "You're not disagreeing then, that we're going to put all the power in the people with the two or three offices, and

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I won't name names, but what are we accomplishing by letting three or four people run the state?"

Madigan: "Well, I don't think that any four people are running this state, but I would just say again."

Cross: "I guess that should be five if I include the Governor, I apologize."

Madigan: "I would just say again, that we don't view this as the ultimate solution to all of the problems. We've said from the beginning, this is a reasonable, sound first step that ought to be taken with plenty of additional steps to be taken down the road."

Cross: "It just seems, and if you're, you know, perhaps, you might want to hold this to do an Amendment, that we should, if we're really going to do this the right way, we should limit the contributions from political committees to other political committees. Put that same limitation of \$1,500 from your political committee to your Members and all around. If that's... if the goal is to limit what's coming in to campaigns. If I'm reading the, you know, the essence of this Bill, we're missing a big step here, and I don't know if you're willing to hold this to do an Amendment."

Madigan: "Well, Mr. Cross, you know, I've advanced this Bill twice before, and my plan would be to call the Bill and ask for a vote on Third Reading... problem for a long time, and I don't necessarily disagree with the things you've been saying, but I repeat again that my view is this is a good, sound first step."

Cross: "Thank you very much."

Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he will."

Mulligan: "Speaker Madigan, if unions are loosely affiliated

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under the AFL-CIO, and the AFL-CIO gives a contribution, can those individual unions also then give a contribution if they have a PAC?"

Madigan: "The limitation would operate on PACs, you're correct, the AFL-CIO has a PAC and then there are individual unions that have PACs and this Bill would provide that all those PACs would be required to operate under the limitation of \$5,000."

Mulligan: "But if that particular PAC or union also contributes to the AFL-CIO PAC, would they then be limited in contributing what they could contribute as individual unions?"

Madigan: "No."

Mulligan: "Would the same... "

Madigan: "The limit, excuse me, they're limited to the \$5,000, but there's no offset. There would not be an offset because of a contribution to the state AFL-CIO."

Mulligan: "But then they won't be deemed to have established a committee if they're operating also in a affiliation with AFL-CIO and then they're own, say, electrical workers or however."

Madigan: "Most of the unions have their own PACs. They have their own structure, and the AF of L has it's structure."

Mulligan: "All right, say National Women's Political Caucus decides to give me money, and Illinois Women's Political Caucus also decides to give me money, but they're loosely affiliated with National Women's Political Caucus or closely affiliated, let's say. Would one only then be able to contribute the maximum amount to me and then the other would not be able to contribute to me?"

Madigan: "The answer to the question would be whether they are on file with the State Board of Elections as political

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committees. Now, what'll happen is, there may be some relationship between two of these committees, but the legal answer is, how are they filed with the State Board of Elections? Have they filed with the State Board of Elections as a political committee? And that's how this Bill would operate."

Mulligan: "So, would they have to be established on the date that this Bill is passed?"

Madigan: "I don't understand your question."

Mulligan: "Well, if National Women's Political Caucus was now established as a state PAC or to contribute statewide and Illinois Women's Political Caucus is now established, they'd be all right, but if one of them wasn't established by the date this Bill was signed, it wouldn't be all right?"

Madigan: "If a group is making contributions in Illinois, the law provides that they must file with the State Board of Elections. That's a requirement. Once they're filed, then they're covered by the law."

Mulligan: "All right. If... staff is trying to tell me, but I have a thought myself, too. Particularly in some of the women's organizations, when you are a local member, you contribute to local and national organizations. If you're contributing to both, and those are the monies that are going into the PACs, would one then be not able to contribute to you because the same group is funding both PACs?"

Madigan: "Again, Representative, if there are two groups that have some relationship and one is a national group and the other is a local group, but they both file their own committees with the State Board of Elections, each group must function under the limitation."

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Mulligan: "What about bundling of checks? If you have a group like EMILY's List or Wish List for Women who bundle and collect checks from individuals for a certain amount of money or any amount of money that the individual deems to give, but under the auspices of collecting them under one group, would this be impacted by your Bill?"

Speaker Madigan: "Well, the Bill would provide that those individuals making contributions be restricted to \$1,500. Now, they may have received a solicitation from personal PAC and having gotten the solicitation from personal PAC, they choose to make a contribution, say, to you. Well, that contribution would be restricted to \$1,500 if it comes from an individual."

Mulligan: "So PACs or major groups such as EMILY's List for Democrat women, if... does \$10,000 for Representative Schakowsky's, say was still here and they collected \$10,000 for her by bundling checks. They could ask for and solicit \$1,500 from each person and still be allowed to bundle her the checks into \$10,000 or without being penalized because the checks would be from individuals, even though they were bundling?"

Madigan: "The answer is yes."

Mulligan: "I'm still, to the Bill."

Speaker Hannig: "To the Bill, Representative."

Mulligan: "I'm sure we'll all vote for this again, but I still think, as an independent, a more independent Member of this Body, that when you give the leaders more control over how much money they're able to give you than the individual Member can raise. When you allow an individual that is personally wealthy to be able to contribute any amount that they want, you are taking a great deal of control away from each individual Member to determine on their own to raise

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money to be able to run for office. And you're certainly putting a great deal of emphasis on the leadership of this Body. They can also control you by just simply saying, 'We're not going to have your Bill called if you're with Manufacturers. We're not going to have your Bill called if it's something that impacts AFL-CIO.' If you contribute to that Member, the control that then goes to the leaders, and is taken away from individuals, is so paramount in this Bill that it's really a shame. And I'm sure we'll all vote for it again, because it can be characterized as not being for good campaign finance reform. But there are just a few simple reforms that we can't seem to implement that this Bill will definitely hurt. The more independent Members will certainly take away any kind of local control that people have over establishing what they want to elect from their local area and give more, more control to the leaders, and I don't think that's fair."

Speaker Hannig: "Representative Smith. Mike Smith."

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

Speaker Hannig: "He indicates he will."

Smith: "Speaker Madigan, I want to follow up on a question from Representative Mautino and clarify for those of us who do serve as Chairman of a County Central Committee. If the limit applies, say, an individual maxes out in a contribution to my campaign committee, are they then prevented from contributing to the central committee's campaign committee, of which, just because I am Chairman, I serve as, on record with the State Board of Elections as the Chairman?"

Madigan: "I believe the answer is yes, Mr. Smith, and let me do it this way. If there is an individual in your area who wishes to contribute to Mike Smith, and he knows that

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you're involved with two committees, one for State Representative and one for County Chair, that individual could only give a total of \$1,500 to both committees. He might give \$500 to the County Committee, \$1,000 to the Representative Committee, but there would be a limitation of \$1,500 from an individual, \$3,000 from a corporation, \$3,000 from a labor union unless the labor union has a PAC, and then the limitation would be \$5,000 for the labor PAC."

Smith: "Thank you, Speaker Madigan. We... there was some confusion about your answer earlier so, we wanted to clarify that. Thank you."

Speaker Hannig: "Representative Tom Johnson."

Johnson, Tom: "Yes. To the Bill."

Speaker Hannig: "To the Bill."

Johnson, Tom: "I don't want to repeat everything that's been said. I think I agree mostly with what Representative Kubik raised in terms of, there are obviously philosophical differences here. The philosophical difference, of course, being between the issue of the value of disclosure versus the battle for campaign limits. As one who has run under both systems, running for Congress once and running under the limit system, and then, of course, running for this House, which is a disclosure, which is a disclosure and in this state is disclosure. I have to say there is no comparison when it comes to being in touch with the voter. I believe that once you move into the limit game, what you are really doing is forcing candidates to either, number one, go to leadership to make sure that leadership tells all the PACs, Skinner is the one to give the money to. Or in the alternative course, the candidate himself or herself to go the PACs. I can get \$5,000 from a PAC. Under this Bill, I can get 3,000 from a corporation, but I can only

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get 1,500 from the citizen in my district. Now, you know, if you want to talk limits, to me, the reverse ought to be true. If we really want to get back to Representative democracy in terms of representing our people, we ought to put a \$5,000 on an individual contribution in my district, and maybe, a 1,500 contribution from a PAC. You know, it's the people that we are sent here to represent. Now, I believe that when we go into these campaign limits, and we hear all this noise about the amount of dollars being spent, be they individual, those wealthy people or whatever, limits also are an incumbents Bill. If you take the recent Senatorial campaign in which an individual spent a vast sum of his own money, which I agree, I wouldn't do. I'd probably go on a yacht, too. I'd rather go fishing. The point is is that he was running against the Comptroller of the State of Illinois, who the taxpayers, quite honestly, have funded that person's campaign now for a number of years because being in office gives us access. It gives us access to the media. It gives us access to get publicity. People know who we are. So, as an incumbent, I don't have, necessarily, the same expense that an upcoming challenger has to make that race. So, in a sense, incumbency is really campaign financing by the taxpayer to the extent that we are incumbents. Now, obviously, I firmly believe that we are on the right track in Illinois and we ought to stay on that track. We ought to expand disclosure. Every one of our voters ought to have a right over the Internet or anything else to take a look at where did I get my dollars? Where did you get your dollars? Now, if my citizen has a problem with that, they, number one, have to have the information, number two, they can ask me to explain that, and they certainly can cast their vote

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against me if they don't like where I might have solicited that money. The final point I want to make is the cost of campaigns are going to continue to skyrocket. When I ran for Congress back in 1983, a Congressman represented 450,000 citizens. Today a Congressman, I believe, represents about 650,000, if I'm not mistaken, somewhere in that range. Now, to communicate with that voter, obviously, is going to cost significantly more as the sizes of our districts increase. If you really want to cut the cost of campaigns, then maybe, you ought to amend the Constitution and you ought to have more Congressmen or you ought to have more Representatives in smaller districts. And you wouldn't have to try to communicate with as many people, and it wouldn't cost as much. But as long as our districts keep increasing in population, and we represent more and more people, the amount of our campaigns will continue to escalate. And this idea that we should not spend the money is really a disservice to the citizens that we serve because, in no way, shape or form, are they going to know who they're voting for if, in fact, I can't communicate with them. So, again, I would hope that we would stay on our course and expand and continue to expand full disclosure to our electorate and the arbitrary thing that we are putting in place here with limits, which sounds great. In the end, I believe is a real disservice to our Democratic system and our Representative form of government for all the citizens that we represent in our districts. Thank you."

Speaker Hannig: "Representative Winters."

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

Speaker Hannig: "He indicates he will."

Winters: "Speaker, I am concerned with two basic problems. If I

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was to give you a check as a contributor of \$1,500, is there anything illegal with me asking you, then, to pass that along to Representative Scott as a favor to me or simply requesting that that be the ultimate dona... or destination?"

Madigan: "If you are disclosed as the true contributor, then it's not illegal, but if the scenario that you're setting out provides that you make a contribution to Mike Madigan and then verbally say to me, 'Give that to Doug Scott,' where I'm the person disclosed as giving the money to Scott, that would be illegal."

Winters: "If there is no direct tie. I'm just making an informal request that you support him. That would be illegal?"

Madigan: "I believe it would be."

Winters: "Okay. That... that, I think, is the one concern is that if we... if there is any possibility of that happening, then you have created a situation where somebody who really wants to support a candidate today might give them 15 or \$20,000, but under the scenario, if it is not exactly explicit in your law that that is not allowed. You will simply find 10 Representatives who don't have significant races in the primary or the general, that they have to spend that money on their own race, send this money out across the state and request that, 'Well, if you like Representative Scott, for instance, could you consider passing that along?' If it's not explicitly prohibited, you have simply served to hide the contributions of major contributors. I think, if it's not in the Bill, I would suggest that that be there because all we're doing is trying to hide those large contributions."

Madigan: "I think it's part of the current law and I think that it does happen. I think there were instances in the last

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primary where contributions were made to Legislators who then passed it along."

Winters: "Sir... "

Madigan: "And I think it's a violation of state law, right now."

Winters: "Are you saying, then, that the contributions from certain leaders in your Caucus that were passed along to Governor... presumed Governor Poshard, might not have been illegal if this was, in fact, the law?"

Madigan: "The answer is no because nobody gave them the money first and then said, 'Pass this along to Poshard.'"

Winters: "Okay. But if, in fact, that had happened, that would have been illegal."

Madigan: "Yes."

Winters: "Okay. Now, are there, there are no contribution limits for the Caucus fund raising apparatus."

Madigan: "That's correct."

Winters: "You can give whatever you want to a candidate."

Madigan: "No, no, there's a limitation on money going in, yes."

Winters: "But, not... if you've collected it from many, many sources and wish to pass it along to one of your candidates, there's no limitation on that."

Madigan: "Going out. There's no limitation going out."

Winters: "Okay. What would apply to another one of the Members of this Assembly who has a large PAC that they have raised from their various sources. Are they then limited to a \$1,500 contribution to one of their fellow caucus members?"

Madigan: "The answer is no."

Winters: "There is no limit. If I am able to convince Representative Churchill that I'm a worthy candidate in desperate need of funds, he could drain his account and put it into mine?"

Madigan: "The answer is yes."

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Winters: "Okay. That answers my questions, thank you very much."

Speaker Hannig: "Representative Skinner."

Skinner: "Would you please define what a labor union is?"

Madigan: "Mr. Skinner, I believe I can give a two part answer. So, part #1 is that, at the State Board of Elections, why entities are on file is labor unions and labor union PACs and then in terms of a definition of a labor union, and I'm not certain about this. I would presume that there would be some definition of a labor union either in the State Labor Relations Law or the Federal Labor Relations Law."

Skinner: "Would each... would each local of a statewide union be considered a separate labor union?"

Madigan: "My answer would be, it depends on how they file as PACs with the State Board of Elections."

Skinner: "Now, let's... let's say the UAW decides to have a, well, I think they do have a separate local for each automobile production plant in the State of Illinois... "

Madigan: "And then they'll have a regional apparatus. And if both file with the State Board of Elections, then there would be separate entities and there would be separate limitations."

Skinner: "But if a corporation, producing cars, had two plants, they would only be able to have one PAC. The labor union could have two PACs if there were two plants, or perhaps, even three PACs if you consider a regional PAC or a state PAC, but the corporation would only be able to have one Political Action Committee. Is that correct?"

Madigan: "Seems to me it depends upon how they established their PACs. So, it's possible that General Motors might have a PAC for a plant somewhere in Illinois and then a second PAC for another plant somewhere in Illinois."

Skinner: "Well, Section C reads, 'No corporation, labor union, or

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association of individuals, however described or organized may establish singly or with others, more than one political committee.' Now, if I take out all the words about unions and political and associations, it reads, 'No corporation may establish, singly or with others, more than one political committee.' That would seem to me, General Motors could only have one political committee, not one political committee per location."

Madigan: "My counsel advises the answer is yes."

Skinner: "Well, then would the answer be the same with regard to unions? Since it's all... they're all members of one national union and there are these little sub-groups. Let me read the sentence with only the word 'labor union' in it. 'No labor union, however described or organized, may establish singly or with others more than one political committee.' Obviously, Mr. Speaker, I'm trying to discover whether there's a level playing field between labor and management."

Madigan: "Mr. Skinner, could you repeat your question?"

Skinner: "Yes, let us look at the sentence in Section C and only concentrate on the subject 'labor union'. 'No labor union, however described or organized, may establish singly or with others, more than one political committee.' Does that mean that the United Auto Workers may only have one political committee the same way General Motors, if it had more than one plant in the State of Illinois, could only have one political committee?"

Madigan: "Mr. Skinner, relative to the unions, the UAW local in Peoria could have a PAC, and the UAW regional office up in Des Plaines could have a PAC. In the case of a corporation, if it's one corporation, one PAC. If the corporation chooses to have subsidiary corporations, they

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could have different PACs, additional PACs. So, General Motors has General Motors Corporation, they have the Chevrolet Corporation. Each could have a PAC."

Skinner: "So, I guess the answer to my question is, maybe there's a level... maybe there's a level playing field."

Madigan: "We're for a level playing field."

Skinner: "Thank you."

Speaker Hannig: "Representative Madigan to close."

Madigan: "Mr. Speaker, I think we've had a very adequate debate. I ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall House Bill 3808 pass?' All in favor vote 'aye'; opposed 'nay'. 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 97 voting 'yes' and 15 voting 'no' and this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Hannig: "Mr. Clerk, read House Bill 3806."

Clerk Rossi: "House Bill 3806, a Bill for an Act concerning campaign reforms. Third Reading of this House Bill."

Speaker Hannig: "Representative Gash. Representative Gash. Representative Gash. Why don't you move to the chair to your right and we'll turn that microphone on for you and have an electrician take a look at that? Okay. Representative Gash."

Gash: "Thank you very much. House Bill 3806 requires corporations, associations and labor unions that spend more than \$1,000 supporting or opposing candidates or public questions to file contribution disclosures with the State Board of Elections. It requires the reporting of campaign contributions and expenditures in excess of \$25. It specifies permitted and prohibited expenses of political

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committees. It requires the disclosures of individual contributors, occupations and employers. It establishes procedures and deadlines for dissolution of political committees, requires funds of dissolved committees to be deposited in the common school fund, prohibits contributions made on state property, mandates that the State Board of Elections provide for mandatory filing of reports electronically for committees that spend more than \$10,000 in the course of a 12-month period and increases criminal penalties for failure to file required reports and establishes fines for contributors who knowingly exceed legal limits. This Bill takes a step to fix something that is, in fact, broken. Campaign finance laws in Illinois are broken and are badly in need of repair. I have with me a report from Illinois Common Cause. The headline of it is, 'Illinois Ranks Last in Nationwide Study of Campaign Limit Laws'. Group urges reform in... and this group is urging reform. As many of you know, I have been working on Bills dealing with banning the personal use of campaign funds for many years. I've talked to citizens throughout Illinois about this repeatedly. When we tell people in Illinois that right now it is completely legal for candidates or elected officials to take campaign contributions and use them to buy a Porsche, build a new home in the suburbs or send their kids to college, the response from people is absolutely the same. They absolutely can't believe this is not already a law, and they're right. It's really unbelievable. There are a lot of things we can be proud of in Illinois. Campaign finance laws are not one of those things. Thirty-seven other states have laws that restrict the use of personal... the personal use of campaign funds. Illinois is one of only thirteen that doesn't. To be dead

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last, according to Common Cause, for campaign reform is not a position we want to be in and this takes a step towards rebuilding people's trust in their elected officials. I'd be happy to take any questions."

Speaker Hannig: "The Lady has moved for passage of House Bill 3806 and on that question, Representative Cross is recognized."

Cross: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Cross: "Representative, you prohibit fund raising within Sangamon County for the times we're in Session. Is that right?"

Gash: "With respect... Representative Daniels actually has an Amendment on the Bill, which would amend the section regarding the scope of the prohibition on fund raisers. And it provides that the fund raiser ban would be limited to candidates for or Members of the General Assembly whose districts are, in fact, located in whole or in part within Sangamon County, and would only apply in April and May. That's in accommodation to Representative Daniels."

Cross: "I can't hear a single thing you're saying. For all I know, you're talking about the dissection of frog Bill."

Speaker Hannig: "Could we have a little order in the chamber, please? Representative Cross."

Gash: "Floor Amendment 2 provides that the fund raiser ban part of this Bill would be limited solely to candidates for or Members of the General Assembly whose districts are, in fact, located in whole or in part within Sangamon County. The ban would also only apply to the months of April and May and that particular Amendment is an accommodation to Representative Daniels."

Cross: "You have a section on here on banning contributions from foreign nationals. Tell us what a foreign national is and

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why this is in here, please."

Gash: "Can you repeat the question?"

Cross: "It's a little crazy in here isn't it? You can't hear. You have a section in here that bans contributions from foreign nationals."

Gash: "Yes."

Cross: "What's a foreign national and why is it in here?"

Gash: "A foreign national is an individual who is neither a United States citizen nor a lawful permanent resident of the United States or a foreign government or political party or any foreign corporation, association, partnership, or other combination of individuals organized under the laws of another country or having its principle place of business in a foreign country."

Cross: "So, why are you prohibiting those people from contributing?"

Gash: "Representative Cross, I can actually not hear you. For all I know you're talking about frog dissection."

Speaker Hannig: "Could we have some order in the chamber, please? We need a little order in the chamber. Representative Cross, could you repeat the question?"

Cross: "Why on earth, Representative, would you want to prohibit foreign nationals from giving money to candidates?"

Gash: "We're incorporating the federal law. We would like to incorporate the federal law here in Illinois."

Cross: "There appears to be in your Bill a ban on personal use of campaign money. Is that correct?"

Gash: "There certainly is. As you probably know, House Bill 135 passed the House last year by a very, very wide margin. I think it had somewhere in the mid-thirties cosponsors, very bipartisan. As you probably know, it unfortunately died in the Senate. When we go across Illinois and talk to people,

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as I said, about the fact that in Illinois candidates for public office can use their campaign funds for absolutely anything, people are shocked. This is something that needs to be changed."

Cross: "Well, I don't happen to do this, Representative, but there are people, I understand, in this chamber that lease their cars with political money. Is that prohibited under your Bill?"

Gash: "A committee can lease a vehicle, if the vehicle will be used primarily for governmental or campaign duties."

Cross: "You know, and I'm sure this... you said this Bill passed earlier, and we often pass Bills where we find out later there are mistakes. And I think... I'm concerned about this section, Representative, because we really don't know where to draw the line on the difference between when I'm in my campaign mode and when I'm not. If I lease a car with my campaign money, and I've been out all afternoon and all day at campaign events and I stop at Jewel on the way home to get a loaf of bread... can you hear me? I'm being entirely serious about this. Because this the kind of Bill that's going to get people indicted because they make mistakes, including every potential Member or every Member in this House. So I stop at Jewel on my way home from this campaign event in my car that I've leased with my campaign money, am I prohibited from stopping at Jewel under your Bill, or do I have to go home and get my other car, go back to Jewel, and then go home."

Gash: "Let me repeat what I just said. A political committee may lease a vehicle if the vehicle will be used primarily for governmental or campaign duties."

Cross: "Well, answer my question instead of reading what you just told me. I mean, this is... I know this all sounds very

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good, Representative... "

Gash: "Would this vehicle be being used primarily for those purposes? I need other facts."

Cross: "I mean, you know, there are a lot of people that argue under the Constitution it says that the state has the primary responsibility to fund education and that's 50%. Is that what we're saying? I mean, how do you define primary?"

Gash: "Can you repeat the question?"

Cross: "Are we going to just keep asking each other to repeat questions or are we going to have some order? This is getting to be ridiculous. Will you define what primary is, Representative?"

Gash: "The ordinarily understood use of the term primary, primarily, mostly."

Cross: "Well, is 51% of the time 'mostly'?"

Gash: "That's a determination that would be made by the State Board of Elections and the IRS."

Cross: "Or... now and this is, I mean, I'm not making light of your Bill, Representative, but it also is a determination made by a state's attorney. So, we're now going into an area of criminal law under your Bill, and I don't think we want to take that lightly. What sounds good in a campaign, versus what we're going to put people up... in terms of scrutiny, is another issue and I think we need a definition of what primary is. And if it means you can stop at the Jewel, then we say that. If it means you can't, then we ought to say that."

Gash: "It would be my understanding, that you could stop at the Jewel if the vehicle was being used primarily for a campaign or governmental duties."

Cross: "Can I use that campaign car to come to Springfield when

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we're in Session?"

Gash: "If you're using the vehicle primarily for governmental or campaign purposes."

Speaker Hannig: "Representative Cross, your five minutes have expired. Would you like to wrap up?"

Cross: "All right, well, now, I'll certainly... I'll stop. I have other questions, but I won't ask anymore. That's fine."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in strong support to House Bill 3806. One of the problems that we have as Legislators and as all elected officials have, is going out into the public and talking about issues when the public has a basic distrust for us in many cases. Some of that distrust has developed because of the campaign finance rules. The feeling that Legislators are too close to special interest. The feeling that Legislators are on the take. The feeling that Legislators only care about how much money they can put in their campaign fund so they can go out and be reelected. Representative Gash has crafted a piece of legislation here that will go a long way toward helping us restore the public's confidence in us as elected officials. And since, for some time, people in our communities have developed a cynicism about people in politics and in government. It is our responsibility, not only to pass good legislation that corrects flaws in the law, but it's also our responsibility to restore that public trust in us. This Bill, I think, will take a major step forward in doing that and I would recommend your 'aye' votes."

Speaker Hannig: "Representative Black."

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

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yield?"

Speaker Hannig: "She indicates she will."

Black: "Representative, I don't have any problem with your Bill except on what Representative Cross has been trying to get to, and that is I think the heart and soul and the only issue in this Bill, and that is limiting or prohibiting the personal use of campaign funds. There is no clear, concise, definition of personal use in the Bill. It says what you can and can't use things for. Who is going to define what is the personal use of campaign funds?"

Gash: "Representative Black, this is the same discussion that we had last year. The Bill delineates what appropriate uses for political committee funds are and specifies the uses to which the funds may be put. It specifically says that funds can be used for the following purposes: defraying the ordinary and necessary expenditures of a public official, legal transfers to any national, state or local political committee, exempt or deductible expenditures under Section 527 of the Internal Revenue Code, and donations to organizations described in Section 170-c of the Internal Revenue Code."

Black: "Well, Representative, not much has changed in a year. It's the same answer you gave me last year."

Gash: "Yes, it is."

Black: "What you're, if effect saying is that a Grand Jury and a State's Attorney will make the determination of what personal use of campaign funds are and I would not say that anybody in this chamber would intentionally violate the spirit of your law, but the problem is, it's so unclear. We're not going to know what the intent is until we find we're indicted, and I think that's an inherent weakness of this law. The law... take that out, and this law is fine."

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I don't have any problem with it, but I'm going to tell you something. Your district and mine are different. How many grand champion hogs have you purchased at a county fair?"

Gash: "Pigs aren't kosher."

Black: "I remember Ellis Levin telling me that years ago when I was arguing about nitrates in bacon."

Gash: "Representative. Representative."

Black: "... but anyway. Here's the difference, you don't buy grand champion steers. You don't buy a grand champion goat. I go to every county fair in my district and I end up buying the grand champion chicken or the grand champion goat. In fact, where do you think Representative Poe got the chickens he fried up? He bought them at the county fair last year. Your Bill specifically says I cannot spend campaign money in excess of fair market value. I'll guarantee you I paid \$220 for a grand champion rabbit and I don't think that's fair market value for a rabbit."

Gash: "With all due respect, wasn't that a donation?"

Black: "Now, that's a legitimate campaign expense for a rural Legislator. Simple 'yes' or 'no'."

Gash: "Are you telling me that wasn't a donation, the excess of that?"

Black: "I don't believe they're an exempt organization under Section 512-12, paragraph 3, 4C, little d, big KC that your Bill references."

Gash: "I believe they may be. Representative Black, I actually do understand your concerns. I think that we have addressed them adequately. I appreciated your 'yes' vote last year and I would appreciate your 'yes' vote this year."

Black: "Well, Representative, when you've been here as many years as I have, I served with Abraham Lincoln."

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Gash: "Actually, that's not true."

Black: "All right, and I'll probably vote again this year, but I would have hoped that over the year that you've worked on this Bill, you could have clearly delineated the personal use of campaign funds. We are asked, as Legislators, more so downstate, I think, than upstate, to buy tickets to everything under the sun. I am invited to things I was never invited to until I was elected to the State Legislature, and if I say, 'No, I don't want to buy tickets to the washtub symphony,' then I am a no good political bum, so you end up buying things that you never even heard of. Take the names down of those that are applauding. I don't quar... "

Gash: "You don't want me to comment on that."

Black: "... I don't quarrel with the intent of your Bill, but all of us who vote for this, mark my word. I'll bring my remarks to a close, Mr. Speaker. The definition of personal use of campaign funds is not clear. I think we can all agree we should not be buying our clothes, we should not be paying our personal mortgage or the rent on a condo in Florida. That's outrageous. All the things that we've read about over the years. We all agree with that, but those little details that many of us, depending on the geography of where we live, go to county fairs, asked to buy ads in every conceivable community program booklet that you can imagine. Those are gray areas. Those are gray areas. We do it because it does build goodwill. I think it's a legitimate use of campaign funds. Your Bill does not make that clear and I would hate to see anybody in this chamber be indicted because they bought a \$100 ad to some drama group putting on a play in their neighborhood and they don't qualify as a tax-exempt organization. I would

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hope you'd continue to work on the Bill in the Senate because I really think that the weakness of the Bill is a clear delineation of what we would all agree is an outrageous personal use, some of the things that have gone on, and those personal uses that may, in fact, be necessary for the goodwill and/or the political future that we have in each of our own districts. So, I appreciate the work you've done, but I still think that's the inherent weakness and maybe you could work on it in the Senate. Thank you, Mr. Speaker."

Gash: "Representative, some of the examples... "

Speaker Hannig: "Representative Skinner. Representative Skinner."

Skinner: "I have three lines of questioning. Number one, does this Bill have anything to do with... does this Bill prohibit solicitation of campaign funds on state property?"

Gash: "Yes, Sir."

Skinner: "Where?"

Gash: "Well, any state property."

Skinner: "No, no, no. Where in the Bill? What page and what line?"

Gash: "Are you saying where in the sense of like, what state property, or where in the Bill does it do that?"

Skinner: "Where in the Bill?"

Gash: "Page 6, line 21, Section 9-8.15."

Skinner: "This is the orig... this is the original Bill, right?"

Gash: "Yes."

Skinner: "Okay, well, unfortunately, our machine won't go from Amendments to original Bills without exiting, so you'll have to give me a little time, here, and I can't get it to exit... oh, here we go. Are we getting new laptops soon? I assume the contract will be competitively bid? What

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line is it on? What page is is on?"

Gash: "Page 6, line 21, Section 9-8.15."

Skinner: "Wait, wait. You're too fast for me, as usual. Page 6,
line 21... "

Gash: "Page 6. Are you at page 6?"

Skinner: "Yes."

Gash: "Line 21. Do you need help?"

Skinner: "In the worst way. Contributions made on state property
shall not be solicited. All right, so that means, even if
you put a private telephone in your office, you couldn't
make a phone call asking for contributions, right? And you
surely wouldn't do it from a public telephone that the
state's paying for, right? So, the same rule... "

Gash: "That is right."

Skinner: "... the... how about a cell phone, if you're on state
property? I mean, the Representative behind you is holding
up a cell phone indicating that he thinks he can solicit
from his cell phone from the House floor. I won't name
your name, Representative, don't worry."

Gash: "You're right. That would be prohibited."

Skinner: "All right, so, we're basically accepting the federal
rules."

Gash: "Yes, Sir."

Skinner: "Okay, electronic filing. You have effectively said,
anyone with a contested race has to file electronically.
Now, for those of us that are electronic dinosaurs, and
although we do have computers, we're not on the internet,
does that mean we're going to have to jump into a new era?
E R A."

Gash: "A political committee that spends, or raises more than
\$10,000 in a 12-year period would have to file
electronically."

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Skinner: "I mean, putting it on a disk and... putting it on a disk and mailing it overnight to the State Board of Elections wouldn't be good enough?"

Gash: "I'm sorry, what?"

Skinner: "Putting it on a disk and mailing it overnight to the State Board of Elections wouldn't be good enough?"

Gash: "I'm not real computer literate, either. The rules will be promulgated by the State Board."

Skinner: "Well, that's pretty scary. We've had the Speaker say he doesn't s... he doesn't trust the Department and State Bureaucrats. Don't you think we should put it in the record what your intent is? I mean, I'd be happy to have you... "

Gash: "The intent... the intent is that reports would have to be filed electronically."

Skinner: "Well, does that mean over a telephone wire? Over a satellite hookup? Telepathically? Or can we put an electronic image on a disk and then send the disk overnight, so we wouldn't have to upgrade all of our software? Would that be acceptable?"

Gash: "It would be up to the State Board, but with my computer knowledge, also, the intent would be for this to be on the Internet, to get it onto the Internet, and that would be okay with me."

Skinner: "Oh, you mean I can't put it on a disk and send it by express mail?"

Gash: "Yes, you... I'm saying you could do that."

Skinner: "That would not be using the Internet."

Gash: "That would be on a... in a format that would be able... they would be able to then quickly put it onto that."

Skinner: "Fine."

Gash: "That's okay with me."

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Skinner: "Bless you. Dissolution of a Political Action Committee. As you may, or may not know, when I was in the General Assembly decades ago and left the General Assembly, I did not dissolve my Political Action Committee, and that's why I am back here today. And what I... what I... have you saying here in this Bill is that you don't think any of your colleagues, who happen to lose and stay out of office 12 years ought to be able to take their money, invest it in the stock market, and if the stock market goes up have enough money to run for State Representative again 12 years from now. Is that correct?"

Gash: "It is correct that this Bill would require all public officials who leave office, due to retirement or defeat, within one year, to close their political committees and to surrender any remaining funds."

Skinner: "Well, it would seem to me that, in that one year, the candidate in question could transfer his funds to another Political Action Committee that might be aimed at fighting referendums to raise taxes."

Gash: "Can you repeat that? I'm sorry, I can't hear you."

Skinner: "If someone like, if someone lost an election, and had money left in his or her Political Action Committee, I believe that person could legally... "

Gash: "Representative Skinner, can you say that again?"

Skinner: "Could legally transfer the money to another Political Action Committee within that year. Correct?"

Gash: "Yeah."

Skinner: "Oh, okay... "

Gash: "Yes."

Skinner: "... well then this is a meaningless restriction. Thank you."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "She indicates she will."

Fritchey: "We were sitting over here talking. We've got a few questions I'd like to ask. There's been a provision added in here making it mandatory that the State Board of Elections shall fine an individual up to \$5,000 for an incomplete filing. There's no requirements, since this is a civil penalty, that there would be a knowingly incomplete filing. What I'm wondering about is, is it really your intention that if somebody happens to omit a \$20 expenditure, or a \$20 receipt, that they would be subject to be fined up to \$5,000, that they would be required to be fined some amount, but up to \$5,000?"

Gash: "Could you repeat your question?"

Fritchey: "The question is, this Bill would require a mandatory penalty. Somebody would be found to be, would have to be found to be in violation and would have to be subject to a fine by the State Board of Elections, even if they omitted innocently an \$8 expenditure at the copying store for campaign flyers. There is no longer any discretion. If there was an incom... if there was an incomplete filing, okay, let's make it \$26, if it's over the threshold, if there is an incomplete filing, they have to be fined. Mr. Speaker, I'll trust that her time in deliberating the answer is not going to be counted against my time."

Speaker Hannig: "Representative, you have 5 minutes and it's ticking away."

Fritchey: "All I want is my 5 minutes. If she's going to use four and a half of it to get an answer to my questions... "

Gash: "This has to do with reports, not with respect to what you're talking about."

Fritchey: "Correct, with respect to filing the report, if

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somebody innocently makes an omission or a mistake on their report, no matter how... "

Gash: "This... this doesn't require that... "

Fritchey: "... no matter how... can I finish my question? No matter how minor, they are required to be fined under this Bill. Is that correct? You add a... let me read to you. There's just one statement. There's just one sentence added in that paragraph. It says, 'The Board shall assess a civil penalty, not to exceed \$5,000 for violation of this subsection.'"

Gash: "If you fail to file your report, then you shall be fined, not necessarily \$5,000... "

Fritchey: "You shall be fined a... shall be on your record that you were found in violation, that you were fined by the Board, regardless of the minutia."

Gash: "Correct."

Fritchey: "... of the omission. Is that correct?"

Gash: "If no... if you fail to file."

Fritchey: "If you file an incomplete statement. Subsection B says... subsection B say... and such reports shall be complete. If you file an incomplete report you're subject to a fine. Next question. With respect to disclosing your employer, I understand the purpose, I understand the purpose of disclosure of your employer, was there any thought given, is there any concern that an individual who gives money to a candidate, and that individual's employer may strongly favor that candidate's opponent, that that individual may be subject to retribution from their employer by having to disclose this."

Gash: "I understand your concern, and that was one of the issues that was addressed last year in dealing with this type of issue. Obviously, I feel that the benefit outweighs that

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concern, by far."

Fritchey: "So, if somebodies subject to retribution by their employer, because of... because they want to support their political candidate of their choice, that's the price you pay in this Bill?"

Gash: "You are aware they have to disclose their name at this time?"

Fritchey: "Correct. But, if I... "

Gash: "This requires them... "

Fritchey: "If somebody sees Joe Smith's name, they may not know that Joe Smith works for XYZ Insurance Company, and they won't know to go to XYZ to go to the employer and yell at them."

Gash: "It certainly already an issue, but this provides more information for people and... "

Fritchey: "I read this Bill to prohibits travel expenses outside Illinois unless it's for political or governmental duty."

Gash: "Repeat that."

Fritchey: "The Bill would prohibit travel expenses outside Illinois unless the expenses were for political or governmental duties."

Gash: "Right."

Fritchey: "Would attending a seminar be a duty of office?"

Gash: "Yes."

Fritchey: "That's a... that's a requirement of office?"

Gash: "It depends on the circumstances. It could very well be."

Fritchey: "National Conferences of State Legislators has a seminar every year, as you're aware."

Gash: "It could very well be."

Fritchey: "It could be. Who would determine whether or not that's a duty? We're not required to go to this seminar. It is not an obligation, it's not a duty of the office."

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This does not say, 'for discretionary functions'. It is for a duty of the office, something that you are required to do. I think the right answer would be that either, you could not use campaign funds to attend an out of state seminar, or you're going to take the position that an out of state seminar is, in fact, a duty of office, in which case, we should all be at every one of these seminars."

Speaker Hannig: "Representative Mulligan. Excuse me, Representative Fritchey, have you concluded your remarks?"

Fritchey: "I'm still waiting on a couple of answers, Speaker, thank you."

Speaker Hannig: "Okay, well, your time has expired, but why don't we have Representative Gash finish answering the question? Then we'll go to Representative Mulligan."

Gash: "The State Board of Elections would have the ability to investigate. When in doubt, don't use your campaign funds for something that you don't consider a duty of political office."

Speaker Hannig: "Representative Fritchey, did you have a... would you like to conclude your remarks?"

Fritchey: "I just want to make sure that what you're saying... you're saying that attending the NCSL Conference would potentially subject you to investigation by the State Board of Elections if you pay for that conference with campaign funds?"

Gash: "I think that's an absurd outcome that the State Board of Elections would determine that, if it was nec... I think that you could make..."

Fritchey: "But you would be subject to an investigation under this Bill."

Gash: "Well, you'd be subject to an investigation, and you are, for anything. But, we're talking about delineated thing

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that would be prohibited and things that would be allowed."

Fritchey: "Would you concede that 'duties' might not be the best language to use in there, it might be, maybe it should be clarified when this goes over the Senate?"

Gash: "I think it's clear what 'duties' means."

Fritchey: "Then why would there be a requirement for an investigation, if it's clear? I have no further questions, Speaker."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "She indicates she will."

Mulligan: "Representative, if I read your Bill correctly, it looks like I can no longer join the Chamber of Commerce with my campaign funds. Is that correct?"

Gash: "Why do you read it that way?"

Mulligan: "Because, you're saying that it'd have to be federally deductible, and I don't think all Chamber of Commerces are considered not-for-profit or a charitable organization, and if you're a Representative that represents a great number of towns, that may be a great number of Chamber of Commerces that you'd like to belong to, to support them and hear their issues."

Gash: "Representative Mulligan, it is my understanding that campaign funds would be able to be used for campaign purposes, and I consider that a campaign purpose."

Mulligan: "But on page 3, I'd say, Section 9810.a, specifically makes the distinction that they would have to be deducted... be able to be deducted on your federal income tax, and that would make them deductible or to be able to be used for out of campaign funds. Now, you know, I don't want to find out, after doing this, when someone brings me up before the State Board of Elections, that I've done

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something wrong, and they usually wait until about three weeks before the end of a campaign to do it. I think it's very unclear. Maybe she should take it out of the record so she could... until she can answer these questions. You know, quite frankly, we're spending more time having them look up the answers than we are getting them, and at some point, we need to move on to other Bills."

Gash: "Representative Mulligan, either way, since it is... the Bill delineates that defraying the ordinary and necessary expenditures of a public official is legitimate use of campaign funds, and if you determine that that's an appropriate use of your campaign funds, this Bill would be okay with that."

Mulligan: "All right, let's move on to mandatory electronic filing. Are you prepared to have the State Board give everyone that is running for office that plans on spending \$10,000 a program with which to file?"

Gash: "As we said, the State Board of Elections will promulgate rules on that. We would expect them to determine."

Mulligan: "Actually, they'll come back to us in order to have that expenditure. That's how... "

Gash: "That may be."

Mulligan: "I would think that you could not do that without offering to give that software to the people that would need to file."

Gash: "I think that's a good idea."

Mulligan: "On dissolution of political committees within a year, don't you think that's an incumbency protection program? Don't you think that's rather a short length of time, basically, and that that's a pretty hard thing for a candidate to do, particularly someone that may be planning on taking another shot at it?"

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Gash: "I think it's a complicated issue, and we've worked for a very long time to come to a determination of what is the best way to handle this. And I think that the equities weigh in in such a way that, the benefits outweigh any of the potential disadvantages of that."

Mulligan: "I don't find any benefits, and even though we've talked about this for several years, I don't... I didn't find too many Representatives on the House floor that thought this was a good idea. They may have voted for your Bill because they felt the pressure to vote for a campaign finance reform Bill, but one year is not a very long time if you're planning on running again, and I would suggest to you that that's a very bad provision of your Bill."

Gash: "I would disagree vehemently."

Mulligan: "Well, I think it certainly is. To the Bill. Once again, I think we have additional problems here with someone that is probably quite sincerely trying to show that she's looking at campaign finance reform, but I think there are many questions, more questions unanswered by this Bill, than there are, that specifically are answered. And I do think that it, in the area of being in favor of an incumbent, if you have to dissolve your committee, not being able to give out electronic filing, or having that determination made, particularly for a challenger, who might be planning on spending \$10,000, which, now days, is maybe a mailing. You have to be able to be able to file right away. There's also other provisions in this Bill that say that you have to file within 15 days after an election. If you're updating on a computer all the time, why would you have to file a conglomerate report in 15 days after the end of election cycle? I think there are a lot of unanswered questions in this Bill, even though we seem

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to want to show how much in favor we are of campaign finance reform, we're actually opening up more questions than we're answering here."

Speaker Hannig: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Hannig: "She indicates she will."

Kubik: "Representative, I have a couple of questions. With respect to the closing of committees, when does that actually occur? I mean, I don't have the language in front of me, but when you, you say that a person can no longer... a year after a person leaves office, they have to close their committee."

Gash: "Right."

Kubik: "So, let's take, for example, a Member of the General Assembly. When does that actually, for legislative intent, because I'm not sure that it's very well defined in the Bill, what day is that? Is that the day after the election? Is that the day before you're inaugurated? What day is that?"

Gash: "Within a year of your not being in office."

Kubik: "But what... when... what day is that? If I'm not in office... "

Gash: "I suppose that would be when your replacement is sworn in."

Kubik: "... then what day?"

Gash: "I would think that would be when your replacement is sworn in."

Kubik: "When my replacement is sworn in. So that, hypothetically, hypothetically, let's just say that the new Legislature is sworn in on January 4th."

Gash: "Right. Okay."

Kubik: "And I leave office on January 3rd. You know, midnight

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January 3rd because my replacement is sworn in... okay. Suppose, I decide, just taking from a standpoint of me, suppose I decide, I want to return to this madness after two years. I have to file for election."

Gash: "Right."

Kubik: "But I don't file... so, I would have to... I could still use my committee. My committee could still be enforced when I refile for election because that would happen in December, correct?"

Gash: "That's definitely true."

Kubik: "Okay. If we changed the filing dates, you know, I think that's something we ought to make sure that we understand because I think one election cycle... I should be able to make a decision within one election cycle, not necessarily one year, and I, frankly, think that's a weakness of your Bill, but I think it should be one election cycle."

Gash: "As you do understand, there are people who felt that one year is too long, that it should be six months, that it should be three months. Some people felt that it should be much longer."

Kubik: "I understand that. I disagree with that, but I understand that. The other question... "

Gash: "What do you feel it should be?"

Kubik: "I think it should be an election cycle, frankly, because I think that if somebody loses, and they have \$5,000 in their account, I don't think they ought to have to turn it over. They may, they may have lost by twelve votes, and they may feel that they need to run again, and if we change the filing dates, somewhere along the line, they would not be entitled to do that. So, that's something I'd keep in mind. Second point I'd make is, in the section regarding solicitation of campaign funds. I personally, I have no

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problem with the issue of accepting on state property. I think that clearly should be outlawed. Giving you a hypothetical; I'm in my home. I've got a fund raiser in a week. I call up a group of people and say, 'I'd like you to... I'd like you to contribute to my campaign.' They're not available at the time. I'm in Session the following week. They return the phone call except they call my state office, and they say, 'Jack, I want you to know that I got your call. Blah, blah, blah.' Am I in violation of the law?"

Gash: "I think you would say, 'Mr. Smith, thank you very much for calling. I will call you back later.'"

Kubik: "So, in other words, then I've got to wait a week and go home, and call them from home? Okay. That's... you know, again, Representative, I think that it's absolutely wrong for us to accept contributions on state property. I think if you have a political line, that's a little bit different. I think they, you know, I think, again, that's a weakness in the Bill, and frankly, I don't think it's a very good portion of the Bill. The last issue I would raise is with personal use, and I realize I'm running out of time, but if I could... I think some of the problems... some of the problems with personal use are as Representative Mulligan and others have described. The definitions are so important, and frankly, I think that's another weakness in the Bill, because I think that one's duties, under the law, are different than one's political duties, and I think, frankly, that's, again, that's a weakness. One last question, and Mr. Speaker, could I have one more minute? On the reporting requirements, is there any is there any requirement for somebody who makes an individual contribution to file with the State Board of

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Elections? Suppose I'm a, suppose I'm a wealthy individual who writes a personal check to you of \$10,000, for whatever reason, I write a personal check to you for your campaign fund. You seem pretty happy about that, but so, I do that. Am I under obligation to file with the State Board of Elections, as an individual. This is not a corporate check, this out of my funds."

Gash: "It depends on whether you're a political committee."

Kubik: "I'm not a political committee, I'm a citizen who writes a check. I'm waiting with bated breath for your answer."

Gash: "I said, no."

Kubik: "No. Okay. Okay."

Gash: "Yeah. I'm sorry."

Kubik: "Mr. Speaker, just to close my remarks. Again, I think there are some good parts to this Bill, and I do believe that there are some important issues raised in this Bill, and I think there are some good parts. Frankly, however, I think that the language makes all the difference in the world, and I think the language in this Bill leaves so much to interpretation, you know, that it is a flawed Bill and it should be defeated."

Speaker Hannig: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Durkin: "Representative, once again, going back to the section of which refers to contributions made on state property. I lease a district office back in my district. It comes out of my district office expense. Under the law, that is state property. If my father comes over, and he says 'Jim, here's some money from the fund raiser.' Do I have to tell them hop outside five feet away from my office so he can give me the check?"

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Gash: "In a scenario like that, I'd take people outside of my office. I perceive that to be state property."

Durkin: "So I have to tell my friends and my family, if they want to come over or my district, if they want to give me money then, we're going to have to step outside where they can hand me the check like this, and then we're going to go back inside and talk, correct?"

Gash: "I don't think that's too much of a burden. I think you can handle that."

Durkin: "No, that seems a little ludicrous, doesn't it?"

Gash: "No."

Durkin: "All right. Now, one question I have... Now, oftentimes Legislators are confronted with the problems dealing with their petitions and there is a challenge made and oftentimes, there is a complaint filed with the State Board of Elections. Is a Legislator prohibited from using those funds to defend himself before the State Board?"

Gash: "Can you repeat the question? It's hard to hear."

Durkin: "Certainly, Representative, this happens quite frequently where a Representative or a Senator files petitions, those petitions are challenged by somebody within a district and the complaint goes before the State Board of Elections, in which, a party is trying to knock that person off the ballot. Am I prohibited from using my campaign funds to finance my fees, my legal fees to challenge that action in the State Board of Elections?"

Gash: "I don't think it's arguable that's a campaign purpose. That's a campaign purpose."

Durkin: "So, the answer is, yes?"

Gash: "Absolutely."

Durkin: "We can use that money, that money in our campaign fund. We can use that to... "

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Gash: "Absolutely."

Durkin: "There was some discussion a little bit earlier about foreign nationals and I just want to get into that just for a second. Under that section it says that, 'If an individual is not a citizen of the United States and who is not lawfully admitted pursuant for permanent residence as defined by Section 110(a)20 of the Immigration and Nationality Act.' What is Section 110(a)20 of the Immigration and Nationality Act?"

Gash: "It deals with green cards. It deals with the green cards."

Durkin: "All right. Well, a lot of us have... I have cousins who live in Ireland. They're residents of Ireland. Are they prohibited from... if they want to come to my fund raiser, of course, I would tell them it would be free. I wouldn't charge them, but if they insist on, if they want to make a contribution to my campaign, would they be prohibited under this Act from making a contribution? If they're visiting for approximately for two or three weeks?"

Gash: "Yes, but I am glad that you're comping them for that."

Durkin: "So they are prohibited, correct?"

Gash: "Yes. They're prohibited under current law."

Durkin: "Where in the law right now says that it is prohibited? Representative, if you're not... I was waiting for an answer."

Gash: "I was waiting for you."

Durkin: "Well, the question you said that it's already prohibited under the law. I was... I don't know if you had a response to that. Is it federal law or there any existing state law that prohibits this type of contribution?"

Gash: "It is my understanding that it's in federal law. We'll pull this site up and try to get that to you."

Durkin: "All right. I just have a couple more questions. One

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section, as I am reading right now, speaks of dissolution of a political committee. What's the theory behind dissolving that committee within one year after that person leaves office or he's been defeated in office? What is the theory behind this?"

Gash: "The theory is so that that committee cannot just go on and on and on for years."

Durkin: "If a... I mean, there's a number of people here who have run for office on an annual basis who finally after two or three times have... were finally elected. If... after the first time that they run and they are defeated, obviously, under this law they have to close their committee out and if they choose to run again the next year they got to start up a new committee with... from ground zero. This is what's going to happen. I mean, do you agree that's is that good or is that bad is that what we want? Is that a yes or no?"

Gash: "I already answered that."

Durkin: "I didn't hear it. I've got a bad ear so could you speak up, seriously. What was the answer? Do you think that is appropriate?"

Gash: "The answer is yes. It prevents them from continuing their political funds for more than a year."

Durkin: "Don't you believe this gives a extremely slanted, tilted advantage to incumbents?"

Gash: "It's better than what we have right now, it's a step in the right direction, it's a very important step."

Durkin: "But the fact is, if I really... if I hate this this person whose in my district and I constantly want to run against them, but I lose and every time I lose I have to dissolve my PAC. But after I lose I make a commitment that in two years I'm going to run again. I've got stop. I've got to dissolve my committee. I've got to give the money

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away go back to the common school fund, and I've got to start again from ground zero. Well, that's a situation that's going to happen, but let me just get into."

Speaker Hannig: "Representative, your time has expired. Would you like to bring your remarks to a close?"

Durkin: "Please, I've just got a few more questions."

Speaker Hannig: "Sure."

Durkin: "Now, Representative, just with the whole issue about the dissolution of the Political Committee, would you agree that probably that the reason behind this is you think that there is some type of fundamental unfairness that is existing with the people who have these committees which are perhaps existing in perpetuity? Would you agree that the reason we want to eliminate this is because there is some type of unfairness that exists already?"

Gash: "I think that's one of the significant reasons."

Durkin: "And I mean, I would imagine then it's your belief that this... "

Gash: "This is vastly preferable to what we have right now."

Durkin: "You believe that perhaps that the practices which are existing probably cross the lines of any common sort... any common ethical guideline, correct?"

Gash: "I do, yes."

Durkin: "All right. Lastly just... when it says that, you know, use of political campaign funds, a candidate may be use... may use political campaign funds to defray the ordinary and necessary expenses of a public official. Who defines what ordinary and necessary expenses are?"

Gash: "The State Board of Elections has the power to investigate."

Durkin: "So the State Board of Elections is going to tell me what's good for me. They're going to define what is

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necessary for each one of us, the 118 Members in this Body and also the 59 Members across the hall, correct?"

Gash: "Yes, they have the power to investigate."

Durkin: "And they'll know what necessary expenses are as well, correct?"

Gash: "They will promulgate rules."

Durkin: "Don't you think that it's probably better off for the individual Legislator to make that decision?"

Gash: "Obviously, I don't because I think there's a problem, in that regard, I think we are trying to address a problem that obviously exists, campaign finance issues. This is a problem in Illinois that's been documented over and over and over again. If there weren't a problem, we wouldn't be doing this Bill. We would agree that there's a problem?"

Durkin: "This problem is everywhere and I'm watching a lot of problems out of Washington D.C. right now."

Gash: "This Bill goes very far toward addressing some of those problems, not all."

Durkin: "I think that everybody agrees that there's a problem, but I think when you get down to the mechanics of the Bill we got to look very carefully at the words that are being placed because these are... we're going to be living with these for now and forever but... "

Gash: "Absolutely."

Speaker Hannig: "Would you like to complete your remarks Representative Durkin, please?"

Durkin: "Yeah. If I can, I'd like to yield my time, the remainder of my time, to Representative Cross."

Speaker Hannig: "Representative Wojcik. Representative Wojcik."

Wojcik: "Mr. Speaker, would you recognize me? I'm yielding my time to the Representative."

Speaker Hannig: "To Representative who? Durkin?"

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Wojcik: "No, Cross, Representative Cross."

Speaker Hannig: "Representative Cross, okay. Representative Cross is recognized."

Cross: "Representative, just a few other questions and thank you for the time. I didn't get to finish asking mine. Couple areas, Representative Fritchey asked some very probing questions in the area of prohibition. There's some prohibition of using money in the area of travel outside of Illinois. Would you be prohibited from using campaign money to go to a national convention, for instance?"

Gash: "No."

Cross: "Could you tell me why your answer... Where in your Bill would you have... what language would support your answer?"

Gash: "It depends on whether you're doing that as a duty of being a public official."

Cross: "Are you sug... so being a State Representative... "

Gash: "I'm sorry what did you say?"

Cross: "I asked if I could use campaign money... If I would be prohibited of using campaign money to go to a national convention, under your Bill? My guess is there are a lot of Members on your side of the aisle and probably some on this side of the aisle that have gone to national conventions and used their campaign money. And, under your Bill it appears that that would be prohibited."

Gash: "I don't read it that way. I don't believe that that would be prohibited."

Cross: "So, for legislative intent, you would say that you would not be prohibited using campaign money?"

Gash: "In furtherance of campaign purposes."

Cross: "How would going to a national convention further campaign purposes?"

Gash: "In certain circumstances, it might."

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Cross: "Name those circumstances, please. Representative once again, I think we're hitting an area that hasn't been well thought out, and you're creating major league holes for many Members on your side of the aisle to fall through."

Gash: "If your a delegate to a national convention, and you're going and making contacts that are very significant for your political campaign, I think that that could be extremely appropriate."

Cross: "What about the NCSL convention every year?"

Gash: "In furtherance of your duties as an elected official?"

Cross: "Yeah."

Gash: "That's fine."

Cross: "What's fine?"

Gash: "You can use your campaign funds for those types of purposes."

Cross: "Representative, I think your language is contrary to what you're saying. Was that a 'yes'?"

Speaker Hannig: "Was that a question, Representative?"

Cross: "What she's saying seems to be contrary to what, how her Bill is written, and I just wish she would comment on that."

Speaker Hannig: "Representative Gash, did you hear the question?"

Gash: "No, I'm sorry."

Speaker Hannig: "Representative Cross. Representative Cross, she did not hear your statement."

Cross: "Let's go to another area, Representative, because this whole area of dissolution of political committee has us all puzzled over here. I just want to follow up on Representative Durkin. Did you hear my question?"

Gash: "I heard you say that you were following up on Representative Durkin's comment."

Cross: "Would you agree then with Representative Durkin that this

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practice of continuing political committees indefinitely is unfair and unethical? I want to make sure that we have that clear."

Gash: "I wouldn't agree in all circumstances, but I would say that the appearance of such or the possibility of such is significant enough that we need to do something to prevent it."

Cross: "And that it's... the appearance is one of unethical behavior."

Gash: "It's not just the question of appearance. I think there's an issue."

Cross: "Repre... Mr. Speaker, this Bill, obviously, has numerous flaws. We can't hear her answers and if we could have some order in here. I would ask her to pull it out of the record until she corrects the Bill."

Speaker Hannig: "Representative, that's the choice of the Sponsor, not the Chair."

Gash: "Do you have another question?"

Cross: "Well, I don't think you answered my first question. Would you agree that it creates an appearance of impropriety in continuing a committee indefinitely?"

Gash: "I absolutely agree that in many cases it is the appearance of impropriety and in other cases it is probably... it is impropriety, and it does raise ethical issues and in some cases... and in some cases the proliferation of committees has created ethical actuality problems."

Cross: "I'm almost done. Representative, one other area that you've talked about can't accept money in your political office or leased property."

Cross: "State property."

Gash: "State property. What do I do? How do I handle a situation where someone mails me a contribution in the mail to my

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district office? I'm not suggesting that that's happened to anyone."

Speaker Hannig: "Representative Gash, did you hear the question? Did you hear the Gentleman's question?"

Cross: "Apparently she didn't hear that one either or she's just not going to answer it."

Gash: "Representative Cross, you do understand that this is... it has to be that you knowingly accept the contribution."

Cross: "Well, I'm going to certainly knowingly open up that mail and I'm going to knowingly look at that check. Have I know violated the law, knowingly?"

Gash: "No. No, that's not an knowing violation."

Cross: "What do you mean that's not knowing?"

Gash: "Knowing that you're opening the mail is not what we're talking about. We're talking about knowing that you're accepting a contribution."

Cross: "What do I do in that scenario? Do I take another state envelope and return it to sender? Do I take a campaign envelope return it to sender? Do I hand deliver it? What's my obligation if I accept a check in my office? Oh, I get it, Representative, this is April Fools, you are going to pull this Bill out of the record. Go ahead, we get the joke. Oh, you're not. I'm sorry. So how do we handle the Bill... how do I handle the situation where I get a Bill in my district office, or a check in my district office from a contributor?"

Gash: "Representative, contributions received on state property need to be returned within three business days."

Cross: "Just send me a letter with the answer. Just send me a letter, and then we'll know. I have no other questions."

Speaker Hannig: "Thank you. Representative Bost."

Bost: "Thank you, Mr. Speaker. I was going to yield my time to

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Representative Cross but it doesn't look like he needs it."

Speaker Hannig: "I'm sorry, to Representative who?"

Bost: "Cross, but he doesn't need it."

Speaker Hannig: "Okay, so, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I yield my time to Representative Fritchey. I thought the line of questioning he had going was pretty good there."

Speaker Hannig: "You need some additional time, Representative Fritchey?"

Fritchey: "Just a quick question, Thank you. Thank you, Representative."

Speaker Hannig: "Certainly."

Fritchey: "In Representative Black's area they have hogs, apparently, that they can bid on. We don't have those, but one thing which we have, which is somewhat popular, is bingo, many of the churches senior citizens event, etc. We recently had something shortly before the primary where we had a bingo for many of the seniors in the neighborhood. And we probably had upwards of a 100 different candidates come through and sponsor games at this bingo, go to the senior citizens. It's a highlight for them every year, I know, and many of these bingo contributions for the candidates, if not all, then we're making campaign funds. Would they no longer be allowed to do that?"

Gash: "I believe... That would be a campaign expense. A campaign expense for campaign purposes."

Fritchey: "So, how is... by sponsoring a bingo game, a campaign expense?"

Gash: "If you consider it in furtherance of your campaign, if it can be validly claimed that that's is in furtherance of your campaign."

Fritchey: "So... "

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Gash: "I think it would be generally accepted that that is."

Fritchey: "So it's something that's in furtherance of your campaign, is up to discretion. But in going back to something like the NCSL conference where it has to be a duty, as opposed to something in furtherance of your campaign. And I think there's an inconsistency here with, maybe not your objectives, I think your objective is very admirable, but the language in the Bill, and obviously if this ever came down where... "

Gash: "But if your concerned with the term 'duty'... "

Fritchey: "... if somebody in this room, very unfortunately, very innocently got indicted, what they're not going to look to, they are not going to look to what we meant for the Bill to do, necessarily, if what the Bill says on its face is clear. What this Bill says on its face is not clear."

Gash: "But if you don't perceive that type of expense as a duty, I would suggest that you not use your campaign funds for that."

Fritchey: "What if I did perceive it as a duty and the court differs? What if the Grand Jury said, 'You went to the NCSL conference? That's not... You weren't required to do... A duty is an obligation. A duty is a requirement of your office.' I am required to be here today. I am required to perform a lot of services. I am not required to go to a legislative conference, although I think it may make me a better Legislator. I think I may make some very valuable contacts. I may learn a lot of things from that attendance, I am not required, it is not a duty to attend that conference. Am I then going to risk... Am I rolling the dice, then, if I go to the NCSL conference... "

Gash: "Well, that is the case... "

Fritchey: "... that I may be subjecting myself to indictment if

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the Grand Juries interpretation of a duty is different than mine?"

Gash: "I suppose you subject yourself to anything, with respect to that type of thing. If you don't believe that that's a duty, you should not be spending your campaign funds on that."

Fritchey: "Are you comfortable with the wording of a Bill that leaves it to our determination as to whether or not we may be subjected for... to indictment as a result of good faith furtherance of our office?"

Gash: "Absolutely. My concern is that the problem that we have now is so serious that something needs to be done to address it, and we have worked very, very hard to address that problem. In many different ways, over many different years, in many different incarnations, and we are trying to achieve the best possible Bill that we can. I agree that there are harsh results at times, and I would suggest that those are necessary."

Fritchey: "Okay. Now, I... I agree you've worked very hard on this, I know that, but with respect to this one specific issue, and with respect to the duty issue, would you be willing to accept that there's probably better language that could put in that would not make it so open to interpretation as to what a duty of office is and that maybe that one little sentence could be changed to clarify this, and make a very, very good Bill that much better?"

Gash: "I would suggest that the way the Bill is drafted now is so much better than what we have right now, that we are working very hard for the passage of this Bill. I will also let know that if you have concerns, I've been working with a lot of different groups on campaign reform issues and campaign ethics issues for years, and anyone who has

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any suggestions along those lines should always bring those issues to us."

Fritchey: "You are a master at putting coalitions together. You have now, a Bill that will make it much better than things are right now, but I think the statements in this room have shown, with some real minor changes, probably by... it's 2:30 right now, by dinner time, you could make a very good Bill that much better. And I know that you would want to do nothing more than to put the best Bill out of this chamber that you could."

Gash: "If you would like to work on any type of legislation toward that effect, I would be happy to look at it with you. I am definitely supporting the passage of this Bill."

Fritchey: "I'm free this afternoon, and I'm more than happy to work with you, if you pull this out of the record to make this better and bring it back later on this evening."

Gash: "I don't feel that that's at all necessary. This Bill is vastly preferable to what we have now. We've been working on it for a long time, and it isn't as easily as you may think coming up with the wording on this type of thing. No matter what you do, there's always a lot of discussion, and not everybody is going to be happy with every single thing that you do."

Fritchey: "To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Fritchey: "At the end of this exercise, we're all going to sit here and wonder why we debated an hour and a half or more on this Bill when we get 100 plus votes on it. Everybody recognizes that this Bill is leaps and bounds better than what we have now, that this Bill does some tremendous things towards cleaning up Illinois in the state of campaign finance reform in Illinois. Maybe it's more of a

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general observation that I think we have an obligation ourselves and there are very clear steps that we can take to make legislation, no matter how good, that there's easy steps that we can take to make it that much better, that maybe it's incumbent upon us to do that. I think that we each have a lot of pride and integrity in our work and that we would like nothing more than to put out the best product that we can. I commend everybody that's worked on this Bill. I don't think it's the best that they can do. I don't think it's the best that we can do. I'll vote for it because it's better than what we have now, but I think we should try to do a little better in the future. Thank you."

Speaker Hannig: "Representative Steve Davis."

Davis, S.: "Thank you, Mr. Speaker. I think we've debated this Bill long enough. I move the previous question."

Speaker Hannig: "The Gentleman has moved the previous question. Do you wish a Roll Call? The question is, 'Shall the main question be put?' All in favor vote 'aye'; all opposed vote 'nay.' The voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted wish? Mr. Clerk, take the record. On this question, there are 81 voting 'yes' and 29 voting 'no', and the main question is put. Representative Gash to close."

Gash: "I urge your 'aye' vote."

Speaker Hannig: "Representative Gash to close."

Gash: "I said, I urge your 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 3806 pass?' All in favor vote 'aye'; opposed vote 'no.' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 85 voting 'yes' and 15 voting

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'no.' And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Joint Resolution Constitutional Amendment 15."

Clerk Bolin: "Senate Joint Resolution Constitutional Amendment #15."

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

Clerk Bolin: "SJR, Senate Joint Resolution Constitutional Amendment 15. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

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

Capparelli: "Mr. Speaker, SJR 15 calls for a State Constitutional Amendment to repeal the Office of Comptroller combine that with the Treasurers Office. Under the present rules the Comptroller is responsible for paying the bills, and the Treasurers Office invests the money in their prudent way. This proposal comes out of virtually every study that has been taken that they... the combination of both offices would be trimming the line and making it cheaper to run a state under a recent Bill that passed in State of Texas. They realized that \$10,000,000 savings. There are 86 Cosponsors in this piece of legislation and this will go on the ballot in November and if it passes. Then they will be eliminating the Comptroller's Office. If there's any questions, I'd be glad to ask for them. I would also ask for a favorable roll call. And if anybody would like to be a Cosponsor, please see... the Senate should be glad to put you on."

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

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

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yield?"

Speaker Hartke: "He indicates he will."

Black: "Representative, I... I want to assume that you actually want to pass this and put it on the ballot in November. Is that not your intent?"

Capparelli: "Yes, Sir."

Black: "Will you then be willing to table Amendment #2 and Committee Amendment #1? If you're not, this will not become law."

Capparelli: "What makes you say that?"

Black: "We seem to be caught up in a contest of wills. The Senate sent the Bill over to combine the two offices and the office that survives will be called the Office of the Treasurer. It seems as if the presiding officer of the House didn't like that name. And he wants that office referred to as the, I believe it's the Financial Officer."

Capparelli: "That's right."

Black: "All right. If we amend this Constitutional Amendment in the House, under Senate rules, it does not have time to go back, be read the appropriate number of times and get placed on the ballot in November. So, if it's the intent to kill the Amendment, that's one thing. You have 80 some Cosponsors on this Bill, and I don't believe it's any of their intent to, to kill this Amendment over a argument as to whether or not the newly created office, the surviving office will be called Treasurer or Financial Officer. Now, if we can't solve that argument, and we don't withdraw these Amendments, this is an exercise in futility. You know now, maybe that's the grand design, I don't know, it's not my design."

Capparelli: "No. There is no design here at all. That's my understanding... It's my understanding that if the Bill

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goes to the Senate, on three times that it's read that it will go on the ballot. That is my understanding and I would like the Amendment on at this time. And I understand that it will become law, and it will be on the Constitutional Amendment will be on the ballot in November, if it's read three times in the Senate, which I talked to Senator Dillard and he said he would do that."

Black: "Well, it's my understanding from the powers that be in the Senate that their rules will not accommodate this Amendment because of the late hour in which it goes back to them in a form different from with... from when they sent it over to us. Now, you and I both have been around here long enough to know that we can sometimes kill things we don't want on the ballot by a simple change in terminology or an addition of a comma or a period or what have you. I think the vast majority of people in this chamber and the chamber across the rotunda, both candidates running for this office in the election said that they want these offices combined and by adding this Amendment. In all due respect to you, Sir and all due respect to whatever you have been told, then I think this will not appear on the ballot. It becomes an exercise in futility, and I for one don't want to see that happen. I stand in opposition of the Amendment. I urge you to withdraw Committee Amendment #1, withdraw all Floor Amendments. Let's adopt the Constitutional Amendment that the Senate sent over, no games, no political upmanship, no he said, they said, I said, you heard, I heard. Let's do it clean and let's put it on the ballot. I think the people in Illinois want to vote on it. The people who ran for the Office of Comptroller thinks that it should happen. It has broad base support. If we play these political games, I will not

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accept the responsibility for this, Sir and I don't believe you should, nor you're willing to do it, either. We are going to kill this by a political maneuver that isn't necessary. I don't care whether you call this thing the Chancellor of the Exchequer. Call it whatever you want, but the Senate has made it very clear their rules will not allow for this to go back, be changed, be voted on and go on the ballot. Now, let's not kill something we all agree. I urge you to with... to withdraw these Amendments. Let's vote on this clean. Let's get it on the ballot. If you will not do so, I would urge a 'present' vote by all Members of the chamber to stop this chicanery and let's get on with this Amendment that we all want to see on the November ballot."

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

Lang: "Mr. Speaker, I'll withdraw my comments at this time."

Speaker Hartke: "Do you want me to table that Amendment? Okay, let's table this Amendment #2 and move it to Third Reading. Recognize the Gentleman from Cook, Representative Capparelli."

Capparelli: "I'm asking to table Amendment #2. Floor Amendment #2."

Speaker Hartke: "You need to withdraw Amendment #2? Mr. Clerk, withdraw Amendment #2. Mr. Clerk, what is the status of SJR 15?"

Clerk Bolin: "Senate Joint Resolution Constitutional Amendment #15 is on the Order of Second Reading."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Kubik. For what reason do you rise?"

Kubik: "Mr. Speaker, I... Since we do not do many Constitutional Amendments, frankly, I have been unable to find all of the

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information in my computer. So, I had an inquiry of the Chair and the Clerk.

Speaker Hartke: "State your inquiry."

Kubik: "I recognize that the Sponsor has withdrawn Floor Amendment #2, or whatever. Are there any Amendments on this Bill at the present time? Because, I think there's some question on the minds of the Members, whether this Bill has been amended in the House at all, and I'd appreciate a response to my inquiry. Has any Amendment to thi... Amendment been adopted?"

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "Amendment #1 was adopted in Committee."

Speaker Hartke: "Mr. Kubik."

Kubik: "Mr. Speaker, who is the... who is the Sponsor of Committee Amendment #1?"

Speaker Hartke: "Mr. Clerk. Who's the Sponsor of Amendment #1?"

Clerk Bolin: "Representative Bugielski was the Sponsor of Amendment #1."

Kubik: "Mr. Speaker?"

Speaker Hartke: "Mr. Kubik."

Kubik: "I would make a Motion to Table Committee Amendment #1, because again, following Representative Black's argument, any Amendment on this Constitutional Amendment would delay the process. So, I would formally make a Motion to Table that Amendment and request a Roll Call vote on that Amendment. On the Motion to Table."

Speaker Hartke: "If you will bear with me just one moment, we're checking rules. Mr. Kubik, your Motion is in order to table Amendment #1, it requires 60 votes."

Kubik: "Mr. Speaker, could I just briefly speak to the... to the Motion? Or are we going to have a... "

Speaker Hartke: "I thinks that's in order. Mr. Kubik."

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Kubik: "Mr. Speaker, I... This is a rather unusual move for me. I don't... I'm not normally in the business of tabling Sponsor's Amendments. However, I think in the interest of, of moving this issue forward in the most expeditious way possible to make sure that the citizens of the State of Illinois get an opportunity to vote on this issue which incidentally, Representative Capparelli, I think it's a very important issue. I think that we need to support this Motion to Table, so that this Amendment or this Senate Joint Resolution proposed Constitutional Amendment is in it's pure form so that when this House adopts this measure, it will be able to go before the voters. So, I would argue that we should support the Motion to Table, so that we can bring this issue to the people of the State of Illinois. And I would hope that all of my colleagues would join me in tabling the Mot... tabling Amendment #1."

Speaker Hartke: "Further discussion on the Motion to Table Amendment #1. The Chair recognizes Representative Capparelli."

Capparelli: "Mr. Speaker. I'm sorry to do this, but I have to oppose the dropping of Amendment #1. I really don't care what we call the Fiscal Office or the Treasurer's Office. I want to trim the whole state, and I want to save the state money and the name means nothing to me. So, I would oppose the Motion to Table Amendment #1."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "I was wondering if Representative Capparelli misspoke. If he doesn't care what it's called, then he should not oppose the tabling of the Amendment. Could you ask Representative Capparelli if he misspoke?"

Speaker Hartke: "I think you did."

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Skinner: "Right now, if we do not table this Amendment, we're going to call this person a Financial Officer. We will be the only state in the entire country that has a Financial Officer that is called a Financial Officer. There are other names that the Financial Officer is called, among them, Auditor, Treasurer, Controller, Comptroller, but no one but us will have a Financial Officer. I think I'm the only one on this House Floor that has ever run for one of these two offices. I can tell you, trying to tell somebody you're running for Controller is bad enough without trying to say you're running for FO. So, if it doesn't matter what we call it, why don't we call it Treasurer, because people have an idea of what that means. Is that okay Ralph? Ralph is shaking head at... his head yes, and since I made use of his name in debate, perhaps you will recognize him and he can take affront to my having done so."

Speaker Hartke: "The Gentleman is not seeking recognition. The Chair recognizes the Lady from Lake, Representative Clayton."

Clayton: "Thank you very much, Speaker. I rise in support of the Motion to Table. I think it's extremely important that we do so. Those of us who voted in favor of the Amendment in committee did so with the understanding that it would proceed ahead in a fashion that it would be able to get through the process in a timely fashion. And then another Amendment was put on here on the Floor and it does make... it gives us great concern that the procedure will, in fact, keep this from being shown on the ballot. And I urge a 'yes' vote on the Motion... on the Motion to Table. And Sir, I would ask for a Roll Call vote and a verification, please."

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Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, excuse me. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Mr... Mr. Speaker, just for th... for purposes of clarification. Have you recognized our request for a verification?"

Speaker Hartke: "The Chair recognizes your request for a verification. The question, 'Shall Amendment #1 to Senate Joint Resolution 15 be tabled?' All those in favor, excuse me. The Motion is, 'Shall Amendment #1 to Senate Joint Resolution 15 be tabled?' Those in favor vote 'aye'; those opposed vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there were 58 Members voting 'yes', 60 Members voting 'no', and the Motion fails."

Speaker Hartke: "The Gentleman recognizes the Gentleman from Cook, Representative Kubik. Representative Kubik. Third Reading. The Chair recognizes the Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I rise with a point of order. We do not have this Am... Resolution downloaded into our computers, as provided for in the rules. We just debated a Motion that was not debatable. I suggest we try and follow our rules and this Bill should taken out of the record."

Speaker Hartke: "I've been informed by the Clerk that the Resolution is on your laptop."

Moore, A.: "Well, if it is, it is gone in the last ten seconds, because we have been continually downloading here and trying to get it to come up and we could not."

Speaker Hartke: "Representative, according to Rule 60D, a Motion to Table a Committee Amendment has priority over a Floor

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Amendment and is debatable. House Joint Resolution Constitutional Amendment 20. Mr. Clerk, what is the status of that?"

Clerk Rossi: "House Joint Resolution Constitutional Amendment #20 proposes to amend the Judicial Article of the Illinois Constitution and has been read in full a second time. There are no Committee Amendments and no Floor Amendments."

Speaker Hartke: "Third Reading. House Joint Resolution Constitutional Amendment #2. Mr. Clerk."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #2 proposes to amend to the Executive Article of the Illinois Constitution. Amendment #1 was adopted in Committee. No Motions have been filed. Floor Amendment #2, offered by Speaker Madigan, has been recommended for adoption."

Speaker Hartke: "Representative Moore, have you found it on your laptop, yet?"

Moore, A.: "Mr. Speaker, I stand corrected. Thank you."

Speaker Hartke: "Mr. Clerk, take this out of the record. Page 9 of the Calendar appears Third Reading, House Bills (sic-Bill) 21, Representative Granberg. Out of the record. Page 9 of the Calendar appears House Bill 174, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 174. Amends the State Comptroller Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We thoroughly debated this yesterday and we added the Amendments. This has some Amendments dealing with the State Loan Act, so that no state agency or state constitutional officer can forgive a loan that's owed to the state without disclosure of campaign finances and all that other stuff. It says that the Attorney General would

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have to sign off on any forgiveness of any loan, talks about child support and says that a judge in a child support case can find the willfully obligor, who is willfully refusing to pay child support when they can pay it, in criminal contempt. It also refers to taking away of any state licenses from people. Everything in this Bill has already be passed by this Body, virtually unanimously. I would ask your support."

Speaker Hartke: "... Discussion on the legislation? Seeing that no one is seeking recognition. The question is, 'Shall House Bill 174 pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 174, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. House Bill 196, Representative Hannig. Out of the record. House Bill 2167, Representative Burke. Out of the record. House Bill 2375, Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2375. A Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Turner, A.: "Thank you, Mr. Speaker. I have an Inquiry of the Clerk. Has there been an Amendment proposed for this Bill?"

Clerk Rossi: "Committee Amendment #1 has been adopted to the Bill."

Turner, A.: "Okay. And that Amendment does this, which is now the Bill. What it does is give authorization to the Chicago Park District. It allows them a few changes: One,

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it authorizes the Commissioner of the Park District, or I should say, it gives the Park District permission to deal with easements, right of ways in addition to other powers and authority, now possessed by Chicago Park District. They'll have the power to grant licenses, easements, and right of ways, subject to any condition that may be determined by the district to municipalities, corporations, or persons for the construction, operation and maintenance of the facilities on or under or across any property of the Chicago Park District for water, sewer, telephone, electricity, gas, or other public services. And I move for the adoption of House Bill 2375."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your Inquiry."

Black: "Is there a slip on file showing that the Chief Sponsor of this Bill has been changed?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Representative Black, I've requested the slip to be sent down and when it comes down I'll bring it out to you."

Black: "Do you have the slip in your possession?"

Clerk Rossi: "No I don't, but I..., Representative Hartke told me he did file the slip."

Black: "All right. Have you seen this... Have you seen the... "

Turner, A.: "I signed the slip, Representative. This was done earlier this morning."

Black: "You can't sign the slip. You were never the Chief Principal Sponsor."

Turner, A.: "No, I signed and added on Representative Hartke as the cosponsor. He... He relinquished the Bill to me. I, in fact, added him then as a cosponsor to the legislation."

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Black: "But the... Well, just one more inquiry of the Chair. You say the slip has been signed. I'll accept that. Will the Sponsor of the Amendment, I'm sorry. This is on Third Reading. Will the Sponsor yield?"

Turner, A.: "Yes, I will."

Speaker Hartke: "Indicates he will."

Black: "Representative, the Committee Amendment giving extraordinary powers to the Chicago Park District, is that Amendment giving extraordinary powers to the Chicago Park District sponsored by the Gentleman from Southern Illinois, Representative Hartke?"

Turner, A.: "No, no, not at all... "

Black: "Oh!"

Turner, A.: "That Amendment is... is introduced or supported, I believe, by the Representative, but it is not his sponsorship of that particular Amendment."

Black: "You may want to check the computer. Our Floor file indicates that Committee Amendment #1, which of course changes this Bill to benefit and enhance the Chicago Park District, is sponsored by the right honorable Gentleman from Effingham, Teutopolis and places in that area, Representative Hartke. I don't know if Representative Hartke wants to Sponsor this Amendment."

Turner, A.: "Representative, it was my intent to try to carry the Park District Legislation in this Session. It's hard being in a lot of places at the same time, and so I was assisted by the Representative, the fine Gentleman from Teutopolis, to get this Bill in the form that it is in today."

Black: "Okay."

Turner, A.: "And it was at today's meeting that we were able to correct any deficiencies and make certain that in fact it is clear that Representative Turner is the Sponsor of this

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legislation. With the support of Representative Hartke, as you know, we've had some legislation yesterday to try to help some of our downstate communities. What we're starting to understand is that Chicago Park Districts and downstate ponds have a lot in common, and so because it has similarity, it's not unusual that you would find that sort of bipartisan or upstate/downstate support."

Black: "Yes, yes, yes. I, I can't tell how many times I go out in my district and people say, 'You know that Chicago Park District, I think it's right on target and I... I want you to do everything you can to help it.' And I'm sure that Representative Hartke gets the same comments in those coffee shops, down in Teutopolis and so forth."

Turner, A.: "And I hear them when they're in Chicago at the Taste of Chicago when they're walking down the street with one of those big turkey legs and they're going, 'Man, this sure tastes good'. So, I think that, you know, if we check on it, you'd find that it's pretty much supported, I think, statewide. We all benefit from this, Representative."

Black: "Okay. All right. Now that we've cleared this up from Chi... Cairo to Chicago. Let me ask you a question about the Amendment that becomes the Bill. Now, this is giving the Chicago Park District some extraordinary powers. Does the Chicago Park District currently have the right of eminent domain?"

Turner, A.: "I believe they do. Yes, they do."

Black: "All right. So, the Amendment gives... very clearly gives them the right of condemnation. I just wonder why that is spelled out, if they already have the right of eminent domain, ie., the right to condemn property and take it for park use? Why would we... It would seem like a... that's duplicative. You're confident that the Chicago Park

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District already has the law of eminent domain in their arsenal? They can use that, condemn property and take that property?"

Turner, A.: "They do have that power, currently, as I stated earlier."

Black: "All right. Okay. And it's your intent to give the Chicago Park District extraordinary powers to acquire by gift. That's good, I don't have any problem with that, grant, purchase, oh, 'or condemnation and may incur indebtedness for the purchase of any real estate land, riparian estate of rights or other property including abandoned railroad rights-of-way.' Let me ask you a question about that. Don't most railroad rights-of-way have a reverter clauses that would give the... that would give the owner of record the right of first refusal to purchase abandoned railroad right of way?"

Turner, A.: "Representative, I think this, the need for this legislation is, is in regard to the expansion of the South Grant Park area, where there is a Railroad Right of Way in question at this time. And I believe that the railroad has worked some agreement with the Park District where they're going to turn that or give that land to the Park District and this legislation, I believe, helps clarify that agreement or makes legal that agreement between the railroads and the Chicago Park District."

Black: "What railroad is that? Is that the Illinois Central or one of its predecessors? I think the IC now is owned by a Canadian company, as I recall... "

Turner, A.: "That is correct."

Black: "Or is in the process of being purchased by the Canadian National Railway."

Turner, A.: "That's correct."

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Black: "Well, you know, Chicago is an old city and when those railroad tracks, the easements were first entered into. I don't think it's any different than in my district or in Representative Hartke's district. Generally speaking, there was a Reverter Clause that said the heirs of the land, if that ever ceased to be a railroad track, the heirs could get a right of first refusal to buy that land or convert it back into their private use. Now, I'm not that familiar with how Chicago law has evolved, but are there no Reverter Clauses on abandoned railroad property in the City of Chicago?"

Turner, A.: "I think that the agreement with the railroad, and I don't have the complete background sheet in front of me, but that agreement with the railroad goes to the year 2000 something and so this legislation would allow this agreement between the railroads and the Chicago Park District to take place at an earlier date, and it clarifies those terms that are necessary to make it happen. But, the agreement that was set up, some, almost 100 hundred years ago does not expire for a years, yet. And I believe that there's a similar situation to this happening in Southern Illinois, in terms of an agreement between the Norfolk Southern Railroad and the Department of Conservation. They're going through the same situation. And so, what we're trying to do now is just clarify that and make it easier."

Black: "My guess is then, what you're aimed at is what we read about in the Chicago media in the last week or so. A plan has been proposed that the railroad tracks there in Grant Park and the south part of the city would actually be covered over and underground parking developed and new parks, new bandshells. It looked very impressive in the

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artist's rendition. I assume that that's where this is headed?"

Turner, A.: "That's correct, Representative."

Black: "All right. Now, you know, and you and I generally agree more than we disagree. But I've always had a problem and you and I have talked about it before on the Floor and privately. You know the Chicago Park District, is in fact I think, one of the larger, if not the largest Park District in the country. And I know on one or more occasions we've debated on this Floor that it seems as if sometimes the Chicago Park District doesn't take as good of care of parks throughout the City of Chicago, as it does in some wards or some sections of the community. Now, have those concerns been addressed and everybody is happy... "

Turner, A.: "Representative."

Black: "With this proposal?"

Turner, A.: "Representative, in the last, I would say in the last four years, there has been an active attempt on the part of the Park District to do more in the local parks. In fact, there's been major renovation, I know, in the parks in my area and so, from a standpoint of infrastructure needs, there has been a much more equitable distribution of the funds in how parks are being repaired. There's still some improvement that probably can be used from a programmatic side, but like many issues that's one where everybody says where will the additional funds come from?"

Black: "And I'm glad to hear that, because I know we've discussed it before. Did they ever redo the bathhouse and make some improvements down on Rainbow Beach? Not too long along ago they had just ignored it to the point where they said they were going to close it. Now my memory may be faulty, but I was just curious whether they ever gotten that far down on

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the lake front?"

Turner, A.: "Yes, there has been improvements there in the Rainbow Beach area. I know that they've done a lot in the Garfield Park area. They just did the dome and there was also a lot of money put in for the conservatory that's located in the Garfield Park area. The golf courses, of course, they have subbed those out to... to privatize those out to Kemper, and they've done a magnificent job in putting our, our small golf courses back together. So, as I've said, the Commissioners have been working very hard to try to be fair in terms of the distribution of resources...

"

Black: "Okay."

Turner, A.: "And to date I can say that I am very happy with it."

Black: "And I'm... I accept that and I'm glad to hear that. I know that at one time that was a concern that many people have expressed who live in the City of Chicago. Let me ask you one last question about the Bill. In addition to some other powers that this Bill gives the Chicago Park District, I see it gives them the right to enter into equipment leases for a period not to exceed five years for any equipment and machinery, that may be required for corporate purposes. Will there be competitive bidding on these leases?"

Turner, A.: "Representative, that's not included in this Bill, but I... my assumption is that the process for purchasing and leasing equipment that that is not precluded from this legislation. It is not... "

Black: "Well, if you'll look at the Committee Amendment, that's one of the major changes in the Bill. On page 3, line 27, and this is a new edition to Statute Section 15C lease for equipment and machinery and it gives the park district,

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when authorized by the Commissioners, what appears to me to be a rather blank check entering into leases, not to exceed five years for equipment and machinery, required for corporate purposes. That's not a very good definition."

Turner, A.: "Representative, as I say, and being as honest as I can, I can only assume and I would hope, what I should say, it's the intent of the Sponsor that the bidding process for leasing equipment or purchasing equipment will still be adhered to. I do not believe that it is... under current law, they operate that way, where they do have competitive bids. I don't... it's not the intent of the Sponsor to change that process. It's just allowing them the powers that they need right now with the five year limit on it.

Black: "But you can see it really confuses me because it appears that it weakens the Procurement Code by suddenly saying, 'well, the Commissioners...' maybe that's the design, I don't know. Not purchase, but we can lease and then maybe we don't have get competitive bids or go through the Procurement Code because we're only going to lease this for a period not to exceed five years for corporate purposes. And we all know just two months ago the Chicago media found out that, that might include hundreds of automobiles that were being leased and given to employees all over the City of Chicago. Surely, it's not intended to do that?"

Turner, A.: "No, that is not the intent."

Black: "Okay."

Turner, A.: "In my understanding is that, you know, currently they do competitive bidding. I don't think that is the intent of this legislation to bypass or to remove that power."

Black: "All right."

Turner, A.: "And to say it's certainly the intent of the Sponsor

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and I'd like for the legislat... for the record that the intent of this legislation is not to preclude the procurement process, which currently governs how they lease and purchase equipment."

Black: "Thank you very much, Representative. Mr. Speaker, to the Bill as amended."

Speaker Hartke: "To the Bill as amended."

Black: "Thank you very much. I... when Representative Turner tells me about his intent, I put that in the bank and I think anybody on the Floor would say that the man's reputation, and such, that's above reproach. The only caveat that I would give to my colleagues on this side of the aisle and perhaps downstaters on the other side of the aisle. This is giving some extraordinary power to the Chicago Park District. We think we know what it's designed to do, but it has a leasing arrangement that we're not sure, and even though I would trust Representative Turner with my life, I'm not sure at this point that the Chicago Park District knows exactly what they're going to do with the railroad property, whether or not there are Reverter Clauses. Why do they want this lease provision? And I would think this would be a very long range plan for this area and I would love to see it happen. It would be, I'm sure, a very welcome addition to a very beautiful city but I don't know what the rush is. I don't think that's going to be developed in the next two or three years, and I just don't think I can, in good conscience, give the Chicago Park District the kind of extraordinary powers that this Bill is giving them on what they're contemplating. If I had a little better idea of how this project was moving through, I might feel differently, but I think many of us might want to vote 'present' on this because we simply

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don't know at this point where this Bill is heading and how the Chicago Park District intends to use it."

Speaker Hartke: "Mr. Black has the Clerk satisfied your inquiry about sponsorship? Thank you. The House would like to recognize Judy Baar Topinka, Treasurer of the State of Illinois, on the Republican side. Further discussion, the Chair recognizes the Gentleman from Cook, Representative Giglio."

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

Speaker Hartke: "Indicates he will."

Giglio: "Representative Turner, my question comes in your Amendment, Section 15B Licenses, Easement and Rights of Way. What is the intent of the park district having the power to grant licenses and what types of licenses?"

Turner, A.: "Basically, this is for the utilities and so that it's granting the utilities permission to run their lines on park district property. So, those licenses may include, I guess, cable, telephone but it's... this is basically what we're trying to do with the legislation. Is grant the park district the right... the park district the right to grant the utilities the ability to have easement to run their lines on prop... park district land."

Giglio: "Certainly, the intent is not to give the utility companies licensing to do plumbing work and install water mains and you don't want to take any work away from the plumbers with this Bill. Is that correct?"

Turner, A.: "No. We don't intend to take any work away from the plumbers and knowing how toilets are at the park district sometimes, I think that the plumbers will be working. There'll always be work for them."

Giglio: "If... Just this one follow up question. Then the license as it's stated in there, what type of license is

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that? Because the park district, I don't believe, provides the permits to the City of Chicago would still provide the permits, correct?"

Turner, A.: "That part doesn't change, right. The city... there will still be permits issued. The city would oversee all of that, absolutely."

Giglio: "So, more so it simply gives them the authorization to do that work on the property. Is that correct?"

Turner, A.: "That's what it boils down to. Yes."

Giglio: "Okay. Thank you."

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

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

Turner, A.: "Yes."

Davis, M.: "Okay. I'm sure he will. Representative Turner, in looking at the legislation, it's very ambiguous as to what the plans are for. Are you any more aware of why they want these rights than is indicated in this legislation?"

Turner, A.: "No, I'm not."

Davis, M.: "You mean to say that you're willing to give the city the right to, well I can't hold the computer up like you would a piece of paper, but to, is it have a lot to be the authority over the utilities?"

Turner, A.: "What it does is, it gives them the right... What this legislation will do is allow the utilities the ability to run their lines on park district land, subject to the authority of the park district. That's what it does. So, it's... we're saying, okay, you can tell... "

Davis, M.: "Do you know... Thank you, Representative. Do you know what this project is going to cost?"

Turner, A.: "This is for any park district land, so I don't want to confuse this, although I know that one of the

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projects... "

Davis, M.: "What my question is, this project that this purpo... that's the reason that you want to pass this legislation. Do you know what it's going to cost?"

Turner, A.: "No, and this pro... this legislation is, it's bigger than just that one project. No, I do not know what the cost of the one projects. I used that project as an example of one of the reasons that... one of the ways that this legislation could be helpful. But this allows them to do this on any park district land. We give them the right to let utilities use park district land."

Davis, M.: "Representative, I thought I heard you respond to Representative Black that Rainbow Beach was being repaired, that the houses located on Rainbow Beach were being repaired. Are you real... Are you willing to stand on your word that you know that to be a fact?"

Turner, A.: "That... Representative, Rainbow Beach, is that in your district?"

Davis, M.: "It's not in yours?"

Turner, A.: "No it's not in mine, either. Is there someone here who Rainbow... "

Davis, M.: "Yeah, there is someone and they said to me that they have done absolutely nothing in Rainbow Beach. Now, it is so important, listen to me, listen to me, excuse me. It is so important that as we continue to beautify and find avenues of recreation for the city and other members of the state it is also important, Representative, that we clean up and repair the local parks that the average taxpayers in the City of Chicago is paying for. Now, there are many parks in Chicago that have no more than grass and perhaps a small field for ball playing. There are no tracks for running, there are no bicycle paths."

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Turner, A.: "Where's this, Representative? Where are you to speaking...?"

Davis, M.: "No field houses, no washrooms. In most of the south side of Chicago, that's the way it looks. Now let me say this to you, Representative, as a Member of the delegation from the City of Chicago, I deserve the respect of knowing what this legislation will bring about. And I also deserve the respect, as a delegate from Chicago, to know what the City of Chicago plans to do for the rest of those parks."

Turner, A.: "Representative, I can't speak about the parks in your area, but I can go on record telling you that in regards to Douglas Park, Columbus Park, Washington Park, Lincoln Park, *Ella* Park, Madden Park, Columbus Park, that there has been major improvements in the last few years. That's not to say that those parks were not neglected earlier on, but in the last three to four years, in fact, I think you were at a meeting who then was Forest Claypool, the head of the park district and we talked about parks, we met with our commissioners. I met with Commissioner Michael Scott, we met with Mr... and so I can't tell you about what's happening on, you know, your particular district but I can, in fact, say that the parks out in my area have seen major improvements and major renovation. We're continually working and I understand your concern Representative, and I will be more than happy to walk with you to make certain that there is something happening on the south side, but boy out west we've needed it for a long time, and we're certainly happy with what we see over there and for that reason I'm supporting them."

Davis, M.: "I appreciate that, Representative. So, I'm going to give great thought and deliberation to what my vote will mean for this legislation."

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Turner, A.: "I understand, Representative, and as they say, anything that I can do to help you in that regards, I'd be more than happy."

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

Cross: "Thank you, Mr. Speaker. In the event that this gets the record number of votes, we request a verification."

Speaker Hartke: "Acknowledged. The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I rise in support of the Bill. The Chicago Park District has a lot of work to do, and they've begun doing a lot of that work on the south side of Chicago. The 31st Street Beach needs substantial renovation and rehab in order to keep from further erosion. That work has begun. 63rd Street Beach, the renewal of a pavilion built in WPA days that has fallen into rock and ruin. This is important work and it is important to all the people of the south side of Chicago. The 57th Street Beach, finally a beach house, so people can change their clothes, so they can use a comfort station. Work is underway to do improvements at Rainbow Beach, at Southshore Country Club Park Beach. These are... The Southshore Cultural Center. These are important to the people who live on the south side of Chicago. And I say thank you park district, for paying attention to south side needs. In order for them to continue doing the important rehab and renovation work that is on the agenda to take advantage of opportunities of gifts, of grants, makes awfully good sense. And I would encourage all of my colleagues to vote 'yes' for this good measure."

Speaker Hartke: "Representative Turner to close."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of

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the House. Let me first of all be perfectly clear, we're not asking for any money with this legislation, so we're not taking anything from downstate parks, from natural resources or anything of that liking. We're only asking and trying to grant permission for the Chicago Park District to enter into agreements, so that public utilities and those lines can be ran on the park district property that they currently own. In regards to the lease agreement, it is my understanding that the Procurement Code and the code that the park district currently operates under, in terms of buying materials and leasing materials that that would still remain intact. And I move for the adoption of House Bill 2375."

Speaker Hartke: "The question is, 'Shall House Bill 2375 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Tim Johnson votes 'no'. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2375, there's 64 Members voting 'yes', 53 Members voting 'no', 0 voting 'present'. The Republicans have asked for a verification. Mr. Clerk, read the poll."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo. Bergman. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Dart. Davis, Monique. Davis, Steve. Durkin. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Krause. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon. Moore, Andrea. Moore, Eugene. Morrow. Mulligan. Murphy. Novak. O'Brien. Phelps. Pugh. Reitz. Rodriguez. Ronen. Saviano. Schakowsky. Schoenberg.

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Scott. Scully. Silva. Slone. Smith. Stroger. Turner,
Arthur. Woolard. Younge. Mr. Speaker."

Speaker Hartke: "Mr. Cross, questions of the affirmative?"

Cross: "Yes. Representative Bradford. Oh, I'm sorry, he's busy
doing some work. I... wrong guy. Representative Howard."

Speaker Hartke: "Could you repeat that?"

Cross: "Representative Howard."

Speaker Hartke: "Representative Howard? Constance Howard is in
the... in her seat."

Cross: "Representative O'Brien."

Speaker Hartke: "Representative O'Brien is in her seat."

Cross: "Representative Granberg, I see they're pointing to his
desk. Representative Granberg."

Speaker Hartke: "Representative Kurt Granberg. Representative
Granberg."

Cross: "Thanks. Thanks that helped."

Speaker Hartke: "Mr. Clerk, remove Representative Granberg. Oh
no, excuse me. Mr. Clerk, keep him on the roll. He's in
the rear of the chamber. Mr. Cross, did you see
Representative Granberg?"

Cross: "What?"

Speaker Hartke: "Did you see Representative Granberg?"

Cross: "Oh, he was trying to hide. I see him now, okay.
Representative Mike Smith."

Speaker Hartke: "Representative Mike Smith. Is Representative
Smith in the chamber? Mr. Clerk, remove him."

Cross: "Representative Slone."

Speaker Hartke: "Representative Slone."

Cross: "Did she get a new haircut?"

Speaker Hartke: "Is Representative Slone in the chamber? Remove
Representative Slone. Mr. Clerk add Representative Smith
and Representative Slone back to the rolls. They're both at

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the rear of the chamber."

Cross: "Representative Reitz."

Speaker Hartke: "Representative Reitz. Representative Reitz in the chamber."

Cross: "Reitz. I'm sorry, Reitz."

Speaker Hartke: "Okay, I see you standing next to Representative Dart, in the blue shirt."

Cross: "Representative Ronen."

Speaker Hartke: "Representative Carol Ronen is in the... aisle on the Democratic side. Representative Cross, do you have anything further?"

Cross: "Looks like you guys won. No more."

Speaker Hartke: "Thank you. This Bill having received a Constitutional Majority, is hereby declared passed. This time we have an announcement by Representative Bugielski. Representative Bugielski in the Chair."

Speaker Bugielski: "Ladies and Gentlemen, it gives me great honor and distinction today. We have an honored group of visitors with us that are visiting from Poland. We have a delegation of 57 people, members of their Parliament, mayors of many villages and towns, very distinct professors, media personnel. A lot of them are up in the balcony, if they would all rise and give them a warm welcome. This group has been visiting the United States and visiting different Legislatures and different governments and municipals in several states. They were in Michigan, New York. They're here in Illinois. They're going to be here, visiting Chicago tomorrow, also. They were in Washington D.C. With us, up here at the podium, I have Mr. Stanislaw Zajac, who is the Vice-Speaker of the Sejm, which is the House of Representatives in Poland. That would be comparable to our House. Just for your

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information, we have 118 Members, the Sejm in Warsaw has 460 Members. Their Senate is composed of 100 Members. We also have Mr. Kazimierz Barczyk, who is the Secretary of State in the Chancellory of the Prime Minister for Poland. We have Mr. Marek Nawara who is a Member of Parliament and also who will address you. I'd like to introduce Mr. Grzegorz Kuzma, who is the Associate Director for the Association of the Malopolska Municipalities in Poland. Mr. Kuzma."

Kuzma: "First of all, thank you very much. First of all, I want to say thank you very much for, for this very warm welcome. It is great, real great honor to be here with you now. These Gentlemen are the members of the Polish delegation. The delegations... The members of the delegation are the mayors of Polish cities. During few last days we visited many local governments here in the United States. It was great for us to pleasure look at your local democracy. I think it is very possible for Poland to take some shapes from the United States... and take some your experience. Thank you very much."

Speaker Bugielski: "Thank you, Mr. Kuzma. And again, I'd just like to again welcome the entire delegation. I know they're having a very good time here. They're learning a lot. They're seeing how different governments operate in municipalities throughout the United States, and they are learning a lot to take back to their country of Poland. Thank you again very much for your attention and again for welcoming them."

Speaker Hartke: "On page 10 in the Calendar, Third Reading appears House Bill 2445, Representative Saviano. Representative Saviano. Out of the record. House Bill 2469, Representative Fritchey. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 2469, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. House Bill 2469 is two separate actions. The bulk of this is an initiative of the Cook County State's Attorney Office, and it is aimed at dealing with the problem of drug dealers and gang members that are using stolen cellular service in furtherance of other crimes. What this Bill does is a few things. It categorizes pagers and faxes as electronic communications, which are subject to being eavesdropped on, and so we have penalties enforcing against that. This stems from a situation in which, in Chicago, we have had police officers that received calls from informants on their pagers. Gang members have been able to clone these pagers and find out the phone numbers of informants that have been calling the police officers and then go after the informants. It additionally sets forth additional penalties and sets forth an expectation of privacy for communications on faxes and pagers, so they are now protected private communications. And it furthermore says that there is no expectation of privacy for communications that take place on stolen cellular service. This will allow law enforcement to eavesdrop upon stolen cellular service in order to go after the offenders. Lastly, it also provides for a higher penalty, from Class a IV to a Class I, for use of stolen wireless service in furtherance of other crimes, such as when a gang member will or an individual, use a stolen clone, or a cloned phone to commit drug deals, et cetera. The other thing this Bill does, by Amendment, is raise the penalty for aggravated discharge of a firearm on school property, from Class I to a Class X Felony. I'll be happy

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to answer any questions."

Speaker Hartke: "Discussion on the Bill. This Bill is on Short Debate. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "I'm joined by all my colleagues with their hands up taking this off Short Debate. Thank you, Mr. Speaker."

Speaker Hartke: "I didn't see the... "

Cross: "... now see."

Speaker Hartke: "Yes, I do."

Cross: "Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Cross: "Representative, any opposition to this Bill?"

Fritchey: "No, Sir."

Cross: "Even with both Amendments?"

Fritchey: "None that I'm aware of."

Cross: "I'm a little... not puzzled, but could you explain to us again? Go over the eavesdropping section. We couldn't hear anything you said about it."

Fritchey: "There's actually a few items with respect to eavesdropping. With respect to an eavesdropping device, it now will define a eavesdropping device as something that can intercept or record conversations over pagers and fax machines, as well as telephonic electronic media. With respect to, who was exempted from law enforcement, it now exempts law enforcement officers from listening to conversations that do not qualify as private oral communications. And what specifically does not qualify as a private oral communication anymore are communications that take place on stolen cellular service. So, for example, if an individual has a conversation on a stolen cellular phone, or a cloned phone, he no longer has an expectation of privacy on a conversation that takes place

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on that stolen cellular phone."

Cross: "John, it's kind of tough to hear you. Is this an ongoing problem in Cook County?"

Fritchey: "What this is, it's trying to do a few things. It's trying to modernize and bring up to date some of the eavesdropping law... eavesdropping laws and private communication laws by stating when there is an expectation of privacy and when there isn't. The other provisions in there are to give a tool to law enforcement. What's happened now, through technology, is offenders are kind of a step ahead of law enforcement right now. They can clone a cellular phone and still be able to evade detection on that, because up until now, we cannot use electronic surveillance on that cellular phone because they have an expectation of privacy. This Bill's aimed at taking that expectation of privacy away. It additionally now includes pagers and fax machines as items that can be eavesdropped upon. So, now we can go for enforcement of that, and as I said, what's happened is, you have individuals that are cloning pagers to find out which informants are calling police officers. So, the short answer to your question is, yes, it's an ongoing problem, which is why the State's Attorney came up with this package."

Cross: "Now, are we reading this correctly that the violation here, under the eavesdropping section, is a Class I Felony?"

Fritchey: "Violation of the eavesdropping is a Class IV, subsequent offenses is a Class III. If the... If the violation involves eavesdropping on a police officer, a state's attorney, an attorney general, a judge, or a Legislator while in the performance of their official duties, then it's a Class I, and that again is to protect

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any of these individuals from interference with their official duties."

Cross: "Why... I mean, I can understand the state's attorneys maybe, and I can understand police. Why on earth should it be a Class I Felony if someone overhears what we're saying as Members of the General Assembly? Why are we a protected class?"

Fritchey: "It's not just what we're saying, for example, during this debate. It's private communications. It may be a furtherance of legislative duties, discussions that we may be having with other protected Members, police officers, judges, et cetera, and that they want to accord all these classes a higher level of protection."

Cross: "I know we talk about a lot of National Security issues, maybe that's why we make it a Class I. I don't have any other questions. I know Representative Durkin has some."

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

Rutherford: "Thank you, Mr. Speaker. I would yield my time to Lauren Beth Gash so she can ask Representative Fritchey whatever she would like to ask him."

Speaker Hartke: "She's not seeking recognition. The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Durkin: "Representative, with respect to the language on the aggravated discharge, now where we... what is presently the existing penalty for that offense, and what are we trying to change it to?"

Fritchey: "Aggravated discharge, right now, is a Class I Felony. Aggravated discharge of a police officer or fire official or an EMT is basically a Super X it's 10 to 45. What this

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would make is, aggravated discharge, if it took place in or on school property, would go from a Class I to a Class X."

Durkin: "Right now, when someone is charged with aggravated discharge and they feel that they have violated the elements... they've met the elements of this case, states attorneys' presently do charge them, not only with aggravated discharge of a firearm, but also with attempt first degree murder, which also is a Class X offense. Seems like both of them we're talking about specific intent crimes. Do you see a conflict between those two charges being initiated or placed against the defendant. Right now, to this type of offense, the perpetrator is being charged, not only with aggravated discharge of a firearm, but also attempted first degree murder. Do you see any conflict, or do you see any distinction between the mental intent for attempted first degree murder and aggravated discharge?"

Fritchey: "This is not an intent based escalation and penalty as much as it is because... if the additional element of the offense, in as much as it took place on school property is present, then it becomes a Class X as opposed to a Class I. I don't know if that answers your question. I apologize if it doesn't."

Durkin: "I 'm not sure if your response said this is not an intent crime. Now, did you make that answer? Did you say that this does not require an intentional act?"

Fritchey: "No, that's not. We're not changing any of the elements of the offense other than making changing the sentencing provision should the offense take place on school property."

Durkin: "All right. I got a few more questions. Here are the situations that are always going to come up and this is

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what was raised at a number of times when you try these dope cases within a 1,000 feet of a school. If I, in firing a gun in the direction of somebody who I intend to hit, but however, if I fired... if my back is to the school, and I fire it away from the school, are you intending that that this person should be charged with that offense? Because I think that what we're trying to do is to avoid people shooting guns into the playgrounds around the schools. But if I'm shooting away from a school and I'm within a 1,000 feet, is it your intent that these people should be charged with this crime? Because this is going to come up and people will ask this question."

Fritchey: "The 1,000 foot radius is no longer in this. This strictly says on or within... in or on school property. Now, mind you, it's somewhat confusing. The original version of the Bill was on or within a 1,000 feet of a school, that was pulled out. The discharge now is Amendment 2 to this Bill and is solely on or within, in a school or on school property. The thousand foot radius is no longer there."

Durkin: "Okay."

Fritchey: "Let me add, that's also in response to the input that you had given before, which I appreciated."

Durkin: "Thank you. No further questions."

Speaker Hartke: "Further questions? The Chair recognizes Representative Black. Out of the record. No one else is seeking recognition. Representative Fritchey to close."

Fritchey: "Thank you, Speaker. As I said, I think this Bill does several worthwhile things in furtherance of helping law enforcement crack down on several crimes which are becoming more prevalent today. And I respectfully request an 'aye' vote."

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Speaker Hartke: "The question is, 'Shall House Bill 2469 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2469, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 in the Calendar appears House Bill 2555, Representative Moffitt. Don Moffitt. Out of the record. House Bill 2564, Representative Dart. Out of the record. House Bill 2605, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2605. A Bill for an Act to amend the Children and Family Services Act. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2605 bas... has three main provisions. The first being, that it would set aside 10% of the total child care budget for activities to enhance quality and build the supply of child care. The second provision would require the Department of Human Services to create a task force with Representatives appointed by the Governor by each of the Legislative Leaders. Three members from the daycare community and five at large members to review the results of the '98 market rates survey and to make recommendations for the implementation of those reimbursement rate charges. And the third would address the new sliding fee co-payment scale limiting parent fees to no more than 10% of family income, and that's for a family with two children and for a family with one child, they would be limited to 8% of the total gross income. And

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I would be happy to answer any questions."

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

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

Speaker Hartke: "Indicates she will."

Black: "Representative, does your Bill impact day care centers that are licensed to or... excuse me, I think I used the wrong word. Would an impact day care centers run by a church for the benefit of their church members? And I, unless my memory fails, they don't have to be licensed by DCFS and I could be wrong."

O'Brien: "It wouldn't have any impact on them, Representative."

Black: "That's what I want to make sure of. It doesn't impact them at all."

O'Brien: "It doesn't require anyone to become licensed."

Black: "All right, because there was an Amendment on the Bill at one time that got into licensed and nonlicensed and public and private and has that all been stricken from the... "

O'Brien: "Yes."

Black: "Well, let me... I guess I need to ask you that first of all, there were several Amendments on this Bill. Floor Amendment #7 becomes the Bill, correct?"

O'Brien: "Correct."

Black: "And that has parts and parcel of all that was discussed in the Bill."

O'Brien: "Right."

Black: "All right."

O'Brien: "Amendment #7 doesn't add anything new to the Bill... "

Black: "Right."

O'Brien: "It just... "

Black: "Okay."

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O'Brien: "Withdrew what is... what was Representative Klingler's Bill."

Black: "There's one part of this Bill that just does not make a lot of sense to me and that is the person seeking services from the licensed day care provider doesn't pay the Bill. Not unusual, doesn't pay all of the Bill. If I read this correctly, then the taxpayers of the State of Illinois shall reimburse that operator of the day care... licensed day care center for the unpaid Bill, up to 10% of what the family owed. Is that your intent?"

O'Brien: "No. What would be required is if that operator goes out and they try and enforce, you know, the collection of what is owed to them, then they would... If they get up to 90%, then they would have a reimbursement for that uncovered portion."

Black: "Well, the... The sentence that I'm looking at, licensed private and governmental entities that receive state subsidies for the provision of child care, who collect no less than 90% of the fees due per month, under the subsection shall be reimbursed by the department for any remaining fees collected up to 10% of those due. Doesn't that send kind of a strange message to the client that you really don't have to pay all of your Bill?"

O'Brien: "No. That's certainly not the intent of the legislation and it does allow for a waiver of that 10% for some families."

Black: "And... And it's... Well, it may not be the intent, but you may want the Senate Sponsor to take a look at that. I, I think it sends a very strange message and puts the taxpayer, who on occasion, doesn't mind subsidizing day care, so that the parent can go to work or, or transition from welfare to work, but I think the taxpayer would get a

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little upset if he or she is then asked to cover up to a 10% shortfall, in addition. So, I... That's something you ought to take a look at, I think, when it gets to the Senate."

O'Brien: "But... "

Black: "The set aside funds, I find intriguing, as well. Are you asking the Department of Human Services to set aside 4% of all of the funds appropriated for day care for this particular building initiative? That's kind of... I don't know how else to say it."

O'Brien: "It's not a building initiative. It's a quality enhancement initiative and quality... "

Black: "Now, Representative, don't you talk lawyer talk to me. Quality enhancement?"

O'Brien: "Right."

Black: "Would that not be construction, remodeling?"

O'Brien: "It could be... "

Black: "Okay."

O'Brien: "And it could also be things to, to invest in maybe new equipment, new toys, you know that have a learning partnership with them. It could be to increase their capacity for children with special needs, children with handicaps to increase safety at a day care facility and to... So, it would not necessarily be for construction or remodeling, although it could be. And especially in the southern part of the state where we don't have access to large facilities. Then that would be where it'd be most useful."

Black: "I'm in sync with you on that. No problem at all. I want to make sure, though, that the operator doesn't go into this business with the intent to buy a relatively mediocre piece of property and then access state money to convert it

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to a day-care facility, at taxpayer expense. I mean enhancements I can understand, license requirements I can understand. But this seems to be a little open-ended."

O'Brien: "Well, certainly I think that there has been some flexibility given to them for quality enhancement. There's been a lot of work done by day-care action. However, it wouldn't give somebody, who is not already a licensed provider, the ability to buy a building and say, 'now I want it to become a day-care center.'"

Black: "All right. And for the 4% satisfied, obviously they couldn't do that anyway. It just wouldn't work. The original fiscal note on this Bill was about \$500,000,000 a year. The subsequent Amendments, has that figure been lowered considerably, I hope?"

O'Brien: "It has been lowered tremendously."

Black: "What... Do you have a fiscal note on the Bill as amended?"

O'Brien: "Yes, I do."

Black: "Well, what might that figure be?"

O'Brien: "The Fiscal Note indicates that the Department's belief is that the co-payments will cost approximately \$1,800,000 annually."

Black: "One point eight million? Did you say billion or million?"

O'Brien: "Million."

Black: "Million, million, m, all right, okay, there you... About gave me a stroke there. Would you be willing to amend this Bill in the Senate? With all of the money that we are putting into day care, perhaps we could give a, just a straight income tax credit for somebody who wanted to just stay home and raise their children, didn't want to access day care."

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O'Brien: "It's a separate... That issue is already a separate Bill."

Black: "That is in a separate Bill? That's a good idea. Am I on that Bill?"

O'Brien: "I don't know, Representative."

Black: "Maybe I better... Maybe I better look into that. Well, Representative, I don't have anymore questions. I... This is a Bill that's very tough to oppose philosophically, and I... I've stood on this Floor many times and said without adequate day care we are not going to transition people from welfare to work, but at the same time, we must be very careful that we don't expand these facilities beyond, particularly in rural Illinois, our ability to access them and at a reasonable cost. That's my only concern."

O'Brien: "Right."

Black: "I imagine this Bill is going to get a substantial number of votes, but at some point you and I and others, particularly in downstate Illinois are going to have to look very carefully at how much money is spent and whether or not it actually increases daycare slots. My argument with some of my Chicago area colleagues, they have all kinds of slots to choose from, you and I have very few slots to choose from and often may have to drive 20 miles to get to that slot. So, it's... it's something that I trust we'll always keep in mind. But I think you've done a reasonable job of getting this Bill affordable. Now, if you can continue to work on the accessibility issue and check on that 10% set-aside, I'd be most grateful in the Senate and I appreciate the... your answers to quest... the answers to my questions, all except when you tried to hide remodeling under quality enhancement, but I'll overlook that this time."

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O'Brien: "Thank you, Representative."

Speaker Hartke: "Further discussion? Speaking for the Bill is, Representative Ronen."

Ronen: "Yeah, thank you, Speaker. I rise in strong support of this measure and I think the questions that Representative Black raised were good ones. And I think the issues that he raised are issues that are addressed in this Bill and addressed very well. And I commend the Sponsor for taking this Bill forward. Access for child care is an issue in every part of the state. It's more severe in rural areas, but even in the City of Chicago, we have that problem. But just as important as the quantity of child care slots, we need to be concerned with the quality of those settings and making sure that children are in settings that are of the highest quality. We know so much more about the way the child's brain develops and that it does so at an early age. So we know that those very earliest months and years are critical. So the kinds of settings that children are in have everything to do with the way they're going to grow up, the way they're going to learn, the kind of lives that they're going to lead. This Bill addresses that issue of quality by setting aside a certain portion of the monies that we allocate to address those quality issues and as Mr... Mr. Black pointed out the issue of reha... rehabilitation. That's not how the monies will be used. As... And Representative O'Brien pointed this out, this will be used for existing centers to increase quality, to help them meet the unique needs of children that come to their attention. In the issue of rates, we changed the amount of money that parents pay last year to be 13% or 16% of their income. What we're finding in child care centers, now, throughout, throughout the whole state is that parents

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are dropping out because they can't afford the change, parents at the lower end. It's especially severe in the after school programs where there is some discretion that parents could make. What this Bill does is says that we're going to try to readjust some of those rates and make sure that nobody is paying more than 10% of their salary, which is still rather high and I would ... Each of you go back and look at your paychecks and figure out what 10% of your salary would be for child care. It's not insubstantial. The other section of this Bill that is important is talking about giving reasonable reimbursements to child care providers. The legislation that we passed last year said that we will do a market rate study to see what child care costs throughout the state. This Bill says that once we've seen that study, let's put a committee together and figure out how then we can make sure that we're paying reasonable rates and that we're making child care available to everybody throughout the state by paying providers 75% of what the market rate is. This addresses the accessibility question that Representative Black mentioned. If, we can't pay providers adequate amount of money to open child care centers, we're not going to have child care that's accessible all the way through the state. So, I think this Bill addresses all those concerns that Representative Black mentioned. I commend the Sponsor and I urge all of my... Members of the House to vote for this very important piece of child care legislation. Thank you."

Speaker Hartke: "Further Discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Well, I think I finally found the Day Care Bill that deserves a 'no' vote. I apologize to the previous Sponsors for not having waited for the right one. This is a

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\$50,000,000 Bill. We're going to lose \$6,000,000 because we're going to tell day care providers they don't have to collect bills. Now part of the way... Part of the way we're going to get people off welfare and onto work, is to treat them like they're in the real world when they get off welfare. If you tell 10% of the people that they don't have to pay their bills, we're not treating them like they're in the real world. And that's what this Bill allows, allows day care centers to do. We don't allow hospitals to do this, we don't allow doctors to do this, we don't allow anybody that provides Medicaid service to do this, but we're going to allow day care providers to do this. Secondly, we're going to take them into 'lala land' for the first two months after they get off welfare by saying they don't have to pay a dime for day care. That's not real world stuff, folks. That's not going to give them a sense of responsibility. Thirdly, we're going to set aside \$25,000,000 to enhance the quality of services. Now, I would just make a wild guess, and I'll be happy to hear the rebuttal of the Sponsor on... in her closing if she wishes to offer it, that these are going to day care centers, not day care homes. We know that people who... that people if they have their choice of where to put their kids would put it into the smallest facility possible. Well, those are day care homes, if it's not a neighbor or relative. My guess is, the day care homes have been cut completely out of this because this is the Day-Care Center Bill. Finally, there is a \$17,000,000 set-aside for construction of new facilities or rehabilitation of old ones. Now, what happened to the private enterprise system, folks? If you're running the day center and you don't have the money to build it, you shouldn't be in the business. I

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don't understand why we're going to give a company like Green Tree, which is a professional day care chain throughout the United States with two facilities in my county. Why are we going to offer them a subsidy? Why can't they go to the private market and raise their own money? Again, I suspect we're not talking about the welfa... the current welfare mother who has figured out that she can get off welfare if she starts a day care home. We're not telling her that we're... that she can remodel her home with this money. This is money, in my opinion, is going to end up going to day care centers. Which means this is really a Bill to subsidize the professionals and not to get people off welfare. So, I would solicit a 'no' vote."

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

Klingler: "Thank you, Mr. Speaker. I rise in support of this Bill. You know, we've talked a lot in this House about ending welfare as we know it about holding down the long... the amount of time that people can be on welfare and getting people onto the work roles. We talk about real world and the previous Speaker talked about the real world. Well, the real world is that child care is very expensive, and the real world is that many young mothers who are single parents are discouraged from leaving welfare roles and going onto the work roles because they cannot afford the child care that's involved. I think that there are two elements in this Bill that I'd, especially, like to commend, that I think would help in this transition from welfare to work. The first is this one time two-month grace-period during which newly employed families are exempt from the co-payment fees. Again, I think this is

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important if something has been covered before and they're making that jump to leave the welfare roles to work, that this is a reasonable two month waiver of that fee. And then the second provision that I would like to point out is the cap of the 10% fees for a family with at least two children that the amount of money that they pay for day care should not exceed that amount. I think this is a reasonable Bill. I think this is something that we have to do if we want to follow through on what we said we were going to do with encouraging people onto the work role and I commend the Sponsor for her Bill."

Speaker Hartke: "The Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. To the Bill. I, too, rise in support of this Bill, and I would reiterate everything that Representative Klingler just stated, so I don't want to say that again, but I think many of you have also been contacted by your local day centers such as the YWCA, which I have in my area who are not going to be tak... be able to take welfare clients anymore, unless these rates are raised, and they are putting their own money into this. We need... the study is very important. We need this in the Bill. And I think this is a very good child care Bill. It was supported by the whole committee and I would ask your support for this Bill."

Speaker Hartke: "Seeing no one else is seeking recognition, Representative O'Brien to close."

O'Brien: "Thank you, Mr. Speaker. I just want to address a few points made by one of the previous speakers on the Bill. The reality is that people want their children to be in a safe, secure environment where their development is nurtured. A lot of time and energy has been put into

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making this a good Bill. It is a good Bill. It will enhance the quality of day care in this state. It will make day care more available to those men and women who are in the work force for the first time. And I urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 2605 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2605, there are 116 Members voting 'yes', 1 person voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar on Second Reading appears House 2896, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2896. The Bill's been read second time, previously. The Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "House Bill 2896. A Bill for an Act to amend the Illinois Public Labor Relations Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 2896 clarifies the definition of managerial employees under the Illinois Public Labor Relations Act. This Legislation states that in determining whether an employee is managerial, the Public Labor Relations Board shall consider actual duties which have been delegated to an employee. In addition, the Bill states that an employee shall not be considered managerial simply because he or she has performed professional duties. We're simply trying to clarify an

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decision and put back into law the way the Public Labor Relations Board has been, been determining whether someone is managerial or not since 1982. There was a recent court decision that messed this up a little bit, so we're trying to clarify that and put it back the way it was previously. So, I appreciate everyone's support."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is... in the event this gets the requisite number of votes, we request a verification."

Speaker Hartke: "Acknowledge your request."

Cross: "Will the Sponsor yield?"

Speaker Hartke: "Indicates he will."

Cross: "Representative, are there any opponents to this Bill?"

Reitz: "Yes."

Cross: "Well, all right. Can you tell us who they are?"

Reitz: "Central Management Services, Representative Scott."

Cross: "Representative Scott's opposed to it?"

Reitz: "That's the only opponent that, I guess that we... "

Cross: "Do you know what the cost would be? Have you been able to determine what the cost is yet?"

Reitz: "We don't anticipate any cost. I mean, it should be... We're just trying to put things back the way the Labor Relations Board has acted since implementation. So, we don't know if there is any cost incurred."

Cross: "Representative, my understanding is, you're trying to reverse what this Illinois Supreme Court ruled in a case involving Kane County. Is that correct?"

Reitz: "Since 1982, the law was that State's Attorneys, in this case, can organize and we had a set definition for what a managerial employee was, and given that court decision, it

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overturned that. We're just trying to put the law back the way it was previously."

Cross: "Do you think... Is it... I mean, one of the bigger concerns that I have on this Bill is that we're going to create a pretty healthy burden on local government, because we're going to ask local governments to handle this issue. How do you answer that question that local governments are going to bur... bear the cost?"

Reitz: "I don't know that there would be any cost. I mean, all this does is allow people to organize, if... you know, if they wish and it helps... it sets in place back in motion for the language for the Nationa... or Labor Relations Board to act on, on those decisions. I don't... I wouldn't anticipate there's any additional cost, I mean, unless... "

Cross: "But if you expand collective bargaining, aren't you going to take away services for local government? I mean that's where we're going to go with this."

Reitz: "We don't anticipate this to expand, expand the definition at all. We're just trying to restore it to what it was previously."

Cross: "All right, I don't have any other questions."

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

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

Speaker Hartke: "Indicates he will."

Parke: "The Bill is unclear. It is left to a lot of interpretation. My understanding is that the the new standard contained in the Bill is unclear. For example, it requires management functions to be delegated on a regular basis. What does that mean?"

Reitz: "It's just trying to clarify that they actually are

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managers. That they're, you know, they're running that department and they have the duties to hire and fire and things of that nature. But, they're actually managing the department and other than that, they are just normal employees and eligible for collective bargaining."

Parke: "So, you're saying, in essence, that many of the working managers, in say, government, who perform managerial functions, which are extremely important to the employer even though they may not be performed on a regular basis. Are you trying to exclude them? Seems like this Bill prohibits those type of duties for even being considered. Is that your intent?"

Reitz: "No. The intent is put it back the way it was before the court case. If someone is actually directing the work force, then they are a manager. If they are just doing their duties as assigned, just the fact that they have maybe some decision making authority does not necessarily make them managers."

Parke: "Thank you. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen of the House. I stand in opposition to this Bill. I have an understanding that the intent of the Sponsor is to solve a problem that was interpreted by the courts, quite frankly in my opinion and I hope yours, this Bill actually makes it more difficult to understand what the role of a managerial employee is. It will end up in court, it will cost taxpayers more money. In addition, the Bill seems to say that professional employees can not be considered as managerial under the Act. That's not what I think the Sponsor wants. This Bill is confusing. I would ask that the Body do not support this legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Winnebago, Representative Scott."

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

Speaker Hartke: "Indicates he will."

Scott: "Representative Reitz, it's my understanding that, that this Bill is not designed to create any new classes of managerial employees, any new, anything new with respect to the Collective Bargaining Act, but it's merely to codify what everybody thought the intent of the Act was and what we've been operating under until we got what in essence is one rogue court decision. Is that the way you understand it?"

Reitz: "That's my understanding."

Scott: "And isn't it really true that in every case the Labor Board has to look on an individual basis and go job duty by job duty to try to make sure whether or not the particular employees or group of employees that asking to organize whether or not they're managerial employees. Don't they have to go through that on a case by case basis, anyway?"

Reitz: "Yes, they do."

Scott: "So, the fact that we would put a couple of other criteria in here to look at for the Labor Board doesn't add any cost to the Labor Board or to the particular unit of local government that is the subject of the employees who are asking to organize."

Reitz: "It should, you're right."

Scott: "So, in essence, all we're doing is saying when you're looking at this particular, whether or not a group of employees or managerial employees, here's a couple extra things that you need to look at or need to think about."

Reitz: "Correct."

Scott: "And those things that we're asking to be included in that are things that we always thought were part of the bargain

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anyway, right?"

Reitz: "Until this court decision, right."

Scott: "Okay. To the Bill, Mr. Speaker. Having been a Municipal Attorney and having gone before the Public Labor Relations Board, on a few occasions actually, to talk about whether or not employees who are organizing are actually employees that are covered by the act or whether or not they belong to a group of managerial or professional employees. I can tell you that this court decision that is the basis of this legislation was fairly shocking because it said something that neither myself nor anybody else that I've ever dealt with in years working with this Act that thought that was actually the case. All we're doing is saying that public defenders and there are other places, you can find lots of instances throughout municipal and other local governments in the state where you've got professional employees, lawyers and other professional employees who are organized. And all this is saying is that just because of the fact that you're a lawyer, because the fact you hold a professional degree doesn't mean that you're excluded, necessarily from the Act. You still have to go through and look at the managerial decisions that person makes. And to the Representative who spoke just a moment ago and said that this is more confusing now, nothing can be further from the truth. What we're saying is and those individuals who may perform on occasion a management function as a lot of people in local governments do, we're looking at the preponderance of the time they spend and the fact that they may do a managerial act or two doesn't automatically now make them excluded from the Act. This clarifies things, it codifies what we always thought was the purpose of the law, before this court decision. It's a good Bill. It doesn't

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add, I mean, to actually stand up and say that this adds tremendous cost and the unit of local government is among the reddest of red herrings that are out here, because it actually adds absolutely no cost. If you're going to go in front of the Labor Board and do a Unit Determination Hearing, the fact that you might have to look at one or two more factors, adds no, absolutely no cost to anybody who's involved in that whole procedure, either the Union, the employees, or in fact the unit of local government. So, it doesn't add any cost. The fact that it could be determined, the cost couldn't be determined according to the fiscal note is based on what theoretically organization might do to the salaries of employees. Well, we all know we can't speculate on that and the fact that organization may not have any impact on, on salaries at all. Again, that's another red herring that's involved here. It's a simple Bill that goes to clarify what we always thought the purpose of the law was. I commend Representative Reitz for bringing this Bill forward and I'd urge an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Rep Turner."

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

Speaker Hartke: "Indicates he will."

Turner, J.: "Representative, just heard a pretty long dissertation from Representative Scott, who says that the Bill is unequivocally clear. I've read that language several times and I don't understand what your definition is of managerial. Could you tell me what that word is? Please, just don't read it. I've read it, I don't understand the language."

Reitz: "The only thing the language does, it sets out what we're going to do to be considered a managerial employee. He has

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to... They have to prove that he is managerial to the Labor Relations Board... "

Turner, J.: "Well, how do they prove that?"

Reitz: "They'll have... They'll prove what duties he does if he if, he or she is doing, whether or not they're directing the work force and use all, whatever. Basically, I guess, we need... I should've talked to... Representative, I guess, this simply says that the Labor Relations Board is going to prove whether or not they are not managers. Whether or not they direct this, this office, this section or whatever it is, and absent that then they will be deemed regular employees and subject to collective bargaining rights, if they so wish."

Turner, J.: "From the questions of the last Representative who spoke, it sounds as though this Bill is intended to apply only to attorneys. Is that correct?"

Reitz: "It could apply to any professional employee. The case that were... The case that we've talked about, the case the court overturned, the court ruled on was attorneys."

Turner, J.: "The last Representative had referred to a rogue court decision. Who was that rogue court and what do you mean by rogue court?"

Reitz: "It was the only, I guess I would assume in that instance, it was the the only decision we've had. We had... The Labor Relations Board hasn't been acting since 1982 in the same form and manner and until this one decision came up and deemed these people all managerial."

Turner, J.: "What court made that decision and what was the ruling?"

Reitz: "It was in the Illinois Supreme Court, and we are getting the name of the case and the entire decision."

Turner, J.: "This was an Illinois Supreme Court decision? And..."

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Is that the court that Representative Scott was referring to, when he said it was a rogue court decision?"

Reitz: "I guess I didn't hear that. Ro... It was, I can answer that for you now, Representative. It was the Office of the Cook County States Attorney vs. the Illinois Local Labor Relations Board, 1995, and it was the Illinois Supreme Court."

Turner, J.: "And what... What was the decision that they made that you're trying to fix with your legislation?"

Reitz: "In this case, in this court decision, they... the court deemed that all attorneys, by virtue of making the individual decisions are managerial employees, and that had not been the case previously, and we do not believe that should be the case."

Turner, J.: "And if they're made managerial employees, what does that mean?"

Reitz: "It means they're... "

Turner, J.: "I mean, what's the practical effect of that?"

Reitz: "They're excluded from collective bargaining, if they so wish."

Turner, J.: "Okay. Thank you."

Speaker Hartke: "Seeing no one else is seeking recognition, Representative Reitz to close."

Reitz: "Thank you, Mr. Speaker. As I said, we're just trying to, to clarify the definition of managerial employee. We're trying to return this to the same way the public... the Illinois Public Labor Relations Board has acted since 1982 until this decision in 1995, and with this clarification we'll put things back as they were before. So, I'd appreciate your support."

Speaker Hartke: "The question is, 'Shall this Bill pass?' This is final action. All those in favor signify by voting

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'aye'; those opposed vote 'no'. The voting is opened. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2896, there were 74 Members voting 'yes', 41 Members 'no', 3 Members voting 'present'. Mr. Cross, Mr. Cross, waives his request for verification. This Bill, having received a Constitutional Majority, is hereby declared passed. Page 11 of the Calendar, House Bills Third Reading appears House Bill 2650, Representative Persico. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2650, a Bill for an Act to amend the Public Utilities Act. Third Reading of this House Bill."

Speaker Hartke: "Mr. Persico."

Persico: "Thank you, Mr. Chairman (sic-Mr. Speaker) and Members of the General Assembly. House Bill 2650 amends the Public Utilities Act. Right now, it's a Vehicle Bill. It deals with the Utility Deregulation Bill that we passed last year. There's some clarifying language that we're trying to work out with dealing with cogenerating your own electricity. Right now, we have representatives from ni-gas people, the Illinois Manufacturing Association, and the major utilities in our state, trying to negotiate the language that everyone can live with, they even met as late as this afternoon, and they're still not there. So, I'd like to move this Bill over to the Senate with the understanding that I will not move this legislation if it comes back with anything dealing with, except the cogeneration aspect of the Bill, and with that I ask for a favorable roll call for House Bill 2650."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. I would just like to echo what Representative Persico has indicated to the Body. It's a Shell Bill. We don't have any ill intensions to put any other type of language in there. We're working on a specific subject that we made a commitment dealing with cogeneration with respect to generating power on site at manufacturing plants and facilities around Illinois. So, we want to continue the dialogue, keep it going. We realize we have deadlines to meet. So, I ask my colleagues on the Democratic side to please support this Bill. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is 'Shall House Bill 2650 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2650, there were 83 Members voting 'yes', 32 Members voting 'no', 3 Members voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2746, Representative Hoffman. Representative Jay Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2746, a Bill for an Act amending the Illinois Highway Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2746 is an initiative of the Municipal League, and I know of no opposition. Essentially, what it does, it says that when there is a land conveyance, any type of land conveyance from or to a municipality from a state agency, not only does the land go to the municipality but also the easement. What happens is; for instance, an example would be IDOT gives a road to a municipality and

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there are some problems sometimes and that state law currently says that just the road surface, I believe, goes to the municipality and the easements and the other rights to the land still remain with the state. That causes some technical problems and this says that the entire conveyance will... or if that happens, the entire thing will be conveyed."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative Hoffman, we've had this conversation before. Our staff feels very strongly that this Bill as currently crafted, would allow IDOT to convey property to the Toll Highway Authority for no compensation. It was my understanding, you were going to specifically amend this Bill to make certain that that could not happen, would not happen, could not happen."

Hoffman: "Yes, that is, that is... We don't believe that it would do that, and that's not the intent. Representative, maybe... I did make that the commitment to you in committee. However, it was my understanding that you had talked to some individuals after that and you had relooked at it and did not come to that same conclusion. Now, if that's not the case, I'll take this out of the record, and I'll have it moved back to Second, put that Amendment on. But that was my understanding, and I apologize if that wasn't the case."

Black: "If I talked to somebody about it, I've got to tell you in all honesty I don't recall, because I certainly wouldn't intentionally lead you astray. But I've got to tell you,

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as long as staff expresses the fear and on behalf of many of my colleagues in the toll highway area, if there is the slightest chance that conveyance could be used by IDOT to convey land to the IDOT or the Tollway Authority then obviously, they're not going to vote for it."

Hoffman: "No, I understand that... "

Black: "If you think you could get it amended and... and I don't want to kill your Bill. Because I think other than that one concern, it's a pretty good Bill, and I know that the deadline is tomorrow. We'll certainly do everything we can to accommodate you in a Rules, direct to the floor, however you want to do it. I don't want to kill your Bill."

Hoffman: "Okay, if... Mr. Chairman or Mr. Speaker, if we could just take this out of the record, I could talk to Representative Black and maybe we can come back to it later if we work this out."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record."

Hoffman: "Thank you."

Speaker Hartke: "Representative Lang in the Chair."

Speaker Lang: "House Bill 2652, Representative Kosel. Please read the Bill."

Clerk Rossi: "House Bill 2652, a Bill for an Act concerning toll highways. Third Reading of this House Bill."

Speaker Lang: "Representative Kosel."

Kosel: "Thank you very much. Ladies and Gentlemen of the chamber, we discussed this Bill yesterday under the Amendment. It is a Bill that changes the way in which the tollway will acquire a property. It aligns it with the IDOT procedure for acquiring property and puts a couple extra steps on top of that for them, including an extra appraisal of land, the requirement to show the appraisal to the person they're buying the land from and forms a

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committee that is represented by community organizations within the area that the proposed corridor goes through, makes the tollway have a reoccurring hearing every ten years if they want to maintain a corridor. I would ask for your favorable consideration of this Bill."

Speaker Lang: "The Lady moves for the passage of House Bill 2652, and on that question, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. To the Bill. I rise in support of House Bill 2652. I think the Representative has taken concepts which would provide favorable protection for people who lived in tollway corridors and strengthen their protection under the law for their property. The only suggestion that I would make, and perhaps we can address it when this Bill goes... when the Bill goes over to the Senate is that the Bill, right now, provides for a appeal mechanism to... for people to be able to have a fair opportunity in court. I'd encourage Representative Kosel to have that amended in the Senate to include alternative dispute resolution or arbitration, because as we know quite frequently when a private individual or a residential property owner or a small business person finds themselves in litigation with a large governmental entity, they... while they theoretically have a fair chance to have their case heard, the reality is that that governmental entity can simply wear them down through a series of legal manuevers and through a war of attrition in the courts. So, I hope Representative Kosel will take that into consideration, but otherwise, it's a sound Bill and I urge its support."

Speaker Lang: "Representative Zickus."

Zickus: "Will the Sponsor yield?"

Schoenberg: "Yes."

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Speaker Lang: "Lady yields."

Zickus: "Does this legislation apply only to homes, to residential or does it include commercial industrial properties?"

Kosel: "It has provision in it for commercial industrial properties, as well as residential."

Zickus: "Do... Is this for areas where a new tollway is proposed or would it cover areas where there is an existing tollway and the authority is seeking additional land from adjacent property owners?"

Kosel: "Once this Bill becomes law, it covers all acquisitions of land that the tollway would have."

Zickus: "Even if they are taking just a part of their land?"

Kosel: "It has special reg... It has special regulations for partial takes and full takes."

Zickus: "Okay. Thank you."

Kosel: "It does devise between them."

Zickus: "Thank you."

Speaker Lang: "Representative Kosel to close."

Kosel: "Thank you very much, Ladies and Gentlemen. I would ask for your favorable consideration of House Bill 2652."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2805, Representative Wirsing."

Clerk Rossi: "House Bill 2805. A Bill for an Act amending the Higher Education Student Assistance Act. Third Reading of

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this House Bill."

Speaker Lang: "Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. House Bill 2805 is a Bill that will deal with the issue of that arises with our public university systems and in particular, Northern Illinois University. With the passage of the Procurement Reform Act last year, we found that there's a very narrow point within that Act that would virtually eliminate a program that many of our public universities run. It is called the Business Industry Services. This... For Northern it's based out of Oakbrook, and what this does is, it fully... it's a program for businesses that are contracted through Northern at no cost to the university, but because of the Procurement Act, it puts a bid basis on those who would offer these contract educational and training services for employees. It's a pretty wide based program, and as I say, the Act itself that we passed last year would devastate and actually eliminate the program. One of the reasons that this Bill is finely, narrowly defined for that particular purpose, this is a generator of net dollars to the university and those dollars are used for operational costs, such as technology programs and technology equipment. That's a rough thumb... thumb scale of what the Bill is about, and I would answer any questions."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I have a parliamentary inquiry. I'd like to question the germaneness of Amendment #1 to House Bill 2805. The underlying Bill... The underlying Bill deals with the Monetary Award Program and... for higher education and a report by a commission for the Monetary Award Program. Amendment #1 deals with a

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change to the Procurement Code, and I was wondering if this is germ... if this is, indeed, germane. I would like a ruling from the Chair."

Speaker Lang: "Mr. Schoenberg. The parliamentarian will review your request. Do you have any questions or debate on the Bill?"

Schoenberg: "Actually I do, and there's a large... To the Bill. There's a larger issue at work here, and since this is the first such... this is the first such example, I'll share this with the Body once, because we're going to encounter, not just this particular Bill but we'll be encountering several other well intentioned proposals to either create exemptions or loopholes or weaken provisions in the Procurement Law, which was signed into law by the Governor in February and which is scheduled to take in effect in July. What I'd like you all to know is that having conferred with the Senate Sponsor of the Bill, Senator Rauschenberger, he has advised me that Senate President Philip is going to hold all proposed changes to the new Procurement Law, whether it's something for Northern Illinois University or for the disclosure requirements, as they relay to law firms and others who do public business or the larger exemption and weakening of the Procurement Bill that the higher education community is seeking because they never supported comprehensive procurement reform in the first place. They thought they were exempt from it. All these exemptions, all these loopholes, whether it's 2805, the Amendment #1 or anything else. They're all going to be held in the Senate Rules Committee until all our children are grown and married, or, at the very minimum, until the new Policy Board, which is appointed by the Governor and the four Legislative Leaders, has the

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opportunity to review all the recommended changes and make recommendations on all these proposed changes to the Procurement Law. This Procurement Law was the result of six years of work, and it encompassed many, if not most of the 83 recommendations of the Auditor General's Blue Ribbon Commission on Procurement Reform. It's one of the few things that we could all walk away from here and say that we've genuinely made a difference in how we changed how business is conducted in the state. The fear that I have by supporting House Bill 2805, as amended, is we will be opening the flood gates to every exemption, every loophole. However well-intentioned, however meritorious it may be presented, we've considered this issue in a comprehensive manner before. Now let's let the procurement professionals do their job the way we told them to do their job in the Bill that was signed into law by the Governor. And it's for that reason that I'm asking you to oppose House Bill 2805, as amended. House Bill 2805 is the first step towards undoing all the hard work that all of us did, not that long ago. And I'd just like to make a final point on this issue. The irony of this particular Amendment is that the program, which is a worthwhile program for economic development in a portion of the state this program was originally run by the private sector, and Northern Illinois University went into this business and engaged the services of many of the people who previously provided this program under the Management Association of Illinois' banner. Now we have a public entity trying to do what a private concern did previously. And on the merit, as well as on the procedure, I'd urge your 'no' vote on House Bill 2805. Thank you."

Speaker Lang: "Mr. Schoenberg, we will get back to you on your

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inquiry. Representative Erwin."

Erwin: "Thank you, Speaker. With all due respect to the previous Speaker, I rise in support of House Bill 2805. I think it's important to know that while there... I think the overwhelming majority of Members in this chamber and our colleagues in the Senate did, in fact, support procurement reform. There are, there are unintended consequences that are not sinister. There are unintended consequences as this new Act went into effect that significantly impacted the legitimate and necessary and efficient operation of government, and in this case, of public higher education. I know, as Representative Wirsing has represented, we are aware and the Members of the Higher Education Committee are aware, that there is a group of higher public, higher education financial officers working and going through this new Act. I have gotten numerous calls from universities in this state about serious problems related to implementation of the Procurement Code changes, which are not sinister. It is just the normal operation of public higher education. This happens to be a case where, Representative Schoenberg, that Northern Illinois University can't wait. And so, without... with due respect to working on the other changes, no one testified against this Bill in committee, and I just believe that in this instance, we ought to let this move forward. I know the Sponsor has no intention of allowing other things to be added on to it. And I think in fairness, you have a university that's come forward and said 'here is a particular problem' and trying to correct it, when in fact, I suspect many others are just going about their normal operations. So, I think I would strongly urge an 'aye' vote and I think in no way should this be viewed as reducing or somehow denigrating our

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commitment to an efficient Procurement Act. I mean, it's certainly something that I supported. So, I also urge an 'aye' vote."

Speaker Lang: "Mr. Schoenberg, we have the response to your inquiry. Once a Bill is on Third Reading it is too late, under our rules to question germaneness of an Amendment. Your light was on, do you have a further inquiry? Your name was used in debate."

Schoenberg: "Thank you, Mr. Speaker, for that clarification. And yes indeed my name was used in debate, and I'd just like to address a comment in response to... to a colleague of mine who I have a very high degree of respect for, not just as the Chair of particular committee, but for her independence and conscientiousness in her work, the merits of the issue notwithstanding. What we're doing here is setting ourselves up, unfortunately, for a tidal wave, and I wish I could say it was only going to be a trickle. But we are setting ourselves up for a tidal wave of people who've already cued up to seek exemptions to the Procurement Code. This is arguably a worthwhile program. However, I'm sure the partners of all the major law firms in the Chicago area, who now are wondering whether or not they want to continue to do public business because they now have to adhere to some very tough disclosure requirements on how public dollars are disbursed and how they're accounted for. They too, will want to step up and have their exemptions made. And all I'm saying is that the best way and the most responsible way that we, as a Body, can handle this is to say, 'The Bill is already law, the new Policy Board is almost appointed.' Let's let the first order of business of that Policy Board consider this item and all the other items and make recommendations to us. There's already a

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Vehicle Bill in the Senate that's being held specifically for this purpose and based on what the procurement professionals tell us, and I don't doubt the sincerity of Northern Illinois University, but let's do this in a systematic way so that we are not undoing the very work that we... took us years to achieve, up until now. Thank you."

Speaker Lang: "Mr. Wirsing to close."

Wirsing: "Well, thank you very much. I guess I've just had a lot of words put into my mouth, and maybe I ought to clarify some of those. I think, first of all, Representative, you voted earlier today for a major change in the Procurement Act that was passed last year. So, I guess when you say this is the first step towards devastating that Act, I'm not sure where you're coming from when you already voted to, in fact, do that and dramatically devastated it. What this is, this is not public funds. These are contracts that are put out to a variety of companies to solicit services through that the Northern Illinois University office offers through these contracts. This Bill is drawn very narrowly to exempt, and this is only noncredit educational services and training and Northern has offered and trained over 1,100 people in the last year with the Illinois companies. These companies are spread over 90 House Districts across the State of Illinois. The program has 34 full-time staff that are positioned, situated in Oakbrook and has another 35 contractors who provide educational training. This is not public funds, this is noncredit educational services for training. This is for companies who have come to them, such as McDonald's, such as Walgreen's, the Illinois AFL-CIO, and the list goes on. Because of the Procurement Act last year, what this did,

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because of the putting out for bid on contracts, this affects this program, and what we're trying to do, because this takes effect July 1, it would end result would devastate and virtually eliminate the program because of the series of... the period of time that it takes for negotiation on contract on the bid basis. This is not opening a wide door, as I said earlier, and you're right, there is a committee that is formulating, and right now, has about eight or nine points that will need to be dealt with, relative to the Procurement Act that was passed in 1997. We're aware of that. We know that's there. This fits the second year of a General Assembly because this is emergency issue. Once again, very narrowly drawn to exempt only those noncredit educational services and training programs. I would ask for your support and please vote 'yes'."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90 voting 'yes', 25 voting 'no', and 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brunsvold, on House Bill 2724. Are you ready on that Bill, Sir? Please call the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2724, a Bill for an Act to amend the Worker's Compensation Act. Third Reading of this House Bill."

Speaker Lang: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. For the last two months, we've been working to

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try to come to some agreement on balanced billing, which is a part of workmen's comp. This Bill, that's on the board right now, is a shell Bill. It has nothing in it. We stripped it when it came out of committee. We're... we met just about 15 minutes ago, finished an hour and a half meeting. We're making progress. We think we can solve this problem, but we need more time. I've been working with Mr. Parke on the other side of the aisle, and I would like to pass this Bill to the Senate and hold it there for an Agreed Bill on the workmen's comp."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I join you in wanting a quick resolution, but I must ask the Sponsor to yield."

Speaker Lang: "The Gentleman yields."

Black: "Thank you. Representative, you said this is a Shell Bill. It shall do what?"

Brunsvold: "Shall solve our balanced billing problem in the end, I hope."

Black: "All right. I hope. So, in effect, if you vote for this Bill, you're voting for a workers' comp Bill. You really don't know what the Senate might put in it. You really don't know what it will do when it comes back. So, it's really a vehicle in the classic since of a Vehicle Bill, right?"

Brunsvold: "It is. We have been meeting, I just got out of a meeting about 15 minutes ago with all parties involved, the doctors, the hospitals, the lawyers, the labor unions, manufacturers... "

Black: "Well, you have my deepest sympathies."

Brunsvold: "... the list goes on and I don't suspect we can pass anything out of any committees unless we get an agreement."

Black: "I would think you're probably right. This workers' comp

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system in Illinois is an industry, it isn't a law. Now...

"

Brunsvold: "You are correct."

Black: "Mr. Speaker, to the Shell Bill. I reluctantly stand in opposition. There is no more emotional concept than workers' comp, and it's a very contentious issue and there are a multitude of parties that are on one side or other of the issue. And I can't, in good conscience, ask my colleagues to vote 'aye' for a pure vehicle Bill, which could be loaded up in the Senate with heaven knows what dealing with workers' comp and we won't be in late in May, I'm sure, and it may be a real mess. And so I simply would ask colleagues on my side of the aisle to vote 'no' on this Vehicle Bill because we don't really know how it will come back to us, and should it get the requisite number of votes to pass, I'll seek a verification."

Speaker Lang: "Your request is acknowledged. Representative Cross."

Cross: "I would ask for a double verification. Thank you."

Speaker Lang: "Your request is denied. Representative Brunsvold to close."

Brunsvold: "Mr. Speaker, I've been working with Mr. Parke on the other side of the aisle, and I've committed to him that we will work together to try to solve this problem on balanced billing, and believe me, it's not going to change and nothing's going to come out of here that we can't agree on, as far as the billing process is concerned. We're trying to stop the billing to employers and employees, and I've had Bills about four years now trying to solve this problem, and we're moving along. We may come to an agreement eventually, here. If we kill this Bill here, we won't have an opportunity to solve that problem. I ask for

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your support."

Speaker Lang: "The Gentleman moves for the passage of House Bill 2724. Those in favor shall signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 voting 'yes', 55 voting 'no' and 3 voting 'present'. Mr. Brunsvold, do you wish to have postponed consideration?"

Brunsvold: "Mr. Speaker, could I put this on postponed and call it right now?"

Speaker Lang: "Mr. Clerk, House... the Gentleman is within his rights. The Bill shall be placed on the Order of Postponed Consideration. Mr. Clerk, Mr. Clerk, House Bill 2724, on the Order of Postponed Consideration."

Clerk Rossi: "House Bill 2724 has been read a third time, previously and is on the Order of Postponed Consideration."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 61 voting 'yes', 55 voting 'no', 2 voting 'present' and there is a request for a verification. Mr. Clerk, read the affirmative vote."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives Acevedo. Boland. Bradley. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Crotty. Currie. Curry. Dart. Davis, Monique. Davis, Steve. Erwin. Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles. Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard. Jones, Lou. Jones, Shirley. Kenner. Lang. Lopez. Lyons, Joseph. Mautino. McCarthy. McGuire.

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McKeon. Moore, Eugene. Morrow. Murphy. Novak. O'Brien.
Parke. Phelps. Pugh. Reitz. Rodriguez. Ronen.
Schakowsky. Schoenberg. Scott. Scully. Silva. Slone.
Smith. Stroger. Turner, Arthur. Woolard. Younge and Mr.
Speaker."

Speaker Lang: "Mr. Black."

Black: "Mr. Speaker, Representative Scott and Representative
somebody else with Doug Scott... Granberg are in a meeting,
and they asked to be verified, and that's fine. They're
now one."

Speaker Lang: "Thank you. Please proceed."

Black: "Yes, Representative Bradford. I think his contract calls
that he needs to be here and do some work. Oh, I'm sorry.
That's nullified. I'm sorry. Well, Representative
Capparelli on the floor?"

Speaker Lang: "Mr. Capparelli. Coming in the door right now, Mr.
Black."

Black: "I'm sorry."

Speaker Lang: "Mr. Capparelli is in the House."

Black: "As he usually is. He's been here since the place was
built. Representative Phelps in the chamber?"

Speaker Lang: "Mr. Phelps is talking to Mr. Fritchey."

Black: "Now, I would think he'd be out campaigning, for crying
out loud. Representative Burke. Out checking on guard
dogs, I think."

Speaker Lang: "Mr. Burke. Is Mr. Burke in the chamber? Mr.
Burke. Yes, I'm wondering if Mr. Burke is here. I'm just
looking for him. Bear with me, Mr. Black. All right, Mr.
Clerk, remove him. Mr. Black."

Black: "Representative Rodriguez?"

Speaker Lang: "Representative Rodriguez. Representative
Rodriguez. Representative Rodriguez."

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Black: "Pretend you're an auctioneer, Mr. Speaker. Going once, going twice, going three times... "

Speaker Lang: "I'll handle this, Mr. Black. Thank you very much. Representative Brunsvold, for what reason do you rise?"

Black: "He's already... arisen. If you don't hurry up, it'll be Easter."

Brunsvold: "Well, Mr. Speaker, Senator Welch is in my chair. I just wondered, April Fools... Mr. Welch is supporting my Bill, and he would like to be Sponsor in the Senate. No, he wouldn't."

Speaker Lang: "Representative Rodriguez. Representative Morrow, I'm sorry, I didn't hear you. Can Mr. Morrow have leave?"

Black: "Absolutely."

Speaker Lang: "Mr. Black is nodding."

Black: "Absolutely."

Speaker Lang: "Mr. Burke has returned to the chamber. Please restore his 'aye' vote. Representative Rodriguez, remove her. Mr. Black."

Black: "Mr. Speaker, there's little reason to do a verification if you're going to give him time to get back from Chicago, for God's sake. Representative Silva."

Speaker Lang: "Representative Silva is in the back, waving."

Black: "Yes, I see her. Representative Morrow asked to be... he had leave didn't he, and I... "

Speaker Lang: "Yes, he did."

Black: "Think Representative Turner has come back in the chamber. All right. Is Representative Flowers in the chamber?"

Speaker Lang: "Representative Flowers... "

Black: "There she is."

Speaker Lang: "... is by the press box."

Black: "She's in the press gallery. I should have known. Is Representative Parke in the chamber?"

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Speaker Lang: "Representative Parke is standing right next to you, Sir."

Black: "Are you sure? I'll be darn."

Speaker Lang: "Yes, that is Representative Parke."

Black: "Mr. Speaker, you are a master at stalling, Sir, and I'm... I'll take a blood pressure pill, but in the future, on a verification, it would be nice if your Members would be within a reasonable distance of the chamber. We'll not be this nice the next time."

Speaker Lang: "Does that mean you've completed your verification, Sir?"

Black: "No, Senator Welsh?"

Speaker Lang: "Senator Welsh is here."

Black: "Was he ever a Member of this Body?"

Speaker Lang: "You'd have to ask him that."

Black: "Remove him. Remove him from the chamber."

Speaker Lang: "Just remove him."

Black: "Yes."

Speaker Lang: "Just remove Senator Welch. Have you completed your verification, Sir?"

Black: "Is Representative Woolard here or is he working on the hog issue?"

Speaker Lang: "Representative Woolard is in his chair."

Black: "Well, he didn't have his mask on. I didn't recognize him. I have nothing further."

Speaker Lang: "On this question, there are 60 voting 'yes', 55 voting 'no', and 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2746, Representative Hoffman. Mr. Hoffman. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2746 has been read a third time, previously."

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Speaker Lang: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We discussed this Bill and I explained it. Essentially, this is a provision that's put forward by the Municipal Code... Municipal League regarding conveyance of land when IDOT conveys land. There was a concern from Representative Black, and I think that that has been cleared up. There was a concern that this would allow some type of a conveyance from the Toll Highway Authority. This has nothing to do with any kind of conveyances with the Toll Highway Authority, it would not effect that at all. What, essentially, we're saying is that, if you do convey to a municipality, that the entire land, as well as easements, go with it, and it's my understanding that IDOT is okay with this Bill. It's just a way to ensure that once IDOT does give the land to the municipality, that they don't have to continue to deal with it, and I ask for a favorable roll call."

Speaker Lang: "The Gentleman moves for passage of House Bill 2746, and on that question, the Chair recognizes Representative Skinner."

Skinner: "Would the Sponsor yield, please?"

Speaker Lang: "The Gentleman yields."

Skinner: "This has nothing, whatsoever, to do with conveying land or laying hands on any prior conveyance of land from IDOT to the Tollway Authority, right?"

Hoffman: "No, it doesn't. As a matter of fact, if you look at, although it's not specifically in the Bill, your staff and IDOT and everybody went to the references and the definitions that are contained in this Section, and what this Bill has to do with, it only has to do with what is called the 'highway authority' under this Section of the

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Act. 'Highway authority' is specifically defined or as... the definition of 'highway authority' specifically excludes tollways. So, this has nothing to do, by virtue of the definition in the Act, has nothing to do with the tollways."

Skinner: "Well, I would hope the judges would read the legislative record before the make a ruling, but my fear is that, since the Toll Highway Authority is called a highway authority, that they might not. Currently, the Department of Transportation and the Toll Highway Authority have signed an agreement which will allow the Department of Transportation to give away \$60,000,000 of current market value land in a six county area that has been paid for with our region's Motor Fuel Taxes to the tollway authority. So, I'm nervous, but thank you for your explanation."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 1 voting 'no', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Announcements."

Clerk Rossi: "The House Rules Committee will meet at 5:15 in the Speaker's Conference Room. The Rules Committee will meet at 5:15 in the Speaker's Conference Room."

Speaker Lang: "Mr. Clerk, Introduction of Resolutions."

Clerk Rossi: "House Resolution 390, offered by Representative Lopez; House Joint Resolution 57, offered by Representative Novak; House Joint Resolution 58, offered by Representative Novak have been assigned to the Rules Committee."

Speaker Lang: "House Bill 2814, Representative Giles. Mr. Clerk,

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please read the Bill."

Clerk Rossi: "House Bill 2814, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2814 is a very good, very good Bill. It amends the Election Code. What it does is it allows a voter to deposit his or her ballot into the ballot box. That's simply what this Bill does. This Bill passed out of committee, the underlying Bill passed out of committee 13 to 0. There is no known opposition to this Bill. IVI, IPO support this Bill. I thought that we, the State of Illinois, would be a pioneer on this piece of legislation. We'll be the first to do this, but as I have researched that the State of Texas and Virginia does this with their ballots. They allow the voter to place their ballot into the ballot box. This is a good ethical Bill for the voters of Illinois, and I ask for its passage."

Speaker Lang: "Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Bill. I rise in opposition, reluctant opposition, and I think the Sponsor is well intended, and we debated this yesterday. I don't think we need to go on for 10 or 15 minutes. The Sponsor encountered a situation in his precinct that's unconscionable. That is the election judge not paying attention, making him wait three or four minutes until his ballot was deposited in the ballot box, but I can't in good conscience support this Bill. This Bill allows the voter to place the ballot in the ballot box by himself or herself with the election judge, perhaps watching, perhaps not. History will show you that when you do this, as we used to do with the old paper ballots many years ago, this is how

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you facilitate getting election materials out of that precinct so it can be premarked, given to a voter to go in, into the booth, stick that prepunched ballot in the envelope hand it, not hand it to the judge, stuff it in the ballot box before the judge can even see you or make sure it's initialed properly. I have the utmost respect for the Sponsor. What he has encountered is not correct, but I think this is an overreaction to that, and if history is any judge, this allowing the voter to place the material, the ballot, in the box without the judge even seeing or making sure it is, in fact, the right ballot and initialed properly, is tantamount to bringing back the bad old days, and I don't think we want to go back to that. This will greatly facilitate someone taking materials out of the voting booth, or the precinct, or bringing some marked ballots into the precinct. I stand in opposition of the Bill. I wish I didn't have to, but I feel very strongly about it. Mr. Speaker, should it get the requisite number of votes, I'll seek a verification."

Speaker Lang: "Your request is acknowledged. Mr. Giles to close."

Giles: "Thank you, Mr. Speaker. Just a correction to the Gentleman that just spoke on this Bill. The... once the process, and according to the language of this Bill, once you have voted and you have placed your ballot into the jacket, what you will then do is to give that ballot to the election judge to make sure that the jacket is initialed. That election judge will make sure that ballot is in proper, in order, then that ballot... then that election judge will ask that voter, 'Do you want to place your ballot into the ballot box?' And so, what we're doing here is simply giving the voter the option of placing their

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ballot into the ballot box. That's all that we're doing here. We're not changing anything not... no other process. The election judge is there to watch the process, to make sure the process is fairly. I think this is a long awaited to-do. I think we should do this. I think this is ethical. I think more of our voters would appreciate having that option, having the option to do so, and I ask for the passage of this Bill."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 51 voting 'yes', 63 voting 'no', and 0 voting 'present'. Mr. Giles."

Giles: "Mr. Speaker, I would like for this Bill to be placed on Postponed Consideration."

Speaker Lang: "That request will be granted. Your Bill will be placed on the Order of Postponed Consideration. House Bill 3236, Representative Myers. Please read the Bill, Mr. Clerk. Out of the record. Sorry, out of the record. House Bill 2822, Representative Capparelli. Out of the record. House Bill 2884, Representative Schakowsky. Read the Bill, please."

Clerk Rossi: "House Bill 2884, a Bill for an Act to amend the Illinois Educational Labor Relations Act. Third Reading of this House Bill."

Speaker Lang: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In 1995 this Legislative Body made an unprecedented move when it established, by law, a bargaining unit, doing it that way rather than by a ruling

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of the Labor Relations Board. In doing so, the state became a union buster, destroying the faculty union at Sangamon State, now the University of Illinois in Springfield, that had existed since 1985. There's only one other system in the entire nation, that's the State University of New York, which is having it's own problems, that has one multi-campus union unit. Until 1995, the University of Illinois administrators themselves supported separate units for Chicago and Urbana. Today, over 80% of the faculty at the University of Illinois at Springfield supports this legislation which would reestablish the bargaining unit for those faculty at the University of Illinois-Springfield. The... this legislation is supported by the faculty, the University Professional Employees at Champaign-Urbana who called the current law, 'longheaded and poorly thought-out,' and they say that there is little in common among faculties at the three campuses as each campus has it's own unique mission. We know, from experience, that having a bargaining unit at... Springfield is not disruptive because, even after the law passed, for one year until January 1st... July 1st 1997, they had... the University of Illinois agreed to honor the contract that had been negotiated, and they did it without any problems. So, what this legislation does is say that the State of Illinois will not be a union buster, that we will, in fact, allow the union at, in Springfield to exist, and I would urge your 'aye' vote."

Speaker Lang: "Representative John Turner."

Turner, J.: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "The Lady will yield."

Turner, J.: "Representative, what's the position of the University?"

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Schakowsky: "The University has changed it's position on separate bargaining units, and now is in favor of one faculty unit for all campuses, which essentially means no union because there are no unions at the University of Illinois."

Turner, J.: "My analysis says that the University of Illinois is opposed. Is that analysis incorrect?"

Schakowsky: "No, that's correct."

Turner, J.: "Okay. Well, why are they opposed?"

Schakowsky: "Well, they say that they want one unit, one faculty, and in doing so, they would destroy that bargaining unit at Springfield."

Turner, J.: "Well, just to put it bluntly, I guess that argument, advanced by the University of Illinois, makes perfect sense to me. I'm not sure I understand what you're trying to accomplish with your Bill."

Schakowsky: "Well, it didn't make perfect sense, even to the University of Illinois, before 1995 when they, themselves, thought that having separate units at Champaign-Urbana and Chicago would be just fine. I don't... I guess I would put it to you, why... if it ain't broke, don't fix it. It was working fine, it continued to work fine, even after the legislation passed, and there doesn't seem to be any reason, since everyone at the University in Springfield was happy, and it seemed to work well with the University."

Turner, J.: "Well, if this measure were to pass and become law, what would be the practical effect of it?"

Schakowsky: "The practical effect would be to have the University of Illinois, similar to Southern Illinois University and similar to other university systems around the nation in having bargaining units that are separate at different campuses."

Turner, J.: "Who does the... who would the bargaining unit

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bargain for?"

Schakowsky: "They bargain for about 150 faculty at the University of Illinois-Springfield."

Turner, J.: "How many did you say, Representative? I couldn't hear you."

Schakowsky: "It's about 150."

Turner, J.: "I believe Representative Cross has some questions. Mr. Speaker, I was finished. I'm finished."

Speaker Lang: "You're finished, Sir? You mean you're done... you're finished with the questions you have at this time?"

Turner, J.: "Well, exactly. Thank you though."

Speaker Lang: "Representative Cross."

Cross: "We request a verification in the event this gets the requisite votes, and will the Sponsor yield?"

Speaker Lang: "Your request is acknowledged and the Lady yields."

Cross: "Representative, can you cite for us, case by case, example by example, teacher by teacher, that have been harmed or their rights have been diminished?"

Schakowsky: "What I can say is that 80% plus of the faculty at the... Springfield campus have said that they want their bargaining unit back, and I can say that it's... it worked successfully until July 1st, 1997."

Cross: "But the truth of the matter is, you cannot cite any wrongs that have taken place, so now you're asking us to pass the Bill to correct wrongs that don't even exist."

Schakowsky: "No, I didn't say that."

Cross: "You haven't been able to give me an example of a wrong."

Schakowsky: "Well, if I... I'm sure if I had some of the faculty here, I could tell you the disadvantages to them, but the purpose, the reason they brought this Bill to the Legislature, Representative, is, in fact, they do believe that their rights are diminished, and they are not in the

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same strong position as they were, and in the same compatible position that they were with the University administration in terms of negotiating those rights. It worked fine. I think we need to ask, 'What harm did it do to the University to have this bargaining unit?'"

Cross: "Well, it's amazing. I can't cite a single example, you can't cite a single example. No one on our side, that I know of, has heard of a case where someone's been wronged, but yet, once again, we want to try to pass legislation to correct what, you claim, are wrongs that don't even exist and I would... like for once, for us to consider a Bill that you can actually cite a problem. We don't even... you can't even tell us the problem, and you're asking us to pass a significant piece of legislation, and you don't even have anyone here to tell us what the problem was. Were there any people in committee?"

Schakowsky: "I'll tell you a problem. I think it is a problem when the Legislature makes an unprecedented move to decide what is an appropriate bargaining unit instead of leaving it to the Labor Relations Board and to be engaged in union busting. I would think that most people would think that that is not a role for this General Assembly, and that for workers to negotiate their rights and their benefits and their working conditions, that's what they want to have at that campus."

Cross: "Representative, why do you want separate, smaller units for bargaining. Doesn't that... I mean, aren't you, potentially harming the teachers at this university as opposed to having a bigger group working? Why do you want to harm those people, potentially harm them?"

Schakowsky: "Representative, even the te... even the faculty at Champaign-Urbana said that there is little in common among

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faculties at the three campuses as each campus has it's unique mission. So, clearly, I'm trying to help and not to harm."

Cross: "Well, to the Bill. As brief as I can be, this is a problem that no one has been able to show us exists. We're talking about theory, not the real world. If you want to vote on theory, I guess you vote 'yes', if you want to vote on problems that don't exist, then you're only, the only appropriate vote is 'no'. Thank you very much."

Speaker Lang: "Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me try and put this in a perspective for you. Currently, we have three campuses: Springfield, Champaign and Chicago. What the Sponsor of this Bill wants to do is split off the smallest of the three campuses faculty so that they will negotiate with the University of Illinois on their own. Well, let me tell you what's going to happen in the real world when we do that, that maybe the Sponsor hadn't even thought about. If Chicago and Champaign are negotiating with the University for benefits, there's only so many benefits and so much money that that University's going to give to the faculty. When you have a small bargaining unit that's going to want to bargain on their own, what you're going to end up is the big boys, the other two big campuses, are going to be able to get a bigger piece of the pie than the smaller units. So, in fact, what this Bill is going to do is it's going to be counterproductive to even what the Sponsor wants to do because I don't think they'll be in a good bargaining position because they are a much smaller group of faculty that the other two campuses have a huge amount of faculty there, and the University's only going to be able to give

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so much to all of them, and I contend that they will lose in the process of this. Right now, Ladies and Gentlemen, let us keep it the way it is. It is sufficient. It is working. We do not need to change that, and I would ask that the Body vote 'no' on House Bill 2884."

Speaker Lang: "Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just heard some fairly incredible things, given what really happens in terms of labor law. First of all, the last speaker's talking on behalf of employees and saying, 'We can't do this because this is really going to hurt them.' They don't think so. They're the people that want this to happen. So, I'm sure they appreciate you looking out for them, but that's not really, they're not really looking out for them. They want something very different to happen. The fact of the matter is Chicago and Champaign don't negotiate. That's the point of all this. That was the point of all this a couple of years ago when you all passed the Bill that lumped them all into one unit. You had one unit out there that was negotiating, that was Springfield, they were negotiating collectively, and you lumped them into the two bigger units that don't negotiate because then they wouldn't be able to, either. I mean, that's really a disingenuous argument. It's one of the worst ones I've heard all day. It has nothing to do with the reality of the situation. The reality is, you simply wanted to bust up a union at the University of Illinois at Springfield, and you were able to do that, but don't try to couch it in terms of you're actually going to help those employees out or you're looking out for their collective bargaining interests. In the real world, we let the Labor Board decide what exactly is the commonality of interest

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between the employees, and we let them determine their unit. We don't go do that for them. We made an unprecedented step a couple of years ago. It was wrong then, it was to the detriment of those employees. They'd like it back the way it was. We should support them. Vote 'aye'."

Speaker Lang: "Representative Schakowsky to close."

Schakowsky: "You know, I was asked earlier, what harm... has been done? The fact of the matter is that since the bargaining unit has been taken away, we have seen morale fall very far at the University of Illinois-Springfield campus because they had a system that really worked. We have precedents all over the State of Illinois and all over the country that says that campuses can negotiate for their faculty separately. Let's look at Southern Illinois University where we have the campus organizing at Carbondale, where it is not in Edwardsville or Springfield. Shouldn't the cap... the faculty at UIS have the same rights as the faculty at Carbondale to organize and to freely choose their representatives? We are trying to set right a wrong here. We're not trying to give any special privileges. We're trying to maintain a system that worked since 1985 that worked fine after this law was passed, that is supported heavily by the employees at Springfield, that is supported by their colleagues, nonunion colleagues, at Champaign-Urbana. We don't want this state to have a reputation of being a union buster. If it ain't broke, don't fix it. Let's restore that bargaining unit. Please vote 'aye'."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk, please take the record. On this question, there
are 62 voting 'yes', 54 voting 'no' and 0 voting 'present',
and Mr. Cross has asked for a verification. Do you
persist, Sir? Mr. Clerk, please read the affirmative.
Excuse me, Mr. Clerk. Mr. Bugielski has requested leave to
be verified. Mr. Giles, Mr. Schoenberg, Mr. Saviano, Mr.
McAuliffe, Mr. Mautino, Mr. Woolard. Do you acknowledge,
Sir?"

Cross: "Well, if you would go over those names again, maybe we
can go over them one at a time."

Speaker Lang: "Well, Mr. Mautino, Mr. Giles, Mr. Bugielski, Mr.
Saviano, Mr. McAuliffe, Mr. Woolard, Mr. Burke, Mr.
Schoenberg. All of those people were verified, at least by
the Chair. Do you acknowledge, Sir?"

Cross: "Mr. Speaker, isn't it proper procedure to go through the
affirmatives and then we go to that stage?"

Speaker Lang: "To be honest, Sir, a few of these people are on
their way to a wake. They're going to be gone a few
minutes in Springfield. They'll be right back. I'm trying
to accommodate them. Some of them are on your side,
anyway."

Cross: "If they are going to a wake, certainly, if that's the
truth."

Speaker Lang: "Well, some of them are. I can't vouch for all of
them. Can we read the affirmative now, Sir?"

Cross: "I'd like you to read the affirmative please."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo.
Boland. Bost. Bradley. Brosnahan. Brunsvold.
Bugielski. Burke. Capparelli. Crotty. Currie. Curry.
Dart. Davis, Monique. Davis, Steve. Erwin. Fantin.
Feigenholtz. Flowers. Fritchey. Gash. Giglio. Giles.

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Granberg. Hannig. Hartke. Hoffman. Holbrook. Howard.
Jones, Lou. Jones, Shirley. Kenner. Lang. Lyons,
Joseph. Mautino. McAuliffe. McCarthy. McGuire. McKeon.
Moffitt. Morrow. Murphy. Novak. O'Brien. Phelps. Pugh.
Reitz. Rodriguez. Ronen. Saviano. Schakowsky.
Schoenberg. Scott. Scully. Silva. Slone. Smith.
Stroger. Turner, Arthur. Woolard. Younge and Mr.
Speaker."

Speaker Lang: "Mr. Cross."

Cross: "Representative Lopez."

Speaker Lang: "Did you say... "

Cross: "Lopez."

Speaker Lang: "Lopez. Representative Lopez. Not voting, Sir.
Representative Slone asks leave to be verified. Thank you.
Representative Silva asks leave to be verified."

Cross: "Representative Rodriguez?"

Speaker Lang: "Representative Rodriguez is in her chair."

Cross: "Representative Harold Murphy?"

Speaker Lang: "Representative Murphy. In the back, waving."

Cross: "Representative Capparelli?"

Speaker Lang: "Representative Capparelli. Mr. Capparelli. Is
Mr. Capparelli in the chamber? Please remove him, Mr.
Clerk."

Cross: "Representative Shirley Jones?"

Speaker Lang: "Representative Shirley Jones is in her chair."

Cross: "Representative Giglio?"

Speaker Lang: "Representative Giglio is standing and waving."

Cross: "Representative Flowers?"

Speaker Lang: "Representative Flowers. Representative Mary
Flowers. Representative Flowers. Please restore Mr.
Capparelli to the roll. Mr. Reitz has asked leave to be
verified, he's in the center aisle. Representative Flowers

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is in the rear of the chamber, Mr. Cross."

Cross: "Representative Hannig?"

Speaker Lang: "Representative Hannig is in the center aisle, waving. Anything further, Sir?"

Cross: "Representative Granberg?"

Speaker Lang: "Representative Granberg. Representative Kurt Granberg. The Gentleman from Clinton County, Mr. Granberg. Please remove him, Mr. Clerk. Representative Steve Davis asks leave to be verified, Mr. Cross. He's in the center aisle. Representative Monique Davis asks leave to be verified. She is, momentarily, going to be in the center aisle."

Cross: "Is there anyone that doesn't want to leave?"

Speaker Lang: "Representative Granberg has returned to the chamber. Please restore his 'aye' vote. He's in the rear of the chamber, Mr. Cross. Any further?"

Cross: "Yes, a few more. Representative Bradley."

Speaker Lang: "Representative Bradley is standing by his chair."

Cross: "Representative Boland?"

Speaker Lang: "Representative Boland is sitting down in the back row... in his chair, I believe."

Cross: "Representative Scully?"

Speaker Lang: "Representative Scully is standing at the rear of the chamber in the center aisle."

Cross: "Representative Ronen?"

Speaker Lang: "Representative Carol Ronen is waving both arms. Any further?"

Cross: "Just one second, please. Representative Hoffman?"

Speaker Lang: "Representative Hoffman is standing at his chair."

Cross: "All right, thank you, Mr. Speaker."

Speaker Lang: "On this Bill, there are 62 voting 'yes', 54 voting 'no' and 0 voting 'present' and this Bill, having received

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a Constitutional Majority, is hereby declared passed. Mr.

Clerk... Mr. Clerk, what is the status of House Bill 3575?"

Clerk Bolin: "House Bill 3575 is on the Order of House Bills
Third Reading."

Speaker Lang: "Please place this on the Order of Second Reading.
Mr. Clerk, House Bill 3069, Representative Fantin.
Representative Fantin, do you wish to proceed? Please read
the Bill."

Clerk Bolin: "House Bill 3069, the Bill has been read a second
time, previously. No Committee Amendments. Floor
Amendment #1, offered by Representative Fantin, has been
approved for consideration."

Speaker Lang: "Representative Fantin."

Fantin: "Thank you, Mr. Speaker. This is Amendment #1. It's
individuals waiting for community based services, and this
is for developmental disability persons. The department
shall collect and maintain information on the number of
individuals with developmental disabilities who have
requested, either themselves, or through a parent or
guardian and are waiting for community based services that
are funded through grants from the department to and
contracts with the department and local school districts,
individual service coordination organization and community
based organizations. The information should include, but
is not limited to the following: the number of those
individuals waiting for community based, residential
services such as community integrated living arrangements,
supported apartments, supported living, and other community
living arrangements; the number of those individuals
waiting for services for... from intermediate care
facilities for the developmentally disabled; the number of
those individuals waiting for services for day and

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vocational programs such as: day activity programs, adult day care, developmental training, sheltered workshops, supported employment, job placement and other day programs; the number of those individuals waiting for family support services, respite care, personal assistant services, case management services, early intervention services and other services not included in paragraph three, the ages of the individuals waiting for services, the ages of parents of those individuals waiting for services and the representative district in which those individuals waiting for services live. The information should be updated annually. The information collected should be limited to the information about individuals who are eligible for services at time or request or who will be eligible to receive services within 12 months after the date of services are requested. The department shall, on request, make the information available to other agencies serving persons with developmental disabilities."

Speaker Lang: "Representative Ryder on the Amendment."

Ryder: "Thank you, Mr. Speaker. I would stand in opposition to the Amendment and wish to state the reasons for that opposition. I have no doubt about the sincerity of the intentions of the Sponsor of this Bill, but I would simply bring to the attention of this General Assembly that the gathering of data for a waiting list does not serve those on the waiting list. All it does is deprive services that we could be giving them because we now have to maintain a waiting list. Additionally, it ignores, it ignores the fact that some may be in more desperate need of assistance than others. There's nothing in this waiting list that suggests that someone is profoundly developmentally disabled or someone is more moderately developmentally

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disabled or indeed that any analysis has been made of these individuals at all. The unintended consequence of this Lady's Amendment is simply to incite litigation. I realize that's not her purpose, or at least I hope that's not her purpose. All their waiting list does is invite litigation. It creates entitlements, and if we wish to pay for that, the better way of doing it is to sponsor more money for the Department of Mental Health and Developmental Disabilities through the Department of Human Services. Let us treat those who need the service, not count them. Let us provide treatment for them, not create a waiting list. Despite the good intentions of the Sponsor, this does not accomplish anything except encourage litigation, increase administrative costs, and decrease the opportunity to treat those who really need the help. Thank you, Mr. Speaker."

Speaker Lang: "Representative Black."

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

Speaker Lang: "The Lady yields."

Fantin: "Yes."

Black: "Representative, let me build on some very cogent points made by Representative Ryder. If you have created a waiting list, does that mean the person at the top of the waiting list must be the next served by the agency?"

Fantin: "No, Sir. This waiting list is only because the people... once these people are out of school and they aren't in the educational classes, you know, they turn eight years... about 18 years old or... the departments, they really have no way of keeping track of them, and what they're looking for is to see how many of these people are still in need of care after they're out of school. There's a lot of them that need jobs. They need different services

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and what they would be doing is going to the different agencies and just we would know, as Representatives, we would know how many people are out there that are needing services and how to allow the money for these services. Right now there is nothing telling us how many people are waiting for jobs, how many people are waiting for housing. We've lost track of these people. And a lot of these people are being taken care of by their parents, who become of age, they become elderly, and they can no longer handle this, and you know, when they're in their 70s, they don't know what they're going to do. We need to know where these people are and what to expect, what we're going to need to take care of, what the needs are."

Black: "Well, thank you very much, Representative. I'm not sure I agree with you that the creation of a waiting list would not put some burden on the department if not implied. I would think it would be implied that whoever is first on the waiting list would be the next in line. Mr. Speaker, if I might, to the Amendment. Mr. Speaker, to the Amendment. Thank you. Ladies and Gentlemen of the House. I too rise in opposition to the Amendment and would request a Roll Call Vote on the Amendment and would seek a verification should the Amendment get the requisite number to pass. Let me just end this by saying, in the opinion of the department, the creation of a waiting list violates a Federal Court Order. Now, it can't be any more clearer than that. The Federal Court Order says, 'That there cannot be a waiting list for early intervention services which have been determined to be an entitlement. Any provider that maintains such a list would be in violation of the Federal Court Order.' I don't think we need any more litigation on this subject than we've already had in

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the State of Illinois. And the Sponsor is well intended, but a clear violation of the Federal Court Order would result in the compilation of such a list. It's that reason and others that I rise in opposition. I will seek a Roll Call and Verification. Thank you, Mr. Speaker."

Speaker Lang: "Your requests are acknowledged. Representative Fantin, to close."

Fantin: "I'm sorry the Representative, as he just read that, that's the first I've heard of that. I've received no opposition, and in fact, in committee this was passed through unanimously. We had a lot of backing on both sides of the aisle for this knowing that we need these services, that if we don't have a waiting list we don't know where these people are at. We're having a lot of problems, this came from the ARK Agency, from LARK, and they are the ones that asked me to Sponsor this Bill and this is where it came from. I just ask you to take a second look at this and the intent is just that they would be able to know where these people are at and know how we should allot the money."

Speaker Lang: "Have you completed your remarks, Representative? The question is, 'Shall this Amendment be adopted?' All those in favor shall signify by voting 'aye'; those oppose shall vote 'no'. The voting is open. Have all voted who wish? A simple majority is necessary. Have all voted who wish? Have all voted who wish? Please, take the record. On this question, there are 79 voting 'yes', 31 voting 'no' and 1 voting 'present'. Mr. Black withdraws his request. And Floor Amendment #1 is adopted. Mr. Clerk, anything further?"

Clerk Rossi: "No further Floor Amendments have been approved for consideration. A State Mandates Note has been requested on

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the Bill, as amended, by House Amendment #1 and that note has not been filed."

Speaker Lang: "Please hold the Bill on the Order of Second Reading. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on April 1, 1998, reported the same back with the following recommendations: 'to the Floor for consideration'. Floor Amendment #2 to House Bill 2625. Floor Amendment #5 to House Bill 2637. Floor Amendment #6 to House Bill 2716. Floor Amendment #4 to House Bill 2721. Floor Amendment #1 to House Bill 3235. Floor Amendment #4 to House Bill 3287. Floor Amendment #3 to House Bill 3564. And Floor Amendment #2 to House Bill 3628."

Speaker Lang: "Mr. Clerk, House Bill 3126. Representative McCarthy. Please read the Bill."

Clerk Rossi: "House Bill 3126 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McCarthy, has been approved for consideration."

Speaker Lang: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 simply takes into some considerations that Northern Illinois University and the University of Illinois asked us to work with in committee to take the tuition statement and have the Board of Higher Education make it one statement for all of the universities in the system. So, I ask for your approval of this Amendment."

Speaker Lang: "Seeing no discussion, those in favor shall signify by voting 'aye'; those opposed will vote 'no'. In the

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opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Mr. Black, did I miss you?"

Black: "Yes. Yes."

Speaker Lang: "Was it urgent and cogent?"

Black: "Make it up to me the next time."

Speaker Lang: "I will do that. Mr. Clerk, anything further?"

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 3406. Representative Kubik. Please, read the Bill."

Clerk Rossi: "House Bill 3406. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Kubik, has been approved for consideration."

Speaker Lang: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 does a couple of things. First of all what it does is it allows... it raises the total aggregate amount of bonds that can be authorized by the Rural Bond Bank from 150,000,000, which is the limit on downstate bonds to 200,000,000, and from 50,000,000, I'm sorry, from 25,000,000 to 50,000,000 for those... those in the collar counties. The second portion of the Bill... or the Amendment which adds to the Bill, I might point out, provides that the approval of the Governor is not required for the issuances of bonds or notes in this Act because they do not require his approval. I'd be happy to respond to any questions and would appreciate your support of Floor Amendment #2."

Speaker Lang: "The Chair recognizes, Mr. Black. Mr. Black."

Black: "Hello. I'm sorry, Mr. Speaker, was I recognized? I didn't hear you."

Speaker Lang: "Twice."

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Black: "Oh. Thank you very much, that makes for the... "

Speaker Lang: "That makes up for the last time."

Black: "Thank you, very kind of you. Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Kubik: "I... I was... it's like Grand Central Station over there,
William."

Black: "What?"

Kubik: "I said it's like Grand Central Station around your desk."

Black: "Yes it is, I... "

Kubik: "But I certainly will yield."

Black: "The Amendment appears to take out all population levels
for those counties who can access the Rural Bond Bank. Is
that your intent?"

Kubik: "Not Floor Amendment #2."

Black: "Not Floor Amendment #2?"

Kubik: "Floor Amendment #2, Representative, should make you very
happy. What it does is, as you know, under the current
law, downstate counties outside of the collars have a
\$150,000,000 limit on the amount of funds available for
Rural Bond Bank issues. We have increased that to
200,000,000. We have... what this Amendment also does is
it takes the area where it is affecting the collar counties
and increases that from 25 to 50,000,000."

Black: "So, that's what the Amendment does. Does the Amendment
also remove the Governor's acquiescence to the bond cap?"

Kubik: "Yes. What it does is it removes the... his approval, and
the reason for that is, incidentally as I understand it,
the Governor does not oppose this particular measure."

Black: "Well, that was my obvious next question. But where is
the Governor's staff on this?"

Kubik: "Because they... because these are Revenue Bonds they
are... the state has a moral obligation to support these

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bonds. But the state doesn't really have a fiscal obligation on these bonds, as I understand it."

Black: "All right. I was looking to see if perhaps one of the Governors staff people would be on the Floor to enlighten me but I don't see one of them. So, as far as you know, the Governor is not opposed to him being taken out of the equation on raising the limit of bonds?"

Kubik: "That is correct and the reason for that, Representative Black, is that as I understand it, the amount of issuances downstate is almost at the maximum and so it was felt that by removing this it would allow for more... more issuances of these bonds. So, it really is a... it is really to help downstate and that's something I want to do."

Black: "Well, as a downstater let me thank you, but sometimes when my colleagues in the suburbs say 'it's really designed to help downstate' it makes me nervous, you know. But not from you, not from you. I appreciate your forthright answers to the questions. Thank you, Mr. Speaker."

Speaker Lang: "Those in favor of the Amendment shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Mr. Clerk, anything further?"

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. The Chair would like to make sure the Members read the goldenrod sheet that you have indicating committees at 6:30 and at 7:00. There will be a recess at around 6:30. Session will resume at 7:30 and the memo talks about dinner in the hallway. So, we'll have dinner for you. Mr. Clerk, House Bill 2821. Mr. Kubik."

Clerk Rossi: "House Bill 2821. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved

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for consideration. The fiscal note that was requested on the Bill has been filed."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 3386."

Clerk Rossi: "House Bill 3386. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Pugh, has been approved for consideration."

Speaker Lang: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker. Floor Amendment #2 to House Bill 3386 merely includes some language that would allow the Bill to be subject to appropriations. Therefore, there is no additional cost to the state. The Bill will eventually add an incentive for child support payments to be payed to children that are currently under the TANF, Transitional (sic-Temporary) Assistance to Needy Family Programs, and the Amendment is a compromised Amendment."

Speaker Lang: "All those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #2 is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments have been approved for consideration. The fiscal note that was requested on the Bill has been filed."

Speaker Lang: "Third Reading. Mr. Clerk. House Bill 3593, what is the status of that Bill?"

Clerk Rossi: "House Bill 3593 is on the Order of House Bills, Third Reading."

Speaker Lang: "This Bill shall be placed on the Order of Second Reading at the request of the Sponsor. House Bill 3741, Mr. Clerk."

Clerk Rossi: "House Bill 3741 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #4 has been adopted to the Bill. No Motions have

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been filed. No further Floor Amendments approved for consideration. The correctional budget and impact note that was requested on the Bill, as amended, by Floor Amendment #4 has been filed."

Speaker Lang: "Third Reading. House Bill 2498. Representative Flowers."

Clerk Rossi: "House Bill 2498. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Flowers, has been approved for consideration."

Speaker Lang: "Representative Flowers."

Flowers: "Mr. Speaker, would you please withdraw Amendment #1?"

Speaker Lang: "That Amendment shall be withdrawn. Mr. Clerk."

Clerk Rossi: "Floor Amendment #2, offered by Representative Flowers, has been approved for consideration."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 makes the technical changes that I had agreed to in the committee in regards to this Bill, and I will be more than happy to answer any questions that anyone may have, but I would move for the adoption of Amendment #2."

Speaker Lang: "Those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Mr. Clerk."

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

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 3318. Representative Feigenholtz."

Clerk Rossi: "House Bill 3318. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by

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Representative Feigenholtz, has been approved for consideration."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. When this Amendment... 1st Amendment went to committee. We needed to make a couple of corrections. What this does is it now makes an adoption related filing in counties of 180 thousand of population and under the same as the cost as a miscellaneous remedy in those counties."

Speaker Lang: "All those in favor shall vote... I'm sorry. Mr. Black."

Black: "Excuse me, Mr. Speaker. Will the Sponsor yield?"

Speaker Lang: "She will yield."

Black: "Yes. Representative, does the Floor Amendment #2 become the Bill?"

Feigenholtz: "No."

Black: "Now, I've gotten some bad advice here. Just a second, let me look on the computer. Representative, it's a... our staff indicates that the Amendment becomes the Bill. Obviously, we're not on the same page here."

Feigenholtz: "Are you looking at Amendment #2?"

Black: "Yes. Floor Amendment #2, if you look at the actual Amendment, it says 'replaces the title with the following.' So I assume then Amendment #2 becomes the Bill."

Speaker Lang: "Representative Feigenholtz, would you wish to confer with Mr. Black, and we'll take this out of the record and come back to you?"

Feigenholtz: "Actually, Mr. Speaker, I'd like to just try and figure this out right now. I'm looking at a document that says, 'House Amendment #2 amends page 10 by replacing lines six through nine with the following.' It does not gut the Bill."

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Speaker Lang: "Representative Feigenholtz, the Clerk informs me that that's Amendment 3 you're reading."

Feigenholtz: "Oh. Okay. I'm sorry."

Speaker Lang: "So, do you have Amendment 2 in your hand?"

Feigenholtz: "No, I have Amendment 3 in my hand."

Speaker Lang: "Do you wish to withdraw Amendment 2, or proceed on Amendment 2? Or do you wish to take this out of the record and reconnoiter?"

Feigenholtz: "Amendment 2 was adopted in committee."

Speaker Lang: "Amendment 2 was adopted in committee. Is that correct, Mr. Clerk?"

Clerk Rossi: "Amendment #1 was adopted in committee."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "Okay, here we go."

Black: "Excuse me, Mr. Speaker. We're still waiting for some clarification. Floor Amendment #2 has not been adopted to the Bill and clearly replaces everything after the enacting clause. So, my question is, does Floor Amendment #2 become the Bill?"

Feigenholtz: "Yes."

Black: "Oh... Ha... "

Speaker Lang: "Representative Feigenholtz now has your answer."

Black: "Oh... Ha... "

Feigenholtz: "I'm sorry, Representative Black."

Black: "Okay. Now, Floor Amendment #2 simply increases... actually it establishes a new fee, does it not?"

Feigenholtz: "It codifies an appointment to a confidential intermediary under an adoption related filing."

Black: "Representative, I think you need to look again. All Amendment #2 does is to create a \$65 fee for requesting a copy of a final decree of adoption."

Feigenholtz: "That is correct. But it codifies... "

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Black: "Who's on first?"

Feigenholtz: "Representative Black."

Black: "Okay."

Feigenholtz: "What it does is it codifies it. It is no longer a miscellaneous remedy in the State of Illinois. It now becomes an adoption related filing."

Black: "You're losing me somewhere. Amendment #2 is very simple, it creates a \$65 fee for requesting a copy of a final decree of adoption... period."

Feigenholtz: "Correct."

Black: "Right. And then you're going to further amend it by Amendment #3?"

Feigenholtz: "Correct."

Black: "Okay. So, Amendment #2 creates a fee? That's all it does?"

Feigenholtz: "It does not create a fee. It codifies... it changes a petition for a confidential intermediary from being a miscellaneous remedy to an adoption related filing, thereby decreasing the fee. It's not establishing a fee."

Black: "Bear with me, Mr. Speaker. I thought this was a simple Amendment but now I'm really... Representative, look on page 10 of Amendment #2. Line six on page 10. 'For an adoption requesting a copy of a final decree of adoption relief from a final judgement or order appointment of confidential intermediary or requesting non-identifying information, \$65.' Now, that's the only thing underlined, so I assume that that is... "

Feigenholtz: "It's codifying... it's putting an appointment... the petition for an appointment of a confidential intermediary under the section that is for an adoption, an adoption related filing."

Black: "But I don't see anything in the Amendment about a

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petition. There's nothing underlined about a petition. I think the petition's in the underlying Bill, is it not? Mr. Speaker, I don't think I'm in opposition to this Bill, but we're not communicating here very effectively. I think the Amendment simply creates a fee and some language and then Amendment #3 further amends the Bill. There's nothing in this Amendment about a petition or codifying, and that's a big word. I'll defer to the Sponsor, I'm not opposed to this thing, but this has really gotten me confused now. This was a simple straightforward Amendment, she's saying one thing, and our staff says that isn't in there. The only thing in there is the fee, and we're not in opposition, but if there's something more to this Amendment, we'd like to know where it is."

Speaker Lang: "Representative Feigenholtz, what do you wish to do? Do you wish to proceed or to confer with Mr. Black?"

Feigenholtz: "Representative Black?"

Black: "Mr. Speaker, we surrender, let's put the Amendment on. Somebody wiser than I can sort this out at a later date."

Speaker Lang: "Mr. Black surrenders. All those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it, and Floor Amendment #2 is adopted. Mr. Clerk, further Amendments."

Clerk Rossi: "Floor Amendment #3, offered by Representative Feigenholtz."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "All right. Representative Black, are you ready? Don't... don't go anywhere. Amendment #3 lowers the fee from \$65 to \$40. On page 10, between... "

Black: "Okay. So, so the fee that wasn't in Amendment 2 is now reduced by the fee that's in Amendment #3."

Feigenholtz: "Correct. The fee already... "

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Speaker Lang: "That should please you, Mr. Black."

Feigenholtz: "The fee already exists in the statute."

Black: "I'll vote for it. I'll vote for the Bill. It's like Groundhog Day, I'll vote for the Bill. Whatever it is, I'll vote for it."

Feigenholtz: "Give up, will you?"

Speaker Lang: "Those in favor of the Amendment shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #3 is adopted. Further Amendments, Mr. Clerk."

Clerk Rossi: "No further Amendments. A State Mandates Note has been requested on the Bill, as amended by House Amendment #3 and that note has not been filed."

Speaker Lang: "What a surprise. Hold the Bill on Second Reading. House Bill 3790, Mr. Clerk."

Clerk Rossi: "House Bill 3790. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Lang: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 to House Bill 3790 was heard in committee and recommended 'for consideration'. This Floor Amendment was used to address the credit unions' problems with the Bill. It settled their... their concerns and now there is no opposition to this Bill, and I would ask that Floor Amendment #1 be adopted to House Bill 3790."

Speaker Lang: "Those in favor of the Amendment shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

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Speaker Lang: "Third Reading. Mr. Clerk, please call House Bill 3790."

Clerk Rossi: "House Bill 3790. A Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3790, as amended, is a Bill that we're using to streamline the wage deduction process. This Bill is a win-win situation both for the attorneys and the consumer. What this does, under current law, every 84 days the lawyer who has a judgement on an employee has to renew his wage deduction summons and affidavit interrogatories. This would keep a constant lien on the employer so the continuous deductions could occur. So, as a result less costs are charged to the consumer, or to the debtor I should say, every 84 days, which could amount up to 50, 60, a \$100 each 84 days that it has to be renewed. We have no opposition to this Bill. I think it's a good Bill for everyone, and I would appreciate your approval. Thank you."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please call House Bill 3318. Representative Feigenholtz."

Clerk Rossi: "House Bill 3318 has been read a second time, previously and was held pending the filing of a State

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Mandates Note. That note request has been withdrawn."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 2721."

Clerk Rossi: "House Bill 2721. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brunsvold, has been approved for consideration."

Speaker Lang: "Representative Brunsvold."

Brunsvold: "Withdraw."

Speaker Lang: "Withdraw Amendment #1. Anything further, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Brunsvold, has been approved for consideration."

Speaker Lang: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #4, we worked out with the Department of Natural Resources on some increased penalties for certain animals. There's a couple provisions in here to increase those and those are listed and I won't go through those. There also sets up a situation where eventually you'll get to a felony conviction, or felony situation, and we've set up a discussion with the department provisions for a... for a probation under this offense... under the offenses listed for someone that the court may feel is necessary. We felt that the poachers that are selling game are going get... are going to get prosecuted, but we're looking in this Bill under the probation provision that the court may set up this situation for someone that may be a first... that is a first time offender and feels that the probation period will affect a change in their attitude and their direction as far as hunting is concerned. So we've set that up with the agreement, and I would answer any questions dealing

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with the Amendment."

Speaker Lang: "Those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #4 is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 3775."

Clerk Rossi: "House Bill 3775 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Lang: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. As I promised in committee, we have held this Bill for an Agreed Amendment from the Illinois Trial Lawyers Association. I'm now sponsoring the Amendment suggested by the trial lawyers to remove any and all objections they have. The Amendment is acceptable to the department and to others, I know of no opposition, and I'm happy to move for it's adoption."

Speaker Lang: "Representative Tim Johnson. Withdraws his request to speak. On... those in favor of the Amendment shall vote 'aye'... say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, House Bill 3127. Representative Kenner."

Clerk Rossi: "House Bill 3127. A Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Kenner."

Kenner: "Thank you, Mr. Speaker. House Bill 3127 is basically cleanup legislation for House Bill 452 which calls for a complete change in the certification of teachers. We

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currently have four teaching certificates that we're working with, and in 1999 that is being reduced to three. So what this Bill, basically, calls for is the reestablishment of the K through 12 specialty certificate, and I would call for the passage of this legislation."

Speaker Lang: "The Chair recognizes Representative Lopez."

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

Kenner: "No."

Speaker Lang: "The Gentleman yields."

Kenner: "Okay."

Lopez: "Just one question, Representative. Is there anything in this Amendment that will prohibit the State Board of Education from issuing special certificates?"

Kenner: "Representative Lopez, there is nothing in this Bill that would hinder the State Board of Education from issuing any type of teaching certificates, no."

Lopez: "It's my understanding that that is the concern of the State Board of Education and that's why at this point they are opposing the Bill, but thank you for your answer. No further questions."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Clerk. Excuse me, Inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "What Amendments are on this Bill?"

Speaker Lang: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #1 has been adopted to the Bill. Floor Amendment #2 remains in committee."

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

Speaker Lang: "The Gentleman yields."

Black: "Yes. Representative, Floor Amendment #1 becomes the Bill, correct?"

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Kenner: "Yes."

Black: "You are aware, for the record, that the State Board of Education is opposed to that... to that language?"

Kenner: "Yeah, I'm a little surprised, but I just heard that."

Black: "Well, I think they just wanted a record of their opposition and I'm sure they intend to work with you when the Bill goes to the Senate. I appreciate the fact that you have talked to me about this Amendment and we've ironed out some difficulties of misunderstanding earlier and I appreciate that. Thank you very much, Mr. Speaker."

Kenner: "Thank you."

Speaker Lang: "Mr. Kenner to close."

Kenner: "I would just ask for the passage of this Bill. Thank you."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 2 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3147. Representative Erwin. Out of the record. House Bill 3212. Representative Winters. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3212, a Bill for an Act relating to tort immunity. Third reading of this House Bill."

Speaker Lang: "Mr. Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. The House Bill 3212 deals with the Tort Immunity Act and basically, we're trying to reign in the judiciary where they're making demands on taxpayers without

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referendum. This Bill will deal with school districts and only with the lawsuits that deal with equitable remedies. It does not affect the school district and its defense of damage lawsuits. It does not affect their use of the Tort Immunity Act for administrative functions. The information, unfortunately, that was sent out by the School Management Alliance was in many cases erroneous. I would be happy to answer any questions."

Speaker Lang: "Representative Monique Davis."

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

Speaker Lang: "The Sponsor will yield."

Davis, M.: "Representative Winters, there was a court case in Rockford and a judge ruled that what should happen?"

Winters: "The judges ruled in that, many provisions that have been overturned by the Federal Appeals Court, the underlying remedial order, however, is not appealable at this point because the school board, when faced with the opportunity of accessing the Tort Immunity Fund to increase its programs, to hire up to 400 additional school personnel without going back to the taxpayers and asking them whether or not they've supported this, the school board rolled over and accepted that remedial order."

Davis, M.: "So, this... if you pass this Bill, Representative Winters, what you're doing is saying, 'you don't want to abide by the judge's decision, because the judge's decision was an attempt to right a wrong being done to children. Some children were being harmed by a school district's decision to try and maintain a segregated school system."

Winters: "That is incorrect. The school district would still have to meet... would still have to abide by the judge's order. They simply would not have access to the Tort Immunity Fund to do that."

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Davis, M.: "Well, according to our records... This is the Rockford School District, right?"

Winters: "This is all school districts throughout the state."

Davis, M.: "And you're asking... Exactly, what are you asking, Representative?"

Winters: "I'm saying that if a judge orders a remedial action that the school district comply with that action, but do it without using the Tort Immunity Funds. Use their operational funds,..."

Davis, M.: "All right."

Winters: "... Use their capital funds..."

Davis, M.: "But, but."

Winters: "... Go back to the voters for a referendum, which is what they should be doing."

Davis, M.: "But isn't that what that fund is for?"

Winters: "No, it is not. A circuit judge has ruled twice that the use of the Tort Immunity Fund, for this style of remedy, is not legal. I am trying to recodify that and support that judicial decision."

Davis, M.: "So, you want to bypass the judge's decision?"

Winters: "That is incorrect. I am not trying to bypass the judge's decision. I'm saying, fund the decision properly."

Davis, M.: "So, in other words, if they don't fund it, you're saying, you shouldn't have to abide by it?"

Winters: "No, I'm not. I say..."

Davis, M.: "Let me, let me..."

Winters: "... Obey the judge's ruling. Simply do not take it from the Tort Immunity Fund..."

Davis, M.: "Okay, let me share..."

Winters: "... Which is to be paid... which is designed by the Legislature to pay for damages. It does not affect any damage lawsuits that will continue to be the responsibility

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of any school district to pay for out of the Tort Fund. They simply should not have access to this Tort Fund, which is without referendum, without a jury trial. They should not have access to the Tort Immunity Fund to support programs and hire staff to carry out the order of a judge. If that judge orders it, they need to do it some other direction and not use the Tort Immunity Fund."

Davis, M.: "If we do not pass this legislation, if this Bill does not pass, Representative, how will that affect your school district?"

Winters: "How that will affect our school district is, they have several options. They can pass a referendum, which Representative Scott and I have both pledged that we will help to pass. They can access additional funds and other tax funds that they have available, their operational, their educational funds. They can find other areas to cut. They can ask the voters, again, to pass that referendum. They can ask the judge, then, to be more reasonable in his order. When he is not given the opportunity to access a bottomless pit of cash out of the taxpayer's wallet, I think, in many cases, their ruling will be more reasonable, they will be more restrained and the resulting orders that the judge imposes will be doable and will be more effective with the tax dollars, instead of wasting this free resource. When a judge has access without any constraints on him to the taxpayer's wallet, many times the orders that they give are Utopian. They are looking for nirvana. They cannot do that without the taxpayer's permission."

Davis, M.: "Well, the judge ruled applying equitable remedies and relief to school children in your particular district and what you want to do, Representative, is avoid that court decision."

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Winters: "That is incorrect. Do not put those words into my mouth."

Davis, M.: "So, so, are you trying then to use funds to fight the judge's decision?"

Winters: "I am not suggesting that. I am saying that if there's remedial order that the judge imposes that that should be followed, that they simply should not take that money from the Tort Fund because it is done without jury trial, it is done without a statute of limitations, it is done without taxpayer permission. You should not have access to the taxpayer's wallets without at least asking for them to support it."

Davis, M.: "But, I think, Representative, the reason those funds are there is for a particular purpose. Is that correct?"

Winters: "They are there to pay damages, which is an entirely different style of lawsuit from an equitable remedy lawsuit, and we have already had a Circuit judge in the State of Illinois that has ruled exactly like this legislation is written."

Davis, M.: "This is really a civil rights case. That's what this is, it's a civil rights case... "

Winters: "This is not. In fact, many of the minority... "

Davis, M.: "Yes, that's exactly what it is. It's the Rockford School District that does not want to comply with what a judge ordered. It's a case that's very old. I think it's an insult for us, to us, for you to come and ask us to support this to continue to segregate that school district."

Winters: "I am simply responding to minority parents in my own community, who are saying that this was a waste of tax money, that the order by the judge is not getting what they want done for their children. They, in fact, have filed

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suit against the attorney representing this saying that he has misspeaking for them and asking to... They have already withdrawn from the lawsuit. It is not a racial discrimination case. It was improperly turned that way and they are not responsive, they are not supporting that."

Speaker Lang: "Representative Davis, your time has come to a close. Can you finish your remark, please."

Davis, M.: "I will... I will bring my remarks to a close, Representative."

Speaker Lang: "Thank you."

Davis, M.: "However, this issue is so very severe, so very severe. We cannot turn back the clock to the days before the 1960's, and if you have a few parents who are willing to sacrifice their children rather than step forward the way that judge has ordered in that school district, so be it, but those of us in this Body should listen to the judge who has ordered this school district to do something special. The school district doesn't want to do that. They want to use money to fight the case and it's just the wrong thing to do. It's been quite a while since you started this case. Those children deserve an equal opportunity to be educated. They deserve an equal educational opportunity. Representative Winters, don't thwart their equal education opportunity. Again, this Bill has come to us before, we voted it down, we defeated it and I hope we'll defeat it again. Thank you."

Speaker Lang: "Representative Pugh."

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

Speaker Lang: "The Gentleman will yield."

Winters: "Certainly."

Pugh: "Representative, could you explain to me what is different

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about this piece of legislation than the other piece of legislation that was referred earlier?"

Winters: "Certainly, this is a much, much different legislation. Last year we were trying to define how administrative costs should be used out of the Tort Immunity Act. Much of the discussion concerned whether super... superintendents, principals, janitors, cooks should be allowed to be paid out of the Tort Immunity Fund. It was a way to... for them to access operational funds without referendum. Those provisions have been removed. We found it very difficult to define exactly how you could restrict those defensive maneuvers, in other words, ways... risk reduction maneuvers by a school district and because it was so hard to define those, those were removed. We also removed municipalities and counties from the Bill. We've really not seen the abuse that we have in the case of the Rockford School District. So, it is applicable only to school districts."

Pugh: "An... And so, the original... the original intent of the employees Tort Immunity Act was to... to... to get at some inequities within the school system. Am I correct?"

Winters: "No, that is not correct. The original intent of the Tort Immunity Act is to settle damages for injuries caused by a taxing district. Whether it's a school bus that has an accident and injures a bystander, whether it's a child that is hurt at a school; those are the intent, is to pay property damages, and that is the ruling of the circuit judge is that we should restrict the Tort Immunity Act to paying a damage lawsuit, but not use it for equitable remedies. And... and the difference is... "

Pugh: "But, but it states that to comply with any equitable remedies or relief or with an injunction. The original purpose of the Act being created, wasn't it the result of

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a... a suit, a discrimination suit filed against the City of Rockford?"

Winter: "The lawsuit was actually... The lawsuit actually originated was to reopen one of the five high schools and seven parents and seven families filed suit, there were minority parents, there were white parents. They wanted to reopen their neighborhood school. That was the lawsuit. It was not a racial discrimination suit."

Pugh: "And has that situation... has that situation been rectified? Has those schools, has that particular school been opened, as a result?"

Winters: "It is now a middle school. There simply was not the student population to keep a fifth high school open. The school district made a decision that because this school was already 60 years old, was one of the two 60 year old schools, that they would close one of those. The three newer schools built 30 years ago were obviously the ones that were going to be kept open. The decision then was between two schools, one was closer to the center of population and the decision was made to close the one where there weren't as many high school students near it. That was the lawsuit. It wasn't really a racial discrimination lawsuit. That was subverted by the attorney, turned it into a class action. The minority parents withdrew from that lawsuit and in fact, filed suit against the attorney. They are not satisfied that what has happened in our school district with unlimited funding, with their tax dollars going up so astoundingly that, in fact, Rockford property values last year have fallen. The only place in the State of Illinois, according to the Department of Commerce and Community Affairs, the statement from the Illinois Economic Bulletin existing home sales in Illinois, Rockford property

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values fell over 1% last year. The only city, the only area in our state where property values fell, was in Rockford. I am trying to protect the property values of our homeowners and I am also trying to protect those of all... all citizens throughout the state who are faced with a rogue federal judge out of control ordering remedies that have no practicality in real life and doing it without the taxpayers' permission, doing it without a jury trial, doing it without referendum. I am trying to protect the taxpayers."

Pugh: "So, Representative, you're... you're asking us to usurp the authority of the judicial branch of government."

Winters: "I am simply saying... "

Pugh: "That's what you're asking us to do, to usurp the judicial branch of government. If a federal judge has mandated something that you don't agree with, you're bringing it to the legislature, but that's why we have the dis... the lineation of government."

Winters: "... I am simply saying, that the Tort Immunity... "

Pugh: "... that's why we have the judicial branch, the legislation branch, and I don't think it's our position to usurp, however... however, valued the cause may be. I don't think it is our position or... "

Speaker Lang: "Mr. Pugh, your time has expired. Please try to bring your remarks to a close."

Pugh: "Thank you, Representative Lang. Representative, I submit to you that... that it is... that once we begin to cross that... that line and begin to take away the powers of the judicial branch of government, we've opened up a can of worms that would allow the powers of the State of Illinois to be a convoluted and... and coerced. I submit to you, once again, that the Tort Immunity Fund is, was designed to

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be used for actual damages."

Winters: "And that is correct and it does not... "

Pugh: "Not for equa... Not for equitable remedies."

Winters: "That is exactly the point of this Bill, the Tort Immunity Fund is to be used for damages, not equitable remedies. When you say that someone is open... The can of worms is opened by the judge..."

Pugh: "We're talking about... "

Winters: "... Using the incorrect way to fund it. He can order the remedy..."

Pugh: "The judge, but... "

Winters: "... The judge should comply, but he should not use this fund."

Pugh: "... But the judge interprets the law and we are..."

Winters: "The judge has no power to tax."

Pugh: "... As Legislatures, we desi... devised the law, but it is up to the judicial branch of government to interpret the law. So, it is out of our hands and I submit to you, Sir, that this is once again, a flawed piece of legislation and I request a 'no' vote."

Speaker Lang: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House, I, too, rise in strong opposition to House Bill 3212. I think Representative Pugh is right. It isn't our job to second guess a legitimate judicial decision. I certainly appreciate that the residents of Rockford don't like paying higher property taxes to rehabilitate the discrimination that existed in the Rockford school system, but think about the minority youngsters in the Rockford public school system, and you may think again about your vote on House Bill 3212. If this Bill becomes law, those youngsters will be out of luck, at least, for the next several years. I

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don't think anybody in this chamber should feel comfortable going home tonight and saying, 'Yes, I undercut equal educational opportunity for the minority young of the Rockford Public School System.' I find it disturbing that the Sponsor chose not to apply the same principle to cities, to park districts, to other units of government, but only to the school system. What kinds of verdicts come against school districts that might cost taxpayers more money. It's hard for me to imagine any that do not deal directly with issues of civil rights, civil liberties and equal educational opportunity. I think the only proper vote, the fair-minded vote on this measure, well-intentioned as the Sponsor is, is a loud 'no' vote."

Speaker Lang: "Mr. Winters to close."

Winters: "Thank you, Mr. Speaker. This Bill is about the right of judges to impose taxes without limit, without referendum. There is nothing in this Bill that says that school districts should not comply, they simply need to do it within the bounds of what the taxpayer is willing to pay. It is a very simple case of judicial usurpation of the legislative power to tax. Judges do not have the right to tax, we do. Let's restrict them. I would appreciate your vote."

Speaker Lang: "The question is, 'Shall this Bill pass?' Those in favor shall vote 'aye'; those opposed shall vote 'no.' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 36 voting 'yes', 78 voting 'no', and 4 voting 'present'. And this Bill, having failed to receive the Constitutional Majority, is declared lost. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "House Resolution 393, offered by Representatives

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Granberg and Black."

Speaker Lang: "Representative Currie moves the adoption of the Agreed Resolutions. All those in favor shall say 'aye'; those opposed shall say 'no'. In the opinion of the Chair, the 'ayes' have it and the Agreed Resolutions are adopted. The Chair would like to remind the Members of the committees schedule. Committees will meet... the 6:30 committees will meet at 6:45. The 7:00 committees will meet at 7:15 and Session will resume immediately thereafter those 7:15 committees. The Chair recognizes Representative Tom Johnson for an announcement."

Johnson, Tom: "Yes. The Prison Management Reform Committee will not be meeting. I repeat, it will not be meeting and Representative O'Brien will be working with the committee in the future on her Amendment, here."

Speaker Lang: "Thank you. Allowing Perfunctory time for the Clerk, the House now stands in recess until the hour of 7:30 p.m."

Clerk Bolin: "A Message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles, and the passage of which I am instructed to ask concurrence of the House of Representatives. Senate Bill 1420. A Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1424. A Bill for an Act concerning Driving violations. Senate Bill 1428. A Bill for an Act to amend the Criminal Code of 1961. Senate Bill 1430. A Bill for an Act to amend the Emergency Medical Services Systems Act. Senate Bill 1451. A Bill for an Act to amend the Environmental Protection Act. Senate Bill 1455. A Bill for an Act in relation to gasohol. Senate Bill 1499. A Bill for an Act to create the Mid-America Intermodal

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Authority Port District. Senate Bill 1500. A Bill for an Act to amend the Kaskaskia Regional Port District Act. Senate Bill 1555. A Bill for an Act concerning the safety and soundness of public investments. Senate Bill 1557. A Bill for an Act to amend the Adoption Act. Senate Bill 1591. A Bill for an Act concerning religious freedom. Senate Bill 1592. A Bill for an Act concerning palliative care. Senate Bill 1627. A Bill for an Act relating to higher education. Senate Bill 1633. A Bill for an Act to amend the Civil Administrative Code of Illinois. Senate Bill 1694. A Bill for an Act to amend the Illinois Securities Law of 1953. Senate Bill 499. A Bill for an Act to amend the Illinois Pension Code. Senate Bill 1217. A Bill for an Act to amend the Criminal Code of 1961. Senate Bill 1223. A Bill for an Act to amend the Property Tax Code. Senate Bill 1249. A Bill for an Act to amend the the Unified Code of Corrections. Senate Bill 1280. A Bill for an Act to amend the Illinois Municipal Code. Senate Bill 1306. A Bill for an Act to amend the Metropolitan Water Reclamation District Act. Senate Bill 1308. A Bill for an Act to amend the Illinois Income Tax Act. Senate Bill 1328. A Bill for an Act to amend the Illinois Marriage and Disillusion of Marriage Act. Senate Bill 1370. A Bill for an Act to amend the Long Time Owner Occupant Property Tax Relief Act. Senate Bill 1372. A Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1380. A Bill for an Act to amend the Interest Act. Senate Bill 1698. A Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1701. A Bill for an Act in relation to certain land. Senate Bill 1712. A Bill for an Act concerning Lieutenant Governor. Senate Bill 1756. A Bill for an Act to amend the Criminal Code of

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1961. Senate Bill 1840. A Bill for an Act to amend the Alternative Fuels Act. Senate Bill 1892. A Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 1911. A Bill for an Act to amend the Illinois Pension Code. Senate Bill 1938. A Bill for an Act concerning special license plates."

Speaker Lang: "Will all Members come to the House Floor? We'll be commencing shortly. The House will be in order. Mr. Clerk, Committee Reports."

Clerk Rossi: "Committee Reports. Representative Coy Pugh, Chairperson from the Committee on Human Services, to which the following Amendment was referred, action taken on April 1, 1998 reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment #1 to House Bill 3431. Representative Edgar Lopez, Chairperson from the Committee on Consumer Protection, to which the following Amendment was referred, action taken on April 1 1998 reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 2 to House Bill 3632. Representative Calvin Giles, Chairperson for the Committee on State Government and Election Reform, to which the following items were referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'be approved for consideration' Floor Amendment 1 to House Bill 3518; and 'be adopted' House Resolution 390. Representative Charles Morrow, Chairperson from the Committee on Appropriations Public Safety, to which the following measures were referred, action taken on April 1, 1998 reported the same back with the following recommendations: 'do pass Short Debate' House Bill 3849; 'do pass as amended Short Debate' House Bill 3837 and

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House Bill 3838. Representative Phil Novak, Chairperson from the Committee on Electric Utility Deregulation, to which the following measures were referred, action taken on April 1, 1998, reported the same back with the following recommendation: 'be adopted' House Joint Resolution 58. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following items were referred, action taken on April 1, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 1 to House Bill 2842; and Floor Amendment #1 to House Bill 3593. Representative Jay Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following Amendment was referred, action taken on April 1, 1998, reported the same back with the following recommendation: 'be approved for consideration' Floor Amendment 3 to House Bill 3347."

Speaker Lang: "Mr. Clerk, Supplemental Calendar Announcement."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Lang: "This Supplemental Calendar is a list of Senate Bills that have been passed and sent to this chamber, many of which do not have Sponsors. Please read through these Bills. Page 11 of the Calendar under the Order of House Bills - Third Reading there appears House Bill 3352. Representative Holbrook. Mr. Holbrook. Out of the record. On page 16 of the Calendar, sorry page 12 of the Calendar, there appears House Bill 3428. Representative Zickus. Out of the record. Representative Silva. House Bill 3447. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3447. A Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Silva: "Thank you, Speaker, Members of the House. House Bill

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3447 provides the noncitizens who are otherwise eligible are protected under the Illinois Domestic Violence Act of 1986 and meets specific criteria relating to Federal Immigration Status are eligible to receive cash or medical assistance under the code. It also provides that the Department of Human Services is authorized to provide nutrition services to noncitizens who are protected under the Illinois Domestic Violence Act of 1986 and meets specific criteria relating to the federal immigration status. I would encourage your vote."

Speaker Lang: "The Lady moves for the passage of House Bill 3447. On that question, the Chair recognizes Representative Biggins."

Biggins: "No, Mr. Speaker, thank you very much for recognizing me. I rise on a point of... Point of Order I guess."

Speaker Lang: "State your point."

Biggins: "Well, I have a notice that indicates that pizzas will be served in the east corridor hallway for House Members. And since we just survived the grueling March of 31 days, I'm wondering if this is a cruel April fools joke or if this is the real deal and where is the real meal? Mr. Speaker, can you help me?"

Speaker Lang: "We'll get back to you on that."

Biggins: "Thank you, Sir."

Speaker Lang: "Mr. Black."

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

Speaker Lang: "The Lady yields."

Black: "Mr. Speaker. Mr. Speaker."

Speaker Lang: "Yes, Sir."

Black: "Pursuant to House Rules, I'm joined by five of my colleagues requesting this Bill be removed from Short

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Debate."

Speaker Lang: "It's removed."

Black: "Thank you."

Speaker Lang: "Mr. Black."

Black: "Representative, what is the current law on who is eligible, excuse me, who is ineligible for assistance for a period of time? What's the current cutoff date?"

Silva: "August of '96."

Black: "All right. So, is that Federal Law?"

Silva: "Yes."

Black: "All right. So, currently under the United States Code of Law, anyone who enters the country after August 22, 1996 is ineligible for public assistance for five years, that is Federal Law right?"

Silva: "Correct."

Black: "And that is part of the ending welfare as we know it that President Clinton proposed and signed into law. Is that correct? Is that correct?"

Silva: "Yes it is, but there are certain exceptions that have been made. States have the option to provide benefits either at their own expense in combination with federal and state funds."

Black: "It appears to me that if we adopt your Bill would it not... aren't we establishing precedent that anyone who has entered the United States and ends up in Illinois... anyone who enters the United States after the 22nd of August, 1996 would, in fact, be eligible for public assistance?"

Silva: "There was already a precedence... "

Black: "There's already a what?"

Silva: "There was already a precedent set with Senate Bill 600 which is over in the... back in the Senate, which the Governor did support for food stamps."

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Black: "Okay. What did Senate Bill 600 do?"

Silva: "It provided nutrition services for elderly and handicapped."

Black: "Well, nutrition and... I'm sorry, did you say food stamps?"

Silva: "Correct."

Black: "Okay. I understand that part, but this goes a little further. This would enable someone to have direct cash assistance, would it not?"

Silva: "This would only focus in on domestic violence victims who through no fault of their own are abused and left without support."

Black: "Would... would a court of law have to determine whether or not they were abused or who... who... what's the determining factor of whether or not you've been abused through no fault of your own?"

Silva: "That would be determined by the department."

Black: "Department of? Department of Human Services?"

Silva: "The Department of Human Services can make that determination."

Black: "Okay. Does the Department of Human Services support this Bill?"

Silva: "They do not oppose it."

Black: "They do not oppose it but then I guess the side of that coin is they don't support it either, right?"

Silva: "There is a fiscal impact."

Black: "What might the fiscal impact be?"

Silva: "The fiscal note that the department filed actually is way out of line. According to the U.S. Census Bureau in March of 1996 prior to the Federal Welfare Reform Bill, all legal immigrants who were eligible for AFDC and now TANF and food stamps only accounting for 1.6 of all legal immigrants who

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receive TANF are 5.9."

Black: "I'm also interested a part of the Bill as I understand it... If the person is, in fact, adjudicated abused and they have independent resources, income, assets, an automobile, or what have you, there's a sentence that says 'no income or assets of the abuser shall be deemed available to a person described in this paragraph.' I do not understand that sentence at all."

Silva: "Of the abuser."

Black: "You mean we couldn't go after the assets of the abuser?"

Silva: "Not for the... not for the... not for assessing the termination of eligibility for that particular family."

Black: "Okay. Well, that isn't the way I interpret it. I interpreted that to mean we couldn't go after the abuser to recover costs associated with the person who was abused."

Silva: "Actually, it's two separate issues, one what we're saying is, that the income if the abuser happens to be the sponsor that, in fact, they could not use that for determining eligibility for TANF."

Black: "All right. Thank you very much, Representative, I appreciate you answering the questions. Mr. Speaker, to the Bill."

Speaker Lang: "To the Bill."

Black: "Thank you very much. Ladies and Gentlemen of the House. It was about an hour ago when a Member of your side of the aisle raised the specter of the first of many exemptions to the Procurement Code and he gave an impassioned plea not to do this. Well, that was the Procurement Code. Here we go after Bill Clinton says we're going to change wel... excuse me, President Clinton says we're going to change welfare as we know it. Anyone who entered the country after August 22, 1996 would be ineligible for benefits for five years."

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No, now we're going to make an exception to that rule in Illinois. If you're a victim of domestic violence, you can receive public assistance. Well, how many more exemptions will be made before the spirit of the Bill that President Clinton said is going to change welfare as we know it is completely destroyed. I rise in opposition to the Bill."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "The Lady will yield."

Mulligan: "Representative, in committee, I, also, was concerned and I think that the department is opposed as far as this Bill goes. Because of the fact that it changes the overall date and they're concerned, I don't think necessarily with the class of the abused women or their children so much as setting a precedent. I would like some kind of legislative intent here that you are not trying to set a precedent for other classes of immigrants that have arrived after that August 1996 date. That is a great concern to many of us, particularly the fact that we're then going to be opening up the floodgates for everyone that's coming."

Silva: "This is only an exception where a gap exists and that gap can, in fact, be dangerous not only to a woman whose abused but their children."

Mulligan: "I understand that, but it is a significant change in what we're doing, and it does set a precedent that the department is very concerned about. So I would like the legislative intent to be that your idea is that this is for this specific class only, and you are not trying to set a precedent that will then open the door for everyone else after August 1996."

Silva: "This... the intent of this Bill is only to address that

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particular gap for victims of domestic violence."

Mulligan: "There's also a provision in the Bill that says that the abuser's assets cannot be considered when we're looking at whether the person has any kind of sustenance. But I would not want that to mean that if it does not harm the individual and I know some reasons we don't go back to the abuser because of the fact that it might harm the women that's being abused, or possibly the man but in most instances women or children, but that we could still pursue that if it did not interfere with the woman to pursue the assets for them to be taken care of in a legal manner."

Silva: "Actually, Representative Mulligan, under the Immigration Reform Law, sponsors who, in fact, may be the abusers can be sued to recover any kind of cost."

Mulligan: "That's a good point to note because I was concerned when I looked at this in the Bill. Does this Bill also cover the elderly?"

Silva: "If, in fact, they are abused, yes."

Mulligan: "So, it could, also, be elder abuse?"

Silva: "It can be but... "

Mulligan: "Is there going to a test for abuse? Because someone comes in and says they're abused, is that going to be sufficient or would you expect there to be the same test?"

Silva: "No, I would expect that there would be a police report filed. In fact, the statistics indicate that less than 20% of the general population actually go through that process and actually file police reports and those statistics are cited from the Chicago Police Department. On the immigrant groups less than 1.6% have actually filed."

Mulligan: "Representative, in committee there were a number of us that voted for this Bill to come out, I think everyone voted for it with a concern as to the abused women, but I

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want to be perfectly clear that if I were to vote for this Bill, I would not want it to set a precedent that would change the date automatically. That is the big concern of the department and if you have an idea we could not get an actual idea of how many people you thought this would encompass here in Illinois on the figures, but I want to be perfectly clear that I do not want this vote to set a precedent to change that date for the status of people who are eligible for benefits."

Silva: "Representative Mulligan, as I said before 'the intent is only to close this particular gap for this group of people.' My intent is not to have anything amended into it. In actual, we estimate that 84 people would be eligible under TANF and under the food stamps, 431 people."

Mulligan: "Thank you."

Speaker Lang: "Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "The Lady yields."

Durkin: "Representative, what are the residency requirements for an individual who goes into the Department of Human Services? How long do they have to be a resident of the State of Illinois before they would become eligible for this benefit?"

Silva: "There's no time limit as to the residency. There is no requirement."

Durkin: "So, there's no residency requirement?"

Silva: "In Illinois."

Durkin: "So someone from the state of Iowa, theoretically under this Bill can come into... Does your Bill limit it to strictly Illinois residents?"

Silva: "Correct."

Durkin: "It does?"

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Silva: "The intent is not to pay any benefit to any resident outside of the State of Illinois."

Durkin: "Well, here is the deal, but if it's... your intent's great, but the fact is if it's not there in the black letter law unfortunately your intent's not going to go that far. And the fact is, unless there's some type of requirement of some type of residency, we're going to be faced with a situation where the states who are surrounding Illinois who do not provide this type of assistance, we are going to become a beacon of the Midwest for... for this type of benefits. Not that it's wrong, but the fact is this is once again we're talking about another financial, you know, a financial impact which is much greater than what I believe the fiscal note will state. Now, would you be willing to take this out of Third Reading, put it back to second, to at least put some type of reasonable residency requirement in this Bill for a citizen of the State of Illinois to receive this type of benefit?"

Silva: "There is no different legal residency requirement than for regular TANF requirements, other than their U.S. citizenship status."

Durkin: "Well, because there's none under those requirements, does that necessarily mean it's good? I don't think it is. The fact is you know, if we're going to pass something out of this chamber, I think we should be very good about... very clear of how we draft things and how we place the requirements for people to receive these benefits. Next question, now, we've said before that if a person goes in and they are a victim, you said it's up to the department to determine what the standards and what the criteria are before they would become eligible, correct?"

Silva: "Correct."

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Durkin: "If someone goes in and they are denied under this type of benefit, is there any recourse they have after that or is it over?"

Silva: "Can you repeat the question? I didn't understand it."

Durkin: "Certainly. If someone goes in and they request some type of relief under this statute through DHS, and they are denied because they have not fulfilled the requirements that are set by rule, do they have any relief or are they... or is it over? Can they go up to another level? Can they appeal that decision?"

Silva: "Under the Public Aid Code there are standards there that are set forth that describe an appeal process."

Durkin: "Well, under the Public Aid Code, how does that fit into this section of the... you're trying to amend?"

Silva: "This is an Amendment to the Public Aid Code and therefore it would also apply."

Durkin: "All right. So, that provisions that are presently in the Public Aid Code will provide the adequate relief for an individual who is denied benefits... protections that all residents enjoy... for them to take it up to the next level some type of like quasiappeal process?"

Silva: "Well, their due process protections that all residence enjoy."

Durkin: "My last question. You didn't quite answer my question before, but I think that I'd feel more comfortable and a lot of other Members of this chamber would feel more comfortable if you did place some type of, at least, a minimal residence requirement in this state before you become eligible for this type of benefits. Would you be willing to do that and..."

Silva: "No."

Durkin: "... and why not?"

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Silva: "The residency requirements should be no different than any other group."

Durkin: "I don't quite understand that answer, but before you said that the Department of Human Services was neutral on the Bill. I've just been told otherwise, that they do oppose this Bill. Now... "

Silva: "It's because of the fiscal impact which I told you is not... it doesn't adequately reflect what the statistics reflect in the general population."

Speaker Lang: "Please bring your remarks to a close."

Durkin: "But you will agree that the Department of Human Services... Thank you. You will agree that the Department of Human Services does oppose this Bill, correct?"

Silva: "For fiscal reasons."

Durkin: "Well, do they... they do object?"

Silva: "Well, they never told me that opposed it."

Durkin: "Thank you."

Speaker Lang: "The Chair has an announcement. To the very hungry Republicans down in front who are abusing the Chair, the pizza is on it's way. It's on it's way. Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. To imagine a situation where battered women are dashing into Illinois to take advantage of this or one could argue, I suppose, maybe they're even getting beat up so they can come to Illinois and get some... some benefit. It is ridiculous. This is not going to attract people like a magnet to Illinois. What this is saying is that legal immigrants, I underscore legal immigrants, who are in this country after the deadline that was set, if they are certified by the department as being battered and I assure

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you any person who just walks in and says, 'I deserve this benefit because I'm being battered,' isn't going to get it. The department will... will investigate, then we're saying that that person is going to get some help. We're not going to leave them for five years to get beat up until they're eligible to get some help. The State of Illinois is saying in this very special circumstance, we're going to help legal residents of the State of Illinois. I assure you, because the numbers are pretty small of people who step forward anyway and admit to being battered, that we're not going to suddenly have this mad rush of people across the border with black eyes who are coming for our help. This is just a ridiculous assumption. So, we're just going to be providing some help to particular women who need it in our state, that has the fifth largest immigrant population, immigrants who contribute so much to the great State of Illinois. We're going to say we're going to give a little something back to those who are in need. I urge an 'aye' vote."

Speaker Lang: "Representative Silva to close."

Silva: "I think that it's a very small group of people who would stand to benefit. I would urge you to consider that sometimes the decisions that we make here in this chamber actually reflect life and death situations. I've been here for a year now, and I've heard all of the support that people want to give to victims of domestic violence and I would call you and urge you to vote 'yes'. Thank you."

Speaker Lang: "The Lady moves for the passage of House Bill 3447. The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Clerk, please take the record. On this question, there are 96 vot... I'm sorry, 98 voting 'yes', 11 voting 'no' and 6 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Clerk, House Bill 3581. Representative Art Turner."

Clerk Rossi: "House Bill 3581. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "House Bill 3581, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Lang: "Mr. Art Turner."

Turner, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3581 is a Bill which would allow the Department of Public Aid to fully reimburse optometrists for the services that they provide on patients. Currently optometrists are not being reimbursed from the Department of Public Aid for certain services covered by the department, and this legislation would authorize the department to reimburse optometrists for those services."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'yes', 4 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority is hereby declared passed. Mr. Black, for what reason do you rise?"

Black: "Well, thank you very much, Mr. Speaker. I wanted to discuss that very interesting Bill, but if the point is

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moot now."

Speaker Lang: "Mr. Black, your light was not on before I started my statement."

Black: "Well, whatever."

Speaker Lang: "I apologize. Have you joined the 'School of Bill Black Management'?"

Black: "No, but I'm beginning to think perhaps you have."

Speaker Lang: "House Bill 3485, Representative Parke. Is Mr. Parke in the chamber? Out of the record. House Bill 3811, Representative Barbara Currie. Please read the Bill."

Clerk Rossi: "House Bill 3811, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Lang: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The Bill, as it comes to us, has two provisions. One is that it says the Property Tax Appeals Board, unless specifically authorized by statute, may not charge county assessing officials for publications that are prepared by that board. It seems not a wise idea for one taxing body to charge another, robbing Peter to pay Paul. The second provision was one introduced by Representative Mulligan and the effect of this is to make Roth IRAs, Roth Individual Retirement Accounts more advantageous to Illinois residents by not charging state tax if people are distributing from a current IRA into a Roth IRA, because Roth IRAs permit people to save money for college educations and for first-time home buys. They are IRAs that we think ought to be encouraged among the populous. I know of no opposition to this Bill, as amended, and I'd appreciate your support."

Speaker Lang: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. My switch malfunctioned, and I meant to vote 'no' on that last Bill."

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Speaker Lang: "The record will so indicate. Representative Black."

Black: "Thank you very much, Mr. Speaker. An Inquiry of the Chair."

Speaker Lang: "State your inquiry."

Black: "This is to the Clerk. What Amendments are on this Bill? There seems to be a number of Amendments on the Bill."

Currie: "Amendment 1 and Amendment 5."

Clerk Rossi: "Is there something wrong with the Clerk's voice? That didn't sound like Mr. Rossi."

Rossi: "Amendments 1 and 5 have been adopted to the Bill."

Currie: "Sounded like an echo."

Black: "What's going on here? I'm sorry, Mr. Clerk, there's two voices. What Amendments are on the Bill?"

Clerk Rossi: "Committee Amendment #1 and Floor Amendment #5."

Black: "And it's... all right, fine, thank you. Well, no, wait a minute. Floor Amendment #5 is on the Bill. What happened to Floor Amendment #4?"

Clerk Rossi: "It remains in the Rules Committee."

Black: "That's an outrage. Mr. Speaker, Mr. Speaker, this makes no sense. There's already a very reasonable tax provision in this Bill that we're going to vote on, but Floor Amendment #4 that would give middle class taxpayers a double deduction for their property taxes paid, remains in Rules. I don't understand that. Could you enlighten me?"

Speaker Lang: "Do you have any comments on the Bill on Third Reading, Mr. Black?"

Black: "I thought we were on Third Reading."

Speaker Lang: "Well, yes, but Amendment 4 is not on the Bill. Do you have any comments about what is in the Bill, Sir?"

Black: "Well, it'd be a lot better Bill if Floor Amendment #4 was on it. This is an outrage. The taxpayers of this state

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will hunt you down, Sir. This is an outrage. You've already got a tax... a tax relief Bill on this. Why not go the whole route and put a reasonable middle class tax cut on this Bill? It's already got a tax cut, and I might add, a tax cut probably for those that can afford a Roth IRA. I don't happen to be in that situation, but I pay property taxes, and I'd like a double deduction, a double credit for my property taxes paid. Is that too much to ask?"

Currie: "Could the Gentleman confine his remarks to the Bill?"

Black: "What? I thought I was. She's eating into my five minutes, and by the way, nice tie. Mr. Speaker, I can't get a straight answer out here. This Bill has a tax relief proposal, reasonable, reasonable, but doesn't do much for the middle class taxpayer, the beleaguered backbone of the economy of the State of Illinois who has asked us repeatedly for tax relief. The people who have been ignored by the expanding economy, even though times are good thanks to the policies put in place by Ronald Reagan, and we've all enjoyed the fruits of the man's labor. You have an opportunity to give the middle class taxpayer a double credit for property taxes paid, and you absolutely refuse to do so. Millions of dollars, millions of dollars for those immigrants, and on no disrespect... you've got what?"

Speaker Lang: "Mr. Black. Mr. Black, was this all part of your question after you asked the Sponsor to yield?"

Black: "Yes."

Speaker Lang: "Is this all a question... is this going to end in a question mark?"

Black: "Absolutely. So, I would submit... "

Speaker Lang: "Representative Currie, for what reason do you flag down the Chair?"

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Black: "Wait a minute I'm not through answering the... I'm not through asking the question."

Speaker Lang: "Representative Currie is trying to get the Chair's attention, Mr. Black."

Black: "What?"

Currie: "I 'd like to answer the question."

Speaker Lang: "Representative Currie is trying to get the Chair's attention, Mr. Black."

Black: "Well, have her snap her fingers. That's what she used to do."

Currie: "I'd like to answer the question."

Black: "Well, I haven't finished the question yet."

Speaker Lang: "Well, we'll let him finish and then you can close, Representative."

Black: "That's right. So, in summation, and in conclusion, there is no reason to have tax relief for those fortunate enough to have IRAs. I'm all for that. I'm all for that. I'm all for the underlying Bill. My question to the Sponsor is why not add a simple, but yet significant tax relief for the middle class taxpayer that reside in her district, my district, your district, throughout the State of Illinois? Those overburdened, hard-pressed property owners who continue to pay property taxes and can't get that double credit. They would like to have it. There's no reason to put it in the Bill. You could convene the Rules Committee. The Sponsor could convene the Rules Committee in five minutes, kick that Amendment out to the floor, and I will say this to you, Mr. Speaker, if that Amendment wouldn't get an overwhelming number of votes, I would apologize publicly for taking your time. So if you could answer that, Representative, I would appreciate it."

Currie: "But first of all, Representative, this Bill is about

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middle class tax relief. That's the whole point of making the tax consequences of Roth IRA participation not significant to the Illinois taxpayer. That provision, of course, does have the support of the Governor. The proposal you make, first of all, is not property tax relief. It's nothing like property tax relief. It's an income tax break for affluent homeowners in the State of Illinois. And as you know, Representative Black, the Governor, the Governor has asked the Leaders and asked us not to go about spending \$235,000,000, as that proposal would, or \$500,000,000, as it has done in earlier versions, of money at this stage in the legislative process. He's asked us to look at issues of tax breaks, tax loopholes in the context... budget discussions. So this Bill is what it is, and you can be 'fer it' or you can be 'again it', and I think that your middle class folks back home would be happy to be able to sign up for a Roth IRA if they want a college education for their kids, if they're first-time homeowners, and I would urge my colleagues and you specifically, Representative Black, that this is a good Bill, and a 'yes' vote is a good vote."

Black: "Mr. Speaker."

Speaker Lang: "Mr. Black, your time is expired. You need more time?"

Black: "Well, she used my... yes. Representative Parke has yielded his time to me. Thank you."

Speaker Lang: "Mr. Parke yields his time to Mr. Black."

Black: "I would hope that that 'fer it' or 'agin it' is not a reflection on my roots in downstate."

Currie: "No. Mine. Mine."

Black: "Well, it sounded like it. It was very close to it. But I would, in closing, Mr. Speaker, no one in this chamber has

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more respect for the Governor of this state than I do. I have stood with him when I've stood somewhat alone. He's from my part of the state. He's a downstater. I've known the Gentleman for almost 30 years. I have the greatest respect for this Governor, but I'm getting tired of hearing the Governor brought into legislative discussions time after time by your side of the aisle. Up until a year ago, you didn't even know his name and I would submit to you that he is not a Member of the Legislative Branch of government. What ever happened to the separation of powers? If the Governor, if the Governor doesn't like Floor Amendment #4, he can use his Amendatory Veto power. If, if it meets with the Speaker's prerogative under some constitutional whiz-bang thing he came up with five or six years ago, he could use his Amendatory Veto power to veto Floor Amendment #4, giving tax relief to middle-class homeowners, and I don't know who in the world would ever say that the homeowners of the State of Illinois are the wealthy or upperclass. That statement would... doesn't even deserve a response. But let us keep in mind that Representative Daniels is a Member of the Legislative Body. He has a right to try and have his Amendment heard and the Governor's feelings, notwithstanding, and I know Leader Daniels has respect for him as I do, but Governor Edgar is not a Member of the Legislative Branch. We should be able to vote on legislative matters, and the Governor, as the Chief Executive Officer of this state, can then use his veto pen if he doesn't agree with that. But you are denying us the right, on behalf of the 97,000 people who sent me here who want middle-class tax relief, you won't even give me an opportunity to vote on it. And I don't know whether I'm 'fer' this Bill or 'agin' this Bill, but,

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you know, to insult my downstate roots is one thing, but to insult my high school English teacher, the late and lamented Miss Mary Miller, that's gets awfully personal, because she was my aunt."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill. Although Representative Black's points are well-taken, I don't want him to diminish the effect of the Amendment that I put on the Bill which is a middle-class income tax break. Actually, it really speaks to people of about \$100,000 or less of adjusted gross income, who are going to try to convert a regular IRA into a Roth IRA before the end of 1998, so they can spread the federal tax consequences over four years. And Illinois, still remaining the retirement friendly state that it always has been, will now allow them to not have any income tax consequences on their Illinois tax and that roll over, so we'd like to see that happen. And I commend the Lady for allowing me to put this on her Bill and for our Leaders to be the ones that sponsor it on this side of the aisle that would hope that we would do this. So I strongly suggest an 'aye' vote for this Bill. It's really a good Bill. It will be one of the most innovative addressing of the issue of Roth IRAs and their tax consequences across the country. Illinois will be on the leading edge here, and I'd like to commend everyone and ask for their 'aye' vote that has already worked on this so hard. Thank you."

Speaker Lang: "Mr. Biggins."

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

Speaker Lang: "The Lady yields."

Biggins: "Representative, is the part about the exchange of information with the Property Tax Appeal Board and the

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Chief County Assessment Officer still in this Bill?"

Currie: "Yes."

Biggins: "All right. Well, then I would to the Bill speak in support of this measure despite the paucity of middle-class relief that we'd like to have in it in terms of property tax relief. Even before Representative Mulligan's outstanding Amendment, which makes this Bill even better, this is a method of intergovernmental cooperation, whereby when this chamber imposed duties on the offices of the Cook County assessment personnel at the assessor's level on the Board of Appeals, we imposed duties on them that they did not have before. And for the Property Tax Appeal Board to charge them for information to enable them to carry out their duties that we prescribed upon them, I think is unconscionable. I therefore urge all Members to vote 'yes' in the spirit of intergovernmental cooperation."

Speaker Lang: "Representative Currie to close."

Currie: "I'd appreciate your 'aye' votes."

Speaker Lang: "The question is, 'Shall this Bill pass?' All in favor shall indicate by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', and 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3431, Mr. Clerk. Representative Zickus."

Clerk Rossi: "House Bill 3431. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Zickus, has been approved for consideration."

Speaker Lang: "Representative Zickus."

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Zickus: "Thank you, Mr. Speaker and Members of the House. The House Bill 3431 amends the Public Aid Code and the Health Maintenance Organization Act to permit Medicaid Managed Care Community Networks to contract directly with the Illinois Department of Public Aid to provide health care through programs administered by the department. It also requires the MCCNs to meet the financial solvency and reserve requirements established by the state. MCCNs were previously enacted under the Mediplan Plus Program and since Mediplan Plus has not been implemented or will not be implemented, the legislation is required to continue the existence of the MCCNs, and I ask your favorable vote."

Speaker Lang: "All those in favor shall say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #1 is adopted. Mr. Clerk."

Clerk Rossi: "No further Amendments."

Speaker Lang: "Third Reading. Mr. Clerk, call House Bill 3431."

Clerk Rossi: "House Bill 3431, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Lang: "Representative Zickus."

Zickus: "I just explained what the Amendment did and would ask for your 'aye' vote."

Speaker Lang: "Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Lang: "The Lady yields."

Brady: "Representative, what are the financial requirements under this legislation for solvability?"

Zickus: "It will require the Department of Public Aid to adopt standards for solvency and financial soundness of the MCCNs. Those requirements may parallel to standards to be promulgated under federal law. Those federal standards

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were negotiated by groups such as Blue Cross Blue Shield Association, American Hospital Association, Health Care Financing Administration, National Association of Insurance Commissioners, and there will be many similarities between the solvency standards for MCCNs and HMOs."

Brady: "Representative, you're leaving this wide open to the department. Is that correct?"

Zickus: "They have to meet the regulations that are established by the Federal Government."

Brady: "And what are those?"

Zickus: "There's ten pages worth. Do you want me to read them or do you want me to give them to you?"

Brady: "Representative, I guess what I'm getting to, is we have other organizations which have met the requirements of the Department of Insurance to establish themselves at an HMO. Why are you choosing not to... why are you choosing to subvert that for these organizations?"

Zickus: "This only serves the medicaid population and not the general population."

Brady: "I understand and that's fine, but don't we still need... there are right now HMOs serving the medicaid population which have met those standards established by the Department of Insurance to operate. What's the matter with those standards and tell me how they dramatically differ from the standards established under the federal guidelines?"

Zickus: "The minimum net worth amount is one and a half million with the HCFA discretion to lower it to no less than one million based on business financial planning."

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

Zickus: "Okay. If you're talking about the net worth. It is 1.5 million with HCFA discretion to lower it to no less than a

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million based on the business financial plan demonstrating that the PSO has or has available to it an administrative infrastructure that will reduce the PSO start-up cost."

Brady: "Representative, what's the present standard for an HMO under the Department of Insurance guidelines?"

Zickus: "Two million."

Brady: "Why do you think that we ought to let these organizations operate at a standard lesser than what the state standard is right now? In other words, it sounds to me like you're suggesting they ought to operate at a standard 25 to 50% less than the present state standard."

Zickus: "Because they are similar but they are not the same things. The MCCNs may only serve medicaid clients. They do not have the ability to recruit any potential private pay enrollees. They must be provider owned so a significant amount of services will be provided by the owner's sponsors. The HMOs do not provide direct services. All the services provided by an HMO are through contracts within a network of various third party entities."

Speaker Lang: "Mr. Brady, you've had extra time. Could you bring your remarks to a close please?"

Brady: "Thank you. Representative, I'm not sure I'm going to support or oppose your Bill. I'm not sure why you're doing this. This came up rather quickly. Is the Department of Insurance in favor of this legislation?"

Zickus: "I have not heard from the Department of Insurance."

Brady: "When were they first made aware of this?"

Zickus: "Pardon me?"

Brady: "When were they first made aware of this?"

Zickus: "This was filed yesterday. We had a hearing on it a little while ago. The HMOs are in negotiation with the Department of Public Aid, the Hospital Association is

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supporting it and I know of no other opposition."

Brady: "Thank you."

Speaker Lang: "Representative Zickus... "

Zickus: "I would like to add one more thing that this is very similar to what we voted on four years ago for the Mediplan."

Speaker Lang: "Representative Zickus to close."

Zickus: "I would just ask your support."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Wood, for what reason do you rise?"

Wood: "I would like to have the record reflect that I would have voted 'yes' on that Bill had I had the energy to vote 'yes' if we hadn't been starved here all this evening. Where is the pizza?"

Speaker Lang: "Your comments will be noted in the record."

Wood: "And if you could... "

Speaker Lang: "House Bill 3556, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3556, a Bill for an Act concerning contractor license and permit bonds. Third Reading of this House Bill."

Giglio: "Thank you, Mr. Speaker and Members of the House. House Bill 3556 is what's called the Unified License, or excuse me, Unified Contractor License and Permit Bond Bill. This is a good Bill. It's an Agreed Bill and the only people

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that would be opposed to this Bill would be the bond writers, themselves, and I'd be opened up to any questions."

Speaker Lang: "The question is, 'Shall this Bill pass?' All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. Wait, hold off, Mr. Clerk. Mr. Black, you were a little late on the trigger that time. Did you wish to speak on this Bill?"

Black: "Mr. Speaker."

Speaker Lang: "Mr. Black."

Black: "I am weak from hunger."

Speaker Lang: "So is Representative Wood."

Black: "I am practically dehydrated."

Speaker Lang: "Bring this man water."

Black: "Sir, I would remind you. I would remind you that when we were in control of the chamber and you were the most right honorable opponent, we always had food here on time. What is the problem? What seems to be the trouble?"

Speaker Lang: "We'll look into that for you, Mr. Black. Did you have any questions on House Bill 3556?"

Black: "Yes, yes I do. Yes, yes I do."

Speaker Lang: "Please proceed."

Black: "Thank you. Representative, and, you know, I may have a potential conflict of interest in this. My family business is in the contracting, my family's been in the contracting business for 70 years, and I no longer have a financial interest in that business, so I'm going to vote my conscience, but I... why is this such a good idea that it's good for every place in the state, but not the City of Chicago?"

Giglio: "It's not so much that it's not good for the City of Chicago, I simply left the City of Chicago out because of

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the magnitude of their own code and the magnitude of their own licensing structure and the magnitude of their own bonding policies at the city and it was an animal that I felt, in all honesty, didn't need to be brought into this."

Black: "Well, you know, when we consistently and constantly exempt the largest city in the State of Illinois, alarm bells go off. You know, if a unified contractors license is a good idea and I'm not convinced that it's a bad idea by any means, I just don't understand why that the city that probably has as much construction in the amount of dollars in square footage in a year as the rest of the state combined, why do... well, you've said you just didn't want to include them. I just... I really don't understand that. Have you heard from the Municipal League on this Bill?"

Giglio: "Yes, the Municipal League is neutral on this Bill."

Black: "What does it do? My brother currently pays a number of licenses, as I'm sure you're familiar with, contractor's license, an electrician's license, I think he has a plumber now on the payroll, a plumber's license. And those business fees can be somewhat expensive, even in a small town like ours. Would it be fair to characterize this as a general fee increase? Is my brother going to see a \$700 Unified License?"

Giglio: "No, actually he'll see a decrease. This Bill, what it is, is as a contractor, he's licensed to do work in, pick a town, any town, Danville. He's licensed to do business there. Now, he wants to work in a neighboring community that's within the same county. He goes to that municipality, he pays the license fee and they request him to get what's called a license and permit bond. Typically that bond amount is anywhere from 5 to \$10,000. He'll call

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his insurance agent, he'll ask for a \$5,000 bond for the neighboring municipality and after that he'll file it. Now, if he wants to work in another town, right next door, he'll have to get another one. It's that compliance obligation bond insurance. It has... it is not remove or make harder the licensing requirements."

Black: "All right. And that... I think that makes... "

Speaker Lang: "Mr. Black, your time is expired."

Black: "Okay, I... "

Speaker Lang: "Mr. Parke yields his two minutes to you, Mr. Black."

Black: "Thank you. Thank you, Mr. Parke. Well, let me go back to the point about Chicago. If my family has the unified license, and because of all of the business going on in the Chicago metropolitan area, he decides that he would like to go up to Chicago and do some work. I assume then that his unified contractor's license is invalid in the City of Chicago."

Giglio: "That is correct. Again, it's not a license. It's a license and permit bond."

Black: "Okay, All right. Mr. Speaker."

Speaker Lang: "Mr. Black."

Black: "I think the Bill has some very interesting concepts, but I've been asked by some of my colleagues on our side of the aisle, joined by five of my colleagues to take the Bill off short debate. We just want to make sure what the Bill is doing."

Speaker Lang: "It's removed."

Black: "I appreciate it. Thank you very much. Thank you, Representative."

Speaker Lang: "Representative Cross."

Cross: "Will the Sponsor yield?"

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Speaker Lang: "The Gentleman will yield."

Cross: "You know I've just found out, by the way, Mr. Speaker, they've already fed everyone at the Department of Corrections tonight, so at least the prisoners are getting three meals a day. Will the... talk about cruel and unusual punishment. Representative, the DuPage mayor and managers have been opposed to your Bill. I assume they still are. Do you know why?"

Giglio: "First off, the DuPage mayors and managers was invited to a meeting that I scheduled to offer to explain this Bill to anyone and everyone and they did not respond. Now, I have no notice that they are opposed to this Bill. This being the first, as such, if that's in fact correct, that they are."

Cross: "Representative, they filed a slip in opposition committee. Would that sufficient notice?"

Giglio: "After... "

Cross: "Well... when the Amendment was introduced or the initial Bill?"

Giglio: "The Amendment, as agreed, by the Illinois Municipal League, should have removed any opposition that they would have had."

Cross: "Well, according to our file, there's absolutely no indication that the Municipal League or the DuPage mayors and managers have taken away their opposition."

Giglio: "The Municipal League is in fact neutral. I cannot speak for the DuPage County."

Cross: "So, if you lived in DuPage County, it certainly seems like you have some concern. What about the Western Surety Company? Are they still opposed?"

Giglio: "They very well could be. As I said earlier, the bond companies are still... they are still opposed."

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Cross: "How come?"

Giglio: "Because this is going to reduce the number of license and permit bonds that the agents are forced to write. On a \$50... on a \$5,000 bond the costs that contractor 50 bucks, the agent gets 15 for doing all the work and the bond company gets 35."

Cross: "Representative, can the Clerk's Office provide sufficient security, as opposed to a bonding company?"

Giglio: "The Clerk's Office... the bond will still be written. The Clerk's Office is not writing the bond, it's the bond company, the underwriter. For instance, Western Surety, they'd still be writing the bond."

Cross: "So why are they opposed to it? Well, under your Bill, as amended, will the Clerks then have the authority to file a new fee? Charge a new fee?"

Giglio: "Yes, yes."

Cross: "So this is now becoming a fee increase Bill or has become a fee increase Bill?"

Giglio: "The Clerks, the courts have the opportunity to charge for this, that's correct."

Cross: "How much can they... can the Clerks charge under your Bill?"

Giglio: "That's to be determined by the individual county. That's not designated in the Bill."

Cross: "Is there even a cap on the fee increase?"

Giglio: "No, I trust our county governments to install a reasonable fee."

Cross: "Has there been any word from the Clerks' Offices throughout the state of how much they're going to charge? Any at all?"

Giglio: "I have not heard from any, no. I have talked to a Cook County and they are looking into the fee, what the fee

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should be. To my knowledge they have not come up with a hard number."

Cross: "All right, thank you."

Speaker Lang: "Representative Skinner."

Skinner: "Would the Gentleman yield, please?"

Speaker Lang: "The Gentleman yields."

Skinner: "This strikes me as a drop in consumer protection. The maximum bond is going to be \$10,000."

Giglio: "No, in the NIPA's counties, the bond amount is \$50,000 per county and outside of those it is \$25,000."

Skinner: "Fifty thousand dollars doesn't go too far if you're building a new house. What... where's the consumer protection?"

Giglio: "Now again, Cal, most municipalities only require \$5,000 to \$10,000. That is the average. More than the overwhelming amount that the majority of towns request and remember this license and permit bond, it's not a performance bond, it's a compliance obligation bond. What it is is you're... the insurance company is bonding that you will do the work in compliance with the village code and ordinances. It's not a performance bond. It's not a bond of you... "

Skinner: "Well, if you are a plumber, well, you are a plumber."

Giglio: "Yes, I am."

Skinner: "How about that? If you're a plumber and you're putting in my upstairs bathroom, and you misconnect the pipes and I end up getting water damage over the second floor and the first floor, and it exceeds the \$10,000 bond, how am I going to get recourse?"

Giglio: "You would get it the same way you get it now, which is through the courts."

Skinner: "I have to sue you?"

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Giglio: "Sure. Me, I'd come back and fix it without you having to go and get the bond."

Skinner: "All right. So, what you're doing here, basically, is taking power away from Home Rule units except for Chicago."

Giglio: "You could say that, Cal. That would be... "

Skinner: "I did say that."

Giglio: "So, is that a question?"

Skinner: "Well, is that accurate?"

Giglio: "Yes."

Skinner: "So, I have to make the decision whether I want to increase my 'D' rating from the Northwest Municipal League to maybe a 'D+' by voting 'no' on this, or I should go to 'D-' by voting 'yes' on it."

Giglio: "A 'D-' definitely."

Skinner: "Okay. Thank you."

Speaker Lang: "Mr. Schoenberg."

Schoenberg: "I move the previous question."

Speaker Lang: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Mr. Giglio to close. Representative Hartke in the Chair."

Giglio: "I would simply ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 3556 pass?' This is final action. All those in favor, signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3556, there are 107 Members voting 'yes', 9 Members voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Okay."

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The pizza has arrived. It's in the Democrats' aisle side hallway. House Bill 2607. Representative Stroger. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2607. The Bill has been read a second time, previously. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Representative Stroger."

Stroger: "Yes, Mr. Speaker, I'd like to move to table Amendment 2."

Speaker Hartke: "Mr. Clerk, table Amendment #2. The Motion is to table Amendment #2. All those in favor, signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and Amendment #2 is tabled. Is there any other Motions?"

Clerk Bolin: "No Motions filed... no Motions filed."

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

Clerk Bolin: "House Bill 2607, a Bill for an Act to amend the Counties Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Stroger."

Stroger: "House Bill 2607 would change Section 15.4 of the Emergency Telephone Systems Act to further detail what constitutes an acceptable expenditure under the Act. The Bill would modify the provision to read, 'a computer aided dispatch system that records, maintains, and integrates information to increase operation efficiency and improve the provision of emergency services.' The Bill also would change the Township Code to allow the city council of any home rule municipality to cease to exercise the powers of the township board. Vacancies resulting from the city council's action shall be filled in accordance with the General Election Law, and I would ask for an 'aye' vote."

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

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the Gentleman from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. To the Bill. I think that I have been added as a cosponsor, as well as Monique Davis. This Bill has been brought to me and I support primarily for the... from the Freeport Township, the village of... the City of Freeport. This does affect the surrounding townships and the surrounding townships are in support of this Bill. This is a similar to a Bill that went out here during Veto Session, was not picked up in the Senate at that time, so this is a similar Bill and I would urge a 'yes' vote."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, the Bill, as amended, Committee Amendment #1 becomes the Bill?"

Stroger: "Yes."

Black: "All right. The township provision, as embodied in Committee Amendment #1, is that supported by the Township Officials of Illinois?"

Stroger: "Yes. Yes."

Black: "Did... Okay, I'm sorry, I didn't hear you."

Stroger: "Not enough bass in my... "

Black: "Okay. Let me... I really and truly do not understand the 9-1-1 language. I know the 9-1-1 system in my county has recently, and we should be on-line here by May or June, gone to a computer-aided dispatch and on a number of things, and I thought that was already allowable and permissible under the law. That that's what your monthly charge was, to constantly maintain and upgrade your system."

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So, I don't know why... why is this language necessary?"

Stroger: "Actually, Lake County feels that we need this language for them to update their system, and they think that right now they can only use the language for address and location, and they think that this would solve what they feel is a problem."

Black: "But they're not seeking an increase in their 9-1-1 fee. They're not seeking an increase in the fee?"

Stroger: "No."

Black: "Is there anything in your language that would increase anybody's fee? A cellular phone access fee? Or a increasing the monthly amount allowable?"

Stroger: "No, we don't want to increase anything."

Black: "Okay. So, it's just language that Lake County feels they need to upgrade their system?"

Stroger: "Yes."

Black: "Well, if they think they need that, I thought it was already provided for, but as long as you have given me your assurance that there's no intent to add a cellular 9-1-1 surcharge or any of that stuff, it seems like a straightforward Bill. I appreciate your answers. Thank you."

Stroger: "Thank you."

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

Stroger: "I'd ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 2607 pass?' All those in favor, signify by voting 'aye'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2607, there are 117 Members voting 'yes'; 0 voting 'no', and this Bill, having

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received a Constitutional Majority, is hereby declared passed. House Bill 2716, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2716. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendments 2 and 3 were withdrawn. Floor Amendments 4 and 5 have been adopted. Floor Amendment #6, offered by Representative Mautino, has been approved for consideration."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #6 addresses some concerns as to what areas of the state would be affected in the underlying Bill and with Amendment 6, we do have agreement to the underlying legislation. Be happy to answer any questions and I would appreciate an 'aye' vote."

Speaker Hartke: "Any discussion? Seeing no one seeking recognition, Mr. Mautino moves for the adoption of Floor Amendment #6 to House Bill 2716. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "House Bill 2716, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2716 is now agreed language and it deals with a problem that we were... been having through a lot of the smaller communities throughout the State of Illinois

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where there's a municipal-owned sewage treatment and a private water company. Prior to this legislation, the communities did not have the ability to contract with the companies, private water companies for disconnection. This is identical language to that passed by Representative Bill Black, which made it to the Governor's desk and now with that language and we have this affecting counties of 250,000 less. Amendment 6 takes out other objections. Be happy to answer any questions."

Speaker Hartke: "Discussion on the Bill? The Chair recognizes Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, it applies to all areas of the state except Metro-East?"

Mautino: "Yes. The way that it's drafted, yes, it does."

Black: "Includes... we're not exempting Chicago from this Bill, are we? I can't remember, to tell you the truth."

Mautino: "No, actually it's counties under 250,000 because this would allow... because in most of those counties we've found that the municipalities own both the water and the sewage treatment, so they're not asking for this authority, nor do they need it."

Black: "I think that's the key. They already have the ability to do what we're attempting to do for those scofflaws who won't pay their Bill."

Mautino: "Absolutely."

Black: "Okay. Fine, I recall now. Thank you very much, Representative. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, except Representative Skinner from McHenry County."

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Skinner: "Well, now I'm fed, I'm ready to ask the question. Are you forcing the county treasurer to collect stuff with this Bill, still?"

Mautino: "What's that?"

Skinner: "Are you forcing the county treasurer to collect stuff with this Bill, still?"

Mautino: "No, actually all the dragons that started out in this Bill have been reduced to the size of Chihuahuas, so we're pretty well set. Everyone's agreed. The treasurers are no longer out of the Bill. We're not dealing with liens and we even have due process as Representative Black designed it."

Skinner: "Even due process?"

Mautino: "Even due process. Out of this Body. This is all right."

Skinner: "It's quite a concession. Thank you."

Speaker Hartke: "Further discussions? Seeing that now no one is seeking recognition, Representative Mautino to close."

Mautino: "I'm waiting to see, did the slip from my cosponsor, Representative Black, get filed with the Clerk? With that, I would ask for an 'aye' vote."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 2716. All those in favor vote 'aye'; those opposed vote 'no'. This is final passage. 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 House Bill 2716, there are 118 Members voting 'yes'; 0 voting 'no', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3347, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3347. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment

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#3, offered by Representative Steve Davis, has been approved for consideration."

Speaker Hartke: "Representative Davis. Representative Davis."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 3 to House Bill 3347 creates the Port Development Revolving Loan Program. The program will be administered by DCCA in order to facilitate and enhance the utilization of Illinois' navigable waterways or the development of inland intermodal freight facilities, or both. Since 1951, the Illinois General Assembly has created 13 Port Districts. These Port Districts are vital to the economic development of our state and we need to protect and expand this \$14,500,000,000 per year cargo business. Industries relying upon the Port Districts and the barge transportation, employ almost 78,000 people in this state. This Bill will help retain these jobs and ensure that Illinois will remain a leader in the shipping and transportation of products coming from all over the world and I would be glad to answer any questions on the Amendment."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, the Amendment becomes the Bill, correct?"

Davis, S.: "That's correct."

Black: "It no longer has any reference to the construction road safety issue?"

Davis, S.: "That's correct, Representative Black."

Black: "Okay. The dollars that will be handled by the Department

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of Commerce and Community Affairs for these Port Districts, will that be money that any Port District can apply for, or is it limited to the Port District in your area?"

Davis, S.: "No, Representative, that would apply to all 13 Port Districts."

Black: "And is that limited to the \$3,000,000, or is it any one project could get \$3,000,000?"

Davis, S.: "The \$3,000,000 can comprise 50% of the complete project, Representative."

Black: "Okay. All right, and none of the money can be used for dredging of lagoons in the City of Chicago, is that right?"

Davis, S.: "Not to my knowledge, Representative. However, however I know that Representative Turner would love to be able to get his hands on that money, but we're not going to allow that."

Black: "Well, they are a Port District, aren't they?"

Davis, S.: "I think they're a lagoon district."

Black: "Your words, not mine. Thank you very much, Representative."

Davis, S.: "Thank you, Sir."

Speaker Hartke: "Further discussion? Representative Novak."

Novak: "Yes, will the Representative yield, please? Representative, did I hear you correctly? Did you say the Illinois port or pork development?"

Davis, S.: "This is not a hog Bill. This is not a hog farm Bill."

Novak: "It sounds like pork to me."

Davis, S.: "Has nothing to do with the other white meat. It has to do with 'port authorities', not 'pork authorities'."

Novak: "Now, I want to know where is this money coming from? Is it coming from GRF? Is it being siphoned off some grant from some grant programs, or where? Could you be a little

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bit more specific? How many years have you been down here, Representative Davis, don't you have those answers right at your fingertips?"

Davis, S.: "Yes, I do. Yes, I do. I don't know where the money's coming from."

Novak: "You don't know where the dollars are going to come from?"

Davis, S.: "We're working on that, Representative."

Novak: "Are they going to come out of the operating budget from DCCA? Will they come from a grant program that's already in existence? Can I... can I... "

Davis, S.: "It's subject to your vote on the Appropriations Bill, I believe, Representative."

Novak: "Can I... can I get a Port Development Authority established on the Kankakee River back home under this program?"

Davis, S.: "I believe you can if we get a new Governor, yes."

Novak: "Can we get one on the 'Big Muddy River' down in Southern Illinois?"

Davis, S.: "Oh yeah."

Novak: "Could we get one on the Kaskaskia over there in Danville?"

Davis, S.: "Oh yeah. They've got one. They've got one."

Novak: "Okay. Well, can they get another one?"

Davis, S.: "Oh yeah."

Novak: "What's the reason for this? Economic development?"

Davis, S.: "This is certainly economic development. There's about \$26,000,000 in projects that are already identified for the Southern Illinois downstate area. So it's a badly needed program and hopefully, we can come up with the funding and the General Assembly will appropriate the necessary monies for this program."

Novak: "Well, you know that old saying... I'm sure you've heard

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that old saying before, Representative, about any port in any storm, you know, I mean, all I hear about ports and I figure there's going to be a boat. I mean, what comes in the ports besides boats?"

Davis, S.: "Well, here's what deal is. You know, down in Southern Illinois, Kenny Gray was the Prince of Pork. I'm trying to become the Prince of Port."

Novak: "Thanks for questions and your answers."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the Gentleman has asked for the passage of Floor Amendment #3 to House Bill 3347. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Any further Amendments."

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Committee Announcements."

Clerk Bolin: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 3636?"

Clerk Bolin: "House Bill 3636 is on the Order of House Bills - Third Reading."

Speaker Hartke: "The Sponsor has requested that that Bill be placed on Second for the purposes of an Amendment. Mr. Clerk, are there any Amendments filed? Leave that placed on Second. House Bill 2370. Representative Gash. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2370, a Bill for an Act considering religious freedom. Third Reading of this House Bill."

Speaker Hartke: "Representative Gash."

Gash: "Thank you, Mr. Speaker. House Bill 2370 is the Illinois

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Religious Freedom Restoration Act, which would provide that before the government can interfere with religious practice, it must prove that it has a compelling interest, which is an interest of the highest order in enforcing state and local regulations which impinge upon an individual's ability to exercise freely his or her religion. In short, the purpose of the Bill is to insure that individuals from all religious denominations are fully protected in their right to practice their religion. The federal version of this law was passed in 1993 by an overwhelming majority of 97-3 in the United State's Senate and by a unanimous vote in the House of Representatives. An Illinois RFRA is necessary, Religious Freedom Restoration Act, because the United States Supreme Court recently overturned the federal RFRA, determining that laws protecting religious freedom should be enacted at the state level and that federal lawmakers did not have the power to pass such a law. Finally, state RFRA legislation, in fact, is supported by the National Conference of State Legislatures. A similar Bill has passed out of the Senate 55-0. We have about 50 cosponsors in the House and I'd be happy to answer any questions."

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

Lang: "Thank you, Mr. Speaker. I rise in strong support of House Bill 2370. It's a pretty rare Bill, indeed, where we have proponents such as the Christian Coalition, the Concerned Christian Americans, the Family Institute, the Jewish Community Relations Council, People for the American Way, and the American Civil Liberties Union, all supporting the same piece of legislation. It's a very important piece of

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legislation for the religious rights of Americans, of Illinoisans. In fact, this Bill should be a model Bill for other states in this country who wish to make sure that their citizens are protected in the exercise of their religion. So, I don't think much more needs to be said about this than that. There's a terrific coalition of folks that hardly ever agree on anything who have agreed on one major principle and that is the First Amendment right to practice your religion should be inviolate and should not be superseded by government action except in the most severe circumstances and so I support Representative Gash in this Bill and I recommend a very strong vote of support."

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

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

Gash: "Yes, yes."

Speaker Hartke: "She indicates she will."

Scott: "Thank you. Representative Gash, just wanted to ask a couple of things just for purpose of getting some of the intent and the legislative history on the record if that would be okay."

Gash: "Yes."

Scott: "Nothing in this particular Act is intended in any way to harm public health and safety or to undermine laws, discrimination laws or other laws of Illinois protecting people in their employment, public accommodations, housing and education. That is correct?"

Gash: "That is correct and the U.S. Supreme Court has recognized such laws are well within the state's authority to enact when a Legislature has reason to believe that a given group of citizens is the target of discrimination."

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Scott: "And so, and so then in your opinion would the purpose of RFRA be perfectly in line and serving the compelling governmental interest that's in line with other laws like the Illinois Human Rights Act?"

Gash: "Absolutely."

Scott: "So, the purpose here is not to, the purpose here is not for this particular Act in any way to interfere with any other antidiscrimination laws, laws governing housing, zoning, of things like homeless shelters, other things like that that may be done by church groups. So, there's no intention here for this Act to be out of sync or out of concert with any other Act that we have that provides for civil rights protection."

Gash: "You are absolutely correct."

Scott: "Thank you, Mr. Speaker. And just briefly, to the Bill. I think this is a fine piece of legislation. I'm proud to be one of the cosponsors and urge an 'aye' vote."

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

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

Speaker Hartke: "Indicates she will."

Roskam: "Representative Gash, congratulations on your Leadership on this issue and I've enjoyed working with you on bringing together the left and the right on this coalition. And I just wanted to make it clear in terms of legislative intent on some other sensitive issues. Throughout the discussions, it's been clear that it is our legislative intent on House Bill 2370 that this Bill is neutral on the issue of abortion and does not enhance a right to an abortion over what currently exists. Is that correct?"

Gash: "That is absolutely correct, Representative Roskam. Neither pro-life nor pro-choice groups would be advantaged

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or disadvantaged by RFRA."

Roskam: "To the Bill. Ladies and Gentlemen, this is as was previously stated a tremendous coalition that has come together on this religious liberty. Our religious freedom is our first freedom in this country and in this state and I'm proud to be joining Representative Gash and others to make sure that the Illinois General Assembly stands up on behalf of those who want to freely express themselves in the religious arena. I urge an 'aye' vote."

Speaker Hartke: "Representative Gash to close."

Gash: "Every Illinois citizen has the right to practice his or her religion without undue burdens placed upon them by the government. I would urge a 'yes' vote. As was pointed out, the coalition that has come together to work on this Bill has been absolutely incredible, incredibly diverse. I've never seen a coalition like this. We've been working on this legislation for the past of nine months with almost weekly conference calls of an hour each. I would urge a 'yes' vote. I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall House Bill 2370 pass?' This is final action. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2370 there are 117 Members voting 'yes'; 0 voting 'no'; 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2688. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2688, a Bill for an Act amending the Barber Cosmetology Esthetics and Nail Technology Act of 1985. Third Reading of this House Bill."

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Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 2688, as amended... the main provision in this Bill is the rewrite for the Illinois Real Estate Act. The rewrite is all in agreement, in fact it's sitting on Third Reading the last time I checked in the Senate. We'd like to send this over there to further this. The sunset is coming up and we'd like to get this accomplished. Also, in this Bill is windows created into different practice Acts for four of our Members who have constituents who needed special consideration in their respective practices and I would ask for your favorable vote. Thank you."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 2688. Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall House Bill 2688 pass?' This is final action. All those in favor signify by voting 'aye'; those opposed, vote 'no'. The polling is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2688, there are 118 Members voting 'yes'; 0 voting 'no'; 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3461, Representative Murphy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3461, a Bill for an Act to create the Chicago Southland Civic Center Authority. Third Reading of this House Bill."

Speaker Hartke: "Representative Murphy."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. This Bill would create a Civic Center Authority. This Bill would not have any taxing power and I wouldn't have any condemnation and I would entertain any

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questions you might have."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Kosel from Will County. The Sponsor will yield."

Kosel: "I have spoken with the Sponsor on this Bill. Thank you. I have spoken with the Sponsor on this Bill and we have discussed... there has been some concern about the town where this particular center might be located not having enough representation and we have agreed that we will work for an Amendment on the Senate side to this Bill to take care of the concerns of the town where this center would be located in, and with that agreement, my objections have been answered."

Speaker Hartke: "Further discussion? Seeing no one seeking recognition, the Gentleman asks for the passage of House Bill 3461. This is final passage. All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3461, there... Mr. Murphy, what is your pleasure?"

Murphy: "Put this on Postponed Consideration."

Speaker Hartke: "The Representative has asked for this Bill to be placed on Postponed Consideration. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Barbara Currie, Chairperson from the Committee on Rules, to which the following items were referred, action taken on April 1, 1998, reported the same back with the following recommendation: to the floor for consideration, Floor Amendment #3 to House Bill 3165 and Floor Amendment #1 to House Bill 3575."

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Speaker Hartke: "House Bill 3665, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3665, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. (3665) is a cleanup Bill that was put together as a follow-up to our DCFS reform of last year and it was suggested by the State's Attorneys' Association and the Department of Children and Family Services. I know of no opposition. As I say, most of the language is cleanup. It makes some clarifications in the notice provisions. It clarifies the DCFS and the child or the foster parent can file a motion for private guardianship. It changes slightly the depravity ground. It also expands the number of scholarships available to DCFS wards and it allows for when DCFS is conducting a diligent search for a missing person, they can access Department of Human Services records from mental health facilities to try to locate a parent and also provides for expanded use of the Child Death Review Teams for subsequently indicated cases of child deaths that have come in through the hotline. I'd be happy to answer any questions. As I say, most of this is cleanup from last year's Bill."

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

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

Speaker Hartke: "He indicates he will."

Pugh: "Representative Dart, you say this is some cleanup legislation to what piece, to what Bill?"

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Dart: "There was a Bill, actually there was two of them last year, that dealt with DCFS and it was a major reform that was... made changes in regards to expediting termination proceedings in cases where there was murders involved with it. Other notice provisions that we changed to try to move cases through the court system quicker. It was cases dealing primarily with just abuse and neglect, almost solely."

Pugh: "And, and I'm trying to understand because you mentioned murder and abuse and neglect in the same context. So are we talking about murder of children and abuse and neglect of children?"

Dart: "Correct, correct. We're not talking about when children are committing crimes. This is just when crimes are committed on kids, such as murder... "

Pugh: "Okay and technically, just what does this do?"

Dart: "Technically, what it does is, for starters, it adds child deaths reported to DCFS hotline and subsequently indicated for child abuse or neglect among the list of child deaths that the Child Death Review Teams can utilize. It also provides, it adds additional criteria for depravity. So, if you're going to find a parent unfit, you can find it based on the fact that there was a conviction of first or second degree murder within ten years of the hearing. So, if in ten years of the case coming into the court, if one of the parents was convicted of murder, that could be a ground. It doesn't mean the court has to, but it's an eligible ground to find for unfitness."

Pugh: "Okay. Thank you. I have no further questions."

Speaker Hartke: "Further discussion? No one seeking recognition, Representative Dart to close."

Dart: "I would just appreciate a favorable vote."

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Speaker Hartke: "The Gentleman has asked for the passage of House Bill 3665. This is final passage. All those in favor signify by voting 'aye'; those opposed '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 House Bill 3665, there are 116 Members voting 'yes'; 0 voting 'no'; and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3461, Representative Murphy. Mr. Clerk, read the Bill."

Murphy: "Yes, let's try it one more time, Sir."

Clerk Rossi: "House Bill 3461 has been read a third time, previously, and is on the Order of Postponed Consideration."

Speaker Hartke: "Representative Murphy."

Murphy: "We'll ask for a favorable vote."

Speaker Hartke: "The Gentleman has asked for the passage of House Bill 3461. Is there any discussion? Representative Black."

Black: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "The hour grows late. I thought we just voted on this Bill like three minutes ago."

Speaker Hartke: "Your memory is very good."

Black: "Was it put on Postponed Consideration?"

Speaker Hartke: "It was put on Postponed Consideration."

Black: "Okay. I didn't hear that part. I'm sorry. Thank you."

Speaker Hartke: "Further discussion? The Gentleman has asked for the passage of House Bill 3461. All those in favor will vote 'aye'; those opposed will vote 'no'. This is final passage. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Clerk, take the record. On House Bill 3461, there are 64 Members voting 'yes'; 53 Members voting 'no'; and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3559. Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3559 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "House Bill 3559, a Bill for an Act to amend the Community Services Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, A.: "Can I have some quiet? I can't hear. Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly."

Speaker Hartke: "SSSSHHHHHHHH. Gentlemen. Thank you."

Turner, A.: "House Bill 3559 is known as the COLA Bill. That's the reference that I will use for it, but what this does is it adds an annual appropriation to the Department of Human Services to fund community services, which shall include an increase over the appropriation for the previous fiscal year. So, this is... "

Speaker Hartke: "Proceed, Mr. Turner."

Turner, A.: "In essence, this is the COLA Bill. I think everyone knows what the COLA is and what this does, is it allows an increase in the annual appropriation for Human Service providers and it will be based upon the deflator for state and local government purchases as determined by the United States Department of Commerce and Community Affairs. And I move for the adoption of House Bill 3559."

Speaker Hartke: "The Gentleman asks for the passage of House Bill 3359 (sic-3559). Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "Indicates he will."

Black: "Representative, is it really, is it really accurate or fair to call this the COLA Bill? Because when we do that, a lot of people automatically assume that we're talking about the three percent, and I don't read that Bill this way. I mean, it's a relative, but it isn't for this fiscal year, right?"

Turner, A.: "No, it's not, Representative, in fact... "

Black: "And it isn't retrospective. It isn't for last fiscal year?"

Turner, A.: "No."

Black: "Well, I don't think we ought to call it a COLA Bill for community based service providers because a lot of people would assume that that's what we've talked about for two years and that, 'Oh, gee, I'm for that.' And this doesn't really do that."

Turner, A.: "You're correct, Representative, in fact, this increase would not be applied... this increase would only be applied for appropriations beginning July 1, 1999, and it would be a limited for the appropriations for two years, that's fiscal year 2000 and fiscal year 2001."

Black: "Well, you know, Representative, and I defer to your leadership in the Majority party. I'm going to have community based providers that are not going to be around to see this increase. They're going to be out of business, and I guess I begged the question, the Senate sent us a cost of living adjustment for community based social service providers. Why can't that Bill be sent to the floor for a vote?"

Turner, A.: "One more time, Representative, I haven't... "

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Black: "All right. This... I'm going to have community based social service providers who will not be in business long enough to see this increase in funding."

Turner, A.: "You're right."

Black: "You're a whole fiscal year out."

Turner, A.: "You're absolutely right."

Black: "The Senate, in their infinite wisdom, sent us a cost of living adjustment, three percent Bill, I believe in a Veto Session. I may be wrong, I think it was a Veto Session for, it was either this fiscal year or last fiscal year. I can't even remember now."

Turner, A.: "Right."

Black: "And for some reason that three percent COLA Bill that every community based provider in the state supports and I think most of the Members of this floor on either side of the aisle support, the Bill's bottled up and that begs the question, why? I mean, if we're going to do this in out years, why can't we do it now?"

Turner, A.: "Representative, I don't know the answer to that question and I agree with you that, in fact, we should be doing something for those community service providers, now. And my plan with this particular piece of legislation was at least to start thinking about the future, and as I say, for those groups that will still be in existence, but I concur with you that the... there should be something done this fiscal year. I thought that I'd just try this approach to see maybe if we can help them in the near future because it's apparent that we don't want to deal with that in the immediate future."

Black: "All right. Well, thank you, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

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Black: "I'm going to put some confidence in the good will and the abilities of Representative Turner, in the Majority Leadership to beg the question, why can't we vote on the Cost of Living Adjustment Bill that would give some relief to community based providers in this fiscal year? Don't be fooled, folks, I'm going to vote for this Bill because it's prospective. But don't have your press people send out a press release and don't call back home and say, 'Well, we passed that COLA Bill, so you people can get through this fiscal year', because that is not what this does. This is prospective, doesn't even take effect until the next fiscal year and I dare say that I'm not the only one on this chamber who will have to go back home and see if community based social service provider who will not survive to see the cost of doing business adjustment that Representative Turner rightfully is sponsoring a year from now. You know, I went to the Human Services Committee several weeks ago, and one of your Representatives, also on the Majority Leadership, had a Bill that was a cost of living Bill for this fiscal year for Human Services providers and we had the votes in committee. We had Democrat votes and we had Republican votes to pass that Bill to the House for full debate and action. The Sponsor took the Bill out of the record, in fact, left the committee, so that we could not act on the Bill and there must have been 200 social service providers in that meeting who expected a vote and they were shortchanged and they were shortchanged by the Majority Party. Now, this will pass, I'm sure of that, but don't for one minute think it gives any relief to the people who have been down here asking us for the last two years to give them some additional money to provide the services that we mandate on them. This doesn't do that. That Bill

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is still tied up in Rules and I think that's a travesty and a shame. That Bill ought to come for full debate before we leave here tomorrow. There's no reason to pass a Bill in the future when many of these agencies will be bankrupt, out of business, when the Bill that would give some relief now, is held in Rules now by the Majority Party, the so-called 'party of the people'. That's ridiculous, you ought to bring that Bill to the floor before we leave here tomorrow or shame on all of you."

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

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

Speaker Hartke: "Indicates he will."

Mulligan: "Representative Turner, in your Bill it says that any increase will be in the implicit price deflator for a state and local government purchases as determined by the United States Department of Commerce for the twelve calendar, twelve-month calendar year immediately proceeding the fiscal year in which the increase is to be applied. Can you tell me what that's been in the last several years?"

Turner, A.: "Representative, I don't know."

Mulligan: "Our staff tells me it's around 2.5, 2.6 for the last several years."

Turner, A.: "I was going to say I believe it's less than 3%, but I didn't know the exact number, but I was almost certain it was under 3%."

Mulligan: "And what type of agencies would be covered by this, providers?"

Turner, A.: "Well, all of the Human Service providers that are funded through the Department of Human Services."

Mulligan: "So that would be all the providers, not medicaid, but just the other providers?"

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Turner, A.: "The first part of that question again would... "

Mulligan: "I'm trying to determine who that is if it's not
medicaid providers, if it's just straight agency."

Turner, A.: "These are agencies that are funded through the
Department of Human Services. No, this would not be the
medicaid providers."

Mulligan: "All right. And what is the approximate price tag of
this per year?"

Turner, A.: "The fiscal impact is unknown at this time,
Representative."

Mulligan: "Our analysis of 1% COLA would increase probably
9,000,000 a year, so it would probably be \$22,500,000 a
year?"

Turner, A.: "Yes, Representative, if that's the analysis, I would
concur with your math on that, but keep in mind, this is
not start... this would not go in to effect as the previous
speaker mentioned until July 1, of 1999."

Mulligan: "Until July 1 of 19... "

Turner, A.: "So this would not affect this year's budget in any
way. In fact, I support the idea of having a COLA this
year and based upon the numbers that we've been told and
from the Governor's budget address with the 750,000,000
balance left in the budget, I would hope that as the
negotiations proceed, that something will be done for those
Human Service providers this year, and that we don't have
to wait until 1999. But because of what is going on and
you know, the Governor and the Leaders trying to determine
how they are going to spend the money and what's going to
be left in the budget at the end of this Session, I thought
that we'd at least try to see if we could prepare for the
future."

Mulligan: "It's very commendable of you, Representative Turner,

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and I certainly agree that we need to give that increase, but to the Bill."

Brunsvold: "Proceed."

Mulligan: "I find this is a very commendable thing that this Sponsor is trying to do, but repeatedly in Appropriations Committee, and on the House Floor at the recess of the Veto Session and the recess of the General Session, we have repeatedly tried to pass a regular COLA. In House Appropriations, Human Service Appropriations Committee, I would say three committee meetings at least we have tried to pass any number of Bills which have not been successful and will not be called for a vote in that committee when there were both Republicans and Democrats who would have voted for that Bill. At the close of Session, at the end of the Veto Session, we once again left without calling the supplemental that has been sitting there. We, right now could have given a COLA increase to Human Service providers repeatedly. This is just a small bone to people and I would hope that this is not going to be taken as not passing a substantive Bill before the end of this Session to give that cost of living increase to those providers."

Speaker Brunsvold: "Representative Brunsvold in the Chair. Representative Turner to close."

Turner, A.: "Thank you, Representative, and as previous speakers have mentioned, certainly I think we all concur that something should be done for those Human Service providers, those people who as stated, we have mandated to do and provide all kinds of services for the people here in the state, many of whom who can... the least who can afford, I should say who are in need of what little help the state is willing to provide. And it's unfortunate that at this time we cannot guarantee them what the COLA is going to be for

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this year, but this legislation will try to set in place a permanent fix, if we may use that term, so that in future years that this is a question that will not have to be addressed and that the poor people of the state will not have to be victimized while the Legislature debates as to what's available. And I move for the adoption of House Bill 3559."

Speaker Brunsvold: "The question is, 'Shall House Bill 3559 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 3165. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3165 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Macoupin, Representative Hannig, on Floor Amendment #3."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This proposal would strike everything after the enacting clause and thereby eliminate the local siting standards that were in the original Bill. It would substitute instead some provisions of the Livestock Management Facilities Act that would be administered in Springfield primarily by the Department of Agriculture and I'd be happy to answer any questions and move for the adoption of the Amendment."

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Speaker Brunsvold: "The Gentleman's asked for the adoption of Floor Amendment #3. Are there any questions? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "The Sponsor of the Bill, the Sponsor of the Amendment is Representative Hannig, is that correct?"

Hannig: "That's correct."

Black: "I looked up there and saw the Gentleman from Chicago and I know the hogs are running wild up there, but this Amendment is Floor Amendment #3, Hannig."

Hannig: "That's correct, Representative Black."

Black: "Thank you. Representative, the Floor Amendment becomes the Bill."

Hannig: "That's correct, Representative. It strikes everything after the enacting clause and becomes the Bill. This is the Bill that generally talked about around the chambers that 'Peoria Six Bill', and as you can see, it has bipartisan support."

Black: "So, the underlying Bill, calling for a moratorium is no longer in the Bill?"

Hannig: "The moratorium is out of the Bill, with this Amendment, and the local siting is out of the Bill with this Amendment. So, if you oppose those concepts, you probably should support us in adopting the Amendment."

Black: "I apologize. I was taking some Alka-Seltzer in the back to settle the pizza, and I didn't hear your explanation. So, this is the Bill that has been called the 'Peoria Six Bill'?"

Hannig: "The 'Peoria Six Bill'... "

Black: "Okay, now, I've got to tell you, I'm not completely

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familiar with that Bill. I assume it has a setback requirement."

Hannig: "It has a number of provisions, Representative, that deal with the livestock management facilities. I'm not sure that it directly changes any setbacks, but it, maybe if you could explain what you mean, I'd be happy to try to answer them."

Black: "Where the boundaries of a confinement facility could be no closer to a residence than a quarter mile, half mile, three quarter mile."

Hannig: "As far as the animal units and the setbacks, it doesn't, I don't believe that it changes that provision, Representative."

Black: "Under the existing Livestock Management Act?"

Hannig: "Right. Those exist currently in law, and I don't believe that it does unless you can show me to the contrary."

Black: "What I'm having difficulty... for heaven's sake. There goes the official portrait again. My. I... Mr. Speaker, if we were... "

Speaker Brunsvold: "Yes, Mr. Black."

Black: "... having an orderly transaction of business, this wouldn't happen. You know, my snail tie is very appropriate. For no more than we've done today, to be in here past 10:00 is an outrage."

Speaker Brunsvold: "Proceed, Mr. Black."

Black: "Back to the Bill at hand. You're talking... staff tells me that in the Bill, if there are two or more facilities, it appears that the setback then could be as far as a mile and that would be a change, under the current Livestock Management Facilities Act."

Hannig: "There's a definitional change in what is a facility, I

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think, Representative, but there's actually no change in the setback language. So, I think... "

Black: "I... misunderstood staff. It doesn't do anything to setback. If you have two or more facilities, and they're less than a quarter mile apart, they're considered as one facility, correct?"

Hannig: "So, to the degree, I think, Representative, that if, perhaps, it could make a number of facilities that have previously been counted as smaller, single facilities, count as a larger facilities, it perhaps, would require a larger setback, but it doesn't specifically change the language that exists on setbacks in the law."

Black: "All right, does it have... "

Hannig: "It just makes us count it, I think, in a more honest way."

Black: "Okay. Does it... is there anything in this Amendment that could be construed as applying to livestock operations other than hogs?"

Hannig: "Well, Representative, it deals with all, it deals in animal units and it would apply to cattle, dairy, you know, products. I suppose even horses, for that matter."

Black: "Well, that, I think, that's one of the things that concerns me. It doesn't take many animal units in horses or dairy cows to run afoul of this Bill. And I really don't think that that's where the problem rests. But I, you know, I'm going of on a tangent, let me stay with this. Who administers... are there any changes in the administration of the Livestock Management Act under your Amendment?"

Hannig: "That still remains with the Department of Agriculture under the Amendment."

Black: "Is there any call for a review by any local entity if

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someone announces that they are going to build a livestock facility in your county?"

Hannig: "There are current requirements, I believe, for public information hearings in the law."

Black: "Okay, but... "

Hannig: "And it retains the... "

Black: "... so, the current law does not change?"

Hannig: "... it does not go any further than current law on that, in that area of public informational hearings."

Black: "What are the provisions of your Amendment for odor control, which is, really, probably the heart of the issue?"

Hannig: "Let me... it expands the ability of the county board to ask for a public hearing for all facilities. So, it expands it in that respect. I just want to make sure that I state that clearly, Representative."

Black: "I'm sorry, they could... what, more public hearings or earlier in the process or... "

Hannig: "No, actually, instead of lagoons, which is what the current law says, this would now be applicable to pits, for example, which has become more the common method."

Black: "Are there any... "

Hannig: "As far as public hearings."

Black: "Okay. Are there any significant fee increases in permitting in anything of that nature?"

Hannig: "It goes from 50 to 250, Representative."

Black: "Wow. 50 to 250. What does... does the Bill address those operations currently, excuse me, those facilities under... currently being operated or those that are currently under construction? Does this Amendment impact those facilities in any way?"

Hannig: "It applies to new facilities, Representative, or

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expansion of current facilities if it's over 500 animal units."

Black: "Representative, perhaps you can explain something that staff has pointed out to me, and I've grown up in what is largely a rural area and I've got to tell you, I think staff is on task here. I don't understand this at all. The Amendment provides that it will be acceptable to prepare and implement a waste management plan based on phosphorus, nitrogen, or potassium rate. Now it's based on nitrogen only, whichever is more limiting. I mean, what... I'm not a day-to-day farmer, so, I really don't know what that means."

Hannig: "I'm not a chemist either, Representative, but it's my understanding that these three items, these three nutrients, that if you overapply any of these three nutrients, that, potentially, Representative, they can cause damage to the soil. Now, under the current law, we already limit the one and we're simply suggesting that we should limit all three. So, it's a nutrient and we want to ensure that it's not overapplied on the soil. And so, this Bill would, not only limit the one that's currently in the law, but it would expand it."

Black: "Who... who's going to measure this agronomic phosphorus, nitrogen and potassium? Do you set up somebody to monitor this?"

Hannig: "Well, you'd have to file this in your waste management plan and then the Department of Agriculture, ultimately, would enforce the law."

Black: "I, and again, my friend and colleague, Representative Winkel wanted me to again ask for the record. From what you've said, this Amendment gives no one local control, siting authority, zoning authority. You're not adding to

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that Act at all, so... "

Hannig: "Representative, initially, the underlying Bill without the Amendment would have given local control to County Boards. There seemed to be a great deal of opposition by many Members on both sides of the aisle to that concept. The Speaker, in a spirit of cooperation, has asked us to go forward in what we think is a good compromise proposal. And so, to answer your question, there is no local control if this Amendment is adopted."

Black: "You know, okay. Then, basically, other than adding several hoops to jump through, more paper to fill out, what is it doing over and above the current Act?"

Hannig: "Well, Representative, in a number of ways that I think you've already asked about, it strengthens the existing Act. It has some areas, for example, where it prohibits the construction of a new facility in a hundred year flood plain. In areas where the seasonal high water table is five feet or less, items like that that we think, actually, make the proposal better."

Black: "Okay. I appreciate your indulgence, Representative. Mr. Speaker, Mr. Speaker, I... "

Speaker Brunsvold: "Yes, Mr. Black."

Black: "I'm going to make an attempt to speak to the Amendment, but I'm not sure the Sponsor of the Amendment knows a whole lot more than I do about what really is in the Amendment and I would just like to say this... "

Speaker Hannig: "Proceed."

Black: "... with all due respect to the Chair and with all due respect to my colleagues, we have been here 12 hours today 12 hours, and quite frankly, with one or two exceptions, what we've done today hasn't amounted to a pimple on a... you know what. We've sat here and done diddly squiddily

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squat all day long, 12 hours. I've had 3 meals at this desk. I'm tired and at 10:13 at night, you bring a major, major initiative that will have an impact on what? In all due respect to the Chicagoans and the suburbanites, by God this state was an agricultural state. It's what built the wealth of this state, and without it, you wouldn't be able to live in Chicago or the suburbs. You don't get the food from Jewel and Osco, by God it's grown by people in my district. It's raised by people in my district and I think it's an outrage that we have to sit here after 12 hours and debate a major piece of legislation that could influence the agricultural heritage of this state for the next 50 years. Now, let's go home. Let's go home and get some sleep, come back in here tomorrow and we can talk hogs all day long. I think it's just absolutely stupid. It's no wonder that we make mistakes year after year. This is like a death march. I'm tired. I'm mad. I'm angry. I move we adjourn. That's not debatable. That calls for a vote. I move to adjourn the House."

Speaker Brunsvold: "That Motion is not in order, Mr. Black."

Black: "That... that is not out of order."

Speaker Brunsvold: "Mr... "

Black: "That is not out of order."

Speaker Brunsvold: "The Gentleman from Effingham... "

Black: "That is always in order. That is always in order."

Speaker Brunsvold: "The Gentleman from Effingham, Mr. Hartke."

Black: "That is always in order. That's not true. Mr. Speaker. That is always in order. You don't give me that baloney. A Motion to Adjourn is in order. I called for a vote. I want my vote."

Speaker Brunsvold: "You were not recognized for that Motion."

Black: "Don't you give me that baloney. No, no, no... "

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Speaker Brunsvold: "You are not recognized, Mr. Black."

Black: "I was recognized. You put that Motion on the board. I made a Motion to Adjourn. It is always in order and it is nondebatable. Now, put it up there."

Speaker Brunsvold: "Mr. Black, we are one day away from deadline on House Bills."

Black: "It's not my fault. It's not my..."

Speaker Brunsvold: "You have been here..."

Black: "... fault you can't run the House."

Speaker Brunsvold: "We have been here for years... "

Black: "Mr. Speaker, I made a Motion that is not debatable and is always in order. Put the Motion on the board."

Speaker Brunsvold: "You are not recognized for that Motion, Mr. Black."

Black: "Put the Motion on the board."

Speaker Brunsvold: "Mr. Black, we have Bills to do this evening."

Black: "You don't have anything to do, that's the problem."

Speaker Brunsvold: "We have one day. We have Bills to do."

Black: "We've been here 12 yea... 12 hours and we haven't done anything."

Speaker Brunsvold: "We have been working on Republican and Democrat Bills, Mr. Black."

Black: "Well, by God, I'll tell you what... "

Speaker Brunsvold: "The Members on both sides of the aisle... "

Black: "... I'll tell you what, you can... "

Speaker Brunsvold: "The Members on both sides of the aisle... "

Black: "You can damn well do it without me."

Speaker Brunsvold: "The Members on both sides of the aisle feel these Bills are important."

Black: "You can do it without me. If you're going to ram this through and refuse a legitimate Motion, by God, you'll do it without me. I'm going home."

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Speaker Brunsvold: "This Bill is not going to be rammed through. This Bill will be voted on by the Members. Mr. Hannig, would you take this Amendment out of the record? Is Mr. Black around? If Mr. Black is not available, then Mr. Hannig makes a Motion we adjourn until 9:00 a.m. tomorrow. Allowing the Clerk perfunctory time, the House will now stand adjourned until 9:00 a.m. on April the 2nd. All those in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does stand adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Introduction - First Reading of Bills. Senate Bill 1217, offered by Representative Dart, a Bill for an Act to amend the Criminal Code. Senate Bill 1223, offered by Representative Monique Davis, a Bill for an Act to amend the Property Tax Code. Senate Bill 1249, offered by Representative Roskam, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 1280, offered by Representative Scott, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 1306, offered by Representative Monique Davis, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Senate Bill 1308, offered by Representative Daniels, a Bill for an Act to amend the Illinois Income Tax Act. Senate Bill 1370, offered by Representative Silva, a Bill for an Act to amend the Longtime Owner-Occupant Property Tax Relief Act. Senate Bill 1372, offered by Representative Krause, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1420, offered by Representative Monique Davis, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 1424, offered by Representative Dart, a Bill for an Act concerning driving violations, amending named Acts. Senate

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Bill 1428, offered by Representative Bost, a Bill for an Act to amend the Criminal Code. Senate Bill 1430, offered by Representative Mulligan, a Bill for an Act to amend the Emergency Medical Services Systems Act(EMS Systems Act by adding). Senate Bill 1455, offered by Representative Righter, a Bill for an Act in relation to gasohol, amending named Acts. Senate Bill 1499, offered by Representative Tenhouse, a Bill for an Act to create the Mid-America Intermodal Authority Port District. Senate Bill 1500, offered by Representative Reitz, a Bill for an Act to amend the Kaskaskia Regional Port District Act. Senate Bill 1555, offered by Representative Biggins, a Bill for an Act concerning the safety and soundness of public investments. Senate Bill 1557, offered by Representative Dart, a Bill for an Act to amend the Adoption Act. Senate Bill 1591, offered by Representative Mulligan, a Bill for an Act concerning religious freedom. Senate Bill 1592, offered by Representative Krause, a Bill for an Act concerning palliative care. Senate Bill 1627, offered by Representative Wirsing, a Bill for an Act relating to higher education, amending and repealing named Acts. Senate Bill 1633, offered by Representative Biggins, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 1694, offered by Representative Schoenberg, a Bill for an Act to amend the Illinois Securities Law of 1953 by changing Sections 2.9, 2.12b, 2.30, and 14 and adding Sections 2.10a and 8b. Senate Bill 1698, offered by Representative Flowers, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1701, offered by Representative Noland, a Bill for an Act in relation to certain land. Senate Bill 1712, offered by Representative Ryder, a Bill for an Act concerning the Lieutenant

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Governor. First Reading of these Senate Bills. Introduction and First Reading of Senate Bills. Introduction - First Reading of Bills. Senate Bill 1756, offered by Representative Hoffman, a Bill for an Act to amend the Criminal Code. Senate Bill 1840, offered by Representative Lawfer, a Bill for an Act to amend the Alternate Fuels Act. Senate Bill 1892, offered by Representative McCarthy, a Bill for an Act to amend the Higher Education Student Assistance Act. Senate Bill 1911, offered by Representative Daniels, a Bill for an Act to amend the Illinois Pension Code. Senate Bill 1938, offered by Representative Daniels, a Bill for an Act concerning special license plates, amending named Acts. First Reading of these Senate Bills. Senate Bill 1240, offered by Representative Bugielski, a Bill for an Act to amend the Title Insurance Act. First Reading of this Senate Bill. Senate Bill 1451, offered by Representative Novak, a Bill for an Act to amend the Environmental Protection Act. First Reading of this Senate Bill."

Clerk Rossi: "First Reading of Senate Joint Resolution Constitutional Amendment #15 on the Order of Third Reading.

AMENDMENT TO SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 15

"Be it resolved, by the senate of the ninetieth general assembly of the state of Illinois, the house of Representatives concurring herein, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article V of the Illinois Constitution by changing Sections 1, 3, and 7, by adding Section 16.5, and by repealing Sections 17 and 18 as follows:

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SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, and State Financial Officer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, or State Financial Officer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his or her election.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, or State Financial Officer fails to qualify or if the office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if the office becomes vacant, it shall remain vacant until the end of the term.

SECTION 16.5. STATE FINANCIAL OFFICER - DUTIES

The State Financial Officer, in accordance with law, shall (i) maintain the State's central fiscal accounts, and order payments into and out of the accounts and (ii) shall be responsible for the safekeeping and investment of monies and securities deposited with him or her, and for their disbursement.

This Constitutional Amendment takes effect as follows:

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(1) those portions creating the office of State Financial Officer take effect upon approval of this Constitutional Amendment by the electors of this State;

(2) those portions providing for the election of a State Financial Officer take effect beginning with the election in 2002; and

(3) those portions eliminating the offices of the Treasurer and the Comptroller take effect upon the conclusion of the terms of the Treasurer and Comptroller elected in 1998."

Clerk Rossi: "Third Reading of House Joint Resolution Constitutional Amendment #20.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

Be it resolved, by the House of Representatives of the ninetieth general assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 15 of Article VI of the Illinois Constitution as follows:

ARTICLE VI

THE JUDICIARY

SECTION 15. RETIREMENT - DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of

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retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) An independent a Courts Commission is created consisting of one Supreme Court Judge selected by that Court as a member and

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one as an alternate, two Appellate Court Judges selected by that Court as members and three as alternates, two Circuit Judges selected by the Supreme Court as members and three as alternates, and two citizens selected by the Governor as members and two as alternates. Members and alternates who are Appellate Court Judges must each be from a different Judicial District. Members and alternates who are Circuit Judges must each be from a different Judicial District. Members and alternates of the Commission shall not be members of the Judicial Inquiry Board. The members of the Commission shall select a chairperson to serve a two-year term.

The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties.

(f) The concurrence of four members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt comprehensive rules to ensure that its procedures are fair and appropriate. These rules and any amendments shall be public and filed with the Secretary of State at least 30 days before becoming effective.

(h) A member of the Commission shall disqualify himself or herself, or the other members of the Commission shall disqualify a member, with respect to any proceeding in which disqualification or refusal would be required of a Judge under rules of the Supreme Court, under rules of the Commission, or by law.

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If a Supreme Court Judge is the subject of a proceeding, then there shall be no Supreme Court Judge sitting as a member of the Commission with respect to that proceeding. Instead, an alternate Appellate Court Judge not from the same Judicial District as the subject Supreme Court Judge shall replace the subject Supreme Court Judge. If a member who is an Appellate Court Judge is the subject of a proceeding, then an alternate Appellate Court Judge shall replace the subject Appellate Court Judge. If an Appellate Court Judge who is not a member is the subject of a proceeding and an Appellate Court Judge from the same Judicial District is a member, then an alternate Appellate Court Judge shall replace that member. If a member who is a Circuit Judge is the subject of a proceeding, then an alternate Circuit Judge shall replace the subject Circuit Judge. If a Circuit Judge who is not a member is the subject of a proceeding and a Circuit Judge from the same Judicial District is a member, then an alternate Circuit Judge shall replace that member.

If a member of the Commission is disqualified under this Section with respect to any proceeding, that member shall be replaced by an alternate on a rotating basis in a manner provided by rule of the Commission. The alternate shall act as member of the Commission with respect to that proceeding only.

(i) The Commission and shall have power to issue subpoenas.

(j) Members and alternates of the Commission who are not Judges shall receive per diem compensation and necessary expenses; members and alternates who are Judges shall receive necessary expenses only. The General Assembly shall provide by law for the expenses and compensation of the Commission.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State."

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Clerk Bolin: "First Reading of House Joint Resolution
Constitutional Amendment # 2 as amended. AMENDMENT TO HOUSE
JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 2

"Be it resolved, by the House of Representatives of the
ninetieth general assembly of the State of Illinois, the Senate
concurring herein, that there shall be submitted to the electors
of the State for adoption or rejection at the general election
next occurring at least 6 months after the adoption of this
resolution a proposition to amend Article V of the Illinois
Constitution by changing Sections 1, 3, 7, and 18 and by repealing
Section 17 as follows:

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant
Governor, Attorney General, Secretary of State, and Treasurer
elected by the electors of the State. They shall keep the public
records and maintain a residence at the seat of government during
their terms of office.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant
Governor, Attorney General, Secretary of State, or Treasurer, a
person must be a United States citizen, at least 25 years old, and
a resident of this State for the three years preceding his or her
election.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, or Treasurer
fails to qualify or if the office becomes vacant, the Governor
shall fill the office by appointment. The appointee shall hold

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office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if the office becomes vacant, it shall remain vacant until the end of the term.

SECTION 17. COMPTROLLER - DUTIES (REPEALED)

SECTION 18. TREASURER - DUTIES

The Treasurer, in accordance with law, shall (i) maintain the State's central fiscal accounts, and order payments into and out of the accounts, (ii) be responsible for the safekeeping and investment of monies and securities deposited with him or her, and for their disbursement, and (iii) have the duties and powers that may be prescribed by law.

SCHEDULE

This Constitutional Amendment takes effect upon the conclusion of the term of the Comptroller elected in in 1998."

Clerk Bolin: "Introduction of House Bills. House Bill 3880 offered by Representative Bost, a Bill for an Act to amend the Criminal Code of 1961. Having no further Business, the House Perfunctory Session will stand adjourned. The House will reconvene in regular Session April 2nd at 9:00 a.m."