

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The hour of 12:00 having arrived, the House will come to order. Members will be in their seats. Unauthorized personnel shall leave the Chamber. We will be led in prayer today by Representative Coy Pugh who is the Assistant Pastor with Fernwood United Methodist Church in Chicago. Guests in the Gallery may wish to rise for the invocation."

Reverend Pugh: "Let's bow our heads. Eternal God, our Father of our ancestors, Lord, we come before You this afternoon with our own set of complex idiosyncrasies. Lord, asking that You have mercy upon us and hear our prayer. Forgive us for our weak and feeble attempts to do the right thing. We would be better than we are, but we just don't know how. We want to do what is right, but we just don't know how. Tutor our hearts and touch our spirits. Touch our hearts with Your finger of love, Oh Lord, not that we may be better than we are but that we may be deeply desirous to be better than we are. You have been our shelter in a time of storm, our comfort in troubled times. Lord, You've been our hope in times of despair. We seize upon this opportunity as if it were our last to merely say thank you. Amen."

Speaker Granberg: "We will be led in the Pledge of Allegiance by Representative Todd Stroger."

Stroger - 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 Granberg: "Roll Call for Attendance, Mr. Clerk. Representative Cross."

Cross: "Yes, Mr. Speaker, all of the Republicans are here today and thanks for asking."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Thank you, Mr. Cross. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Would the record reflect that Representative Kotlarz is excused today."

Speaker Granberg: "It shall reflect. One hundred and seventeen Members voting present, a quorum being present in the Chamber, the House is hereby convened. Mr. Clerk. Ladies and Gentlemen, if you have Bills that need to be brought back to Second Reading, please give the Bill number to the Clerk and we will go to that order of business later in the day. It is the Chair's intention to begin with Third Readings while we await Committee Reports and deal with the Amendments. Mr. Clerk, Consent Calendar."

Clerk Rossi: "Consent Calendar, Second Reading. House Bill 132, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 276, a Bill for an Act concerning the State Comptroller. House Bill 467, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 480, together with Committee Amendment #1, a Bill for an Act to amend the Township Code. House Bill 1007, a Bill for an Act to amend the Township Code. House Bill 1112, a Bill for an Act to amend the School Code. House Bill 1126, a Bill for an Act to amend the Veterinary Medicine and Surgery Practice Act of 1994. House Bill 1180, a Bill for an Act to amend the Public Community College Act. House Bill 1208, a Bill for an Act to amend the Criminal Code of 1961. House Bill 1210, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 1239, a Bill for an Act to amend the Illinois Hazardous Materials Transportation Act. House Bill 1257, a Bill for an Act to amend the Criminal Code. House Bill 1318, a Bill for an Act to amend the Civil Administrative Code of Illinois. House Bill 1369, a Bill for an Act to

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

39th Legislative Day

April 10, 1997

amend the Illinois Vehicle Code. House Bill 1400, a Bill for an Act to amend the Comprehensive Health Insurance Plan Act. House Bill 1494, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 1547, a Bill for an Act regarding diseased animals. House Bill 1876, a Bill for an Act to amend the Open Meetings Act. House Bill 2179, a Bill for an Act concerning vehicles. Second Reading of these Consent Calendar Bills."

Speaker Granberg: "Third Reading. House Bill 533, Representative Moore. Is the Lady in the Chamber? Representative Andrea Moore. House Bill 533, Andrea."

Moore, A.: "Thank you, could you take this out of the record, Mr. Speaker?"

Speaker Granberg: "Might be a good time to call the Bill, Representative Moore."

Moore, A.: "It's a Shell Bill, Mr. Speaker."

Speaker Granberg: "That's... it might be a good time to call the Bill, Representative Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 533, a Bill for an Act to amend the Service Use Tax Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Moore, just explain the Bill. I think we can probably take care of it."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 533 is self explanatory. It's a service use tax, it's a technical Amendment, yes, that's what it is, a technical Amendment."

Speaker Granberg: "On that, the Gentleman from Effingham, Representative Hartke."

Hartke: "Representative Moore, what does this Bill do? What is a technical Amendment? I'm not familiar with it."

Moore, A.: "It has to do with shells."

Hartke: "Shell Oil, Shell Gasoline, Shell Shell. Maybe it's a

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

39th Legislative Day

April 10, 1997

vehicle."

Moore, A.: "It could be a vehicle, yes."

Hartke: "Could be a vehicle?"

Moore, A.: "Yes."

Hartke: "A vehicle for a gas tax, a vehicle for a..."

Moore, A.: "Certainly not that."

Hartke: "...Shell? Things aren't adding up here."

Moore, A.: "It's not a vehicle for any tax increase. I am certain of that."

Hartke: "What kind of use do you have for this Shell Bill?"

Moore, A.: "There is no intended use for this Shell Bill."

Hartke: "Oh, okay."

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

Moore, A.: "Mr. Speaker."

Speaker Granberg: "Representative Moore, you move for passage of House Bill 533?"

Moore, A.: "No, no, Mr. Speaker, I really do wish to take the Bill out of the record."

Speaker Granberg: "Out of the record."

Moore, A.: "Thank you, Mr. Speaker."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black, for what reason do you rise? Representative Black, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Granberg: "State your inquiry."

Black: "Yes. On the posting notice today in the Committee on Local Government, Floor Amendment #2 to House Bill 248 was posted for a hearing. We showed up. You know, it was a very, I think it was a Representative Hartke Amendment as I recall, a very, very interesting Amendment, and we were very concerned about it so many of us show up only to find

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

39th Legislative Day

April 10, 1997

that the Bill passed on Third Reading, yesterday. So, you might want to check with your staff as to why the Amendment was posted for hearing, today. We show up to offer our expert testimony on this Amendment, only to be denied our opportunity because it passed on Third Reading, yesterday. I have a great deal of confidence in Representative Hartke, but appears that staff might have made an error here. Perhaps Representative Hartke could enlighten us as to this bit of, chicanery may be too strong of a word, Representative Hartke, but there is something fishy about this, and I am waiting for you to enlighten us on how this could happen. This is most unusual and as you can tell I'm just more than a little bit upset about this. I had to get up early to go to that committee and then no hearing is held. And here's the posting notice. You know, I know that you're busy, Representative Hartke, and your eyes may be on other things right now but this Bill was very important and I think we should have had an opportunity to hear this Amendment. So, Mr. Speaker, perhaps Representative Hartke could let us know what in the world transpired on House Bill 248."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Yes, yes, I can certainly answer that. House Bill 248 is one that dealt with the making sure that local governments and their motor fuel tax did not diminish because of..."

Black: "Yes, a very important Bill. I well recall."

Hartke: "Okay, right, and they had worked very closely with the Municipal League to work out an agreement on that thing and an agreement was reached and then the Municipal League came along and wanted an Amendment to make sure that communities

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

39th Legislative Day

April 10, 1997

under 15,000 also would be included in this proposal. But as we looked at it we said, 'Fine, let's put this Bill over in the Senate and let them put that on as a Senate Amendment and come back here and we could do that.' Now, as far as posting, I'm not sure, and I think I mentioned that yesterday in the debate that that's what would happen. I guess there was a mix up of staff when they went ahead and posted that Bill anyway and I apologize for you getting up early this morning and I'm sure that I can make it up to you sometime here in the next few days."

Black: "Well, your apology is accepted and of course this note is assigned and attested to this posting notice by Anthony D. Rossi, Chief Clerk. So I'm not sure whether the fault would rest with staff or the Chief Clerk of the House and you and I will look into this but for the record, Representative, it is your intention that this Bill be amended in the Senate, is that correct?"

Hartke: "Yes, that's my hope entirely. Of course you know what the Senate's like, they may fall asleep in the middle of the process but I really hope not because if they do, then this Bill dies over there too and I really don't want to see that and you don't want to see that either."

Black: "We will mark our file that it is your intent that it be amended and we'll try to do our best to help you track this Amendment and I feel badly that we didn't offer more help you yesterday so this confusion didn't need to happen."

Hartke: "Okay, let's you and I go into Mr. Rossi's office and severely thrash him around to make sure that this does not occur again, okay?"

Black: "He's relatively new in the job but we will work with him as best we can."

Hartke: "We understand that."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Clerk is admonished. The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and the distinguished Ladies and Gentlemen of the House of this august Body. I would like for you to join with me and to welcoming of John Hope Middle School is here in Springfield today. They were here yesterday visiting the various sights of Springfield and also they are here to continue the fight of equitable and fair funding for education here and I would like for all of you to welcome them. Here and also Dr. Mahalia Hinds and Ertma Mohamed is one of the sixth, seventh, eighth grade teachers, thank you."

Speaker Granberg: "Thank you, Representative. House Bill 621, Representative Flowers. Is the Lady in the Chamber? Representative Mary Flowers. Out of the record. House Bill 1149, Representative Lang. We'll get this day started off right. Representative Lang. Out of the record. House Bill 1294, Representative Connie Howard. Is the Lady in the Chamber? Representative Howard. Out of the record. The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I had a question. I heard Representative Hartke say something about beating Tony Rossi and I was on the phone at the time and I want to get some clarification on this. Did he try to file an Amendment some place and was walking down the street one day and just ran into somebody and just wanted to file it and wasn't quite sure what to do and didn't find Tony and now he's bringing it back trying to beat the Clerk of the House?"

Speaker Granberg: "I think Mr. Rossi would like to have you address him personally on that. Inquiry of the Clerk. Inquiry of the Clerk. Mr. Clerk."

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

39th Legislative Day

April 10, 1997

Rutherford: "Mr. Clerk, have you upset a certain Member on this side of the aisle when they were trying to file an Amendment at some time or another and they're trying to beat you now? I'd like to really understand what just happened here. I was tied up on something else and I want to stand to your defense, knowing that you have been a good opportunity to serve us, receive the Amendments, file them, any place in this Capitol Complex, any place on these grounds you've been willing to receive those Amendments, take them and file them for us. I want you to know I'm standing in your defense. If Representative Hartke tries to come down to your office and beat you, I want you to call me at my office, personally. As long as you keep my light on, Mr. Speaker, I'm going to keep asking the Clerk some questions."

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

Ryder: "Mr. Speaker, I rise in personal defense of the Clerk. He happens to be a constituent of mine and in the event that Representative Hartke is going to perform some physical offense on the Clerk I wish also to be called because I'd like to watch. Thank you."

Speaker Granberg: "Thank you, Mr. Ryder. Back to the Order of House Bills, Second Reading. Attempt to move these Bills to Third. House Bill #8, Representative Moffitt. Do you wish to move that Bill to Third Reading, Sir? Yes? Out of the record. House Bill 27, Representative Hartke. Representative Hartke, do you wish to move that Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 27, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments, no Floor Amendments, no Motions filed."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. House Bill 32, Representative Dart. Representative Dart, do you wish to move the Bill to Third Reading? Out of the record. House Bill 44, Representative Dart. Out of the record. House Bill 45, Representative Dart. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 45, a Bill for an Act in relation to taxation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 61, Representative Dart. Representative Dart on House Bill 61. Out of the record. House Bill 64, Representative Dart. Read the Bill."

Clerk Rossi: "House Bill 64, a Bill for an Act concerning the death of a minor. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 113, Representative Novak. Representative Phil Novak, House Bill 113. Do you wish to move the Bill to Third Reading, Sir? Can you turn Representative Novak on?"

Novak: "Mr. Speaker, has an Amendment... has a Floor Amendment been filed, please?"

Speaker Granberg: "Mr. Clerk."

Clerk Rossi: "Floor Amendment #1 has been recommended by the Rules Committee for adoption."

Speaker Granberg: "Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 113, a Bill for an Act to amend the Illinois Enterprise Zone Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Kankakee, Representative

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

39th Legislative Day

April 10, 1997

Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Essentially, Floor Amendment #1 guts the Bill and just leaves the title with the original language of the current law with no changes. The purpose of what I'm doing here is to send the Bill over to the Senate pursuant to further negotiations with the Governor's office. This Bill was originally introduced earlier this year dealing with some economic incentives to assist in the Monee Mega Mall Project, located on Route 57 on the Monee Manhattan Road in the northern part of my district. Gurnee Mills up in the northern part of Illinois that owns the Gurnee Mall had indicated a strong willingness to be the major developers. They are a little reluctant right now but there are other developers in...that are interested in looking at this development. It would be the tenth largest mall in the United States. So, I just ask my colleagues if they would adopt Floor Amendment #1 and eventually we could move the Bill across to the Senate so we can keep the process alive. Thank you."

Speaker Granberg: "The Gentleman from Kankakee moves for the adoption of Floor Amendment #1 to House Bill 113. On that question the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will. Proceed."

Black: "Representative, the Amendment before us makes this a Vehicle Bill, correct?"

Novak: "Representative, yes, with the current... as I understand it, with the current law in it, language, no changes at all, it makes it a Vehicle Bill."

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

39th Legislative Day

April 10, 1997

Black: "Is it your intent this only be used for a development, what is it, it's a mega mall up near Monee, as I recall isn't it?"

Novak: "Absolutely correct."

Black: "It will not be used for any other purpose? I have your word?"

Novak: "It will not be used for any tax increase at all."

Black: "Well, on the contrary, perhaps a decrease."

Novak: "Perhaps, no."

Black: "Alright, it will only be used for the project that's under discussion at Monee?"

Novak: "Representative, you have my unqualified word."

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

Speaker Granberg: "Thank you, Mr. Black. The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 113. On that, all in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Third Reading. Further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 126, Representative Santiago. Representative Santiago, do you wish to move the Bill to Third Reading? Out of the record. House Bill 135, Representative Gash. Representative Lauren Gash. Is the Lady in the Chamber? The Lady in the Chamber? Out of the record. House Bill 141, Representative Steve Davis. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 141, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 143, Representative Steve Davis. Out of the record. House Bill 145,

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

39th Legislative Day

April 10, 1997

Representative Steve Davis. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 145, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 152, Representative Fritchey. Is the Gentleman in the Chamber? Representative Fritchey. Out of the record. House Bill 165, Representative Dart. Representative Dart. Representative Dart, 165. Out of the record. House Bill 168, Representative Lang. One sixty-eight, out of the record. The whole order of Lang. The order of Lang is out of the record. House Bill 213, Representative Brunsvold. House Bill 213, Representative Brunsvold. Do you wish to move that Bill to Third? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 213, a Bill for an Act to amend the Riverboat Gambling Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Granberg: "Third Reading. House Bill 232, Representative Gash. Representative Gash, 232. Out of the record. House Bill 270, Representative Julie Curry. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 270, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 271, Representative Bugielski. Representative Bugielski, is the Gentleman in the Chamber? Out of the record. House Bill... read the Bill, Mr. Clerk. House Bill 271."

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

39th Legislative Day

April 10, 1997

Clerk Rossi: "House Bill 271, a Bill for an Act concerning financial transactions. Second Reading of this House Bill. Amendments 1 and 2 have been adopted to the Bill. No Motions filed. Floor Amendment #3, offered by Representative Bugielski has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Amendment #3 is an agreed upon Amendment. We had an Amendment once before where the nonowners, the non-bank owned ATM owners would have to pay a fee. An agreement has been reached now by the Commissioner of Banks and Real Estate, Cash Station, and the Illinois Petroleum Marketers where the fee would not be paid. This an agreed Amendment that is agreed upon on all sides and I ask for the adoption of Floor Amendment #3."

Speaker Granberg: "On that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "He indicates he will, proceed."

Cross: "Thank you. Representative, is there any opposition as we stand here today at all?"

Bugielski: "No, this now is the agreement that was reached by everyone. We had some opposition before and now this is the agreed Amendment."

Cross: "Did this Amendment go through committee and if so, what was the vote out of committee?"

Bugielski: "The Amendment did not go through the committee. The Bill went through the committee and then there was some opposition arrived and it's just that the agreement has been reached now and it's just a technical where everyone's

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

39th Legislative Day

April 10, 1997

in agreement now."

Cross: "Thank you, Representative."

Speaker Granberg: "Anything further? There being nothing further, the Gentleman from Cook, Representative Bugielski moves for the adoption of Floor Amendment #3 to House Bill 271. On that, all in favor say 'aye'; opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 314, Representative Boland. Representative Mike Boland. House Bill 314, Representative Boland, would you like to move that Bill to Third Reading? Out of the record. House Bill 347, Representative Hannig. Is the Gentleman in the Chamber? Representative Gary Hannig. Out of the record. House Bill 354, Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 354, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hoeft has been recommended for adoption."

Speaker Granberg: "The Gentleman from Kane, Representative Hoeft, on the Amendments. Is the Gentleman from Kane in the Chamber? Would someone like to handle the Amendment for Representative Hoeft? The Gentleman from Cook, Representative Capparelli asked leave to handle the Amendment for Representative Hoeft. Any objection? Being no objection, the Gentleman from Cook, Representative Capparelli."

Capparelli: "Representative Hoeft, at the time we had this Bill in committee, asked that I change the date from 2005 to 2002 to coincide with the state teachers and it's agreed

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

39th Legislative Day

April 10, 1997

upon and I ask for adoption."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 354 and on that, there being no discussion, all in favor shall say 'aye'; opposed shall say 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 410, Representative Ryder, the Gentleman from Jersey. Representative Tom Ryder. Does the Gentleman wish to move that Bill to Third Reading? Representative Rutherford, does Representative Ryder wish to move that Bill to Third Reading? Out of the record. We can come back to that, Representative. Out of the record. House Bill 411, Representative Lopez. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 411, a Bill for an Act to amend the Regulatory Agency Sunset Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 424, Representative Slone. Representative Ricca Slone. Out of the record. House Bill 427, Representative Saviano. Representative Saviano. Is the Gentleman in the Chamber? Out of the record. House Bill 473, Representative Capparelli. Representative Capparelli. Out of the record. House Bill 494, Representative Art Turner. Representative Turner. Is the Gentleman in the Chamber? Out of the record. House Bill 513, Representative Mike Smith. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 513, a Bill for an Act in relation to dies and molds. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by

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

39th Legislative Day

April 10, 1997

Representative Smith, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Fulton, Representative Smith, on Floor Amendment #1."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. Floor Amendment #1 would simply add the term, 'tooling' to this Bill. I referred to this Amendment in committee and agreed to amend it to include this process to the list of dies and molds, jigs and patterns that would be included in this Act and I would urge passage of this Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 513. On that, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Indicates he will, proceed."

Cross: "Representative Smith, is there any opposition now to this Bill with the Amendment?"

Smith: "No, Representative Cross, I don't think there ever was any opposition."

Cross: "I'm sorry, we didn't... it was hard to hear over here. What's the purpose and the reasoning for the Amendment?"

Smith: "Representative, if you recall from committee, I indicated that the Cast Metal Association wanted to add the term 'tooling' to the list of processes that would be covered by the Bill."

Cross: "Okay, thank you."

Smith: "Thank you."

Speaker Granberg: "Anything further? There being nothing further, the Gentleman moves for the adoption of Floor Amendment #1 to House Bill 513. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. House Bill 522, Representative Bugielski. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 522, a Bill for an Act creating the Home Medical Equipment and Services Provider Licensing Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. The Gentleman from Cook, Representative Bugielski."

Bugielski: "There was an Amendment that passed out of committee."

Speaker Granberg: "Representative Bugielski, the Clerk does not have the Committee Reports yet. So, we'll take it out of the record. We'll come back to that as soon as the Clerk receives the Committee Reports."

Bugielski: "Very good, thank you."

Speaker Granberg: "We'll return...we'll hold the Bill on Second Reading."

Bugielski: "Thank you."

Speaker Granberg: "House Bill 525, Representative Leitch. Representative David Leitch. David, do you wish... take it out of the record? Out of the record. House Bill 541, Representative Hartke. Representative Chuck Hartke. Out of the record. House Bill 561, Representative Bergman."

Bergman: "Out of the record."

Speaker Granberg: "House Bill 587. Out of the record. House Bill 596, Representative Zickus. Anne, do you wish to move the Bill to Third Reading? Five ninety six, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 596, a Bill for an Act to amend the Toll Highway Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Zickus, has been approved for

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

39th Legislative Day

April 10, 1997

consideration."

Speaker Granberg: "The Lady from Cook, Representative Zickus."

Zickus: "Yeah, I just wish to pass on Floor Amendment #1. I don't want Floor Amendment #1 on there so..."

Speaker Granberg: "The Lady withdraws Floor Amendment #1?"

Zickus: "I withdraw it."

Speaker Granberg: "Any further Amendments?"

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

Speaker Granberg: "Representative Zickus, do you wish to withdraw Floor Amendment #2 as well?"

Zickus: "Yes, please."

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

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

Speaker Granberg: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. A few months ago the Toll Highway Authority changed their procedures where they use to give official permit cards to police and fire personnel to go through the toll booth. They have withdrawn that and only if they are going through with their lights flashing on an emergency. However there are instances when our local police and fire personnel must use the toll way for official business. And what this basically is going to reinstate what we had before and it states that if a police or fire vehicle is plainly marked, that they would not have to pay a toll and if police or fire personnel are in plain clothes, unmarked cars that they would be given the official permit card. And I ask for your approval."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #3 to House Bill 596. On that question, all those in favor shall say 'aye'; all opposed shall say

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

39th Legislative Day

April 10, 1997

'nay'. The 'ayes' have it. Floor Amendment #3 is adopted.
Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. Representatives Moffitt and
Poe, for purposes of an introduction. Representative
Moffitt."

Moffitt: "Thank you very much, Members of the House. It is my
pleasure to make an introduction today. We have Mary
Culligan, the 1997 Illinois Mother of Young Children
representative. She is married, has been married for 10
years and has two sons ages four and five and a half. She
grew up in the Chicago area and now lives in Monmouth,
Illinois. I'm proud to say in the 94th District. Would
you please make Mary Culligan, 1997 Illinois Mother of
Young Children representative, welcome."

Mary Culligan: "Thank you. American Mothers is dedicated to
strengthening the moral and spiritual foundations of the
family. My subject does not necessarily reflect the views
of AMI, but it is important to every parent in this
country: Safeguarding the rights of children while
protecting our national sovereignty. Most American parents
believe in their God-given role of authority in the family,
and do their best to give every child the love and respect
that they deserve. Unfortunately, not all parents make
this effort. For this reason a treaty is coming before our
country from the United Nations' Convention on the Rights
of the Child. It is mostly directed to third world
countries where abuses against children go on unchallenged.
However, America has a Constitution and laws directed to
protecting children. Therefore, a very important question
must be asked: Is the ratification of this treaty, making
its Articles legal and binding upon Americans as a legal

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

39th Legislative Day

April 10, 1997

document, the way in which we should defend the rights of children? One Article needing definition is Article 2, which states that, 'Parties shall take all appropriate measures to ensure that the child is protected against all forms of punishment.' From this statement alone, it is obvious that American parents must give input and get answers. Another ambiguous 'standard' is Article 12, which begs an answer to the question of who determines the maturity level of a child, the parent or the state? Does this treaty give children the freedom to litigate parents who insist they go to church with them on Sunday or freedom to buy literature lacking in morality, despite the concerns of parents? As the Representatives of the citizens of America, I urge you all to take these concerns seriously before American parents find themselves answering to a global tribunal instead of the laws of our own unique and freedom-loving country. 'We are not children of a slave girl but of a mother who is free. Our mother is free,' to quote an Epistle of Paul. She is as free as the Statue of Liberty. May America always stand free for her children. Thank you."

Speaker Granberg: "Representative Poe."

Poe: "Mr. Speaker, and Ladies and Gentlemen of the House. Today I have the distinct pleasure of introducing Polly Myers of Petersburg, Illinois, which is in the 99th District. She was selected the 1997 Illinois Mother of the Year by the American Mothers Incorporated. She was nominated for this honor by the National Society of Daughters of the American Revolution of Chatham, the Captain Wynn Perry Chapter. It is my honor to introduce you Polly Myers. And also today, Polly has a group of friends with her in the gallery and we also want to welcome them."

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

39th Legislative Day

April 10, 1997

Polly Myers: "Thank you. Honorable Members of the General Assembly and guests. It is a pleasure to address you as 1997 Illinois Mother of the Year. Some of the tenets of the American Mothers Incorporated are: To encourage honesty, integrity, patriotism, and application of moral values in every area of American life, beginning in our own homes. To seek opportunities to strengthen our families by working, playing, and serving and praying together. To serve our families and communities through personal development as individuals, parents and citizens; and to remember that with God, all things are possible. For 60 years, American Mothers have been selecting women who represent these attributes and skills. They provide mothering mentoring, scholarships, parenting skills and literacy tutoring. One of the past National Mothers of the Year in 1951, Dr. Mary Martin Sloop, was quoted, 'Get past urgent things so you can devote time and energy to important things.' This means spending time with the children, looking at the summer sky at night, sledding down the snow-covered hill, going out to cut pine branches for Christmas decorations and help identifying flowers and birds. Dr. Sloop was also quoted, 'Earn a life, not a living.' Thus, children can learn to be comfortable with intrinsic things, not material things. I'm happy to represent this organization, knowing full well that there are millions of mothers and other women who have given and are giving children these same skills as mentioned above. On May 11, Mothers Day, I ask all of you to encourage your constituents and the churches and community to ring bells for mothers at high noon. Help us to strengthen these values that give us stronger families, stronger communities and a greater country. Thank you for your time and

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

39th Legislative Day

April 10, 1997

attention."

Speaker Granberg: "Thank you. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Dart, Chairman from the Committee on Judiciary I, Civil Law to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 962, Floor Amendment #1 to House Bill 965 and Floor Amendment #2 to House Bill 1262. Representative Saviano, Chairman from the Committee on Registration and Regulation to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 522, Floor Amendment #2 to House Bill 679. Representative Giles, Chairman from the Committee on State Government Administration to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 291 and Floor Amendment #1 to House Bill 1422. Representative Moore, Chairman from the Committee on Revenue to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 314, Floor Amendment #2 to House Bill 1384, Floor Amendment #1 to House Bill 1821, and Floor Amendment #1 to House Bill 2200. Representative Stroger, Chairman from the Committee on Local Government to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 1250."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "House Bill 601, Representative Turner. Representative Art Turner, is the Gentleman in the Chamber? Out of the record. House Bill 609, Representative Kenner. Representative Kenner, is the Gentleman in the Chamber? The Gentleman from Will, Representative McGuire, for what reason do you rise?"

McGuire: "Thank you, Mr. Speaker. I rise to a Point of Privilege. I'd like the Members of the House to pay attention for just a second if you will. Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'd like to introduce you to the new Senator from my home district who replaced former Senator Tom Dunn, now Judge Tom Dunn. We have the new Senator from my district, Senator Larry Walsh. Thank you, Mr. Speaker."

Speaker Granberg: "Thank you, Mr. McGuire. House Bill 611, Representative Kenner. Representative Kenner on 611. Out of the record. House Bill 614. Mr. Clerk, has an Amendment been filed to House Bill 614? Out of the record. House Bill 615, Representative Flowers. Is the Lady in the Chamber? Is the Lady in the Chamber? Representative Flowers. Out of the record. House Bill 619, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 619, a Bill for an Act to amend the Department of Human Services Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been recommended for adoption."

Speaker Granberg: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The Amendment represents an agreement between the Breast Feeding Task Force and the Department of Public Health. The Bill as initially drawn, would have, in the Department of Public Health's view, required them to spend substantial

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

39th Legislative Day

April 10, 1997

state dollars on breast feeding programs in the WIC Program. The Bill with this Amendment would not require additional expenditures of state money but would enable the Department of Public Health to find ways to encourage more breast feeding among people who participate in the WIC Program. I know of no opposition and I appreciate your support for the Amendment."

Speaker Granberg: "The Lady moves for the adoption of Amendment #1 to House Bill 619. On that, is there any question? There being nothing, all in favor shall say 'aye'; opposed say 'nay'. Floor Amendment #1 to House Bill 619 is adopted. Anything further?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 622, Representative Flowers. Has the Lady returned to the Chamber? Out of the record. House Bill 641, Representative Mike Smith. Representative Smith, do you wish to move that Bill to Third? Out of the record. House Bill 648, Representative Ron Lawfer. Mr. Lawfer, do you wish to move the Bill? Out of the record. House Bill 650, Representative Poe. Representative Raymond Poe. Is the Gentleman in the Chamber? The Gentleman in the Chamber? Out of the record. House Bill 651, Representative Poe. Out of the record. House Bill 654, Representative David Phelps. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 654, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 661, Representative Scott. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 661, a Bill for an Act to amend the

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

39th Legislative Day

April 10, 1997

Illinois Municipal Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 678, Representative Saviano. Representative Saviano, 678. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. I have an Amendment filed yesterday and I'm waiting to attach it."

Speaker Granberg: "Is there an Amendment pending, Mr. Clerk? Mr. Saviano, the Clerk indicates there's one Amendment pending on the Floor. Is that the correct Amendment? Do you wish to proceed with that Amendment?"

Saviano: "Yeah."

Speaker Granberg: "Mr. Clerk."

Clerk Bolin: "House Bill 678, a Bill for an Act to amend the Beer Industry Fair Dealing Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Just to give a little background on the Amendment. This is the Venue Bill for the beer industry. This Amendment would take out any opposition from Anheiser-Busch who voiced some concerns. Once we adopt this Amendment we have a Bill that everybody's in agreement with and I would ask that we adopt, 'do adopt' Floor Amendment #1 to House Bill 678."

Speaker Granberg: "The Gentleman moves for adoption of Floor Amendment #1 to House Bill 678. On that... just a moment, Mr. Saviano. The Clerk's checking the file. Proceed. The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 678. On that, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #1 to

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

39th Legislative Day

April 10, 1997

678 is hereby adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 641. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 641, a Bill for an Act concerning units of local government. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 679, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 679, a Bill for an Act to amend the Liquor Control Act of 1934. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Saviano, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Saviano, on Floor Amendment #2."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 was a Vehicle to address some of the concerns that the Illinois Liquor Control Commission had with this omnibus liquor Bill. The Bill itself addresses a variety of issues to update some of the laws that we have in the state which address the new trends of micro breweries samplings, et cetera. This is an Agreed Amendment. This also, this Amendment also makes the Bill an Agreed Bill and I would yield to Representative Mautino, the Sponsor, to elaborate a little bit more."

Speaker Granberg: "The Gentleman moves for the adoption of the... moves for the adoption of Floor Amendment #2. On that, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #2 is hereby adopted. Anything further, Mr. Clerk?"

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

39th Legislative Day

April 10, 1997

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 685, Representative Saviano. Don't leave the Chamber, yet. Out of the record. House Bill 680, Representative Feigenholtz. Representative Feigenholtz, House Bill 680. Out of the record. House Bill 688, Representative Black. Representative Black, in mid-sandwich. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 688, a Bill for an Act to amend the Fire Protection District Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been recommended for adoption."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black, on Floor Amendment #1."

Black: "Yes, thank you very much, Mr. Speaker. Floor Amendment #1 was suggested by Representative Lang and the Democrat staff. It clarifies that if you reduce the size of that board by public referendum, those members already serving on the board will complete their term. That's all the Amendment does. I would recommend, I would hope you could approve it."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 688. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 693, Representative Deering. Representative Terry Deering. Is the Gentleman in the Chamber? Out of the record. House Bill 700, Representative Erwin. Representative Erwin, do you wish to move House Bill 700 to Third Reading? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 700, a Bill for an Act to amend the

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

39th Legislative Day

April 10, 1997

Board of Higher Education Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 710, Representative Julie Curry. Representative Curry, do you wish to move the Bill? Out of the record. House Bill 712, Representative Tom Cross. Representative Cross, do you wish to move the Bill? Out of the record. House Bill 718, Representative Deering. Is the Gentleman in the Chamber? Out of the record. House Bill 724, Representative Mautino, Representative Frank Mautino. Do you wish to move the Bill to Third? Out of the record. House Bill 725, Representative Dan Burke. Representative Burke. Is the Gentleman in the Chamber? Out of the record. House Bill 762, Representative Saviano, Representative Saviano. Is the Gentleman in the Chamber? Out of the record. House Bill 773, Representative Hannig, Representative Hannig, Representative Hannig. Is the Gentleman in the Chamber? Out of the record. House Bill 776, Representative Currie, Barbara Currie. Would you wish to move that Bill to Third Reading, Ma'am? Take that out of the record for a moment. House Bill 615, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 615, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 784, Representative Schakowsky. Out of the record. House Bill 776, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 776, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No

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

39th Legislative Day

April 10, 1997

Motions filed."

Speaker Granberg: "Third Reading. House Bill 781, Representative Currie. There was no Amendment. Mr. Clerk, was there an Amendment that was approved by... Mr. Clerk, what is the status of House Bill 776? It is on Third Reading, is that correct?"

Clerk Bolin: "The Bill is on Third Reading."

Speaker Granberg: "Return it to Second. Take it out of the record. We're waiting a Committee Amendment. House Bill 796, Representative Holbrook, Representative Tom Holbrook. Is the Gentleman in the Chamber? Out of the record. Representative Currie, House Bill 800. Do you wish to move that to Third Reading? Out of the record. House Bill 807, Representative Connie Howard, Representative Connie Howard. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 807, a Bill for an Act to amend the Illinois Education Labor Relations Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 818, Representative Hassert, Representative Hassert. Is the Gentleman in the Chamber? Does the Gentleman wish to move his Bill? Out of the record. House Bill 821, Representative Deering, Representative Terry Deering. Is the Gentleman in the Chamber? Out of the record. House Bill 829, Representative Woolard, Representative Larry Woolard. Out of the record. House Bill 830, Representative Monique Davis, Representative Monique Davis. Monique, do you wish to move the Bill? Out of the record. House Bill 838, Representative Monique Davis, 838. Do you wish to move that Bill to Third Reading, Monique? Out of the record. House Bill 851, Representative Schoenberg. Representative

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

39th Legislative Day

April 10, 1997

Schoenberg. Is the Gentleman in the Chamber?
Representative Jeff Schoenberg. Out of the record.
Representative Schoenberg, House Bill 851. Read the Bill,
Mr. Clerk."

Clerk Bolin: "House Bill 851, a Bill for an Act concerning
interference with access to health care. Second Reading of
this House Bill. No Committee Amendments. No Floor
Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 852, Representative
Schoenberg. Eight fifty two. Don't leave yet. Read the
Bill, Mr. Clerk."

Clerk Bolin: "House Bill 852, a Bill for an Act to amend the
State Finance Act. Second Reading of this House Bill.
Amendment #1 was adopted in committee. No Floor
Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 982, Representative
Schoenberg, 982. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 982, a Bill for an Act to amend the
Property Tax Code. Second Reading of this House Bill.
Amendment #1 was adopted in committee. No Floor
Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 860, Representative
Burke, Representative Dan Burke. Is the Gentleman in the
Chamber? Out of the record. House Bill 861,
Representative Joe Lyons, Representative Lyons.
Representative Lyons, do you wish to move the Bill to Third
Reading? Out of the record. House Bill 863,
Representative Winters, Representative Dave Winters. Read
the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 863, a Bill for an Act relating to tort
immunity. No Committee Amendments. No Floor Amendments.
No Motions filed."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. House Bill 864, Representative Ronen. Out of the record. House Bill 865, Representative Cross. Representative Tom Cross on House Bill 865. Out of the record. House Bill 914, Representative Harold Murphy. Is the Gentleman in the Chamber? Representative Murphy. Is the Gentleman in the Chamber? Out of the record. House Bill 918, Representative Brady, Representative Brady. Is the Gentleman in the Chamber? Mr. Clerk, any Amendments on House Bill 918?"

Clerk Bolin: "Floor Amendment #1 has been referred to the Rules Committee."

Speaker Granberg: "Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 918, a Bill for an Act relating to youth skills, training, education, job placement, personal development, and leadership development. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Mr. Brady, the Clerk indicated the Rules Committee had the Amendment. I thought that's what you wanted."

Brady: "Oh no, Mr. Speaker. I thought you indicated the Rules Committee had released the Amendment to the Floor. I'd like the Bill held on Second Reading."

Speaker Granberg: "Mr. Clerk, return the Bill to Second Reading. Take it out of the record. House Bill 920, Representative Zickus, Representative Anne Zickus, do you wish to move the Bill to Third Reading, Ma'am? Out of the record. House Bill 922, Representative Bugielski, Representative Bugielski. Is the Gentleman in the Chamber? Out of the record. House Bill 923, Representative Winkel. Rick, do you wish to move the Bill to Third? Out of the record. House Bill 951, Representative Lindner, Representative

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

39th Legislative Day

April 10, 1997

Lindner. Pat, do you wish to move the Bill to Third Reading? Out of the record. House Bill 957, Representative Giles, Representative Giles. Is the Gentleman in the Chamber? Is the Gentleman in the Chamber? Out of the record. Representative Giles, do you wish to have House Bill 957 moved to the Order of Third Reading? You are recognized, Mr. Giles."

Giles: "Thank you, Mr. Speaker. I believe I just filed an Amendment to this Bill. The Amendment will become the Bill. The Amendment has not reached... come out of the Rules, of course. It has to go to committee."

Speaker Granberg: "Thank you, Mr. Giles. Out of the record. House Bill 923, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 923, a Bill for an Act amending the University of Illinois Trustees Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Winkel, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Champaign, Representative Winkel, on Floor Amendment #2."

Winkel: "Mr. Speaker, this Bill allows the University Board of Trustees, student members to have a vote. What Amendment #2 does is, it creates eligibility requirements. They have to be a resident, keep their grade point up and be at least a half-time student. I would urge adoption of this Bill."

Speaker Granberg: "On that question the Gentleman moves for Floor Amendment #2. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. Floor Amendment #2 is adopted. Anything further?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 957, Representative Giles. Out of the record. House Bill 960, Lang, the Order

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

39th Legislative Day

April 10, 1997

of Lang. Out of the record. House Bill 968, Representative Brunsvold. Representative Joel Brunsvold. Is the Gentleman in the Chamber? Representative Brunsvold. Out of the record. House Bill 974, Representative Flowers. Mary, do you wish to move the Bill to Third Reading? There's a Note Request, Mary. It has to stay on Second. Out of the record. House Bill 989, Representative McGuire, Representative Jack McGuire. Jack, on House Bill 989, do you wish to move that Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 989, a Bill for an Act amending the Radiation Protection Act of 1990. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 992, Representative Roskam, Peter Roskam. Would you like to have that Bill moved out of the record? House Bill 993, Representative Phelps. Representative David Phelps, House Bill 993. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 993, a Bill for an Act to create the Correctional Managed Health Care Advisory Committee Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1000, Representative Dart, Representative Dart. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1000, a Bill for an Act amending the Juvenile Court Act of 1987. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1004, Representative Lyons, Eileen Lyons, Representative Lyons,

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

39th Legislative Day

April 10, 1997

Eileen Lyons. Representative Lyons, Eileen. Representative Clayton, could you get Representative Lyons' attention? Do you wish to move the Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1004, a Bill for an Act amending the Metropolitan Water Reclamation District Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1010, Representative Scott. Out of the record. House Bill 1011, Representative Scott. Out of the record. House Bill 1030, Representative Phelps. House Bill 1030, Representative Phelps. Out of the record. House Bill 1031, Representative McCarthy, Representative Kevin McCarthy. Is the Gentleman in the Chamber? Representative McCarthy. Out of the record. House Bill 1040, Representative Art Turner. Representative Art Turner. Is the Gentleman in the Chamber? Out of the record. House Bill 1041, Representative Lopez, Representative Edgar Lopez. Out of the record. House Bill 1058, Representative Deering. Representative Deering. Representative Terry Deering. Is the Gentleman in the Chamber? Out of the record. House Bill 1015. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1015, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A Fiscal Note has been requested on the Bill by Representative Black and the note has not been filed."

Speaker Granberg: "Representative Black. Representative Black. The Gentleman from Vermilion, Representative Black. On House Bill 1015, Representative Black, I understand that the Fiscal Note that you requested has been withdrawn, is

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

39th Legislative Day

April 10, 1997

that correct?"

Black: "Yes, I believe I did that yesterday as I recall."

Speaker Granberg: "Thank you, Sir."

Black: "Okay."

Speaker Granberg: "Third Reading. House Bill 1063, Representative David Phelps. David, on 1063, do you wish to have that Bill moved to Third Reading? Mr. Clerk, are there Amendments pending on House Bill 1063? Mr. Phelps, there are no Amendments. Out of the record. Mr. Clerk, what is the status of House Bill 989?"

Clerk Rossi: "House Bill 989 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Could you return that Bill to Second Reading. Any Amendments filed? Out of the record. House Bill 1072, Representative Wirsing. Representative Wirsing, 1072. Out of the record. House Bill 1074. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1074, a Bill for an Act amending the Illinois Governmental Ethics Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1076, Representative Ronen. Representative Carol Ronen. There has been a Fiscal Note requested, Representative Ronen. Out of the record. House Bill 1080, Representative Morrow, 1080. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1080, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments approved for adoption."

Speaker Granberg: "Mr. Morrow, the Clerk advises that this Amendment has not reached the Clerk, yet, so we'll take

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

39th Legislative Day

April 10, 1997

this Bill out of the record. House Bill 1082, Representative Leitch. Representative Leitch on 1082. David, you wish to move the Bill? Out of the record. House Bill 1087, Representative Gash. 1087. Out of the record. House Bill 1088, Representative Schakowsky. Is the Lady in the Chamber? Representative Schakowsky. Is the Lady is the chamber? Out of the record. House Bill 1089, Representative Gash. Out of the record. House Bill 1098, Representative Phelps, Representative Phelps on 1098. Out of the record. 1099. Representative Phelps. Out of the record. House Bill 1106, Representative Saviano. Representative Saviano on 1106. Out of the record. House Bill 1411, Representative Leitch, Representative Leitch. Out of the record. House Bill 1115, Representative McAuliffe, Representative Mike McAuliffe. Representative McAuliffe. Read the Bill. 1115."

Clerk Rossi: "House Bill 1115, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative McAuliffe, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Representative McAuliffe, on Floor Amendment #2."

McAuliffe: "Amendment #2 will give the date of activation for this Bill to the year 2008. The Bill also includes some other technical cleanup that needed to be done on this Bill for it to be agreed."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2 to House Bill 1115. On that question, all in favor shall say 'aye'; opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

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

39th Legislative Day

April 10, 1997

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1116, Representative Moffitt. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1116, a Bill for an Act in relation to taxes. Second reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Moffitt, has been approved for consideration."

Speaker Granberg: "The Gentleman from Knox, Representative Moffitt, on Floor Amendment #2."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 just changes the department that will establish the rules for determining what is biodegradable and bio-deposit material. It was a suggestion from the Revenue Committee and we have gone along with that so it changes from the Department of Agriculture to the Department of Revenue as requested. Thank you."

Speaker Granberg: "Thank you. The Gentleman moves for the adoption of Floor Amendment #2. On that, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1117, Representative Erwin. Representative Erwin, on House Bill 1117. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1117, a Bill for an Act amending the Criminal Code of 1961. Second reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1139, Representative Gash. 1139. Out of the record. House Bill

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

39th Legislative Day

April 10, 1997

1148, Representative Kubik. Representative Kubik. Is the Gentleman in the Chamber? Does the Gentleman wish that Bill moved? Does the Gentleman wish the Bill moved? Out of the record. House Bill 1176, Representative Boland, Representative Mike Boland. Mr. Boland, do you wish...Mr. Boland there is a Fiscal Note requested. A Fiscal Note has been requested. We must leave the Bill on Second Reading."

Boland: "Thank you."

Speaker Granberg: "House Bill 1181, Representative Wirsing. Representative Wirsing. Out of the record. House Bill 1188, Representative Hughes. Representative Ann Hughes. Ann, do you wish to move the Bill? Out of the record. House Bill 1194, Representative Gash. 1194. Representative Gash. Out of the record. House Bill 1195, Representative Howard. Representative Connie Howard. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1195, a Bill for an Act to guarantee payment of wage supplements to certain part time employees. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Out of the record. House Bill 1207, Representative Jim Meyer. Jim, Representative Meyer. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1207, a Bill for an Act to amend the Vehicle Code. Second Reading of this House Bill. No Committee Amendments..."

Speaker Granberg: "Mr. Clerk, Mr. Clerk. Representative Meyer indicates he would like to take the Bill out of the record. Representative Meyer, House Bill 211. Is that the Bill you'd like to move? House Bill...read House Bill 21 (sic-1211). Mr. Clerk."

Clerk Rossi: "House Bill 1211, a Bill for an Act in relation to

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

39th Legislative Day

April 10, 1997

parent sponsored school organizations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1220, Representative Giglio. Representative Mike Giglio. Do you wish to move the Bill? Out of the record. 1225, Representative Jim Meyer, Mr. Meyer. 1225. Out of the record. House Bill 1236, Representative Burke. Representative Dan Burke, do you wish to move the Bill to Third Reading, Sir? House Bill 1245, Representative Ron Wait, Mr. Wait. Do you wish to move the Bill? Out of the record. 1250. Representative Mulligan. Representative Rosemary Mulligan. Is the Lady in the Chamber? Out of the record. House Bill 1254, Representative Scott. Representative Doug Scott, do you wish to move the Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1254, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Granberg: "The Gentleman from Winnebago, Representative Scott, on Floor Amendment #1."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen. The underlying Bill, 1254, creates an offense of aggravated child endangerment. During the committee meeting, Mr. Roskam pointed up that one of the factors in aggravation that instead of reading should be 'committed in conjunction with another crime', should be 'committed in conjunction with another felony.' I agreed with that. It seemed to be a good technical change to make and that's the purpose of the Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor

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

39th Legislative Day

April 10, 1997

Amendment #1 to House Bill 1254. On that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Yes, proceed."

Cross: "Representative, is there any opposition to this Bill at this point with this Amendment?"

Scott: "There was no opposition in the committee meeting and the ...again this was a change that was suggested by Mr. Roskam in the committee meeting."

Cross: "Has the State's Attorneys Association indicated their support or lack of support for this?"

Scott: "They haven't indicated one way or the other. The Bill actually came from an assistant State's Attorney in Winnebago County. That's the person who gave the idea for the underlying Bill. The problem is that there's a statute for the endangerment of a child but there are many instances which rise far above that misdemeanor charge and so she thought there needed to be an aggravated endangerment charge and that's why we drafted the Bill."

Cross: "Alright. Thank you very much."

Scott: "Thank you."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1. On that question, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1250, Representative Mulligan. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1250, a Bill for an Act to amend the Township Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mulligan, has been recommended

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

39th Legislative Day

April 10, 1997

for adoption."

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

Mulligan: "Thank you, Mr. Speaker. Floor Amendment #2 was adopted in committee. It has a slight technical change it will need which will be followed by Floor Amendment #3."

Speaker Granberg: "On that question, the Lady moves for the adoption of Floor Amendment #1."

Mulligan: "No, number 2."

Speaker Granberg: "Is it #2, Mr. Clerk?"

Mulligan: "Actually, it's Amendment #2. It's Floor Amendment #1. There was one Amendment in committee."

Speaker Granberg: "So, the Clerk is correct. It is Floor Amendment #1? We have to defend the Clerk. The Lady moves for the adoption of Floor Amendment #1. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' ...the Lady moves for the adoption of Floor Amendment #2. All in favor shall say 'aye'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading."

Mulligan: "It's to be followed by a technical Amendment. You could move it to three but I... to Third Reading, but I have to move it back then?"

Speaker Granberg: "Representative, we could move the Bill back to Third (sic - Second), adopt the Amendment, then move it back to Third for final vote when you have the Amendment ready."

Mulligan: "Thank you, alright."

Speaker Granberg: "That's fine. I'm not going to defend the Clerk any longer. House Bill 1262, Representative Currie. Barbara, do you wish to move that Bill to Third, 1262? Out of the record. House Bill 1271, Representative Smith."

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

39th Legislative Day

April 10, 1997

Representative Michael Smith. Is the Gentleman in the Chamber? Is the Gentleman in the Chamber? Out of the record. House Bill 1280, Representative Noland. Is the Gentleman in the Chamber? Out of the record. House Bill 1290, Representative Morrow, Representative Charles Morrow. Is the Gentleman in the Chamber? Out of the record. House Bill 1292. Out of the record. House Bill 1301, Representative Ronen. Representative Carol Ronen. Is the Lady in the Chamber? Mr. Clerk, are there any Amendments filed to House Bill 1301?"

Clerk Bolin: "Floor Amendment #3 has been recommended for adoption."

Speaker Granberg: "The Lady from Cook, Representative Ronen, on Floor Amendment #3. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1301, a Bill for an Act to amend the School Code. Second Reading of this House Bill. Amendment #1 and Amendment #2 were adopted in committee. Floor Amendment #3, offered by Representative Ronen, has been recommended for adoption."

Speaker Granberg: "Proceed."

Ronen: "Thank you, Mr. Speaker. This is just a technical Amendment inserting language as to how we were going to measure the accountability of Early Childhood Developments Programs and we're really adding below line 31 would be item #4, standards for quality assurance. I urge, 'do adopt'."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #3 to House Bill 1301. On that, there being nothing, all in favor shall say 'aye'; all opposed say 'nay'. The 'ayes' have it. Floor Amendment #3 to House Bill 1301 is adopted. Third Reading. House Bill 1305, Representative Stroger. Representative Stroger. The

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

39th Legislative Day

April 10, 1997

Gentleman from Cook, the honorable Gentleman from Cook, Representative Stroger. Would you like to move the Bill to Third Reading? Out of the record. House Bill 1313, Representative Lindner. Representative Lindner. Out of the record. House Bill 1320, Representative Coulson. Beth, do you wish to move the Bill to Third? Is the Lady in the Chamber? The Lady in the Chamber? Out of the record. House Bill 1321, Representative Novak. Representative Novak. Is the Gentleman in the Chamber? Out of the record. House Bill 1324, Representative Coulson. Is the...has the Lady returned? Out of the record. House Bill 1337, Representative Poe. Represent... Raymond, would you like to move the Bill to Third? Out of the record. House Bill 1354, Representative Art Turner. Out of the record. House Bill 1356, Representative Mike Bost. Out of the record. House Bill 1373, Representative Jerry Mitchell. Representative Mitchell, do you wish to move that Bill to Third Reading, Sir? Out of the record. House Bill 1377, Representative Turner. Out of the record. House Bill 1384, Representative Pankau. Out of the record. 1389, Representative Wood. Representative Wood, on 1389. Out of the record. House Bill 1392, Representative Wyvetter Younge. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1392, a Bill for an Act to create the Intermodal Surface Transportation Efficiency Task Force. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1407, Representative Brosnahan. Representative Brosnahan. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1407, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill."

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

39th Legislative Day

April 10, 1997

Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1409, the Gentleman from Cook, Representative Stroger. Do you wish to move that Bill to Third Reading, Sir? 1409. Out of the record. House Bill 1414, Representative Moore. Representative Eugene Moore. Gene. Representative Moore, do you wish to move your Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1414, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1415, Representative Moore. Representative Moore on 1415. Do you wish to have that Bill moved as well? 1415. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1415, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1421, Representative Hassert. Representative Brent Hassert. Is the Gentleman in the Chamber? Out of the record. House Bill 1424, Representative Brosnahan. Does the Gentleman wish to move 14... Out of the record. House Bill 1428, Representative Winters. Representative Dave Winters. Dave, do you wish to move 1428? Out of the record. House Bill 1433, Representative Beaubien. Out of the record. House Bill 1384. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1384, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Pankau, has been recommended for

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

39th Legislative Day

April 10, 1997

adoption."

Speaker Granberg: "The Lady from DuPage, Representative Pankau, on Floor Amendment #2. Proceed."

Pankau: "Thank you, Mr. Speaker. Floor Amendment #2 is the Bill the way we wanted to have it, originally. What it does, in some areas of the state, there are two ways in which library districts are constituted. In some areas they are absolutely separate taxing bodies that have separate tax levies and those tax levies appear separately on the tax bill. In other areas, such as two examples in my particular district, the library levy must be passed through the municipal levy. There was some concern, originally, since areas are now under the tax cap, that there would be a problem separating them. This Bill separates the two levies, leaves them both in the same place, neither one getting an advantage and it allows both to move on but to have separate line items on the tax... on the real estate tax bill. Both the municipalities and the libraries want this and I ask for your approval of this Amendment."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #2 to House Bill 1384. On that, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amend... the Gentleman from Washington, Representative Deering."

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

Speaker Granberg: "She indicates she will, proceed."

Deering: "Representative, if we're going to split this levy and have two separate line items on this, will this in fact technically circumvent what the tax caps were intended to do? Will this not increase taxes?"

Pankau: "Absolutely, positively not. That's why there was so

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

39th Legislative Day

April 10, 1997

much problem with the wording on this. We absolutely wanted to make sure that neither side could have an advantage or increase anything more than they're already at, and it absolutely does not do that."

Deering: "So, it just puts it off so it can go to the separate funds and there's no argument as to whose money is whose."

Pankau: "Right. In my particular district there is an village, Carol Stream, which has no municipal real estate levy. The library, however, does and when that person in Carol Stream looks at their tax bill, they see Carol Stream. They don't see that it is the library, they see that it is just Carol Stream. They go complain to the village, the village says, it's not us it's the library. But the average citizen out there just sometimes doesn't understand the difference. Just like, how many times have you, Representative, been possibly called Congressman or something like that? People assume just because it is where it is that the position goes with it. This will divide it and it will make everybody happy."

Deering: "Thank you, Representative. No further questions."

Speaker Granberg: "Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Phelps, Chairman from the Committee on Elementary and Secondary Education, to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1, to House Bill 1668. Representative Burke, Chairman from the Committee on Executive, to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with following recommendations: 'be adopted' Floor Amendment 1, to House Bill 2209. Floor Amendment #1, to House Bill 473. And

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

39th Legislative Day

April 10, 1997

Floor Amendment #2, to House Bill 1004. 'Be not adopted'
Floor Amendment #2, to House Bill 606. Floor Amendment #3,
to House Bill 1819. Floor Amendment #3, to House Bill
1114. Floor Amendment #2, to House Bill 175. Floor
Amendment #2, to House Bill 169. Floor Amendment #2, and
Floor Amendment #3, to House Bill 213."

Speaker Granberg: "The Lady from DuPage, moves for the adoption
of Floor Amendment #2, to House Bill 1384. All in favor
shall say 'aye'; opposed 'nay'. The 'ayes' have it, the
Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1447,
Representative Ryder. Representative Ryder on 1447. Does
the Gentleman wish to move that Bill? Out of the record.
House Bill 1452, Representative Ryder. Out of the record.
House Bill 1455, Representative Eugene Moore. Eugene
Moore, is the Gentleman in the Chamber? Representative
Moore. Out of the record. House Bill 1464, Representative
Steve Davis. Representative Davis. Is the Gentleman in the
Chamber? Out of the record. 1499. Representative Ryder on
1499. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1499, a Bill for an Act to amend the
Emergency Medical Services Systems Act."

Speaker Granberg: "Mr. Clerk, I'm sorry, the Sponsor indicates he
would like to have that Bill out of the record. House Bill
1501, Representative Black. Does the Gentleman wish to
move the Bill to Third? Representative Black. Out of the
record. House Bill 1512, Representative Dart.
Representative Tom Dart. Do you wish to move the Bill to
Third? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1512, a Bill for an Act to amend the
State Finance Act. Second Reading of this House Bill. No

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

39th Legislative Day

April 10, 1997

Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Ladies and Gentlemen, if you have Bills you would like to bring back to Second Reading for purposes of an Amendment, please file that Bill number with the Well. Also, if you were in meetings earlier and were not on the House Floor for your Bills, to move them from Second to Third, give that Bill number to the Clerk or the Deputy Clerk and we will go back to that Bill and move it to Third Reading. So, if you will compile a list, if you happened not to be in the Chamber because you were in a meeting at some other location, please give that Bill number to the Clerk and we will go back to that order of business. House Bill 1528, Representative Bradford. 1528. Representative Bradford, do you wish to move that Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1528, a Bill for an Act to amend the Baccalaureate Savings Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Madison, Representative Bradford."

Bradford: "Floor Amendment #1, to 1528, merely adds to the language of the Bill, community colleges as well as state universities. Move for the adoption of Floor Amendment #1."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1, to House Bill 1528. On that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Could the Gentleman give us a little clearer explanation of what the Amendment does?"

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Mr. Bradford."

Bradford: "Representative Black, the Amendment merely adds to the Bill itself, the phrase, 'and community colleges'."

Black: "So, you're adding, community colleges to be covered under the Bill?"

Bradford: "Right. The original drafting of the Bill provided for state universities and did not have the language, 'and community colleges', the language, 'and community colleges' being added to the Bill."

Black: "Thank you, Representative."

Speaker Granberg: "Anything further? The Gentleman moves for the adoption of Floor Amendment #1. All in favor shall say, 'aye'; opposed 'nay'. The 'ayes' have it, Floor Amendment #1 is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. Mr. Bradford, a Fiscal Note and a States Mandate Note requests have been filed to the Bill as amended. We will have to keep the Bill on Second Reading until those Note requests are complied with, Sir. Someone sent you a present. Hold the Bill on Second. House Bill 1485, Representative Poe. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1485, a Bill for an Act concerning university police officers. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Poe, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Sangamon, Representative Poe, on Floor Amendment #1."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. What we're doing on the Amendment, we're going back to the original statutes and we're just adding a state college or

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

39th Legislative Day

April 10, 1997

university. This stems from a university police and disciplinary action is handled the same way as all other police disciplinary actions in the State of Illinois, and I would ask for a favorable vote."

Speaker Granberg: "The Gentleman from Sangamon, moves for the adoption of Floor Amendment #1. On that question, there being nothing further, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1489, Representative Ryder. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1489, a Bill for an Act to amend the Bureau for the Blind Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1499. The Bill is out of the record. House Bill 1534, Representative Wirsing. Representative Wirsing, on 1534. Are you waiting for an Amendment, Sir? Mr. Clerk, are there Amendments filed to House Bill 1534?"

Clerk Bolin: "Floor Amendment #1, has been referred to committee."

Speaker Granberg: "Mr. Wirsing, it's still pending in committee. Out of the record. House Bill 1550, Representative Morrow. Representative Charles Morrow. Representative Morrow. Is the Gentlemen in the Chamber? Out of the record. House Bill 1552, Representative Mautino. Representative Frank Mautino. Is the Gentleman in the Chamber? Does he wish to move the Bill. Read the Bill, Mr. Clerk, 1552."

Clerk Bolin: "House Bill 1552, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of this House

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

39th Legislative Day

April 10, 1997

Bill. Amendment #1, was adopted in Committee. Floor Amendment #2, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Bureau, Representative Mautino on Floor Amendment #2, to House Bill 1552."

Mautino: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. Floor Amendment #2, as promised in committee, basically is our technical changes. It makes everything agreed. It takes out all opposition on the Bill and I just ask for an 'aye' vote."

Speaker Granberg: "The Gentleman moves for the adoption on Floor Amendment #2, to House Bill 1552. On that question, there being nothing further, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1556, Representative Phelps. Representative David Phelps, on House Bill 1556. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1556, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1558, Representative Brosnahan. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1558, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1561, Representative Winters. Dave Winters. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1561, a Bill for an Act to amend the

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

39th Legislative Day

April 10, 1997

Illinois Marriage and Dissolution of Marriage Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Winters, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Winnebago, Representative Winters on Floor Amendment #1."

Winters: "Thank you, Mr. Speaker. Amendment #1, simply adds a provision that would allow the interview not to take place if there is irreparable harm to the child as determined by the judge. I would move its adoption."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1, to House Bill 1561. On that, there being nothing further, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1565, Representative Krause. Out of the record. House Bill 1585, Representative Scully. Representative George Scully. Representative Scully. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1585, a Bill for an Act to amend the Probate Act of 1975. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1587, Representative Pugh. Coy, do you wish to move the Bill to Third? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1587, a Bill for an Act to amend the Department of Human Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. The Gentleman from Kendall,

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

39th Legislative Day

April 10, 1997

Representative Cross."

Cross: "Thank you, Mr. Speaker. Concerning House Bill 1587, is there a Floor Amendment on that?"

Speaker Granberg: "Mr. Clerk. The Amendment is in the Rules Committee, is that correct, Mr. Clerk? Mr. Cross, the Amendment has been recommended by the committee. The report has not been read into the record. We will move the Bill back to Second for the Amendment right after the Clerk reads the Committee Reports."

Cross: "Is it going back to Second now, or is it going to stay at Third or...?"

Speaker Granberg: "We can leave it on Third and then we'll move it back to Second for purpose of the Amendment."

Cross: "Should it go back to First perhaps for a little while?"

Speaker Granberg: "At Representative Turner's request."

Cross: "Representative Turner, Representative Scott."

Speaker Granberg: "Thank you, Mr. Cross. House Bill 1589, Representative McKeon. Representative McKeon, do you wish to move the Bill to Third Reading, Sir?"

McKeon: "Mr. Speaker, there should be a Floor Amendment 1 on the Bill."

Speaker Granberg: "Mr. Clerk, is there a Floor Amendment #1 to the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1589, a Bill for an Act to amend the Illinois Domestic Violence Act of 1986. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative McKeon has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative McKeon on the Amendment."

McKeon: "Mr. Speaker, the Amendment #1, addresses issues raised in committee regarding technical aspects of the

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

39th Legislative Day

April 10, 1997

implementation that were raised by the police, state's attorneys, and county sheriffs. This Amendment addresses those issues and has the support of all of the parties involved. I move its adoption."

Speaker Granberg: "The Gentleman moves for the adoption of Amendment #1 to House Bill 1589. On that, there being no one seeking recognition, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1610, Representative Barbara Currie. Is the Lady in the Chamber? The Lady in the Chamber? Out of the record. House Bill 1613, Representative Carol Ronen. Representative Ronen. Do you wish to move 1613? Out of the record. House Bill 1619, Representative Lou Jones. Lou, do you wish to move 1619? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1619, a Bill for an Act concerning probate. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1627, Representative Holbrook. Is the Gentleman in the Chamber? Representative Tom Holbrook. Out of the record. House Bill 1629. Out of the record. House Bill 1633, Representative Roskam. Representative Roskam. Out of the record. House Bill 1635, Representative Lopez. Edgar Lopez. Is the Gentleman in the Chamber? 1635. Edgar. Out of the record. Mr. Clerk, Committee Reports."

Clerk Bolin: "Representative Pugh, Chairman from the Committee on Human Services, to which the following Bills and Resolutions were referred, action taken on April 10, 1997, reported the same back with the following recommendations:

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

39th Legislative Day

April 10, 1997

'be adopted' Floor Amendment #2, to House Bill 614. Floor Amendment #1, to House Bill 735. Floor Amendment #1, to House Bill 776. Floor Amendment #2, to House Bill 781. Floor Amendment #1, to House Bill 784. Floor Amendment #1, to House Bill 1080. Floor Amendment #1, to House Bill 1447. Floor Amendment #2, to House Bill 1587, and Floor Amendment #1, to House Bill 1805."

Speaker Granberg: "House Bill 61, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 61, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this House Bill. Amendment #1, was adopted in committee. Floor Amendment #2, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the Chamber. Floor Amendment #2, makes some clarifications that were requested in the committee. It makes a couple of technical changes. It changes the Department of Public Health to the Bureau of Apprenticeship Training. That was a technical mistake. It lays out the schedule for fees that was requested by the committee. It adds the word 'one' that had been forgotten and makes one other technical change to the Bill. I move for its adoption."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2, to House Bill 61. On that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Indicates he will."

Cross: "Representative are there any...is there any opposition to this Bill with Amendment #2?"

Dart: "There is no opposition to the Amendment that I'm aware of. As far as the Bill, there was opposition in committee to

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

39th Legislative Day

April 10, 1997

the Bill and I understand there still is opposition, probably will be to the Bill. The Amendment, I don't believe there is any opposition because it's clarification and it's...was some things that were brought out in committee as far as things they felt...the committee felt should be clarified and that's what is in here."

Cross: "Who requested the clarification in the Amendment? I'm sorry I didn't hear you earlier."

Dart: "Somebody in the committee requested a clarification. Frankly I can't remember who it was in regards to the scheduling for the licensing fee. But the other changes were purely technical in nature in regards to the right department being the one that's going to be the one you're seeking a license from."

Cross: "All right. Thank you, Representative."

Speaker Granberg: "Anything further? The Gentleman moves for the adoption of the Amendment. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Thank you for the opportunity to just take a minute if I might. We have a very important occasion today. There are times that people are able to reach the 50th birthday and although the Majority, former Majority Leader acts as if he's younger than 50, the fact of the matter is, the truth has come out and today is Bob Churchill's birthday. So, if you would join me in welcoming him a happy birthday, commending him for that. Happy Birthday, Mr. Churchill. I think Mr. Speaker, you ought to sing Happy Birthday to

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

39th Legislative Day

April 10, 1997

him."

Speaker Granberg: "I thought you wanted to keep people in the Chamber. How about Representative Phelps?"

Daniels: "Yes, that's a good idea."

Speaker Granberg: "Congressman Phelps, there's been a request for you to sing, Happy Birthday. The Gentleman from Saline, Representative Phelps."

Phelps: "How about a short version like, 'Happy Birthday, Robert Churchill, God bless and keep you with many more.'"

Speaker Granberg: "House Bill 1637, Representative Lopez. Edgar Lopez, is the Gentleman in the Chamber? Out of the record. House Bill 1639. Out of the record. House Bill 1654, Representative Hartke. Representative Hartke. Read the Bill, Mr. Clerk. Representative, there is a Fiscal Note request. That Fiscal Note has not been filed. We will keep the Bill on Second Reading. The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "State your inquiry."

Black: "I know that you are trying to get through this Calendar as quickly as you can and we are doing everything we can to help you. We are not filibustering on every Bill as we were eminently familiar with for the past two years. Many of these Bills are flying out of here with no questions from us whatsoever. We are trying to accommodate the Majority to the very best of our ability. But I must take umbrage with the Chair ignoring our request to file Fiscal Notes on Bills as amended. Now, we've even had our staff sit down in front of the aisle, holding the note in front of the Clerk. They are ignored and then you move the Bill from Second to Third. Now that, if that's going to

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

39th Legislative Day

April 10, 1997

continue there are a number of things that we can do to slow you down to file notes. Now, I don't want to do that, but I'll be doggoned if I'm going to sit here and let you ignore us as you have today. Now, either it stops right now or we will begin to slow this process down and I'll assure you, we are every bit as good at it as you were the last two years. Now, let's get this straight. If you're going to ignore our staff on the filing of these notes, then we will begin to slow this process down and I assure you, we can do that. Now, it's your call. We're trying our best to accommodate you but we will not be ignored and I will not sit here and have our staff treated as second class citizens when they are doing the work that we asked them to do. Now, Mr. Speaker, what will it be?"

Speaker Granberg: "Mr. Black, that was not done intentionally by the Chair..."

Black: "I disagree with you, Sir. I'll accept that remark once, that's the only time today I'll accept it. It was done intentionally, you were laughing and smiling about it. Now, it will not be done again, or we will begin. You might as well prepare to adjourn and we'll follow the Senate. Now, it's up to you. I'll accept that remark, but no more today will I accept it, Sir."

Speaker Granberg: "Mr. Black, that was not done intentionally. It will not be done intentionally. We have not filed, the Majority Party has not filed numerous, numerous requests on Republican Bills..."

Black: "Well, I think you have exhausted your entire supply of notes the last two years."

Speaker Granberg: "Well, we learned that from previous years before that. We learned from the master, I think, Mr. Black. Compliment, we're trying to be complimentary. We

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

39th Legislative Day

April 10, 1997

were trying to imitate your behavior."

Black: "If we have your word that our requests for notes on Bills, as amended, you moved a Bill awhile...two Bills ago, that the Amendment changed the Bill completely. And all we wanted to do was to see what the impact of the Bill might be and we were denied that opportunity. We're willing to work with you, Mr. Speaker."

Speaker Granberg: "Mr. Black, certainly you are within your rights to file fiscal note requests after the Bill is amended, but they cannot be filed prior to the Bill being amended."

Black: "We have accepted that ruling from you and that's why we're having people standing right in front of the Well, which is in violation of the House Rules."

Speaker Granberg: "Although, I do believe, if I remember correctly, I think that was the same practice...I think that's what actually occurred the last two years which I think we're trying to be complimentary again. We were following the practice, that was the practice of this House when you were in the Majority. Now, if you thought that was bad practice, we won't follow it. If you're telling us now that that was bad practice last year."

Black: "Mr. Speaker, I expect you to be right, not consistent."

Speaker Granberg: "Thank you, Mr. Black. House Bill 1730, Representative Lopez. Is the Gentleman in the Chamber? House Bill 1670, Representative Zickus. Representative Zickus. Do you wish to move that Bill to Third Reading, ma'am? Out of the record. House Bill 1671, Representative Zickus. Out of the record. House Bill 1674, Representative Brosnahan. Out of the record. House Bill 1678, Representative Woolard. Representative Larry Woolard. Out of the record. House Bill 1685,

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

39th Legislative Day

April 10, 1997

Representative Scott. Doug Scott, 1685. Out of the record. House Bill 1689, Representative Scully. George Scully. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1689, a Bill for an Act to amend the Illinois Saving and Loan Act of 1985. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. "

Speaker Granberg: "Third Reading. House Bill 1699, Representative John Jones. Out of the record. House Bill 1706, Representative Zickus. Representative Anne Zickus. Anne, do you wish to move that Bill? Out of the record. House Bill 1708, Representative Younge. Representative Wyvetter Younge. Out of the record. House Bill 1719, Representative Stroger. Representative Todd Stroger. Out of the record. House Bill 1724, Representative Lopez. Edgar Lopez. The Gentleman in the Chamber? Out of the record. House Bill 1730. Out of the record. House Bill 1735, Representative Connie Howard. Is the Lady in the Chamber? Is the Lady in the Chamber? Representative Howard. Out of the record. House Bill 1737, Representative Bugielski. 1737, Sir? Out of the record. House Bill 1751, Representative Erwin. Representative Judy Erwin. Is the Lady in the Chamber? The Lady in the Chamber? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1751, a Bill for an Act relating to arts organizations and culture institutions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1758, Representative Ronen. Representative Carol Ronen. Carol, do you wish to move the Bill to Third? Out of the record."

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

39th Legislative Day

April 10, 1997

House Bill 1760, Representative Lyons. Joe Lyons. Is the Gentleman in the Chamber? Out of the record. House Bill 1767, Representative Scott. Out of the record. House Bill 1777, Representative Schoenberg. Is the Gentleman in the Chamber? Representative Jeff Schoenberg. Out of the record. House Bill 1782, Representative Mike Smith. Representative Smith. Representative Smith. Out of the record. House Bill 1783, Representative Saviano. Representative Saviano. Read the Bill, Mr. Clerk. There is a Fiscal Note request on Representative Saviano's Bill at Mr. Black's request. We will hold that on Second. House Bill 1785, Representative Monique Davis. Is the Lady in the Chamber? Out of the record. House Bill 1802, Representative Wojcik. Representative Wojcik, is the Lady in the Chamber? Out of the record. House Bill 1805, Representative Ronen. Carol Ronen, 1805. Representative. Representative. Floor Amendment #1, is pending on the Bill. Floor Amendment #1, is pending on the Bill. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1805, a Bill for an Act concerning mental health and developmental disabilities. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Ronen, has been recommended for adoption."

Speaker Granberg: "The Lady from Cook, Representative Ronen on Floor Amendment #1."

Ronen: "Thank you, Mr. Speaker. Floor Amendment #1, the situation we're concerned with here is young people with developmental disabilities who are over 21, but continue to reside in child care institutions or group homes but no transition program or funding available to move them into the system. So, this Amendment really address that issue

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

39th Legislative Day

April 10, 1997

by saying that, individuals who do not have access to adult developmental disabilities service system, private agencies have been forced to be in violation of licensure and people with developmental disabilities have been able or unable actually, to receive appropriate services. In 1995, DMHDD and DCFS, drafted some interagency agreements, those agreements haven't been resolved to date. This Bill now...the Amendment becomes the Bill, addresses those interagency agreements. We think this will affect approximately 50 to 75 individuals, who now really lack any kind of services and kind of fall off a cliff after their 21st birthday. I move to adopt."

Speaker Granberg: "The Lady from Cook, moves for the adoption of Floor Amendment #1. On that question, we have the Republican staff at the Well. You can't file that Fiscal Note request yet. Just wait just a moment. The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "She indicates she will."

Black: "Representative, the Amendment guts everything and becomes the Bill, correct?"

Ronen: "Yes, it does, Representative."

Black: "So, in effect we have a new Bill. Is that correct?"

Ronen: "Yes, that we discussed in committee this morning."

Black: "And that's why we will file all applicable notes on a new Bill, as soon as it is amended and we appreciate the Chair for that opportunity."

Speaker Granberg: "Thank you, Mr. Black. On that question, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it and the Bill is...Third Reading. Oh, a Fiscal Note has been filed. Fiscal Note request has been filed. We will

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

39th Legislative Day

April 10, 1997

keep...anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "The Bill shall remain on Second Reading, Representative Ronen. House Bill 1811, Representative Ronen. Do you wish to move that Bill to Third, ma'am?"

Ronen: "Yes."

Speaker Granberg: "Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1811, a Bill for an Act to amend the Children and Family Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1812, Representative Ronen. Do you wish to move that Bill as well, ma'am? 1812. Out of the record. House Bill 1817, Representative Stephens. Representative Stephens, do you wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1817, a Bill for an Act in relation to environmental protection. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments, and no Motions filed."

Speaker Granberg: "Third Reading. House Bill 1821, Representative Biggert. Representative Judy Biggert. Is the Lady in the Chamber? The Lady in the Chamber? Does she wish to have that Bill moved? Out of the record. House Bill 1823, Representative Winkel. Representative Rick Winkel. Is the Gentleman in the Chamber? Is the Gentleman in the Chamber? Rick, do you wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1823, a Bill for an Act to amend the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments, and No Motions filed."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. House Bill 1891, Representative Lopez. Representative Edgar Lopez. Out of the record. House Bill 1896. Out of the record. House Bill 1906, Representative Santiago. Representative Santiago. Is the Gentleman in the Chamber? The Gentleman in the Chamber? Out of the record. House Bill 1914, Representative Dan Burke. Representative Burke. Is the Gentleman in the Chamber? Out of the record. House Bill 1915, Representative Ronen. 1915, Representative. Out of the record. House Bill 1917, Representative Burke. Out of the record. House Bill 1918, Representative Fritchey. Representative Fritchey. Is the Gentleman in the Chamber? Out of the record. House Bill 1923, Representative Schoenberg. Representative Schoenberg. Out of the record. House Bill 2040, Representative Dart. 2040. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2040, a Bill for an Act in relation to care facilities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments, and no Motions filed."

Speaker Granberg: "Third Reading. House Bill 2047. House Bill 2047, Representative Murphy, Harold Murphy. Is the Gentleman in the Chamber? Out of the record. House Bill 2066, Representative John Turner. Representative Turner, do you wish to move the Bill to Third Reading? Out of the record. House Bill 2068, Representative Turner. There is a Fiscal Note requested on Representative Turner's Bill? If he moves it. Out of the record. House Bill 2069, Representative Wood. Representative Wood, do you wish to move the Bill? Representative Black, is going to file a Fiscal Note if you do. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2069, a Bill for an Act to amend the

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

39th Legislative Day

April 10, 1997

Firearm Owners Identification Card Act. Second Reading of this House Bill. No Committee Amendments."

Speaker Granberg: "Mr. Clerk. Mr. Clerk, the Representative changed her mind. Out of the record. House Bill 2081, Representative Pugh. Representative Pugh. Is the Gentleman in the Chamber? Representative Coy Pugh. Out of the record. House Bill 2117, Representative Beaubien. Representative Beaubien. Representative, 2117. Out of the record. House Bill 2120, Representative Saviano. Representative Saviano, on 2120. 2120. Out of the record. House Bill 2138, Representative Roskam. Representative Peter Roskam. Out of the record. House Bill 2157, Representative Dart. Read the Bill."

Clerk Bolin: "House Bill 2157, a Bill for an Act to amend the Pawnbroker Regulation Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments, and no Motions filed."

Speaker Granberg: "Third Reading. House Bill 2161, Representative Scott. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2161, a Bill for an Act to amend Sanitary District Act of 1936. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 2181, Representative Bost. Representative Bost, do you wish to move 2181 to Third Reading? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2181, a Bill for an Act to amend the Local Government Debt Reform Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 2117, Representative Beaubien. Read the Bill, Mr. Clerk. 2117."

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

39th Legislative Day

April 10, 1997

Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2117, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1, was adopted in committee. Floor Amendment #2, offered by Representative Beaubien, has been recommended for adoption."

Speaker Granberg: "The Gentlemen from Lake, Mr. Beaubien."

Beaubien: "Yes, I would like ask that the Amendment be accepted for the purpose of shelling the Bill. We're trying to work out with the Department of Revenue and the Cook County Assessor, a satisfactory Bill. So, I would appreciate the accepting of the Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2, to House Bill 2117. On that question, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 2192, Representative Eugene Moore. Representative Moore. Is the Gentleman in the Chamber? Out of the record. House Bill 2199, Representative Fantin. Arlene Fantin, do you wish to move the Bill to Third Reading? 2199. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2199, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 2201, Representative Brunsvold. Representative Joe Brunsvold. Representative Joel Brunsvold. 2201. Out of the record. House Bill 2203, Representative Brunsvold. Out of the record. House Bill 2209, Representative Rutherford. Read

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

39th Legislative Day

April 10, 1997

the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2209, a Bill for an Act to amend the Joliet Arsenal Development Authority Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Rutherford, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 1, would replace the underlying Bill and basically make some changes that have been agreed upon by the Joliet Development Authority and the Governor's office to very simply remove the moral obligation responsibility of the state as well as removing the responsibility for the Governor to appoint certain members and leaving the responsibility left to the local authority."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1, to House Bill 2209. On that question, all in favor shall say 'aye'; all opposed say 'nay'. The 'ayes' have it, the Amendment is adopted. Anything further, Mr. Clerk."

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 2214, Representative Tom Johnson. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2214, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 2219, Representative David Leitch. David, to you wish to move House Bill 2219? Out of the record. House Bill 2224, Representative Jim Meyer. Representative Jim Meyer. Out

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

39th Legislative Day

April 10, 1997

of the record. House Bill 2226, Representative Brady.
Representative Bill Brady. Out of the record. House Bill
2244, Representative Holbrook. Representative Tom
Holbrook. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2244, a Bill for an Act to amend the
Illinois Vehicle Code. Second Reading of this House Bill.
No Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Granberg: "Third Reading. House Bill 2245,
Representative McCarthy. Representative McCarthy. Read
that Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2245, a Bill for an Act to amend the
Counties Code. Second Reading of this House Bill. No
Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Granberg: "Third Reading. House Bill 2251,
Representative Gash. Representative Gash. Out of the
record. House Bill 2254, Representative Gash. Out of the
record. House Bill 2255, Representative Gash. Out of the
record. House Bill 2256, Representative Gash. Out of the
record. How about House House 2258? Representative Gash.
Out of the record. House Bill 2257, Representative
O'Brien. Representative Mary Kay O'Brien, does she wish to
move the Bill? Out of the record. Is Representative Gash
the Sponsor of that Bill? House Bill 2287, Representative
Fantin. Representative Arlene Fantin. Does the Lady wish
to move the Bill to Third Reading? Mr. Clerk, read the
Bill."

Clerk Bolin: "House Bill 2287, a Bill for an Act to amend the
Criminal Code of 1961. Second Reading of this House Bill.
No Committee Amendments. No Floor Amendments. No Motions
filed."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. Representative Fantin, do you wish to move House Bill 2288? Out of the record. House Bill 182. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 182, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. Floor Amendments #1 and #2, have been recommended for adoption."

Speaker Granberg: "Representative Lang. Representative Lang. Representative Lang. The Gentleman requests that this Bill be called. Is the Gentleman in the Chamber? Out of the record. House Bill 614. House Bill 614. Out of the record. House Bill 718. House Bill 718, Representative Deering. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 718, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Washington, Representative Deering on Floor Amendment #1."

Deering: "Thank you, Mr. Speaker. If you will just bear with me for a second. I want to make sure that Representative Black, is with me on this Amendment. I believe Floor Amendment #1, is an agreed to Amendment. I believe it takes the City of Chicago out of the Bill, is basically all the Amendment does and it's...it exempts the state from mandate reimbursement. That's the only thing that this Amendment does. This Bill was heard in Pension Committee and I believe it passed unanimous out of the Pension Committee."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1. On that question, the Gentleman from Vermilion, Representative Black."

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

39th Legislative Day

April 10, 1997

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

Speaker Granberg: "He indicates he will."

Black: "Representative Deering, I show that it's Floor Amendment #2, and the board says, Floor Amendment #1. Are we not in...do you have two Amendments?"

Deering: "There is a Floor Amendment #2, I'm going to withdraw that Amendment. Floor Amendment #1, is..."

Black: "So, Floor Amendment #1, becomes the Bill."

Deering: "No, it doesn't become the Bill."

Black: "Becomes almost the Bill?"

Deering: "Well, let me pull it back up here a minute."

Black: "Becomes the Bill in a large part."

Deering: "Well, it's...you can almost say some of that, maybe we could get in the elevator and talk about this a little bit. Yeah, apparently it does become the Bill and it's basically the same thing that was in the Bill beforehand except it takes out, removes the City of Chicago from the Bill. I apologize for the delay but I don't have my file here and I'm relying on the computer."

Black: "I understand how that goes, Representative, believe me. You're making some significant changes in the Bill and one of the more significant changes is that you are eliminating the City of Chicago from the requirements of this legislation. Is that correct?"

Deering: "That is correct."

Black: "Was that a request from the City of Chicago?"

Deering: "I'm sorry, Representative, I didn't hear that first portion of that question. Was it a request from the city?"

Black: "Was it a request from the City of Chicago to be exempted?"

Deering: "I believe it was a request from the city and it was

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

39th Legislative Day

April 10, 1997

agreed to by the firefighters. This Bill is for the firefighters."

Black: "Now, wait a minute. Not only for the firefighters, it includes police officers too, doesn't it?"

Deering: "Police and firefighters. Yes, Sir."

Black: "Okay. So, in other words all police officers and firefighters, except those who work for the City of Chicago?"

Deering: "Yes, and it is my understanding that the City of Chicago, with their arrangements up there, labor management arrangements, they already have an initiative in place that takes care of what we're trying to do for the downstate firefighters and police."

Black: "I'm just trying to be very cautious here."

Deering: "I understand."

Black: "I want to make sure we're not being treated unfairly, those of us who labor in the downstate area as opposed to those on the shining city on the lake. So, I appreciate your answers, Representative and we'll have no objection to the Floor Amendment at this time."

Deering: "Thank you, Representative."

Speaker Granberg: "The Gentleman from Washington, moves for the adoption of Amendment #1, to House Bill 718. All in favor shall say 'aye';...not yet, you can't file that Fiscal Note request yet, the Bill hasn't been amended. Just wait a moment, just wait a moment. The Gentleman moves for the adoption of Floor Amendment #1. On that question, all in favor shall say 'aye'; all opposed shall say 'no'. The Amendment is adopted. Thank you. Any further Amendments?"

Clerk Bolin: "No, further Amendments on the Bill have been recommended but notes on the Bill as amended have been requested."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Hold that Bill on Second Reading at the request of Mr. Black. House Bill 1619. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1619, a Bill for an Act concerning probate."

Speaker Granberg: "Is that Bill on Third Reading?"

Clerk Bolin: "The Bill is on the Order of House Bills, Third Reading."

Speaker Granberg: "House Bill 1909, Mr. Clerk."

Clerk Bolin: "House Bill 1909, a Bill for an Act concerning prostate cancer screening. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Any Fiscal Note request on that Bill and have they been complied with?"

Clerk Bolin: "A Fiscal Note has been requested and the note has been filed."

Speaker Granberg: "Mandates Act Note?"

Clerk Bolin: "The Mandate Note has been filed."

Speaker Granberg: "Anything further? Third Reading. House Bill 821. Read the Bill. Representative Deering, do you wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 821, a Bill for an Act in relation to the repeal, deletion, and amendment of certain statutory provisions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1058. Read the Bill."

Clerk Bolin: "House Bill 1058, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendments #1 and 2 were adopted in committee. No Floor

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

39th Legislative Day

April 10, 1997

Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1059. Read the Bill."

Clerk Bolin: "House Bill 1059, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1736. Read the Bill."

Clerk Bolin: "House Bill 1736, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2 has been recommended for adoption."

Speaker Granberg: "Third Reading. Pardon me, Mr. Clerk. What is the status of that Bill?"

Clerk Bolin: "Floor Amendment #2, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Giles, on Floor Amendment #2."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2, to House Bill 1736, what this Amendment will do will simply remove the Pollution and Control Board Authority in order...to order community services for a violation of a documentation requirement of...requirements under this Bill. The Pollution Control Board has indicated to us that they do not have the ability nor desire to order community services in case of a ruling from a judge to order an entity to do community services. The actual Bill will allow anyone who generating, hauling or transportation or transferring any construction of debris and they shall receive load tickets that is shown. So, what this Bill is...actually does, what this Amendment

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

39th Legislative Day

April 10, 1997

actually does is take the Pollution Control Board out of this Bill completely. Mr. Speaker, I ask for the adoption of this Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2, to House Bill 1736. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will."

Black: "Representative, by removing the Pollution Control Board oversight in this Amendment, there is no way I can...you would not construe this Bill as any way of being able to ship construction debris downstate, would you?"

Giles: "No, Sir, Mr. Black."

Black: "You're going to handle it in your own area?"

Giles: "That is exactly correct. This Bill is basically an initiative in the City of Chicago where there's quite a bit of debris is dumped on vacant properties in the City of Chicago."

Black: "By removing the Pollution Control Board as ordering performance, who then assumes that responsibility?"

Giles: "Well, the courts will, sometimes order particular entities who have violated this particular Bill, who have violated the language in this Bill. And so, the board do not have the ability or don't want the ability to say, well, they...this particular entity should have community service. They just simply don't want that responsibility."

Black: "So, it would be the responsibility of the courts then?"

Giles: "That's exactly correct."

Black: "All right, thank you. Thank you, Representative."

Speaker Granberg: "Thank you, Gentlemen. Anything further? There being nothing further, the Gentleman moves for the

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

39th Legislative Day

April 10, 1997

adoption of Floor Amendment #2. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments. Notes have been requested on the Bill as amended and have not been filed."

Speaker Granberg: "Hold the Bill on Second Reading. House Bill 1528. Read the Bill."

Clerk Bolin: "The Bill has been read a second time previously."

Speaker Granberg: "The Gentleman from Madison, Representative Bradford."

Bradford: "Mr. Speaker, this is one of those Bills where you did recognize Mr. Black in due time regarding a Fiscal Note being requested. He has withdrawn that now, so it can be moved to Third Reading."

Speaker Granberg: "Mr. Clerk, is there a Fiscal Note request on the Bill?"

Clerk Bolin: "The Fiscal Note request has been withdrawn."

Speaker Granberg: "Has been withdrawn? Thank you, Mr. Black. Third Reading. House Bill 522. Read the Bill, Mr. Clerk. Take that Bill out of the record. House Bill 776. Mr. Clerk, read that Bill."

Clerk Bolin: "House Bill 776, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, has been recommended for adoption."

Speaker Granberg: "The Lady from Cook, Representative Currie on Floor Amendment #1."

Currie: "Thank you, Speaker and Members of the House. This is a measure that would bar certain kinds of marketing practices from managed health care entities that deal with medicaid clients. The department and the managed care industry raised some concerns about the Bill in committee. This

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

39th Legislative Day

April 10, 1997

Amendment seeks to address some of those concerns by, for example, providing that while the HMO's can't essentially bribe medicaid clients to join a particular plan, there may be certain kinds of health related items that they could offer as part of their marketing program. The Amendment further provides that the Department of Public Aid, by rule, may regulate those kinds of marketing activities. I'd appreciate your support for the Amendment."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #1, to House Bill 776. On that question the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates she will. Proceed."

Black: "Representative, I'm not familiar with this door-to-door marketing. Evidently it's going on in the urban areas of Chicago, but your Amendment...this Amendment then prohibits this anywhere in the state?"

Currie: "The Amendment does not change that part of the Bill."

Black: "Okay."

Currie: "And that's what the Bill originally provided, that the companies could not market door-to-door to medicaid clients, people who are part of the medicaid managed care plan."

Black: "So, the Amendment is addressing marketing activities?"

Currie: "Yes, there were other...the Bill also said, when it was originally introduced that they...the companies couldn't offer tangible inducements to people to sign up for health care plans, which we have seen happen in other states. The department and the industry pointed out that sometimes there are health related items that might not be in violation of a kind of public policy that says, people

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

39th Legislative Day

April 10, 1997

should be signing up for health care plans because they offer good health care, not because they are offering a trip to Disney World or what have you. So, we've amended the Bill to say, that health related items that could mean, diapers for example, would not necessarily be barred and that the Department of Public Aid would be responsible for establishing rules about the kind of marketing that's permitted."

Black: "Is there any limitation as to what these items may cost or what they can give away, is there any limitation on that?"

Currie: "We did try to limit it, but not so limited as to mean that these health related things might not be possible. The Bill is originally drafted, said you can't give out anything as an inducement and the way we've changed it would limit it to items that are of nominal value, would have to be approved by the department and would only relate to items that are health care connected."

Black: "All right, so we're not going to get into what we saw, not too many years ago with banks, you know, a toaster or waffle iron, or whatever if you sign up today."

Currie: "Or even nicer items, right."

Black: "Okay. But there's nothing in this that could be construed as the inability of a managed care program to solicit through the mail or send a brochure."

Currie: "No, oh, no, absolutely not. No, that is absolutely expected."

Black: "All right. Okay. Thank you, Representative."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #1, to House Bill 776. There being nothing further, all in favor shall say 'aye'; all opposed will say 'nay'. The 'ayes' have it and the Amendment is adopted."

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

39th Legislative Day

April 10, 1997

Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments but a Fiscal Note and a State Mandates Note have been requested on the Bill, and have not been filed."

Speaker Granberg: "To the Bill as amended?"

Clerk Rossi: "To the Bill as amended."

Speaker Granberg: "I didn't see anyone in front at the Well. We will wait for the Republican staff person. Mr. Clerk, has that been filed properly now?"

Clerk Rossi: "The Note request has been filed properly."

Speaker Granberg: "Properly this time. The Bill will remain on Second Reading. House Bill 781. Read the Bill."

Clerk Rossi: "House Bill 781, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Currie, has been approved for adoption."

Speaker Granberg: "The Lady from Cook, Representative Currie on Floor Amendment #2."

Currie: "Thank you, Speaker and Members of the House. This is an attempt to unclutter the House Calendar. What we've done is to incorporate eight other Bills that were on the House floor, dealing in the area of managed care for medicaid clients. I would be happy to run through their numbers for you and if you like, tell you what the specifics are. The Bill further incorporates Amendments recommended by the industry and by the Department of Public Aid. So, that if this Amendment is adopted, the Department of Public Aid will be in support of the Bill and there will be no opposition from the industry. So, those numbers, Bill numbers are 778, 779, 780, 781, 782, and that's it. They generally deal with guidelines for the management of the

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

39th Legislative Day

April 10, 1997

program, making sure that the Inspector General, in the Department of Public Aid, monitors the program. Give preference to a accredited, health management organizations and requires an Auditor General Annual Performance Audit of the new program. I know of no opposition and I'd would be happy for your support and I would recommend, since the Department of Public Aid now supports the Bill that perhaps you don't need to file a Fiscal Note request on 781."

Speaker Granberg: "The Lady moves for the adoption. On that question, the Gentleman from Vermilion, Representative Black. Representative Black, could you instruct your staff person to move away from the Well. She doesn't have to be here. She's intimidating our Clerk."

Black: "As well, she should. Will the Sponsor yield? Staff indicates, I think we've got a question on what Amendment we're dealing with here."

Speaker Granberg: "She indicates she will. Proceed."

Black: "Representative, staff says that Floor Amendment #1, should be withdrawn and we didn't hear you do that. And then Floor Amendment #2, is the one you want to move and on Floor Amendment #2, House Bill 782 has been removed because of an objection from the department."

Currie: "That is right. I'm sorry, if I've misspoken. I don't believe I said, that 782 was incorporated. But, yes, I thought that we had withdrawn the Amendment in committee and if the Amendment didn't come back to the House floor, I thought under our rules we did not actually have to withdraw it, on the floor. But, in fact, we are dealing only with Amendment #2, which is the only Amendment that has come to this Body from the committee."

Black: "Right. Well, we were confused. We find the rules extremely confusing and we didn't know if the Floor

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

39th Legislative Day

April 10, 1997

Amendment would have to be withdrawn on the Floor or Committee Amendment by committee, or by Committee of the Whole. We had no idea."

Currie: "Representative, these rules are identical in this respect to the rules that we operated under during the previous General Assembly..."

Black: "Well, we were often confused under those as well."

Currie: "...and that's just the way that it went. You don't have to withdraw it."

Black: "You are asking us to adopt Floor Amendment #2?"

Currie: "Yes, the committee is asking you to adopt Floor Amendment #2."

Black: "And House Bill 782, is not included in Floor Amendment #2?"

Currie: "That is right. That's the medicaid...that's the managed care round table, is that right? Yes, that is not part of this Amendment."

Black: "Yes. Okay. And so, in effect, we have eight Bills rolled into this one Amendment?"

Currie: "And supported by the Department of Public Aid."

Black: "Really?"

Currie: "Yes."

Black: "That's highly unusual. I've been here for years and they have never supported any Bill I have. How did you do this? They are supporting one Amendment that has eight Bills?"

Currie: "I'll tell you why. I think it's because they are too concerned that we not have the kind of scandal that erupted in places like Florida, and California..."

Black: "What do you expect from Florida and California..."

Currie: "...and our move to managed care for the clients of the Department of Public Aid."

Black: "Okay. Well now that we have the Amendment straighten out

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

39th Legislative Day

April 10, 1997

and what's in it. Thank you, Representative."

Speaker Granberg: "Thank you. Anything further? No one seeking recognition, the Lady moves for the adoption of Floor Amendment #2, to House Bill 781. All in favor shall say 'ayes'; opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note and State Mandates Note as amended, has been requested on the Bill and has not been filed."

Speaker Granberg: "When were those notes requested?"

Clerk Rossi: "Several seconds ago."

Speaker Granberg: "Thank you, Mr. Clerk. Representative Currie, the Bill shall remain on Second Reading. House Bill 1262. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1262, a Bill for an Act to amend the Condominium Property Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Currie has been approved for consideration."

Speaker Granberg: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This was an effort to deal with problems in Condominium Associations when there is some kind of property damage from one unit to another rather than a function of the Condominium Association as a whole. The committee had concerns about the way the Bill was structured. I worked over the break with the people in the condominium section of the Chicago Bar Association and their proposal is sort of homeowners insurance proposal and that's what this Amendment does to the Bill."

Speaker Granberg: "The Lady moves for the adoption of Amendment

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

39th Legislative Day

April 10, 1997

#1, to House Bill 1262 and on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "She indicates she will. Mr. Black, does your staff person need any more forms? I don't see her by the Well."

Black: "The printing office just delivered a new box."

Speaker Granberg: "Thank you. Proceed."

Black: "Representative, is there any opposition to this Amendment expressed in committee?"

Currie: "Not any formal opposition that I know of, as I say..."

Black: "Chicago Bar Association all right?"

Currie: "As far as I know...I mean, don't know if this has gone through all of their approval processes but the language came from the section of the Chicago Bar Association that deals with condominiums and the people there are for it. For the proposal."

Black: "Mr. Speaker, excuse me just a minute. Staff says I need to take a call on this. Hang on. That was Ellis Levin, he says the Amendment is all right."

Speaker Granberg: "Have you received a call from Lee Press on his order of business yet?"

Black: "Soon as those child protection Bills come up."

Speaker Granberg: "The Lady moves for the adoption of Floor Amendment #1, to House Bill 1262. On that question, all in favor shall say 'aye'; all opposed 'nay'. Moves for the adoption of the Amendment. All in favor...Amendment #2, to House Bill 1262. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further?"

Clerk Rossi: "No further Amendments."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Third Reading. House Bill 182. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 182, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1, first of all the Bill deals with the issue of kids or anyone bringing weapons or sawed off rifles, silencers or any of that type of thing, near a school or a public park. House Amendment 1, makes it clear that minors that do this may very well subject to criminal penalties. The staffers in committee indicated that that wasn't written very clearly and we wanted to clear that up. So, it is now...it would be clear if the Amendment is adopted that minors might be subject to criminal penalties in adult court if they bring these weapons to a school."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1, to House Bill 182. On that question the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will."

Black: "Representative, this is going to come out sounding like it's harassment but it really isn't. A question has come up because of the tear gas, liquid gas, and noxious liquid, et cetera. What happens, staff tells me that many teachers would carry a pepper spray or a tear gas spray in their purse, in and out of the school and a question has been brought to our attention, does that make them liable to felony prosecution under this Bill?"

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

39th Legislative Day

April 10, 1997

Lang: "No, it's not covered under the Bill."

Black: "Okay. This only deals with minors, juveniles or, I'm not sure what the distinction is."

Lang: "Well, no. Let me find the appropriate language for you, so that you're...Representative, the original Bill does cover the issue of tear gas and all, but under the original Bill all we did was increase the penalty. This Amendment makes it clear that minors who do these things can be tried as an adults. So, the original Bill itself really doesn't have any impact on the situation you've talked about."

Black: "Okay. What we need you and your staff to take a quick look at because our staff attorney feels that language is in there that says, 'non lethal noxious gas or substances designed for personal defense carried by a person 18 -years or older on school property, the penalty is a Class IV Felony.' Have we run a comma together there? In other words, are they exempt? We're not reading this correctly, over 18 would be exempt?"

Lang: "Can you tell me where that is, what line, what page? Let me stop you there before you go too far. Amendment 2, will take care of that issue. That is the one that your staff brought to me in committee. In fact, Amendment 2, I think was drafted by your staff. So, we'll take care of that with Amendment 2."

Black: "Okay. That's fine. Thank you."

Speaker Granberg: "Anything further? The Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you. Will the Gentleman yield?"

Speaker Granberg: "Indicates he will."

Turner, J.: "Representative Lang, I may be mistaken and if I am, please just correct me and I'll have no questions, but, is this not the Bill where in committee I had asked you if a

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

39th Legislative Day

April 10, 1997

hunter, for example, had a gun in a motor vehicle and forgot to encase that gun and had driven by a school that, that would become, I thought under your Bill, either a Class III or perhaps a Class I, felony? If this is that Bill, I think I had raised that inquiry in committee and you had told me that you would take care of that and have you done so, Sir?"

Lang: "Representative, I frankly don't remember if you asked me that in committee but let me make this clear. The Bill does was not change the elements of proving the defense. If that was illegal before it will be illegal now. If it wasn't, it won't be. All this...all the Bill does is increase penalties, but that has little to do with Amendment #1."

Turner, J.: "The offense would become, am I correct, a Class I felony for the hunter who forgot to case the gun and drove within a thousand feet of the school on his or her way home?"

Lang: "This Bill refers to machine guns and guns with silencers but I do not believe that it applies to hunter's weapons in any way. Sawed-off shotguns may be in here but I don't think the kind of weapon you're talking about is in the Bill. If it is, tell me and we'll take a look at it."

Turner, J.: "I unfortunately don't have a copy of the Bill. I'm trying to read from my computer which I find to be a difficult thing to do. I believe that it does include the weapon that I'm talking about. If it doesn't, I don't have any concern, if it does then I would have grave concern about being able to support your measure. Thank you, though for answering my questions."

Lang: "Thank you."

Speaker Granberg: "Anything further? The Gentleman moves for the

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

39th Legislative Day

April 10, 1997

adoption of Floor Amendment #1. All those in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

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

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

Lang: "Thank you. House Amendment #2, is actually a proposal of the Republican staff. They expressed concern about the issue of a bludgeon or other instrumentalities having a Class I penalty attached to it and I've simply removed that from the Bill at your sides request."

Speaker Granberg: "Anything further on the Amendment? No one seeking recognition. All those in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 614. Read the Bill."

Clerk Rossi: "House Bill 614, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Lang, has been approved for consideration."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2, is agreed language for Directory of New Hires. Actually the Amendment is Lang-Lindner, it's a bipartisan Amendment. This is the result of a Bill I introduced last year to create a Directory of New Hires for the purpose of tracking deadbeat parents who don't pay for their child support. Subsequent to my filing of that Bill, Speaker Daniels put a task force together and later

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

39th Legislative Day

April 10, 1997

Lieutenant Governor Kustra, chaired a task force to study these issues. The language in Floor Amendment #2, is the recommendation and report of the task force. I have signed on to it. It's agreed to by all parties, including the Department of Employment Security, the Department of Public Aid. I know of no opposition. This will help us track down deadbeat parents and so, we can get them to pay their child support and I would urge your adoption."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2, to House Bill 614. On that question, the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Indicates he will. Proceed."

Cross: "Representative Lang, this is an initiative of what task force?"

Lang: "Well, firstly, it was my initiative. Then after I...after I introduced the Bill and it was sent to the Rules Committee, never to be heard from again, Representative Lindner, had a Resolution that called for a task force. Subsequent to that, I don't know the name of the task force, perhaps Representative Lindner can tell us but, Lieutenant Governor Kustra, chaired the task force. There were quite a few public spirited citizens on that task force and they came up with a plan for a Directory of New Hires. This directory will help us track deadbeat parents. It also is in compliance with federal law on the subject and it's a good piece of legislation. Will keep people from bouncing from job to job avoiding their child support obligations. Will enable the State of Illinois to cross reference deadbeat parents against our computers with social security numbers, so that we can go after these folks by way of wage garnishment, et cetera."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Gentleman from Kendall, Representative Cross."

Cross: "No, I have nothing further. Thank you."

Speaker Granberg: "Nothing further? The Lady from Kane, Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. I would urge support for this too. Representative Cross, this was the New Hire Task Force and there was a Resolution in the House and our Republican Leader Daniels, appointed that task force and there also was a Resolution in the Senate. And then all parties worked under Lieutenant Governor Bob Kustra, business, the retail merchants, the IMA were intricately involved in the New Hire legislation and the rules and regulations and I would urge support."

Speaker Granberg: "The Gentleman from Cook, moves for the adoption of Floor Amendment #2. All in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 522, Representative Bugielski. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 522, a Bill for an Act creating the Home Medical Equipment and Services Provider License Act. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions filed. Floor Amendment #2, offered by Representative Bugielski, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2, is the agreement Amendment that came out when we had this Bill in committee. There was opposition by the

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

39th Legislative Day

April 10, 1997

Illinois Hospital Association and I gave my word that I would not go forward with this Bill until an agreement has been reached. And this Amendment is the agreement that the Hospital Association agreed to where it would exempt the people that have licenses that are...licensed now by JCAHO, which is a Joint Commission accreditation of Health Care Organizations and other recognized accrediting agency. This affects 32 entities, most of them are hospital involved entities. And I ask for the adoption of this Amendment."

Speaker Granberg: "The Gentleman from Cook moves for the adoption of Amendment #2 to House Bill 522. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will. Proceed."

Black: "Representative, there are a number of hospitals, at least in my area, that either have a subsidiary or directly own and operate a home medical service business. Now, if I heard you correctly, if a hospital is running this then they are not covered under your Bill?"

Bugielski: "No. As long as they are either license...they got the accreditation from that, they are accredited under either JCAHO or another recognized accrediting body, they would not have to go through this again and it affects 32. And the hospitals that have it now, this is why the Hospital Association was against it because at first, everyone would have to be reaccredited. So, now these 32 entities have been..."

Black: "Okay, but it appears that the Department of Professional Regulation is still concerned with the Amendment. Are you aware of that? That they have some paperwork..."

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

39th Legislative Day

April 10, 1997

Bugielski: "They are against, I know they are still, you know, they raise opposition to the Bill itself because, it's a new licensure Bill. But I do not know that they are against the Amendment."

Black: "Okay. That's what I wanted to make clear that we were on the same wave length. I appreciate your response to the questions, Representative. Thank you."

Speaker Granberg: "Thank you, Gentlemen. Anything further? There being nothing further, the Gentleman moves for the adoption of the Amendment. On that, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk Rossi: "No further Amendments. A Fiscal Note and a State Mandates Note has been requested on the Bill as amended and has not been filed."

Speaker Granberg: "When did she sneak up here?"

Clerk Rossi: "Several seconds ago."

Speaker Granberg: "Hold the Bill on Second Reading at the request of Representative Black. House Bill 614, read the Bill."

Clerk Rossi: "House Bill 614..."

Speaker Granberg: "Out of the record. House Bill 1443. Read the Bill."

Clerk Rossi: "House Bill 1443, a Bill for an Act to amend the Illinois Solid Waste Management Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1444. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1444, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scully, has been recommended for adoption."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Representative Scully. Mr. Clerk, take this Bill out of the record. House Bill 1918, Mr. Clerk."

Clerk Rossi: "House Bill 1918, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Representative Fritchey, if you could hold that for just a moment, Mr. Fritchey. The Lady from Grundee, Representative O'Brien, for what purpose do you rise?"

O'Brien: "Mr. Speaker, I'd like to make an announcement. Today I have with me my sister, Melinda Hogan and her teaching partner, Julian Grace and FHA members from Reed Custer High School who are here for the FHA Heroes State Conference."

Speaker Granberg: "Welcome. The Gentleman from Cook, Representative Fritchey on Floor Amendment #1."

Fritchey: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 1918, is simply a technical Amendment, clarifying some language with respect to judicial review. The underlying Bill provides for administrative adjudication and this is simply a technical Amendment which we can take up when the Bill is presented in total. That having been said, I would ask for favorable consideration for the Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1, to House Bill 1918. On that question. No one seeking recognition, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Anything further?"

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. Mr. Clerk, what is the status of House Bill 781?"

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

39th Legislative Day

April 10, 1997

Clerk Rossi: "House Bill 781, is on the Order of House Bills, Second Reading."

Speaker Granberg: "Any note requests?"

Clerk Rossi: "There are outstanding note requests, which have been withdrawn."

Speaker Granberg: "The note requests have been withdrawn? Move the Bill to Third Reading. House Bill 638. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 638, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions filed. No Floor Amendments. The Mandates Note and the Home Rule Note that was requested on the Bill as amended, have been filed."

Speaker Granberg: "Third Reading. The following Bills have been...Members have requested to move these back to Second Reading. House Bill 1823, Mr. Clerk."

Clerk Rossi: "House Bill 1823 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 2181. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2181 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second Reading. House Bill 2199, what is the status?"

Clerk Rossi: "House Bill 2191 (sic-2199) in on the Order of House Bills, Second Reading."

Speaker Granberg: "Return it to Second. What is the status of House Bill 2211?"

Clerk Rossi: "House Bill 2211 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to second. What is the status of

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

39th Legislative Day

April 10, 1997

House Bill 218?"

Clerk Rossi: "House Bill 218 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. What is the status of
House Bill 489? 489."

Clerk Rossi: "House Bill 489 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 621, what is
the status of House Bill 621?"

Clerk Rossi: "House Bill 621 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 843."

Clerk Rossi: "House Bill 843 is on the Order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1109. What
is the status?"

Clerk Rossi: "House Bill 1109 is on the order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. The status of House Bill
1185?"

Clerk Rossi: "House Bill 1185 is on the order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1407, what is
its status?"

Clerk Rossi: "House Bill 1407 is on the order of House Bills,
Third Reading."

Speaker Granberg: "Return it to Second. House Bill 2174, what is
its status?"

Clerk Rossi: "House Bill 2174 is on the order of House Bills,
Third Reading."

Speaker Granberg: "House Bills..."

Clerk Rossi: "Third Reading."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Return it to Second. House Bill 1004, what is its status?"

Clerk Rossi: "House Bill 1004 is on the Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1587, what is its status?"

Clerk Rossi: "House Bill 1587 is on the order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. House Bills, Third Reading, appears House Bill 1366. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1366, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Granberg: "Representative Beaubien, do you wish to have that Bill taken out of the record? Out of the record. House Bill 1410. Representative Leitch, Representative Leitch, do you wish to call that Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1410, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. This Bill, I think, is a very, very good Bill because when it becomes law, it will put out of business one of the 800 numbers that is creating a lot of problems here in Illinois. And that is an 800 number that is directed at upsetting structured settlements and spendthrift trusts and the like of it. And it's a Bill that would require that before trusts or structured settlements be upset that it would have to go

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

39th Legislative Day

April 10, 1997

back into court and before any money is paid, it as well would have to be approved by a court. It comes to me from one of the most distinguished trial lawyers in my area, and is one that is a great concern. And I'd also like to thank the Chicago Bar Association for drafting this Bill, because it, I think, is one that will do the job and prevent a lot of unfortunate circumstances from occurring in the future. I just simply ask for your favorable vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1410. On that question the Gentleman from Cook, Representative Lang."

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

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

Lang: "Representative, what's the public policy reason behind telling the beneficiary of a structured settlement that they cannot assign their payments to a third party? Why would they not be able to do that?"

Leitch: "It says they could but they would have to go back to court to have..."

Lang: "But why?"

Leitch: "Because what is happening is the... through these 800 numbers that are going on in... across the airwaves, a number of unsophisticated people and irresponsible people are being taken advantage of by these boiler room operations, who come in and offer a very deeply discounted amount of money to take these settlement annuities."

Lang: "Well I'm not exactly sure what you're saying to me, and I'm not playing with your Bill. I really want to understand it. So, people get these structured settlements, you're saying people call them and try to, what, invest their money in something?"

Leitch: "No. Try and get their... try and get them to upset

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

39th Legislative Day

April 10, 1997

those settlements by agreeing to accept a very deeply discounted amount of money so that these unsophisticated individuals can be taken advantage of by these irresponsible predators, in my view."

Lang: "So these folks would call the people that are getting the settlement and say, 'You've got this structured settlement. Over the next ten years you're going to get \$100,000. We'll give you \$25,000 today if you assign the settlement to us."

Leitch: "Or we'll give you 10¢ on the dollar or 5¢ on the dollar. There are a lot of different examples of this. So what this does is simply take the precaution that before anyone could do that, that they would have to go back to court and have it reviewed and approved."

Lang: "Well doesn't your proposal assume that the people that get these settlements are incapable of making their own decisions? Perhaps they want to make the settlement. Perhaps they want to get 20 or 30¢ on the dollar. You have to put the burden on them to get a court order to use their own property, which is what a settlement is, it's property, in the way they see fit? You're a proponent of local control. You're a proponent of government staying out of people's lives. Why do we want to intrude ourselves into this?"

Leitch: "Well, I think it's because that there are a number of people who are being grossly taken advantage of by this 800 number. And I think it's, as a matter of public policy, become necessary for us to offer this means of protection. And it's simply one that if they, if everything is on the up and up, if it is legit, I see no harm at all in having the court agree and hear those arguments. I'm just very concerned about the people who are being victimized by

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

39th Legislative Day

April 10, 1997

these people who are taking a very, very deep discount in these settlement amounts, and who are then left penniless without resources in the future. I mean, there's an assumption in this Bill that, yes, this is intended to protect less sophisticated investors, less sophisticated people. But I think it is a very important step that we do, and I'd like very much to put those guys out of business frankly."

Lang: "Well then rather than restricting the recipient, the beneficiary, of one of these settlements, why don't you just put these people out of business? Why don't you just pass a law saying you can't do this?"

Leitch: "Because I think that would be too restrictive."

Lang: "So it would be too constrictive to tell the business that you think is doing something improperly that they have to get out of business, but it's not too restrictive to tell the beneficiaries what they can do with their own money?"

Leitch: "I think this is a very responsible Bill as a means to address a problem that is occurring in our state."

Lang: "Alright. One other area briefly. If the purpose of this Bill is to keep these scurrilous people from stealing the structured settlements from these beneficiaries, then why don't you just limit the Bill to that? Under the way the Bill is drafted, if I want to sell my structured settlement to my sister for a reasonable sum of money, I couldn't even do that."

Leitch: "You can do that."

Lang: "With a court order, which requires me to pay a fee, get a lawyer, go to court, open a case. Is that what we really want to do?"

Leitch: "That's what I want to do."

Lang: "Why don't you amend this to limit it to the area you're

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

39th Legislative Day

April 10, 1997

going after?"

Leitch: "I think that this Bill is sufficiently in shape to address what I'm going after."

Lang: "Thank you. I rise in opposition to House Bill 1410, for the reasons given in my questions and the answers given. I understand what the Representative is trying to do. We want to keep people that get these settlements from having them stolen away from them, but the Bill goes way beyond that. It says to you, that if you're the beneficiary of one of these structured settlements you can't sell it for, let's say, 90% of its value to someone who's legitimate without going to court. If we're going to protect these folks let's protect them from the right people, and let's make sure they don't have to hire lawyers, who I'm sure many of you don't want to have to deal with lawyers. We don't want any of them to have to hire lawyers to deal with their own financial dealings. So I would recommend 'no' votes."

Speaker Granberg: "Thank you. The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. The hour grows late. I move the previous question."

Speaker Granberg: "The Gentleman from Champaign, Representative Johnson, for what reason do you rise?"

Johnson, Tim: "Mr. Speaker and Members of the House, I think we should devote a little more attention and give Representative Leitch and any questioners your attention, because this is a significant Bill. With all do respect to my friend, Representative Lang, he couldn't be more wrong than on this case and on this Bill."

Speaker Granberg: "Representative Johnson, let me do this. We will allow the Members more time for questioning. I think

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

39th Legislative Day

April 10, 1997

Representative Black withdraws his request. So please proceed."

Johnson, Tim: "Speaking to the Bill, as amended, this is really an important issue, and one that the Members of the General Assembly should direct their attention to. I think Representative Leitch is to be commended on coming up with a piece of legislation that is extremely important to a number of people who are caught in the very situation that people are caught in and are being taken advantage of by out of state, in some cases, out of country 800 predators who take advantage of temporary, short-term needs of a beneficiary, to totally strip them, or their family, or in a number of cases, minor children or senior citizens or disabled people of a stream of income and throw them back on to the public aid rolls because they simply have a short-term need for money. This Bill doesn't require you to go hire lawyers. If you're going to sign your claim to your uncle or your aunt, or your brother or sister, anybody who does that is going to pay the \$50 to a lawyer, or \$25 to draw up a simple assignment anyway. No one is going to do that without having an attorney in any event. If they do, they're not very wise in doing so. Structured settlements, whether they're ordered or agreed to have to be approved by the circuit court to begin with, and the terms thereof have to be agreed with to begin with. Most of us in here would probably not accept structured settlements, or a good many wouldn't, because we're able to manage our own financial affairs. Structured settlements are meant, and they serve most well, either minors or people who are not capable and have admitted they're not capable of managing their own financial affairs in the bigger sense of the word. And so, all this Bill does is to

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

39th Legislative Day

April 10, 1997

maintain jurisdiction over structured settlements. It doesn't prevent you from doing what you want with your own money. If it's in your best interest, no court in the world is going to do anything but perfunctorily agree with you and the other party and agree to let this happen. But what is going to happen in the absence of Representative Leitch's very responsible, very well reasoned and moderate, modest approach to a serious problem, if we don't pass this Bill, what the ultimate result is going to be is we're going to have a 31 year old paralyzed individual, who had a short-term need for money who sold out to one of these 800 predators from the Cayman Islands for 50¢ on the dollar, and two years later notwithstanding that the whole purpose of a structured settlement, by both parties, plaintiff, defendant and everybody else with a AAA company, is to assure that person that they're going to have a flow of income that will take care of them and their medical needs for the rest of their life. They're going to sell out. The bottom line is they will have no money left. The predators from Cayman Island will go and laugh all the way to the bank while this individual and their families and their needs will be unmet. They are going to continue to be in the condition that they're in. They're going to have no money to pay for it, and then the taxpayers have to pick up the bill. This doesn't, in any way, restrict an individual from doing what they want with their own money. You have to get court approval now in the first instance before you can structure a settlement. So if it's not in the interest of the party, the GAL or the respective parties won't agree to it. They only agree to it where there's a need. And so, when you go to the court and you have these situations, the person has admitted by its very

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

39th Legislative Day

April 10, 1997

nature of the settlement that you need a structured settlement. So you're simply going to have a court look at this agreement, approve it or not approve it accordingly, and in 99.9% of the cases they're going to approve it because it's going to be in their best interest, but then the .01% of the cases where it's not appropriate and where they're going to be thrown back on the public aid rolls. And then you're going to have a senior citizen or a minor or a disabled person out of money, because they have an emergent need that can be met appropriately anyway by going to a responsible financial institution, getting an accelerated payment, or one of these 800 numbers on the one out of 10 of them that are responsible, accelerating the money and dealing with it accordingly. I think Representative Leitch is to be commended. This is a bipartisan Bill. It's one that's good for plaintiffs, defendants, insurance companies, taxpayers, and everybody else. It's a win, win, win, win deal and the only losers are the predators, as Representative Leitch refers to them, who want to come into our state and into our area and take advantage of poor and disabled people. This is a good Bill and I urge a unanimous vote."

Speaker Granberg: "The Gentleman from Madison, Representative Bradford."

Bradford: "Thank you, Mr. Speaker, Members of the Assembly. I rise in support of Representative Leitch's Bill. In due deference to my colleague, Representative Lang, I do believe he's wrong on this subject. Structured settlements need to be closely monitored. Most lawyers who engage in the business in regard to structured settlements do that on the basis of trying to protect the injured party. This is an added protection to the injured party and the

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

39th Legislative Day

April 10, 1997

beneficiaries. And I'm happy to be a cosponsor of this Bill and urge your support."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you. On a Point of Personal Privilege. My name has been used several times in debate. I want everyone to listen very carefully to this, you won't hear this very often. Mr. Speaker, I've been convinced. I'm voting for the Bill."

Speaker Granberg: "That might have damaged its chances. The Gentleman from Logan, Representative Turner."

Turner, J.: "Mr. Speaker, I'm glad that Representative Lang got the message, but will the Gentleman yield?"

Speaker Granberg: "The Gentleman indicates he will."

Turner, J.: "Dave, actually to follow up on what Representative Lang had made an inquiry about before. Suppose a person did want to settle for 30¢ on the dollar. I understood your response to his inquiry was that that person could do so if they went to court and received a court order. Am I correct on that?"

Leitch: "Yeah. All that that would mean in this case is that somebody else would take a look at it, because as Representative Johnson and others have described, typically there's a reason for these kind of structured settlements. And usually that reason is because we are dealing with people who need some additional protection and are not usually sophisticated investors. And it just simply puts in another safeguard, because right now it's going on and I must tell you it is scandalous what's going on out there and that's the reason for this Bill."

Turner, J.: "You used the term 'take a look at' and another safety measure. That concerns me a little bit. If this

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

39th Legislative Day

April 10, 1997

person who is not incompetent, does not have a guardian, has made this settlement agreement on a structured basis, goes to court and asks for the court to approve of the 30¢ on the dollar, is the court required to approve of their request, or is in within the court's discretion to approve on the 30¢ per dollar settlement? I think it's very important whether this is required of the court or whether or not the individual has the right to move ahead if they so choose after the court has simply been informed that that is their desire. Which is it on that?"

Leitch: "I think the court would have to prove it, but I think the assumption is, is that were they to be accepting 30¢ on the dollar in your example, that there would be presented reasons why that was appropriate. It wouldn't be just because some guy got suckered by some 800 number scavenger and had that presented. It would be a legitimate reason that would make sense to these parties."

Turner, J.: "But my understanding is that if a competent person wishes to settle, the court is not required to do it. It doesn't make any difference whether the person wants to or not, the court can decide whether or not they are going to accept the settlement?"

Leitch: "Yes."

Turner, J.: "Alright. That's all the questions I had. Thank you, Mr. Speaker."

Speaker Granberg: "Anything further? The Gentleman from Peoria, Representative Leitch to close."

Leitch: "I'd ask for a favorable Roll Call please."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1410. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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

39th Legislative Day

April 10, 1997

Mr. Clerk, take the record. On this question 117 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 46, Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 46, a Bill for an Act to amend the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. House Bill 46 is...makes changes in the Dram Shop Law. It is a measure that we have worked with numerous people on, have done a lot of negotiating on, as well. It passed out of Judiciary Committee 9 to nothing. It has the support of numerous groups from MADD, SADD, and quite a few other organizations, I won't run off the list here right now. It is a very reasonable measure. We have attempted to work with all of the parties involved here. The Bill does two things and only two things. It includes loss of society as a recoverable element under the Dram Shop Act and it increases the limit on recoverable damages to 55,000 for damages and 65,000 for loss of support or loss of society. This is a Bill that, as I mentioned before, is as reasonable as it gets. Presently under the existing law, under Dram Shop Law, women, children, seniors, are routinely excluded from any recovery. So, if an owner of a bar serves somebody who he knows is intoxicated, who then goes out and kills somebody who is, say a businessman who works, there is allowed to be some recovery. That same person goes out and kills a homemaker, they receive nothing and it is inherently wrong to have laws on the books like this. This is a law that has been on the books since 1955,

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

39th Legislative Day

April 10, 1997

to protect bar owners. It has been on there to protect them but at the same time there is numerous people who are not protected by this law. There is a...numerous individuals in support of this law but in particular, there is an incident a few years back where a woman named Kelly Murphy Wheatly was out with her family, her husband and her child, they had gone to a Fourth of July picnic, on their way home they were riding their bikes. An individual who has had numerous experiences with drunk driving was back on the road. He had been out in a bar, he had been over-served, he ran...he hit her and killed her. Didn't even know he had hit her for two blocks. When they attempted to recover on the Dram Shop Act, they were informed that she could not recover...that they could not recover anything because of the fact that she was a homemaker. She didn't have a job so she was unable to recover. This addresses it squarely. It is inherently, inherently wrong that we have a statute like this that discriminates against children and women and seniors in such a way. This attempts to right that and as I say, it's something that we've worked long and hard with a lot of people with. We have worked extensively with the Restaurant Association, they have been fantastic. They are now in support of this Bill and we have worked with numerous other groups. As I said, I'll be happy to answer any questions but this is a Bill that is long time in coming and it is something that is truly an equity question. I would be happy to answer any questions."

Speaker Granberg: "The Gentleman from Cook moves for the passage of House Bill 46. On that question the Lady from DuPage, Representative Biggert."

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

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

39th Legislative Day

April 10, 1997

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

Biggert: "First of all, Representative, I would like to commend you for bringing back the Bill in the form that it is in. I realize from what the Bill started out but you've done a lot of work on it and I intend to support it. I would like to know if there are...still any groups that are opposed to it?"

Dart: "I believe that...the only one that I'm sure that is still not in favor of this Bill is the liquor industry and I'm not sure which one of those it is. As far as other groups, frankly, I'm just not sure. There may be that I'm not aware of but I know for sure that they are and I'm not 100% sure on the other ones. Maybe someone else is aware of that."

Biggert: "All right. Secondly, you did have another Bill that involves this. Is it your intention to bring that up about social host liability on another Bill or anything?"

Dart: "That's in another Bill. At this time I have no intention of moving that. That was an issue that the committee had a lot of concerns with. We had done some work on that and started addressing issues such as just restricting it to just social host liability for individuals who serve minors, who they shouldn't be serving in the first place. And then we decided that that might be an issue for another day and so at this point in time, I don't have any intention of doing that."

Biggert: "Okay. All right. Thank you, again I commend you."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed."

Durkin: "Representative, I have a bit of a hearing problem

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

39th Legislative Day

April 10, 1997

sometimes. So maybe she asked some questions and I didn't hear them. So, tell me...any event this Bill was amended after...was it amended out of committee or was it amended in committee?"

Dart: "The Bill was amended in committee and there was...there was a second Bill that was the original Dram Shop Bill that when people talk about how the Bill originally existed, they are referring to that other Bill that...it's out there now but which we don't intend to call."

Durkin: "What Bill, what Bill number was that?"

Dart: "Thank you. I'm pretty sure it was 87."

Durkin: "Do you have any intentions of calling that Bill?"

Dart: "No. No."

Durkin: "Okay."

Dart: "That's the one...it increased the levels a great deal more and it also had mandates for insurance and had social host liability in there and I don't intend on proceeding with that. This was, as I say, as Representative Biggert so kindly mentioned, this was a result of a lot of negotiations and this is the product of that. That was where we started from."

Durkin: "Sure. Could you tell me the difference, what were the substantive changes in the Bill when you first had it drafted and by the time you reached the Amendment?."

Dart: "The substantive changes dealt with, as I say, a lot of them had been placed in the other Bill and the substantive changes dealt with mandating insurance, social host liability, increasing the limits and it also had provisions in there dealing with the loss of society and there was one other provision as well that I can't recall right now. And this is what we scaled it back too."

Durkin: "Okay. I'm not quite sure if everybody in the chamber is

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

39th Legislative Day

April 10, 1997

really familiar with the whole theory of Dram Shop liability. Could you maybe, in a nut shell, tell what we're talking about when we are imposing liability for Dram Shop violations?"

Dart: "Absolutely. What it is, is that it was a law that was created and there's Dram Shop Laws in quite a few other states around the country that came into existence in Illinois in about 1955 and what it is, frankly, it's a way to protect bar owners from liability. So that if somebody goes into a bar, is intoxicated already or nonintox, goes into the bar and becomes intoxicated the bartender continues to serve and serve and serve this person, that individual then goes out and kills somebody or in other words, other way causes damages under pre-1955 law, the victim of the case could sue the bar owners saying, you were negligent. You had someone in there that you shouldn't have been serving alcohol to, as a result of your actions somebody, my mother, my son was killed. In 1955 they decided to close it so that bar owners, their liability would be limited to a very small amount as opposed to what it used to be, which was it was unlimited. It was like any other action, you could sue them for whatever. In quite a few states around the country right now, that is still the law. It's just a negligence case you can proceed in anyway you want. This is a way of limiting the damages against a bar owner though."

Durkin: "Okay. Now, but with the Dram Shop liability or limitations, a person is over served in a establishment, he goes out and he's involved in a terrible crash. That person, the family or the person that was injured they still have a cause of action, not only against the bar for a violation of the Dram Shop but it would also have a

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

39th Legislative Day

April 10, 1997

negligence action against the individual who drove the car, correct? This does not prohibit another action, a civil damage actions for under negligence theory, correct?"

Dart: "Correct. Correct."

Durkin: "Okay. Now, I think you've added a cause of action for loss of society within this legislation. Could you explain to me what you mean and what types of...can you define what we're talking about when you talk about loss of society which people will be compensated under this Act?"

Dart: "And that's no different than it is in the common law right now in the regular negligence cases that would occur for virtually any other case. Right now it's for the individuals that you can't put the dollar, the monetary amount attached to them because they aren't the breadwinner of a family and you've lost somebody but yet the monetary dollar figure that you can attach to it is a little bit less, it's not as easy to put a figure on it. This is more for the fact that you have lost a human being, that is somebody that has loss of consortium and things along those lines."

Durkin: "So let's say it's the breadwinner of the house, the father who is hit by a drunk driver who has been over-served in a tavern. Would it be the wife and the...children have a claim for loss of society against the tavern which served the alcohol to this individual?"

Dart: "Correct."

Durkin: "All right, would they each individually be able to have a claim or is it just singling out just a one cause of action per family?"

Dart: "It doesn't limit, it would just stick to what the civil procedure laws that are in existence right now. This does not change that whatsoever."

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

39th Legislative Day

April 10, 1997

Durkin: "Is this in anyway going to raise the premiums for bar owners, their insurance premiums."

Dart: "It most likely will. I mean, we frankly got a lot of numbers back and forth from insurance companies on just how far it was going to raise it and I think it's fair to say that it will raise them period."

Durkin: "Do you have any...have you talked to the insurance industry to see as to what extent the premiums will be increased with...assuming that this Bill does pass through both chambers and is signed into law by the Governor? Do you have any idea as to what extent, maybe percentage wise the premiums would be increased?"

Dart: "You know, I do have some numbers, I don't have them right now. I can try to look them up here and try to find them. They're in the file somewhere. I forget the exact amount though. I can try to find it though, while we're talking."

Durkin: "Let me...just one more question. We have a number of groups will have fund-raising activities, churches will, you know, Monday night they'll have...watching football games and they'll be serving alcohol. Now, are groups which are not traditional tavern owners are they going to be...do they fall under this Act? Let's say, like a church which has a corned beef and cabbage dinner, or they'll have some type of other social function which alcohol is served. If someone is, let's say, over-served at that function and a tragedy occurs where they are involved in an accident. Would the person who was injured in that accident have a cause of action against that entity, that group?"

Dart: "Jim, I'm reading the statute itself here and what it says is, 'every person', and this is present law, none of this is being changed, I'm just reading the statute as it exists now, 'every person who is injured within this state, in

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

39th Legislative Day

April 10, 1997

person or property by any intoxicated person has a right of action in his or her own names separately or jointly against any persons licensed under the laws of this state or of any other state to sell alcohol or liquor'. So, it would have to be a licensed person."

Durkin: "Well, I think if you are going to sell alcohol, let's say that one of our parishes, I think that they do have to get a license. It has to be a state license, a local license, City of Chicago has their own licensing. Is it any license or does it have to be a state license? I'm not quite sure what the statute says about that."

Dart: "It says, 'license under state...license under the laws of this state' is how it's written in the statute. How it's interpreted I'm not exactly clear on that."

Durkin: "Okay. It's anybody who does procure a license to sell alcohol, so it could be, you know, your parish or my parish which does have a license to sell alcohol for a specific event, correct?"

Dart: "Yeah. This doesn't in anyway change existing law in that regards. All that stays exactly the same as it is under this Bill or without this Bill."

Durkin: "Okay. Thank you very much."

Dart: "Sure."

Speaker Granberg: "Anything further? The Lady from Lake, Representative Gash."

Gash: "I just want to add my voice in support of this Bill. This is a Bill that says that we value homemakers, among other things, many things that are good in this Bill. When Kelly Murphy Wheatly was killed by a drunken driver, someone said earlier that she didn't have a job. In fact, she did have a job, she took care of her son. What she didn't have was a salary. In a society that cares about children we should

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

39th Legislative Day

April 10, 1997

not be saying that that means she didn't have value. When I graduated from Georgetown Law School, I made the decision to stay at home with my children. Now, I'm not saying that that should put me in a situation where I'm valued more than anyone else. What I'm saying is that that should not put me in a situation where I would have been valued less. This is a common sense Bill. I certainly would urge its passage. It says that we value women and children and retired people. Representative Dart has been working on this for a long time and is certainly to be complimented and I would urge an 'aye' vote."

Speaker Granberg: "The Gentleman from Washington, Representative Deering."

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

Speaker Granberg: "Indicates he will."

Deering: "Representative, under current law today in Illinois, is a bar owner required or mandated to purchase Dram Shop insurance?"

Dart: "No, he is not."

Deering: "Will this Bill do anything to change that?"

Dart: "No, it does not and that other Bill that was out there, Terry, it did do that. It's not in this Bill."

Deering: "Okay. This Bill has been amended?"

Dart: "Correct."

Deering: "And is the host liability provisions is still in the Bill?"

Dart: "No, it isn't. Those provisions were...they're in that other Bill, I think it's 87, that is not going to be moved. They're not in this Bill."

Deering: "Okay. What about, I know one of the other Representatives in debate mentioned the fact that this would...this possibly would increase insurance premiums."

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

39th Legislative Day

April 10, 1997

Can you tell me a ballpark figure on what you think the amount would be, the amount of the increase will be?"

Dart: "You know, if you can give me a couple of seconds here I can try to pull them out right now. Terry, it appears as if about 20%, I'm looking at...because these figures that I got from CNA Insurance were estimates, as well as they could tell and this was...the one that I'm looking at now would be if the level...they didn't give it to me by increments of like every dollar, I raised it, they didn't round it off. So, if it was increased 50,000...50,000, it would increase about 20%. So, it's a little bit over 20."

Deering: "So, 20% say for the average downstate and if you can answer, maybe you can't answer this question. But for the average downstate 'Mom and Pop' bar or restaurant owner who's licensed to sell liquor in the State of Illinois, with the increase of the rates or the increase of the amounts 20% increase in the rates, would that come up to 3, 4, 5 hundred dollars annually?"

Dart: "You know, Terry, I'm really not sure. I'm not real good with numbers."

Deering: "If people today aren't required to...or mandated to have Dram Shop Insurance, I know as well you do and many of our colleagues that some people are out there taking a risk. You know Dram Shop is one of those, 'darned if you do and darned if you don't' issues. But those who are out there taking a risk will not be able to afford...even afford it or will not want to purchase it with the increase here. They will be opening themselves up to greater liability if they continue to choose not to purchase Dram Shop with the increase in these limits. Is that correct?"

Dart: "All owners, whether or not they're...got the insurance or not the liability level, we're not mandating insurance but

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

39th Legislative Day

April 10, 1997

the liability level would be increased for all the incidents that occur."

Deering: "We just passed .08 the BAC Bill out of Transportation Committee yesterday and it was testified in committee that by the passage of this Bill, if it becomes law in Illinois, it will cut back on a lot of sales in the 'Mom and Pop' operated businesses by even as much as 20%. So that's a 20% loss of sales. That Bill in itself will probably cause some bar owners or some bars and restaurants in downstate to close. Compile that with the increase of liability...or increase of Dram Shop Insurance and the increased cost here, what is your estimate if you can give me one, on how many businesses will close... 'Mom and Pop' businesses will close with these increase in rates?"

Dart: "Honestly, Terry, I don't know. My hope would be that frankly, if individuals...see, I guess at the heart of it...this isn't a no-fault statute where, if I enter a bar and I drink or not have a drink, I go out and kill somebody, it isn't as if someone can then sue me and get a judgement against me. It requires me, the bar owner to do something wrong. So, it would require the bar owner to affirmatively get somebody drunk and send them out in the streets. So, I think...my hope is that nobody would go out of business. My hope is that people would be responsible, they would not over serve people at bars and that they would not become subject of a lawsuit, which would be the case if they're responsible here. So, to be honest with you, I don't think there's anybody that could possibly on either side of this issue give you an honest answer as far as how many people could be put out of business because that would be taking into account variables that there's no way we could figure out."

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

39th Legislative Day

April 10, 1997

Deering: "Are these rates structured in any way by population?"

Dart: "No, they're straight from across the state."

Deering: "So, if you are operating a business in a large metropolitan area where you can have a high turn around, or if you're in a rural area of the state where you have just your normal..."

Dart: "We don't...Terry, if I can just clarify that. I thought you meant the increase in the levels. I'm not sure, frankly, as far as insurance rates if those differ from area of the state to another, I don't know that answer."

Deering: "Okay. I have one final question. Will this Bill, I guess at face value, benefit the corporate retailers more than the 'Mom and Pops'? Because understandably the corporate retailers are going to be able to stay in business and afford these rates more than the 'Mom and Pop' restaurant and bar owners. Is that not correct?"

Dart: "Well, I guess that could be argued, I suppose. I would think, once again, I would think that those people are probably hold themselves out for more liability on any given day than the 'Mom and Pops' because frankly, a lot of the 'Mom and Pops' know their customers, they know them well and they know who they can serve and who they can't serve. They know who's drunk and not drunk. And the corporate ones, those are sort of markets, cattle markets, they take anybody that walks in the door and they have bartenders that come and go and they're serving these people. So, I think you could argue that the 'Mom and Pops', they're less likely to have a lot of these suits because of the clientele they have and the people that they have coming in their place. Where as these big corporate ones are ones more likely to have individuals coming in and out of the door that they don't know who they are, they

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

39th Legislative Day

April 10, 1997

don't know what their capacity is and their bartenders probably come and go a lot quicker too, so they wouldn't know that either."

Deering: "Well, that could be...part of your answer can be true and you can make a good debate out of that or good argument. But even though, and as I understand the current statutory language and what you're proposing here, you may have regular customers come in and purchase alcohol. But still, if you have people just, what I guess would be considered barhopping, going from place to place and if they're not from the area they could still come back and eventually file litigation against any number of license holders or licensed liquor establishments where they may have perceived to have been partaking in alcohol. Is that correct?"

Dart: "Sure and that's not changed. The present law is the same way, that you could but once again the victim, the plaintiff in the case would have to once again prove that that bar owner was the person that made this person intoxicated. And that's the hump that they would have to get over."

Deering: "What's the average price of a bottle of beer or mixed drink in the City of Chicago?"

Dart: "I might have to defer to one of my colleagues here. I think about a \$1.50, \$2."

Deering: "A \$1.50, now I'm not talking about Southern Illinois, I'm talking about the City of Chicago. I'm not talking about Southern Illinois, I know the price of drinks down there. What about the City of Chicago?"

Dart: "A \$1.50, \$2."

Deering: "How about maybe \$3.50, \$4, would seem more like it?"

Dart: "I'm sorry."

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

39th Legislative Day

April 10, 1997

Deering: "Three and a half, maybe \$4, would that seem more like it?"

Dart: "I think that some of these downtown trendy bars maybe."

Deering: "Okay. Thank you. No further questions."

Speaker Granberg: "Anything further? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. The Sponsor yield? Tom. I have a couple of questions on the Bill and I appreciate the work that you've done coming down from the original Bill. There's...Representative Deering, did hit on a couple of those points. In this you mentioned that we'll probably see an increase in those insurance rates for all of the on-premise locations, correct?"

Dart: "Will there be an increase? Yeah, I believe there will be."

Mautino: "So, and I have always been a defender of Dram Shop because in my past business, as you know I have had a very close contact with this particular Act. A lot of the...I guess some of my concerns is, what happens here and what you're trying to do versus what happens in the real world and the everyday business of that tavern owner. As an attorney, if you were to take one of the plaintiff's cases in this, most likely you would go back and you would file cases on all of those premises where that person had supposedly been. Would that be a common practice?"

Dart: "I've never tried...well, I've..."

Mautino: "Well, let me tell you, that's pretty much how it does work."

Dart: "I was going to say I was a criminal lawyer. I didn't try any of these."

Mautino: "Okay. In effect, because a couple of comments you made to Representative Deering, I can go back, it's about seven

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

39th Legislative Day

April 10, 1997

years to the City of Benson. A little place called Mary's Sticks and Stones. There was a one car accident with a fatality. Now, the estate came back and it sued five taverns from Minonk all the way across to Benson. And this was played on in the Peoria paper, also picked up by the Chicago papers because it identified a problem in this law where it was proved that this person was not in Mary's Sticks and Stones. It was shown that by witnesses so that the lawyers who were defending the estate and the insurance companies all said, 'we all know that this person wasn't there, however, it's cheaper to settle this out of court and just make a claim across them.' And so what happened then with Mary's, which happens to a lot of taverns in these cases or smaller operations or even some of the large ones, is since they don't want to go in and fight this out in court, the claim is made and then that insurance, in the case of Mary's, her coverage was dropped and very few companies like to write these policies anyway, so there's a limited market out there. When she could find a company, we were talking about basically a double premium. Since then her business has closed down but this kind of shows you what a court action does and why the smaller retails are concerned with affecting and increasing those because they may be...it may be cheaper for the insurance company to go ahead and settle than to fight on behalf of this 20, 30, 50 thousand dollar claim. So, though I understand what you're trying to do, I do have to oppose the legislation for that reason. The cumulative effect is going go ahead and raise those...raise the rates and we've got a lot of borderline businesses out there that they are fortunate if they can find this coverage because it's a good thing to protect their assets, their personal assets and protect

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

39th Legislative Day

April 10, 1997

them in the case of a secondary or a liability down the line. So, although I understand your concern on this and commend you for the work you've done, I'd have to stand in opposition."

Speaker Granberg: "Anything further? No other Member seeking recognition, the Gentleman from Cook, Representative Dart to close."

Dart: "Thank you, Mr. Speaker. As I mentioned before, this is a Bill that deals squarely with equity. It is something that is fair and it is the right thing to do in this instance and I would appreciate a favorable vote."

Speaker Granberg: "The Gentleman from Cook, moves for the passage of House Bill 46. All in favor shall vote 'aye'; all opposed shall vote 'nay'. 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 this question there are 96 voting 'aye'; 17 voting 'no', 3 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 400. The Gentleman from Vermilion, Representative Black."

Black: "An inquiry of the Chair, Mr. Speaker. Before we get on to serious matters."

Speaker Granberg: "State your inquiry."

Black: "I just went outside. It's a veritable blizzard, Sir. A veritable blizzard. It is snowing. It has been snowing for hours. The Senate has taken a snow day, I would suggest we do the same. I don't have my snow boots. I don't think I've even brought my snow brush in my car. We may want to get out of here before it gets dark, Mr. Speaker."

Speaker Granberg: "The Senate has taken a snow week next week. There have been plenty of people in this place that have

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

39th Legislative Day

April 10, 1997

been snowed in before. Nothing unusual. House Bill 400,
Speaker Madigan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 400, a Bill for an Act to amend the
Illinois Income Tax Act. Third Reading of this House
Bill."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House.
This Bill would provide a credit against the Illinois
Income Tax for tuition and fees for college education. It
would operate at Illinois public and private four year
colleges and community colleges. It would apply to
families that earn less than \$100,000 a year. It would
provide for this credit only for undergraduate work for
full or part-time students. It would not apply where the
expenses of school are reimbursed by an employer or through
the Student Assistance Commission. We estimate, after the
Amendment, which provides that the credit will be no more
than \$500 or 50% of the actual cost, that the cost to the
state treasury would be \$111 million. I would move for a
favorable Roll Call."

Speaker Granberg: "The Gentleman moves for the passage of House
Bill 400. On that question anyone seeking recognition?
The Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will. Please proceed."

Black: "Why does it always get so quiet when you present a Bill?"

Madigan: "It's only because of you, Mr. Black. You know that."

Black: "Thank you. Did I hear you say that the Fiscal Note was,
how many million?"

Madigan: "I said our estimate would be \$111 million, which I
presume is different than from what you're reading."

Black: "Well we're close."

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

39th Legislative Day

April 10, 1997

Madigan: "Well good."

Black: "The potential revenue loss to the state, according to the Fiscal Note, would be \$169 million. Assuming that the money issue may not be reconciled, it appears that your Bill does not recognize the current need-based system. Do you think ISAC, we're not appropriating enough money, or it's just not being appropriated...excuse me, distributed fairly, or what's the reason for an across the board tax cut, which certainly would be available to those people who can well afford to pay tuition as well as those who certainly struggle?"

Madigan: "We feel that the Student Assistant Commission does its job, and that its programs work well for those who qualify for its programs. But, as you said, that is a need-based program. This is designed to provide relief to families who would not qualify for the programs under the Student Assistance Commission, and since it's restricted to family incomes under \$100,000 a year, our purpose is to make this program available to middle income families, who increasingly are finding it more difficult to pay for the expenses of college."

Black: "I can understand and appreciate that. We may differ on what a middle income family is. You go all the way up to \$99,999 to get a \$500 tax credit. Why can't we do this on a sliding scale? For those who have an adjusted gross income say of \$25,000, get the entire \$500 tax credit. Those making \$99,000 get something less than that."

Madigan: "We would prefer not to do something like that because it would become more complex, difficult to understand. We think this is relatively straightforward. After the Amendment we don't feel that it's that costly. Some might say, 'Why don't you just send this money over to the

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

39th Legislative Day

April 10, 1997

Student Assistance Commission, change their enabling statute so that they can expand their program?' My view is that under a credit we are clearly stating our choice that the families will control this money, and the families will decide how the money will be spent. There is a choice here. The money could be given over to a governmental bureaucracy, it could be sent over to the institutions of higher education, who would tell us that they would either administer or institute programs designed to accomplish the same purpose. But very clearly, when it's a credit against the Illinois State Income Tax, the families are the ones who are making the decision."

Black: "And this credit would be available to a family as long as they send their child to an Illinois college or university, regardless of whether it's public or private, correct?"

Madigan: "Yes."

Black: "But nothing to an out of state school?"

Madigan: "Correct."

Black: "I wanted to include Notre Dame. Evidently my Amendment got lost."

Madigan: "That's the next Bill."

Black: "I see. Representative...Mr. Speaker, I commend you for the concept. I really am wrestling with the problem that the \$500 tax credit does not recognize the difference in adjusted gross income, going all the way up to a dollar less than \$100,000 a year. We appropriate several hundred million dollars a year, but to the Bill, Mr. Speaker. To the Illinois Student Assistance Commission we have a number of other programs. The Illinois Veterans Grant, the Illinois National Guard Tuition Waiver, and of course, my personal favorite, the General Assembly Scholarship Program, what a wonderful job that is. When we're

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

39th Legislative Day

April 10, 1997

wrestling, truly wrestling on both sides of the aisle, trying to find some mechanism whereby the funding mechanism for public elementary and secondary education may finally be addressed, and that is going to take some considerable dollars, we all know that. To support a program as popular as this would appear to be, and I have no doubt that it will get a substantial number of votes, but a program, and we can take the Sponsor's figures of 110, 111 million dollars cost, or the fiscal impact cost of 169 million dollars, out of the budget, at some point in the process we have to ask ourselves, every time we give one of these credits and every time we take a hundred plus million dollars out of the budget we have to make it up somewhere else. And it just seems that, perhaps, before we are able and even maybe willing to face the funding situation at elementary and public education to create this tax credit, which I really in all sincerity think should be a sliding scale rather than a straight \$500 tax credit, just seems to me to be somewhat premature until we can and I think will address that problem of funding elementary and secondary education. Again, I don't quarrel with the idea, and I certainly don't quarrel with the concept. And affordability of higher education is, in fact, a problem for many middle income families. I think we do a fairly creditable job in Illinois of making financial aid available. This could certainly be a component of that package, but it is not without considerable cost to the taxpayers, i.e. the treasury of the State of Illinois. It is for that reason, and that reason only, that I rise in opposition to the Bill."

Speaker Granberg: "Thank you, Representative Black. Anything further? No other Members seeking recognition, Speaker

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

39th Legislative Day

April 10, 1997

Madigan to close."

Madigan: "The Bill has been well debated, Mr. Speaker. I would just ask for a favorable vote. 'Yes' vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 400. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pugh. Have all voted who wish? The Gentleman from Vermilion, seeking recognition?"

Black: "Following the lead of my good friend and colleague, Representative Lang, you have convinced me."

Speaker Granberg: "Mr. Clerk, take the record. On this question 116 voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Schoenberg, for what reason do you rise?"

Schoenberg: "Just a point of information, Mr. Speaker. It's been brought to my attention that a former Chicagoan, Mr. Alex Fernandez, who now resides in Florida as an employee of the Florida Marlins baseball team is currently taking a no-hitter into the ninth inning against the Chicago Cubs. I thought the Members might... interested."

Speaker Granberg: "Mr. Black. Mr. Black."

Black: "The Gentleman is clearly out of order. I don't want to hear this kind of nonsense. I'm sure the game will be called on account of cold weather. Let's not get all excited, and if anything, the Gentleman pitching for Florida should have stayed with the Chicago White Sox, as I recall."

Speaker Granberg: "Thank you, Mr. Black. House Bill 218. Mr. Clerk, out of the record. House Bill 401. Read the Bill, Mr. Clerk."

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

39th Legislative Day

April 10, 1997

Clerk Bolin: "House Bill 401, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, would you ask Mr. Black to give me his attention?"

Speaker Granberg: "Mr. Black, if you would be so kind as to give the Speaker your attention, Sir."

Madigan: "Mr. Speaker, House Bill 401 would provide for the creation of higher education savings accounts. This would provide that income deposited into the account would not pay the Illinois income tax, and thereafter, investment income drawn from the principal would not pay the Illinois income tax if the purpose of the account was to pay for higher education related expenses. This program is also limited to families under \$100,000. However, this program will apply to schools both inside and outside of Illinois public and private schools in Illinois and also outside of Illinois. The expenses must be incurred by the account holder, the child or a spouse. Accounts may be established through entities which are entitled in the legislation, such as banks and savings and loans. If the money is used for a non-higher education purpose, then a tax will be applied and a penalty of 10%. There is an Amendment to this Bill which provides that the account cannot be used to purchase an automobile. And again, Mr. Speaker, I move for the passage of the Bill."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 401. On that, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Just revise and extend my remarks from the previous Bill."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Mr. Black, how do you intend to vote this time? The Gentleman from Cook, Representative Parke."

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

Speaker Granberg: "Indicates he will."

Parke: "Representative Madigan, who provides the oversight on this fund? We obviously are going to be talking a large amount of money that's going to accumulate in the fund, who's going to provide the oversight of this?"

Madigan: "The Illinois Department of Revenue."

Parke: "And so they will put out what, annual reports, and how will they invest the money?"

Madigan: "I'm sorry, Mr. Parke. My answer was intended to say that in terms of monitoring these accounts and guaranteeing that the money is spent properly, that would happen through the Illinois Department of Revenue and its audit function. So any person establishing one of these accounts and making payments out of the account for higher education expenses, at any time could be subject to an audit and made to show exactly where the money had gone. So that it's tax free money."

Parke: "Is it your intent that this money to be invested in interest bearing accounts?"

Madigan: "The accounts would be established at eligible institutions, such as banks, savings and loans, insurance companies."

Parke: "In interest bearing accounts?"

Madigan: "Correct. Yes. Because the interest is exempt from the tax also."

Parke: "Okay, I mean, I think the Bill is good, but I just want to make sure that there's some entity overseeing that board, because you're going to establish a board for this, right?"

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

39th Legislative Day

April 10, 1997

Madigan: "No. That's a later Bill."

Parke: "Well a board will be established, right?"

Madigan: "No. That's a different idea that's advanced by Mr. Burke."

Parke: "Who is going to have the responsibility to make sure that these monies are being invested properly?"

Madigan: "The family, the taxpayer. So the taxpayer establishes the account. Either they can manage the account in terms of the investment or they can retain a bank or a savings and loan association."

Parke: "So they're not going to give the money to the State of Illinois to invest on their behalf?"

Madigan: "Let's hope not."

Parke: "Okay. So they're going to do it themselves and they will set up their own account?"

Madigan: "Yes. Correct. That's one of the big points that we make in the Bill. Again, families are controlling this. You know, it's not an institution, it's not a bureaucracy. The family makes these decisions."

Parke: "Do you have any idea of the impact this will have on the fiscal budget of the State of Illinois?"

Madigan: "We're estimating \$36 million on an annual basis."

Parke: "Thirty-six, now is that just an estimate, because we don't know how many people are going to do this?"

Madigan: "Correct."

Parke: "And where did you get your estimate? From other states that have done similar to this?"

Madigan: "From an advisor that we work with."

Parke: "Is there any other state that's done this?"

Madigan: "Mr. Parke, I'm not able to answer your question relative to other states with any degree of certainty. Back on the first question, we simply went to the number of

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

39th Legislative Day

April 10, 1997

children enrolled in Illinois colleges and built an estimate."

Parke: "I mean, I like the idea and I think it certainly would be attractive. I personally would be interested in it as a father of two daughters that will go into college, but I just keep going back to the same issue that Representative Black brought up. Yes, these are great ideas and we're going to vote for them, but again, it's going to \$30 million and \$100 million, now we're talking \$130 million out of the treasury of the State of Illinois. I just hope there's some kind of a way of slowing this down, this actual legislation, until we look at any kind of a compromise we do on the educational reforms and see if we have the money to do this. Because I hate to think of us having to raise taxes because we passed all these well-intended Bills. Well, I guess, thank you, Representative."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Kubik. Representative Kubik."

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

Speaker Granberg: "Indicates he will."

Kubik: "Mr. Speaker, I want to make sure I understand exactly what's happening here. You are creating an interest bearing account, which is exempt from state tax, and I understand from your explanation, there would be no tax payed as long as the proceeds in that account were used for educational expenses, both in and out of state. My question relates to how does the federal law treat this sort of an account, and would it be taxable, and would it be taxable on a yearly basis or would it be taxable at the time that the money is withdrawn?"

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

39th Legislative Day

April 10, 1997

Madigan: "That would be a function of the federal tax law. I presume that it would be taxed under the federal law. Now, as I mentioned earlier, Mr. Burke has a Bill that establishes a program where a board would be established to invest the money, and there would be an exemption from federal tax in that Bill."

Kubik: "Okay, but you have not, you're not sure as to how the federal law would treat this particular legislation?"

Madigan: "I don't know for certain. I just presume that it would be taxable under the federal law."

Kubik: "I would imagine you're right, and I guess my question would be, would you pay tax annually or are there any provisions in the law? I'm not familiar with it. Are there any provisions in the law that this money would be taxed at the time of removal?"

Madigan: "Well, our Bill provides that relative to the Illinois tax, if money is removed from the account and not used for the purpose of higher education expenses, then the tax would be applied and there would be a penalty of 10%."

Kubik: "Is there a maximum amount of money that can be utilized for this purpose?"

Madigan: "No there's not, because we thought that there would be a self-executing limitation. It can only be used for the purpose of higher education and nothing else."

Kubik: "So, for example, I am frugal enough and live up to my heritage, and frugal enough to make sure that I put away \$100,000 and my child uses \$80,000 of it and the \$20,000 might be used as a graduation present, but you'd pay tax on the 20 thousand, is that correct?"

Madigan: "If you do not use it for higher education expenses, yes."

Kubik: "Right, if the 80 was used for higher, but the 20 was not,

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

39th Legislative Day

April 10, 1997

the 20 would be taxable?"

Madigan: "Plus a penalty."

Kubik: "Plus a penalty. And would there be additional beyond the 3% tax? What would be the additional penalty?"

Madigan: "Ten percent. Ten percent."

Kubik: "Ten percent. Okay."

Madigan: "So we've built in a pretty good incentive to manage yourself."

Kubik: "Thank you."

Speaker Granberg: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Would the Sponsor yield for some questions please?"

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

Ryder: "I'll do my best to streamline the questions, Sir. This is modeled after an individual retirement account, in the sense that it's a extra deduction. So you're allowing an extra \$1,000 deduction from the taxable income, is that correct?"

Madigan: "That's not my understanding. My understanding is that, let's say in a year someone like you makes \$200,000."

Ryder: "I look forward to that year, because it's never going to happen."

Madigan: "Right, and then you take \$10 thousand and deposit it into the account. You do not pay Illinois income tax on the \$10,000. Now, over time, presuming you invested \$10,000, there will be income from the investment. The income is not taxed either, under the Illinois income tax."

Ryder: "Oh, I understand that we're only speaking of Illinois. Then perhaps I'm not understanding this, Sir. Is the maximum \$10,000 per year?"

Madigan: "No, there is no maximum, except that the money to remain nontaxable must be used for the purpose of higher

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

39th Legislative Day

April 10, 1997

education. So, Mr. Kubik used a good example. Over time he builds up an account of \$100,000. He only uses \$80,000 of the \$100,000 for the purpose of higher education expenses and he's left with \$20,000 in the account, no one else that he wishes to put through school, and he withdraws the \$20,000 from the account. Now he must pay the tax on the \$20,000 plus a 10% penalty. So that's the limitation that's built in."

Ryder: "Therefore, what I'm hearing you say is that there's no limit on the amount of money that you can put into the account in any one year, except for \$100,000 total?"

Madigan: "No. Not even \$100,000, I just used that as an example. I mean, if you want to educate 20 children you can really go at this, but you just have to ask, 'Well how many children do I want to educate?' That will be the limitation."

Ryder: "So there is no limitation on the amount that you may put in, or there is no limitation on the amount each year you may put in to this account?"

Madigan: "Correct."

Ryder: "And the initial you are saving the 3% Illinois tax. So \$30 for every \$1000 that you put in is an immediate savings."

Madigan: "Yes."

Ryder: "And then that amount earns interest in this special education account, and whatever interest is created is also not subject to Illinois tax, the 3%?"

Madigan: "That's correct."

Ryder: "I thought there was a \$100,000 limit?"

Madigan: "A family must earn under \$100,000 a year to be eligible for the program."

Ryder: "Is that..."

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

39th Legislative Day

April 10, 1997

Madigan: "So...your..."

Ryder: "...the \$100,000 the adjusted gross income, or the Illinois taxable income?"

Madigan: "Adjusted gross."

Ryder: "Adjusted gross is determined on the federal tax."

Madigan: "Correct."

Ryder: "So, that you are counting retirement income for this purpose even though it's not counted under the Illinois tax return? Illinois does not tax retirement."

Madigan: "Yes. You're right."

Ryder: "Why would you use the federal instead of the state, just out of curiosity, Sir?"

Madigan: "Well, that's how the Illinois income tax works."

Ryder: "That's the base from which it's started, but the Illinois taxable income is a calculation on the Illinois 1040, and that is how the Illinois tax works, not the federal. You start with the federal adjusted gross income, then you do certain additions and subtractions to get to the Illinois taxable. It would seem to me more logical to use the Illinois taxable for your 100,000 It would benefit more people."

Madigan: "Well, can we examine that? Thank you for your expertise."

Ryder: "And the other portion. What is the mechanism that we, since this is a calculation of expense, how is it proved that the expense was used for the education? What's the mechanism to justify that?"

Madigan: "Through the audit procedures of the Illinois Department of Revenue."

Ryder: "So those folks who have established such an account then submit an audit as to how they spent these dollars?"

Madigan: "No. They may be audited. You know, the Department of

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

39th Legislative Day

April 10, 1997

Revenue may come along and say, 'Okay, we're going to do an audit. Let's see your canceled checks paying for those bills at the schools.'

Ryder: "Do the funds have to be segregated in order to be spent for this purpose, or may they be deposited in your family account and a check written from that family account? How do we trace... what's the paper trail?"

Madigan: "If I were rendering advise to someone, I would tell them to establish a separate account. A separate checkbook. That's what I would recommend, to be prepared for the audit."

Ryder: "Does your Bill require the financial institution at which this special account is established to have reporting mechanism to the State of Illinois, in order to verify the audit that you discuss?"

Madigan: "Mr. Ryder, I doubt that the Bill provides that, but I would presume that the Illinois Department of Revenue would handle that through administrative rule."

Ryder: "In the event that it were a segregated account, and an individual retirement account is the closest analogy that I can derive, although you've indicated there's clearly some exceptions here. There's an automatic reporting mechanism when you establish an individual retirement account at a financial institution. That financial institution reports that deposit so that there is a way of automatically calculating, or matching, on your tax return the deduction you took for the deposit that you made, but your Bill doesn't say anything about that."

Madigan: "I think that would be a good idea for this program."

Ryder: "But it's not part of the Bill?"

Madigan: "Not to my knowledge."

Ryder: "I see. Is there any portion of the Bill that requires

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

39th Legislative Day

April 10, 1997

the funds to be spent, I think it was general you said for higher education, but I didn't read anything in the Bill that indicates that it has to be exclusively for tuition, books, or fees. Did I misread?"

Madigan: "This particular Bill provides expenses in general, with the exception of the purchase of a car. The purchase of a car is excluded. So, tuition, housing, food, books."

Ryder: "Spending money?"

Madigan: "Spending money."

Ryder: "Clothing."

Madigan: "Clothing."

Ryder: "Apartment."

Madigan: "Travel, but not a car. Apartment."

Ryder: "And is there a mechanism here, I suppose your answer is that that's for the department to audit. There's no mechanism in here to justify that to anybody. Is there any mechanism in here for how long... excuse me, does it have to be for a full time student? It is for higher education, correct?"

Madigan: "It can be full or part time. Either."

Ryder: "Is the money intended to be as a gift to the recipient, or is it meant to be income?"

Madigan: "Well, I think they would intend... you see, you're trying to work with the tax law, and you're dealing with something that is income, and you're trying to make it nontaxable income. So I don't think you'd be working in the area of a gift. The best example is of parents, and they earn income, right? And in the ordinary course, they're going to pay the Illinois income tax, but if they take that income and deposit it into this account, no state tax. So I just don't think you get into the gift question."

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

39th Legislative Day

April 10, 1997

Ryder: "Well you would if it were a grandparent, Sir. Because the grandparent, which is very likely to be a possibility here, since the grandparent's income is pension and retirement is not taxable under Illinois, and they could obtain a nontaxable income by setting aside this money for their grandchildren. I'm concerned, on the opposite end, once it's paid out, when it's coming from the account, if that is then considered a gift or if that's considered income to the children on the opposite end, and maybe that's not contemplated under the Bill."

Madigan: "I'm not in a position to answer that question, Mr. Ryder."

Ryder: "Okay. Thank you."

Speaker Granberg: "Anything further? The Lady from Cook, Representative Mulligan."

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

Speaker Granberg: "Indicates he will."

Mulligan: "Mr. Speaker, I'm also interested in who can give the money. Representative Ryder started to touch on a grandparent. Can it be a grandparent, an individual for themselves, a husband or wife, and does it cover graduate school, not just individual, the first four years?"

Madigan: "Eligible taxpayers would be the students, parents, grandparents. And in terms of your second question, Representative?"

Mulligan: "Well, I also was wondering if a husband or wife could do it for a spouse or a stepchild?"

Madigan: "Yes. Yes."

Mulligan: "Okay. And then, if you were to make \$110,000 but you had five or six children, that's not a great deal of money if you're going to educate those children particularly, if they're close in age. Would there be any way to get around

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

39th Legislative Day

April 10, 1997

that for someone in that position?"

Madigan: "Not under the provisions of the Bill. You know, the Bill states that it only applies to families who earn less than \$100 thousand a year."

Mulligan: "Okay, in the staff analysis, and I pulled that up rather than the Bill, one of the accounts was a dealer, salesperson, or investment advisor registered under Illinois Securities Law, could you put this money, then, in a stock account as you would, say an IRA stock account?"

Madigan: "The Bill attempts to provide for the entities that would be eligible who administer these accounts. That's what it attempts to do, so..."

Mulligan: "Well some of those are pretty well self directed. I mean, if you have a Schwab account or something. So would that be eligible if you put it in that type of an account? I mean, you might even have the entities in Illinois initiating a higher education stock account, like they do an IRA stock account."

Madigan: "I'm not able to answer that question, Representative."

Mulligan: "I think it's really good, and since I have a son that's both a CPA and a tax attorney, and I've been very worried about flat tax and what his job prospects would be. I like very much that you're introducing this. I think it's guaranteed to help for full employment. Thank you."

Speaker Granberg: "The Gentleman from McLean, Representative Brady."

Brady: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will."

Brady: "You have indicated that this qualifies for a community college, and I think you've indicated previously that's anywhere, not just in the State of Illinois, why is that?"

Madigan: "We anticipate that these accounts will be established

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

39th Legislative Day

April 10, 1997

at the time of birth, when parents don't know what educational opportunities would be available to that child. And so we thought of a situation where, at the time of birth, the account was established, and over 18 years it was maintained by the family and then it's time to go to school, and this particular child was the one who would be qualified to attend a school outside of the State of Illinois that would be very good for the child. And, you know, an obvious example is that maybe this particular child could get accepted to one of the ivy league schools, and very much wanted to go to one of those schools. So we didn't think that the law should function in such a way to deprive that family of using this account to pay for expenses for that particular child at that type of school."

Brady: "Do you define college, community college, public or private? And I guess my concern is we've read articles about private institutions that have proprietary institutions that have not had the integrity we would hope they would have. It appears to me that the way this language is drafted, unless it references something else, we really don't have any assurances those are accredited universities or institutions that they have..."

Madigan: "We don't want this to apply to the proprietary schools. We made a conscientious decision not to apply any of this..."

Brady: "Where in the language does it prohibit that?"

Madigan: "Well, I'd have to pull it up for you, but I can tell you that we worked through that decision and decided we didn't want to include the proprietary schools."

Brady: "I guess my concern is, in looking at the Bill, and maybe I've overlooked something, I don't see anything that would prohibit that."

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

39th Legislative Day

April 10, 1997

Madigan: "The language on the first page, at the bottom of the page talks in terms of a public or private college, community college, or university. And there is no mention of proprietary schools."

Brady: "But a private proprietary college would be eligible under this definition, would it not?"

Madigan: "Well, no. I mean, see, our intent is that a private school would be someone like Loyola, or DePaul in Chicago."

Brady: "I appreciate your intent, but I don't think this prohibits that. I mean, if someone owns a private college, it's a proprietary school under this definition, and I think it would qualify."

Madigan: "Mr. Brady, we can use legislative intent right now, and I've stated already that we don't intend this to apply to proprietary schools. So the one that immediately comes to mind would be DeVry."

Brady: "You probably don't want to hold this on Second and amend it?"

Madigan: "No thank you."

Brady: "I have one other question. I guess I'm concerned that it leads to what Representative Ryder spoke to. I'm not sure there's much financial incentive in this program because of the great differential in state and federal tax structure. But what does concern me is the fact that this money can go into an account or be used in a way to receive high levels of income, and I guess my concern would be that someone could put \$100 thousand and qualify, avoid \$3,000 in taxes, buy stock in a company, own that company, decide that they're now going to pay them a salary out of that company. That stock later, because they paid all the proceeds out of a company they've set up, is worthless. There's no asset, no equity in that corporation. They have paid themselves.

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

39th Legislative Day

April 10, 1997

Because of the minimal, what I think, because of the tax structure, the minimal financial incentive to go with this, is there any provisions to prevent someone from bilking a system in that way?"

Madigan: "Again, I would call upon the Revenue Department through its audit procedures."

Brady: "But I don't think it's an auditable... is there anything to prevent me from taking the money that I am setting aside and deducting and buying stock?"

Madigan: "Again, the audit procedure and the purpose of the account. So the purpose of the account is to build money to be used for higher educational expenses. In addition, you know, if you get elaborate enough you may be committing fraud."

Brady: "But I'm not sure that you are under this case. I mean, the federal government, when it constructed IRA's, understood the financial incentive to bilk the system, required that they be in certain types of accounts that could only be used for certain functions. It seems to me that this language isn't detailed enough in that it allows those monies to be invested in almost anything. I don't think that's fraud. Someone might argue that I was buying stock that I thought would give a great return, therefore making my son or daughter's college education more affordable. My concern is, as we all know, there are people out there that would try to take advantage of the system. The limited amount of language in this piece of legislation concerns me in that effort. That people will be able to avoid state taxes in so doing, by setting up dummy corporations, by buying stock in dummy corporations, paying themselves salaries and I'm just concerned about the limited amount of language for those who do this."

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

39th Legislative Day

April 10, 1997

Madigan: "Mr. Brady, it may help your concern that the language reads 'the accounts may be established with any of the following: national or state chartered bank, federal or state chartered savings and loan association, federal or state chartered savings bank, or a federal or state chartered credit union, a trust company authorized to act as a fiduciary, an insurance company authorized to do business in this state under the Illinois Insurance Code, a dealer, salesperson, or investment advisor registered under the Illinois Securities Law.' That may help your concern."

Brady: "It really doesn't in that I could set up that account in a trust department, direct that trust department to buy that stock. Yes, the trust department has a fiduciary, but I can still direct the stock they buy. No further questions."

Speaker Granberg: "The Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Proceed."

Johnson, Tom: "I just have a couple simple questions that I need to ask. This basically does not have any cap or limitation on how much I can put into that account in any given year and shield as a credit against income for state tax purposes, right?"

Madigan: "With the understanding that if the money is not used for higher educational expenses, then you will pay the tax plus a penalty of 10%."

Johnson, Tom: "Okay, just an example, I have somebody in an expensive university today. I already have put aside \$50,000, \$100,000 for his education. It's in an account. The minute this Bill passes, I take that \$100,000 out of that account and I now put it into a qualified account. In

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

39th Legislative Day

April 10, 1997

essence, I'm going to get a credit, then, for that \$100,000 that I put in on that day and in that taxable year, right?"

Madigan: "I think you would."

Johnson, Tom: "So it would have quite an impact on many of us who are already at that level, and could have a rather profound effect in the first year or two or three of this Bill to the Department of Revenue that might be far greater than the out years of this. Because many people have already saved for college, but now they're going to turn and transfer all of that into one of these accounts and set it off against the income that they earned that year, correct? So do we know what the impact would be on revenue and have we done any of those projections? I mean, I hope that's the case. I'm concerned personally."

Madigan: "Apparently it's not. Apparently it's not. So the point that's made by the staff is that if that money is in some kind of an account now, well then it's not income this year. It was income in prior years."

Brady: "Well, but to the extent that I can take their education money out for my personal use this year and I'll just put all my income in this new account this year. In essence, the same thing, it's a trade off."

Madigan: "Now, are you qualified as under a \$100,000?"

Brady: "Probably. Every year it gets worse, but I'm hoping. Thanks."

Speaker Granberg: "There being no further questions the Gentleman from Cook, Speaker Madigan, to close."

Madigan: "Mr. Speaker, in conclusion. Once again, this empowers families to make investment decisions with the help of the State of Illinois through the Illinois income tax so that they can educate their children through college. I move for a 'yes' vote."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Gentleman moves for the passage of House Bill 401. On that question all in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, how is Mr. Brady voted? How has Representative Brady voted?"

Clerk Rossi: "Representative Brady is voting in the affirmative."

Speaker Granberg: "I see. Mr. Clerk, take the record. On this question 117 voting 'aye', 0 voting 'no', 0 voting 'present'. House Bill 401, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 402. Read the Bill."

Clerk Rossi: "House Bill 402, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, this Bill is not as complicated as the last one. It's very simple. It would eliminate the Legislative Scholarship Program. I think this is a Bill whose time has come. I would recommend that everybody vote 'aye'."

Speaker Granberg: "The Gentleman from Cook, moves for the passage of House Bill 402. On that question the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Bill. It's good to get up and join the Sponsor of this legislation and urge an 'aye' vote. I'm a cosponsor, along with many, many others on this Bill. We've debated it before. We don't need to spend 30 minutes on it. But I will tell you this April, as I told you last May, the time to abolish this program has come. It is almost 100 years old, and no matter how you feel about the program, and I'm out of it, and I'm not the only Legislator that is. Many of us who released names, had a models release form in the

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

39th Legislative Day

April 10, 1997

application, had a committee...the process has become tainted. It doesn't make any difference that now you release the names, but the bottom line, and what we need to focus on is this, we do not appropriate one dime to pay for the 4 million dollars in tuition waivers that we can grant.

Now that's wrong. Now if you want to join with somebody in this chamber and appropriate the money to pay for them, I may reconsider and get back in the program, because at least then it isn't a classic cost shift to the university, which has to raise tuition on other people to pay for the free ride that we give, and we don't appropriate a nickel. That's wrong. Now you can say all you want to about need-based, anything you want to. The bottom line is, we do not appropriate one cent for this program. We have just passed out of here a Bill that, if implemented fully, will cost the state upwards of 110 million dollars to 160 million dollars in lost revenue. Now that has to be made up somewhere. We can begin to make that up by abolishing a almost 99 year perquisite of the Illinois General Assembly that costs the taxpayers of this state \$4 million that we do not appropriate one nickel for. If we're not going to appropriate any money the program is not worthy of support and should be abolished. I rise in support of the Bill."

Speaker Granberg: "Anything further? The Lady from Cook, Representative Davis. Representative Monique Davis."

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

Speaker Granberg: "Indicates he will."

Davis, M.: "Mr. Speaker, I think I'm going to speak for my caucus. I think I'm going to speak for the Democratic caucus. We don't get tuition waivers for working at the University of Illinois. Do they still get those waivers?"

Madigan: "Yes."

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

39th Legislative Day

April 10, 1997

Davis, M.: "Do some Legislators get football tickets from the University of Illinois?"

Madigan: "Yes."

Davis, M.: "To the Bill. I believe of all the things that we do, this is the one thing that we do that helps people who don't have, perhaps even employment. These scholarships can be given to students who've had to work. They may not be A students because they've also held jobs and held a family together. I will repeat the story I've told whenever this issue comes up. When Nelson Rice, a Legislator, was in this Body, a family came down the aisle. A doctor, a podiatrist, his wife and his child, and he said, 'I'd like to meet State Representative Nelson Rice.' He said, 'Because he gave me a scholarship to medical school that I would never have been able to afford, but I've never had the opportunity of meeting him. I brought my family and I just want to say thank you.' Now a lot of Bills that we pass out of this House, it helps people who have a lot of means. Anybody with \$100,000 income, and they're going to invest it for a college tuition. That's helping people with some means. These General Assembly Scholarships are sometimes the only thing, the only thing that some people get from this Body. They don't get employment. They don't get a lot of the other perks that go with having dollars. They don't have businesses, so they don't get contracts. They're the average, working, men and women who never really come to government for anything, and eventually there's a child going to college, and we have the ability to help them by giving them at least one scholarship. Will anybody else in this room stand up and speak for the poor or the working men and women in the State of Illinois? We do a good job of taking

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

39th Legislative Day

April 10, 1997

care of those who need little assistance. We pass Bills to see that they don't have to pay taxes on the \$100 thousand that they earn. Well most times when these scholarships are given, the families barely make a livable wage. They barely have an income to send one child to college, and if we can do one decent thing, one decent thing, and that is to continue to give General Assembly Scholarships to people who don't have hundred thousands of dollars, who don't have means. Perhaps, not even a job. But it will help one family get a family member into college and become a graduate. I don't think that's too much to ask. Sometimes when we give General Assembly Scholarships these people have no other way to get one, because most times scholarships are given because of academic achievement. Well if you're from a family where there hasn't been a lot of money, where you are not the person who can just go to school and come home and study. You've had to kind of work in the evening. You had to work, but you were successful in high school, and you'd like to attend college. I believe that more people from this side of the aisle should stand up in support of keeping the General Assembly Scholarship. Now I don't know who deserves, who deserves something from the state more than those who earn a small amount of money. They'll never put money in a college bank, because they don't earn that kind of money. The money they earn goes to pay their mortgages, to buy food for the family, to pay their utilities, and they're barely keeping their heads above water. They don't come to the government frequently for any kind of handout. They can't get contracts because they don't have a business to get from the state. So the least we could do is assist in educating the children from these kinds of families.

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

39th Legislative Day

April 10, 1997

Surely, I'd like to make it more, but we don't get that many. I think it's four per year, and I'm proud to say that I give scholarships to people to Chicago State University, to the University of Illinois, to Governor's State. I'm proud to say that the General Assembly can at least some time do something for the average working man. People that will never have \$100 thousand to put anything away for college or anything else. Sometimes you become blindsided because all the people you come in contact with are people of means. Walk on our side occasionally. Walk on the side of the street where people are rushing to catch the El, they don't have automobiles sometimes. They're rushing home on public transportation because they can't afford a car. Now these are the people that I usually pick to give a scholarship to someone in their family, and I don't want you to take that away from us. I urge everyone in this Body who respects and appreciates hard working people who deserve something from government, that we keep this scholarship in place. Thank you."

Speaker Granberg: "Thank you, Representative. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in opposition to this Bill. Very few people have guts to stand up and say this, but my committee has nothing to do with me, it is a separate body made up of educators who look at this money. What's gone on in the past here by other Representatives that may not have used this properly is not my problem. In my district I have a hard time even bringing home any money from the state in a lot of different areas. This is a small thing that spreads a little scholarship money in an area that has a lot of students that attend college and not everyone is wealthy. When you're one of a graduating class

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

39th Legislative Day

April 10, 1997

of 700 or 800 and not one of 150, your class ranking doesn't always put you in the top to get a scholarship. We don't stand here and criticize when umpteen million dollars of money go to farm research at universities that never translates into educating our children. So, quite frankly, I don't think that the small amount of money that goes into legislative scholarships, many of which go to women who do not get the same kind of athletic scholarships as men do, or in areas where it's very competitive for this small amount of dollars. I don't think we should always be criticizing this. If you want to do meaningful campaign reform, find another way of doing it and don't use this as a small token to throw to the public and the press."

Speaker Granberg: "The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. To the Bill. There's 118 Members in the House and we probably have 118 different opinions of this program. I somewhat agree with my colleague from Danville about the costs that we do not appropriate to the colleges and universities to cover the cost of this program, the 4.5 million dollars, I believe was the figure that he used. However, the audit commission put a report out that the tuition waiver program for the state as a whole costs the higher education schools and the higher education community in excess of \$20 million annually. So this is a program that is just a small portion of the program that the media loves to beat up on. They never cover what it's costing for the bulk or for the majority of the other costs that we don't reappropriate. And I just feel that the Sponsor of this Bill probably has good intentions, but unfortunately he hasn't taken it far enough and repealed the whole tuition waiver program

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

39th Legislative Day

April 10, 1997

statewide."

Speaker Granberg: "The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in opposition of this Bill. One of the speakers on the other side of the aisle mentioned that the General Assembly do not appropriate one dime towards this program, but let me just say that I know the taxpayers in my district, they pay their taxes. And so for, when they pay their taxes they expect certain services to be rendered, and certain programs to be at their service. And this scholarship program is just a small minute of various programs that the state offers, in which a majority, a lot of my constituencies in my district, don't get the opportunity to participate in. Now, the Sponsor had a Bill, House Bill 401, which allowed a group of individuals to put monies away, to save monies, who don't have income, gross income under \$100,000, and that's good. And I added on as a cosponsor of that legislation, because I've got individuals in my district that...who makes just under \$100,000 can afford to put money away and to send their kids to college. But also, I have a gentleman like the gentleman who is in my district named Debit Sarcara, and this young man, who is a bright young man, straight A student, whose father had left the home, and truly did not have a way to go to college in his freshman year. And so this individual heard about the General Assembly Scholarships, applied for those scholarships, received all the information from the scholarship committee that's set up in my district office, and that individual went through the full process of writing essays and whatever that was asked of that committee, and received one of these

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

39th Legislative Day

April 10, 1997

scholarships. And now that individual is in college. When that individual, at the beginning, had no idea how he was going to pay for college because the father had left home and he was considering getting a job. And so that's the type of individual that I believe that these scholarships are helping that's in my district, that's in the Eighth District. So I truly oppose this Bill. This is a... if we truly want to make education a priority, this is just a small token, truly a small token. We have scholarships and we have different grant programs in all sorts of areas of life in this state and in this country, and this is just a small token towards education. And I just cannot understand why we would want to abolish such a program, when the program is working very well in the majority of the districts. I have heard in which abuse has been in this program. Well, there has been no abuse from the Eighth Legislative District. So, another Sponsor mentioned that...another Representative mentioned well this program is just too costly. Well then, once again, we need to put our money where our mouth is. We say that education, the Governor has said education is a priority in this state, and so it should start from Leadership on down. And I expect for this chamber, here, to follow that suit and make education its priority. And so, once again, I urge my colleagues to vote 'no' for this legislation as I've spoken in committee. Thank you very much."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. I'm rising in opposition to this legislation, and I'll tell you why. Over the years that we've been able to allow our young students to get a scholarship, I've looked back and

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

39th Legislative Day

April 10, 1997

I've seen the accomplishments that they've had. The majority of them did not have the money. I do have a scholarship committee, and it's based on need, and it's based on academic skills. And I'll tell you, they're very proud of the fact that they've got the scholarship. Why are we doing this to the children of Illinois? We stand up and we profess education, we tell them what they have to do, they tell them what they need, and if we can't put our money where our mouth is and help these children, I think it's absolutely wrong. It's ludicrous that the children are being brought into the political ploy. We are now having them sign a waiver. Their names will be divulged in the paper. There is nothing hidden anymore. Maybe in the years past, when some people did give them to the certain persons that weren't in their districts, or they did what they did, there was a reason for it. But this is open, it's up front, and it's absolutely ludicrous to use the emotions of the children in Illinois regarding this issue."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Would the Sponsor yield?"

Speaker Granberg: "The Gentleman indicates he will."

Hartke: "Thank you. Mr. Speaker, it's been indicated that this program in the past and this year is going to cost the University of Illinois \$4.4 million, is that a fact?"

Madigan: "Mr. Hartke, if that's your information I'll accept that. I'm advised that that's the total for all of the universities and that half would be at the U of I and the other half at the other schools."

Hartke: "Excuse me, I couldn't hear you."

Madigan: "I'm advised, Mr. Hartke, that the \$4.4 million is a

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

39th Legislative Day

April 10, 1997

total for the whole state, 1/2 of that would be at the U of I, the other half at the other schools."

Hartke: "Okay. Do we appropriate those dollars to the various universities every year, specifically for scholarships, General Assembly Scholarships?"

Madigan: "It had been our practice to appropriate the income funds, but beginning this year we will not do that."

Hartke: "Well it's a general perception, I do believe, that these funds are actually there at the universities, and in their budgets, and has been in the past, and they work that in, because they naturally think that they're going to get, for example, the University of Illinois will get half of those scholarships, roughly 800 scholarships there, and they work it out of their budget. So we could assume, then, that, say the University of Illinois, this program would cost the University of Illinois, in their budget, about 2 million dollars. If we eliminate those scholarships this year, do you have a line item to reduce their budget by some 2 million dollars? And if not, then we've given a 2 million dollar gift to the University of Illinois to do as they wish with those dollars."

Madigan: "Mr. Hartke, in offering this Bill, my focus is not on the appropriation aspect of the Bill. My focus is on what has been documented relative to the administration of this program by a variety of people over many years. And that's why I say if you simply go to what's been reported and documented, I think there's sufficient evidence to merit the elimination of the program."

Hartke: "Has this been a mandatory program, that each Legislator must give out eight scholarships each year?"

Madigan: "Mr. Hartke, it's my understanding that certain of our Members have simply declined to grant the scholarships."

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

39th Legislative Day

April 10, 1997

Hartke: "So if a Member out here feels that they don't want to participate in this program, they really don't have to. And if they feel that it's not necessary in their district, then it would be optional for that Legislator to follow this program. So if a Legislator wants to abuse this program, they may, and they have and that's been documented, but if they care not to and they want to follow the rules that are set forth in the statute, then they could give those scholarships. So what you're doing is you're eliminating the good with the bad. As I listen to my colleagues here from various districts who feel that it's an absolute need for the constituency in their district that may be different than yours, I think you're throwing the baby out with the bath water here, and you ought to be making those considerations as well. Maybe a better approach to this would be make it optional and let the press take an eye, and look at these scholarships that have been given in the past or in the future, because we have various changed it to provide notification of where these students live, what their occupation are, income, and those type of things, and let the press be the judge on where the Legislators give their scholarships. It would bear more honesty than eliminating the program and still remaining in keeping the good in the program."

Madigan: "Was that a question?"

Hartke: "No, that was a comment. Thank you very much. I'm opposed to this piece of legislation."

Speaker Granberg: "The Lady from Macon, Representative Julie Curry."

Curry: "Thank you, Mr. Speaker. I would like to commend Speaker Madigan for having the courage to introduce this legislation. This is a program whose time has come, and

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

39th Legislative Day

April 10, 1997

since I've been in the General Assembly, we have debated this each year I have been here. And while we passed this Bill out almost unanimously, and we send it to the Senate, there's still some of our colleagues who do not have the courage to say this program should be ended. The fact of the matter is, that each and every one of us, all 118 Members, have a different way of implementing this program and giving out these scholarships. And while we can say that we're being fair about who we give them to, the fact of the matter is that there have been individuals who have abused this program. Now, if we're serious about helping students who need help going to college, then we'll take that \$4 million and we'll put it into a program that will benefit not only the students in our district, but students all over this state who will have a fair opportunity to go after those dollars. Now I believe that it's time for this Body to lead by example, and there have been many Members in this legislative Body, in the House, that have said we will not participate in this program any longer. We have decided that this program should be ended. Individuals, Democrats and Republicans alike, my friend from Danville, Representative Black, Representative Stephens, Representative Weaver, I don't believe that Representative Erwin participates in the program any longer. We have to begin to lead by example, and this program should be ended. We should really try to help students who need help and we should do it fairly. I would urge each and every one of you to think about this carefully. This is an important piece of legislation and if we are ever going to end the program, we have to come together on this issue. And we have to try to get support from the Senate, from the Leader of the Senate, the President of the Senate, to end this

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

39th Legislative Day

April 10, 1997

program. I would encourage each and every one of you to vote 'yes'. Thank you."

Speaker Granberg: "Thank you. The final speaker, Representative Jones, the Lady from Cook. Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker. I rise in opposition to this legislation. I've been down here for 10 years and I have not been able to take, I can actually say, absolutely nothing back to my district. I have not been able to take civic centers, recreation centers, buildings, you name it. I live in a very poverty stricken area, and I'm not taking that very lightly and I hope you don't either. The one thing that I'm able to do in my district is to give out these scholarships. I have a scholarship committee. I do not handle them myself. I have teachers and principals from schools that give these scholarships out. And when you talk about fairness, I don't think that the Legislators down here, or should I say the children in Chicago or wherever the other ones are at, should be punished because some Legislators have taken this program and abused it. I think it's doing a disservice to children that complete 12 years of school and need to go to college and their parents do not make \$100,000, they don't even make 50 or 30,000 dollars, and these scholarships are able to send them to school, to college. The 10 years I've been down here, my scholarships have been responsible for three doctors to come out of my district, and also three dentists to come out of my district. So, I hope that this Body does not punish the children that receive these scholarships because some Legislators have misused them. All of our districts are not the same, and some of us, our people in our districts, our constituents, cannot afford to send their children to college, and they depend on their children

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

39th Legislative Day

April 10, 1997

getting these scholarships. I urge an 'aye' vote. I'm sorry, I urge a 'no' vote."

Speaker Granberg: "The Gentleman from Cook to close, Speaker Madigan."

Madigan: "Mr. Speaker, again, this is a program that should be eliminated. It's been well documented. And I would recommend an 'aye' vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 402. All in favor shall vote 'aye'; all opposed shall vote '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 83 voting 'yes', 28 voting 'no', 5 voting 'present'. Being a Constitutional Majority, House Bill 402 is declared passed. Mr. Clerk, House Bill 147, what is the status?"

Clerk Rossi: "House Bill 147 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 147, a Bill for an Act in relation to higher education. Third Reading of this House Bill."

Speaker Granberg: "Representative Davis. Representative Stephanie Davis? Out of the record. House Bill 1525. Read the Bill."

Clerk Rossi: "House Bill 1525, a Bill for an Act in relation to partial tuition waivers for children of employees of public universities. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Williamson, Representative Woolard. The Gentleman from Williamson, Representative Woolard, on House Bill 1525."

Woolard: "Thank you, Mr. Speaker. What we're talking about here is something that has been implemented in other systems in the State of Illinois in the past. And this a reciprocal

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

39th Legislative Day

April 10, 1997

agreement that would allow seven year, this is long-term employees of colleges throughout the state to receive tuition...50% waivers from all public institutions in this state. This is one of these things that the University of Illinois and all other state supported universities are in agreement that can be beneficial to their employees. I don't think there is any opposition. Not any that I am aware of anyway. And would encourage each and every one to support."

Speaker Granberg: "The Gentleman from Cook... the Gentleman from Williamson moves for the passage of House Bill 1525. On that question the Gentleman from Cook, Representative Parke."

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

Speaker Granberg: "Indicates he will. Please proceed."

Parke: "Representative, is there a fiscal impact study done on this?"

Woolard: "Yes."

Parke: "What will it cost the taxpayers of the State of Illinois to implement your program?"

Woolard: "I think that there would be no impact significant in most universities. There's about a 3 million... I don't have my figures in front of me, Terry, but I think it's a little over \$3 million, total impact in the entire state."

Parke: "Well, let me just say this. To the Bill. Ladies and Gentlemen, we just went through a dialogue with Speaker Madigan putting a Bill in saying that a practice of giving waivers to students through the Illinois General Assembly Scholarship was a bad idea. Now we have a Bill to do the same thing, except the people that will be waived will be the children of university people. At least with the General Assembly Scholarship we had a chance to pick and

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

39th Legislative Day

April 10, 1997

choose those members that we thought were worthy of getting the scholarship. Those of you that voted for Speaker Madigan's Bill ought to vote against this one. This is not what we ought to be doing. Again, it will be a drain on the coffers of the State of Illinois. It's an expense to those universities that they will not get that revenue into those universities. So I would say that if you're going to be consistent and fair that you ought to vote 'no' on this Bill."

Woolard: "Let me address the question that I heard in that statement. I think that what we're really talking about is a 50% tuition waiver here. And the 50% would more than cover the cost in those various institutions. What we're also talking about is something that is now being done in each of the institutions across the State of Illinois. All we're saying is that there would be reciprocation from one university to the next. If someone was working at the University of Illinois, but their child wanted to go to Northern Illinois University, there would be a reciprocation agreement that would allow that. I don't think that there would be any additional new impact, and we're not talking about 100% tuition waivers, we're talking about 50% tuition waivers."

Speaker Granberg: "The Gentleman from Washington, Representative Deering."

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

Speaker Granberg: "Indicates he will. Proceed."

Deering: "Representative, do we appropriate money to cover the cost of these 50% tuition waivers?"

Woolard: "No we do not."

Deering: "See, and I think in my statement for the prior Bill, the cost of tuition waivers statewide, the total program,

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

39th Legislative Day

April 10, 1997

whether this is a 50% or a total tuition waiver, is done by an audit commission report is approximately \$20 million. And this is just another instance of what I've been talking about every time we've voted on this General Assembly Scholarship Program, and I think we should eliminate all of these programs, so thank you."

Speaker Granberg: "The Lady from Lake, Representative Moore."

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

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

Moore, A.: "Representative, in the past it's been my understanding that the University of Illinois has been opposed to this kind of legislation. Do you know why they have removed their opposition?"

Woolard: "I think probably one of the main reasons was because of the quality of the Sponsor."

Moore, A.: "Well that would always be a very good reason to support a Bill. But in all seriousness, I would like to use your Bill to point out a problem that we have in our university system. And I believe that the University of Illinois has removed their opposition because the employees of the state that work at that university can no longer get their kids entered in the university because their application standards are so high. That is a problem that many of us feel in our districts. In my district I have kids coming out of Libertyville High School that have 29 ACTs, 3.8 grade average and because they don't have the right percentage in their class rank, it's a very well qualified school, they cannot get accepted to the University of Illinois. I suggest to you that that's why they will allow these tuition waivers at all the other schools. Because the employees' children are having trouble getting into the university. I only use this to

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

39th Legislative Day

April 10, 1997

point out that I think this is a serious problem for our state, when we have so many kids that are being exempted from enrollment at the U of I even though they are very well qualified. Their standards for admission are good, but they're much too rigid. This, in fact, would assist the employees with the benefit that's there. I would support your Bill, Representative, but use it to point out what I think is a problem for the U of I."

Woolard: "Thank you very much."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Davis."

Davis, M.: "Will the Sponsor yield? Representative Woolard, you do know I have the greatest respect for you, and I believe that you are very well-intentioned, but, Representative, we just voted to say to the General Assembly that we cannot give away 118 scholarships, or to 118 people. Now, Woolard, how many people will be getting these tuition waivers from the University of Illinois, according to this Bill?"

Woolard: "Davis, could you repeat that?"

Davis, M.: "How many people will be getting tuition waivers from the University of Illinois? How many people will be getting these waivers?"

Woolard: "I'm reasonably sure that that number would be available, but I don't have it."

Davis, M.: "Okay, what do you have to do to get the waiver? Could I get one?"

Woolard: "The requirement would be that you have to be a seven year, you know, this means you're committed to your job. You're a seven year employee of that institution. That's the way you would qualify."

Davis, M.: "So you're saying you've worked for the University of

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

39th Legislative Day

April 10, 1997

Illinois for seven years, and then your child can get a seven year, I'm sorry, can get a waiver for tuition?"

Woolard: "It's a partial, 50%, waiver, yes."

Davis, M.: "What about the person who they refuse to hire because their affirmative action is not in place? What kind of waiver to they get?"

Woolard: "I don't know."

Davis, M.: "Representative Woolard, to your Bill. As I stated, I have the greatest respect for you, but we must stop, we must stop trying to be better to one group of people than to another group of people. Now what we're saying here is, if your parent works for the University of Illinois, if you're fortunate enough to have a working parent at all, then you're better, according to the State of Illinois than one whose parent doesn't work, or has a lowly job someplace that isn't the University of Illinois. That's called discrimination, Representative. I know you don't intend to do that, but that's exactly what it's called. It's called discrimination. You're discriminating against people who are not employees of the University of Illinois."

Woolard: "What we're talking about is a position that an employee has achieved, whether they're black, white, or whatever, who an equal opportunity employer would be advertising every job that comes open there. Every one of those people that are hired and remain an employee for seven years, now, today are given the opportunity for a 50%, or partial, waiver. Now we're extending that opportunity to any and every university across the state that is publicly supported."

Davis, M.: "Representative, I have the greatest respect for you, but if we're going to take away the ability for certain groups of people to get General Assembly Scholarships we

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

39th Legislative Day

April 10, 1997

should not, right behind that, vote to give partial waivers of scholarships to another group of people. It doesn't make sense. People argue about the cost that those General Assembly Scholarships cost, what is the cost of this? It is just taking it from one group of people and giving it to another. And with the greatest respect, Woolard, I can't do it."

Woolard: "Representative, if you will look at the vote that was just taken on the previous Bill, I stood in the same position as you. I voted against doing away with the General Assembly Scholarships because of the good that's provided with them. I think that we should have the same compassion for the children of those people who are employees of our public universities across this state. All we're doing is extending the opportunity for them to go from one public institution to another."

Davis, M.: "Thank you, Representative."

Speaker Brunsvold: "Representative Brunsvold in the Chair. The Gentleman from Jackson, Representative Bost."

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

Speaker Brunsvold: "He indicates he will."

Bost: "In the previous debate there was a question that came up about the state employees, I'm sorry, the university employees and, you know, they've got these good, great jobs. Can you tell me, does this also include, I know this includes instructors, but does it include the people that happen to work in like, say for instance, the kitchen work in the universities?"

Woolard: "Yes, Mike, I think that's one of the greatest things about the Bill. This includes all of the employees, and there are many of them that would never have the opportunity for their children to participate in a college

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

39th Legislative Day

April 10, 1997

education without this 50% tuition waiver. Let me continue to say, we're not talking about a 100% give away. We're talking about half of the cost, and I think that most of us realize that when you put the 25th child in a classroom, or the 21st person in a classroom we're not talking about doubling the cost or anything else. We're talking about sharing the responsibility. The 50% probably more than takes care of the cost."

Bost: "Thank you. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Bost: "This Bill, many people on this Floor today have compared it to the previous Bill. There's quite a big difference. The determination of who gets these tuition waivers, and they're not a full tuition waiver as the Sponsor said, they're a 50% waiver, is determined by the fact that they are an employee of the university. They're employees that can not only earn a large wage, but they can earn very little as far as wages are concerned. However, they do not compare with the scholarships that several of us voted against a while ago, voted to get rid of a while ago. Because we cannot abuse them by possibly giving them to someone who helped us in a campaign, be it financial contributions, be it through working in our campaigns or giving personal favors to friends. It's very clear who can receive these scholarships. It's a good opportunity to help those people that many people talked about a while ago and do it in a fair manner. I rise in support of the Bill, that's why I'm a cosponsor, and I'd appreciate your support of the Bill."

Speaker Brunsvold: "Thank you. Representative Fantin, for what reason do you rise?"

Fantin: "Thank you. I rise on a Point of Personal Privilege."

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

39th Legislative Day

April 10, 1997

Speaker Brunsvold: "Proceed."

Fantin: "I would just like to introduce a former staff member in the Democratic House, and my Mayor, Mr. Jerry Genova, that's Mayor of Calumet City."

Speaker Brunsvold: "Welcome, Mayor. Representative Shirley Jones."

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

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

Jones, S.: "Can I have some quiet? Can you all be quiet for one minute please?"

Speaker Brunsvold: "Please give the Lady your attention."

Jones, S.: "Representative, could you tell me what employees of the university get benefits from this Bill?"

Woolard: "All employees who have been employed for seven years or more in whatever capacity that might be. You know, we're talking about the janitors, the cooks, the teachers, the administrators..."

Jones, S.: "Do you know how many...okay, go ahead..."

Woolard: "...their children would be entitled to a 50% waiver."

Jones, S.: "Okay. Could you tell me how many employees that is employed over seven years?"

Woolard: "Honestly, I don't have that number."

Jones, S.: "Is it 100,000, 200,000?"

Woolard: "I'm sorry, repeat."

Jones, S.: "Is it 100,000, 200,000 employees?"

Woolard: "I wish I could tell you and I can't."

Jones, S.: "You know, you're going to be spending a lot of money, Representative, if every employee that's been there over seven years apply, and everybody has a kid..."

Woolard: "Shirley, let me jump in for just a second."

Jones, S.: "Okay."

Woolard: "This is not a new program. They already have this

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

39th Legislative Day

April 10, 1997

benefit. They can...every seven year employee can now get a 50% tuition waiver. All we're giving them is the chance to transfer, or for that parent who happens to work for the University of Illinois, or Northern Illinois University, to utilize that same scholarship benefit at another state supported university in the state."

Jones, S.: "So this is already into effect?"

Woolard: "Everything you've said..."

Jones, S.: "...and you're saying if I go to the University of Illinois I can use it at, instead of using that university I can use it at Northern?"

Woolard: "Yes."

Jones, S.: "Okay. So this is no more cost for anything else?"

Woolard: "It right now is in place. The only thing is, they only have one university that avails themselves to the students of that employee. Now they'll be able to transfer that benefit to any of the schools around the state. All of the public supported universities, including University of Illinois, have signed on to this issue. I'm sure that Andrea Moore, Representative Moore, was correct in her statement a while ago that the reason that the University of Illinois has changed their position is because of the stiff entrance level requirements that are there. But the cost should not change."

Jones, S.: "Right. It don't make no difference what university, they can go to whatever university they want to and, if I was working at Northern I can still, if I was working seven years there, I can still send my kid to university, or they have to be working at the University of Illinois?"

Woolard: "You have to be an employee of the university for seven years in order to have..."

Jones, S.: "Any university of the State of Illinois?"

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

39th Legislative Day

April 10, 1997

Woolard: "Yes. Any state supported university."

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

Woolard: "It's a good program."

Speaker Brunsvold: "The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Brunsvold: "The Gentleman has moved the previous question. All those in favor say 'aye'; all opposed say 'no'. The 'ayes' have it and the question has been moved. The Gentleman from Williamson County, Representative Woolard, to close."

Woolard: "Let me just one last time reiterate. The students whose parents now are employees of universities across this state now have a benefit. The benefit that they have is that their child can attend the university in which they work. These seven year employees have a desire to expand the opportunity to all public supported universities across this state. The fiscal impact should be minimal, but I'm here to tell you that it's something that we should give in order to allow students whose parents may not have the ability, but have the desire to send their child. A 50% cost still will be incurred for each and every one of these recipients. I would encourage a 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 1525 pass?' And on that question all in favor should 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? Have all voted who wish? Mr. Clerk, take the record. And on that question there are 58 'yesses', 56 'noes', 2 voting 'present'. The Gentleman requests Postponed Consideration. That Bill should be placed on the Order of Postponed Consideration, Mr. Clerk. Mr. Clerk,

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

39th Legislative Day

April 10, 1997

what's the status of House Bill 1324?"

Clerk Rossi: "House Bill 1324 is on the Order of House Bills -
Second Reading."

Speaker Brunsvold: "Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1324, a Bill for an Act to amend the
Illinois Income Tax Act. Second Reading of this House
Bill. Amendment #1 was adopted in committee. No Motions
have been filed. No Floor Amendments."

Speaker Brunsvold: "Third Reading. House Bill 147, Mr. Clerk.
Please read the Bill."

Clerk Rossi: "House Bill 147, a Bill for an Act in relation to
higher education. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Madison, Representative
Davis."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 147 creates the Tuition Increase
Limitation Act. Beginning with the 1997-98 academic year,
it would prohibit a tuition rate increase at a public
university that is greater than the lesser of 5% of the
tuition rate for the preceding academic year or the product
of the tuition rate for the preceding academic year
multiplied by the rate of inflation for the calendar year
in which that academic year began. Mr. Speaker, Ladies and
Gentlemen of the House, House Bill 147 was designed to give
some relief to working families in the State of Illinois,
because, unfortunately, the cost of tuition in our public
universities has sky rocketed since 1980. Since 1980 the
cost of tuition in our public universities has risen 338%,
while average household incomes for the average working
family in the State of Illinois has only risen 109%. And I
think that it is time for this Body to rein in our public
universities and put a cap on the amount of money that they

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

39th Legislative Day

April 10, 1997

can increase tuition in the State of Illinois. And I would certainly move for the passage of this piece of legislation and would be glad to answer any questions."

Speaker Brunsvold: "And on that, the Gentleman from Kendall, Representative Cross."

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

Speaker Brunsvold: "The Sponsor indicates he'll yield."

Cross: "Representative Davis, does this apply to all state universities?"

Davis, S.: "Yes, Sir."

Cross: "Do all the state universities... what do we have with respect to boards for all our state universities? I'm not familiar, as we sit here today, or stand here today, with the makeup of boards. I believe that the Governor appoints the state boards, is that correct?"

Davis, S.: "I believe that is correct, Sir. I believe that in the last Legislative Session, we use to have the trustees for the University of Illinois used to be elected by the residents in the State of Illinois. However, in the 89th General Assembly we took that right away from the people of the State of Illinois. So now the Governor appoints all of the college boards."

Cross: "Is their role not to set budgets and tuition rates for all the states... that one of the purposes of the board?"

Davis, S.: "Yes, Representative, I believe that the boards are the ones who would set the tuition rates and the tuition increases."

Cross: "Well why do we need boards if we're going to decide to start setting rates and caps on tuition increases, or decreases? Don't we take away the authority of the boards by doing that?"

Davis, S.: "Well the boards have other authority, other than

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

39th Legislative Day

April 10, 1997

setting tuition increases. I'm sure that there's plenty of work for the college boards to do, other than just to set tuition rate increases."

Cross: "Don't the...shouldn't the particular boards know the costs associated with each school, salaries associated with the professors, costs to run the university? And don't we want to give them the discretion and continue to allow them to have discretion with respect to what they charge or don't charge? I mean, how can we manage tuition from here on the House Floor of the General Assembly?"

Davis, S.: "Well, Representative, I would say this. That that is the job of the boards and I would hope that the boards would be very conservative whenever it comes to increasing tuition in our public universities. However, apparently the boards are not doing their job whenever tuition increases continue to soar at rates above twice as much as the Consumer Price Index. And that has happened throughout the years, and it still continues."

Cross: "Well, are we setting ourselves up for having faculty that are under paid and professors saying, 'I'm not going to come to Illinois to teach at the University of Illinois or SIU, because they can't afford to pay us salaries that are comparable throughout the rest of the country?' And once again, if we don't like what the boards are doing, can't the Governor appoint different board members if they're raising rates, tuition rates, in an unfair manner?"

Davis, S.: "Well, the Governor, I believe, does have that authority. However, apparently, this issue does not bother the Governor, or perhaps he would have replaced some of the members or some of the boards in this state. To the question of being able to afford to pay professors at our public universities, I feel that Illinois pays our

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

39th Legislative Day

April 10, 1997

professors very well. And I have not heard of any massive exit of professors from our college universities to leave to go to other universities. I believe we are very competitive. And I believe, Representative, that by capping tuition increases we're not going to put our colleges in jeopardy. For the past four years the legislature has fully funded the Board of Higher Education's requests for our colleges, and I believe that there is a way for the colleges to come up with extra money. If they are in trouble they can come to the Legislature and ask for additional funding."

Cross: "Well don't... I guess maybe therein lies the crux of the matter. Shouldn't we, as a General Assembly, when we're reviewing the budgets of each of these universities be asking the questions at appropriation time as to whether or not there should be tuition increases, whether there should be cost of living increases, whatever the issue might be? Isn't that our role, partly our role at least?"

Davis, S.: "Listen, Representative, I would be glad to allow the Legislature and the Legislators to determine what the tuition increase rates are going to be."

Cross: "I'm saying, don't we set budgets? Don't we help set budgets in the General Assembly?"

Davis, S.: "Yes, we do."

Cross: "Can't we, through the budget process, have an effect on tuitions?"

Davis, S.: "I believe we could."

Cross: "Well why don't we do it through the budget process here in the General Assembly?"

Davis, S.: "Representative, I'm told that last year a Bill passed out of this Assembly that would prohibit us from funding universities using income tax money."

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

39th Legislative Day

April 10, 1997

Cross: "Thank you, Mr. Speaker."

Speaker Brunsvold: "Thank you. The Gentleman from Cook, Representative Parke."

Parke: "Thank you. To the Bill. Ladies and Gentlemen of the House, it wasn't that long ago I had the pleasure of sitting in and doing the interviewing of some of the board members for the Northern Illinois University. And one of the questions that we asked with the panel, that we asked of those men and women that were going to serve on that university, and I'm sure it's not unique to other men and women that were picked to serve, is what was their attitude towards raising tuition? And, uniformly, the people that serve on those boards said that's usually the last resource they go to. Ladies and Gentlemen of the House, I understand the Sponsor is trying to do something to solve a problem that he sees. This is absolutely the wrong thing for us to do. We have no business putting a cap on the universities. If they're going to put a cap on, and the people have a choice of what universities to go to, they will not go to the high priced universities. They will go where they can get the best deal for their dollars. Ladies and Gentlemen, we have no business sticking our nose in the university's decisions. They have a hard enough time trying to figure out how to make ends meet. It's a very difficult time for our universities to be competitive. For us to say that they are not going to be able to use this as a part of determining what the cost of that university will be is a big mistake. In addition, if we limit the amount of money that they can raise through this or any other means, they will have a difficult time maintaining the qualified staffs that we have at these universities. We know that staffs are not cheap, especially in the good

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

39th Legislative Day

April 10, 1997

quality state universities we have in this state. I would ask that the Body vote 'no' on this Bill, even though the Sponsor's well intended."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering."

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

Speaker Brunsvold: "He indicates he will."

Deering: "Representative, can you briefly describe how the tuition increases, or the tuition costs are established on an annual basis by the boards of the respective universities?"

Davis, S.: "I'm not an expert on that, Representative, but I believe that the board members are the ones who determine that."

Deering: "Well I believe that's correct, and this kind of goes against what the previous speaker said. It's my understanding that the board sits down and debates what the cost for college will be in the forthcoming year, and then they submit their requests to the General Assembly through the appropriations process, and we fund it. So, technically, they set the rate schedule and then we, unwillingly or unknowingly in certain instances, grant their request, because they're the ones that set it. I think it's time, as you had mentioned, that the increase has gone up 300 and some percent in the last 10, 15 years, whatever your statement was. I think it's time we rein in the cost controls, and if that means that some of these professors don't get to take their year sabbatical or whatever, so be it. Let's get them in the college to teach what they're intended to do. So, I think this is a good move, and maybe it's time that everybody has to tighten their belts and rein in their costs."

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

39th Legislative Day

April 10, 1997

Davis, S.: "Thank you Representative."

Speaker Brunsvold: "The Gentleman from Jackson, Representative Bost."

Bost: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Bost: "Representative, you know, in first looking this Bill over, I thought there was no problem with it. The concern I'm going to have is for the future here, as we put a cap on these tuition rates. Right now, a university which is pretty close to your heart I'm sure, SIU Edwardsville and SIU Carbondale is also, they're on the bottom of the scale list. Now if we let those universities, like University of Illinois Urbana go up 3%, and we go up 3% proportionally, the gap between the revenues to those two schools is going to continue to increase. And I'm afraid we're going to end up in the same situation that we are right now with our local school districts. Do you see a problem with that?"

Davis, S.: "Representative, first of all, I want to point this out to you and to the Members of this Body. This is certainly not an anti-university Bill, okay."

Bost: "I'm sorry, I couldn't hear you."

Davis, S.: "I would like to point out to you and the Members of this Body that this is certainly not an anti-university Bill, okay? And to answer your question about the future, let's look to the past. Because for the past four years, for the past four years this legislative Body and the Governor have given the Board of Higher Education every single nickel that they have asked for. And I would anticipate that we will continue to do that."

Bost: "But, I still, my concern is still on... that's what I need to find out. The way this Bill is drafted and the way it looks, the gap between our universities that we're

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

39th Legislative Day

April 10, 1997

concerned about, as Representatives from the areas we represent, are going to become further and further behind those universities that are in the other parts of the state."

Davis, S.: "Well, I can understand that, Representative, and there is probably an explanation why the University of Illinois charges \$3,300 for tuition, when Southern Illinois University at Carbondale charges \$2,700, and it may be because it's a much, much bigger university and it needs to charge that much more. However, however, I was just told today that the board at SIU is considering holding their tuition to 3.5%, or the rate of inflation. That they are seriously considering that, due to the fact that this piece of legislation was introduced. And let me also point out that every corporation in this country, every corporation in this country has been cutting back. Cutting back on workers, cutting back on wages. We're not seeing Illinois workers receive five, six, eight, 10% increases in their salaries. And I think that if our workers are going to have to take small increases in their pay, then I think our universities can work harder, work harder, to try to keep their costs under control, and they should."

Bost: "Representative, I agree with you that we should keep cost under control. I agree that we should do everything we can to keep our tuitions low. However, if we are going to do this and manage to keep our universities at the bottom of the scale, I mean, I have no problem providing a low tuition for our students. I want to see that. But we don't know what the future will bring. We're freezing something that should be controlled by the local universities, not necessarily by this Body. Because, if we do this, if we do this, somebody else is going to have to

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

39th Legislative Day

April 10, 1997

pick up the Bill."

Davis, S.: "Representative, I understand your concern, and I have to commend Southern Illinois University for the fine job that they have done to keep tuition costs down. I wish all of our universities had done the same, therefore, we wouldn't need a piece of legislation like this. But, unfortunately, the boards of the other universities are not doing the same, good job that Southern Illinois University is doing, and we have got to get tuition costs under control for the working families of the State of Illinois."

Bost: "What I see here, and here's what I'm afraid of. You know, many of the local governments, when we were arguing tax caps, said that if we passed those tax caps they're going to be punished for doing a good job. Don't you feel like we're punishing SIU for doing a good job here? We're not going to be able to let them recoup?"

Davis, S.: "No, I do not. And we are certainly not causing them to lose any money, they are going to be able to increase tuition at the rate of inflation. Plus, this year alone, we're giving over \$100 million in new money to higher education, and this Assembly has an excellent record of supporting our universities. And I would expect that we will continue to do so."

Bost: "Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Bost: "I respect the Sponsor of this Bill. I respect what he is trying to do. I have many concerns though with pushing those universities that we represent in the southern part of the state, and holding them to the bottom of the scale. And I'm going to have trouble supporting this piece of legislation. I do agree that we want to keep our tuition low, and I believe we should work with our local

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

39th Legislative Day

April 10, 1997

universities to make sure that occurs, and I will do that. But I do not believe that from this legislative Body we should go ahead and cap them and not allow them to do that job. I would urge a 'no' vote."

Speaker Brunsvold: "Representative Davis to close."

Davis, S.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am fully aware that there are Representatives who will be in opposition to this Bill. But let me point out to you the real facts. And the facts are that the people in the State of Illinois should be able to afford to send their children to college, and they should be able to afford to send their children to universities in this state, not other states. And in order for them to do that, we are going to have to get tuition costs under control in the State of Illinois. As I have pointed out, the cost of tuition has gone up at over three times the rate as the average family income since 1980. We are not trying to hurt the universities. We are trying to give them an incentive, an incentive to be more fiscally responsible, and to tighten their belts. The working families in this state, the working families in this state deserve the right to send their children to Illinois public universities, and I would urge your 'aye' vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 147 pass?' And on that question, those in favor should vote '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? Mr. Clerk, take the record. And on that question there are 55 'yeses', 54 'noes', and 4 voting 'present'. Mr. Davis."

Davis, S.: "I'd like to place this on Postponed Consideration."

Speaker Brunsvold: "This Bill will be placed on Consideration

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

39th Legislative Day

April 10, 1997

Postponed. Thank you. The Chair has an announcement. We will be going until 10:00 this evening, and again, everyone is on their own for supper. And with that announcement, Mr. Granberg in the Chair."

Speaker Granberg: "Good to be back. Representative Black is buying dinner? Mr. Black. House Bill 190. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 190, a Bill for an Act to create the Illinois State Insured College and University Response of Education Trust and provide for advanced tuition payment contracts. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Representative Burke, on Floor Amendment #1."

Burke: "Thank you, Speaker. Amendment #1 to House Bill 190, and for the Members' information, this Bill is neither a give away or a take away college education program. This simply is the opportunity for residents of Illinois to have the chance to prepay their child's future college education. This Amendment, which would become the Bill, is actually Senator Watson's Senate Bill, 778. It literally would avoid the opportunity to create a separate commission and use existing resources that the ISAC Commission already has at its disposal to administer the program. And I would be happy to answer any questions the Members may have."

Speaker Granberg: "The Gentleman moves for the passage of House... for the adoption of Floor Amendment #1 to House Bill 190. On that the Gentleman from Kendall, Representative Cross."

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

Speaker Granberg: "Indicates he will. Proceed."

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

39th Legislative Day

April 10, 1997

Cross: "Representative, what are the estimated start up costs, at least, for the first year of this program?"

Burke: "I had a meeting with Budget Director Joan Walters yesterday, along with my colleague Judy Erwin, and ISAC, at this point in time, it's really a guesstimate. This is ISAC's figure. They're suggesting 1.7 million. That is not an expenditure, but a loan to begin to administer this prepaid program. That is not a figure that I necessarily agree with, nor does the budget director agree."

Cross: "Given that, Dan, do we have an Appropriation Bill to take that issue, or address that issue of the amount of money?"

Burke: "No."

Cross: "And I'm not asking to give you a hard time, but does that need to be addressed? And if this passes, I don't know what the Senate is going to do, do we need to take care of that?"

Burke: "As I suggested, we met with Budget Director Walters yesterday, we are discussing the funding of the start-up costs currently. So I do not have an answer for you currently with respect to an appropriation."

Cross: "Has there been discussion, in that meeting, was there discussion about in the event we don't appropriate, do either the Treasurer or the Comptroller have some obligations to fund this?"

Burke: "Yes. We've had negotiations with the Treasurer as well. It appears that there are funds already available, that it wouldn't necessarily require a separate appropriation. And again, that figure of 1.7 mil, is something that I, nor several of the supporters of this legislation agree with. That's something that can be negotiated. As I said, the ISAC resources are already in place, and I don't see any necessity to expend tremendous dollars. There are 20

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

39th Legislative Day

April 10, 1997

states currently, in the nation, that offer this prepaid program to their constituencies. The start-up costs range in those 20 states from \$6,000 up to \$600,000. So there's a great divergence among those 20 states, and as I said, the \$1.7 million that was suggested, I do not agree with. And I think we can do it for a lot more reasonable cost."

Cross: "Dan, a couple other questions we have. What protection do we have against the risk of the program cost that exceed the amounts of money generated by the payment plan?"

Burke: "In our discussions with the budget director that was one of our very serious concerns. Initially, we were asking for the full faith and confidence of the state to support this. At this time we are discussing the moral obligation as the state's commitment. In the experience of other states offering this opportunity it has not been a drain on any state resources through the country. So we do not foresee that there would be a short-fall that the state would be responsible for."

Cross: "Apparently, and I'm not sure of this, the states of Florida and Michigan had some problems. Maybe we, we just may want to look into that."

Burke: "That was an entirely different program."

Cross: "Okay."

Burke: "Our plan is designed after the Florida model. Currently, in 1997, in the State of Florida there are 400,000 participants in their prepaid college education program. They are doing quite well. We tried to take the eclectic approach with respect to the design of this Bill, and Florida is the model that we have used to design this program."

Cross: "Any limits on the kind of out of state schools where the programs could be used, where the monies could be used?"

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

39th Legislative Day

April 10, 1997

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

Cross: "Is there any limit on the kind of schools, or out-of-state schools that you could use the money?"

Burke: "This prepaid program would apply to only State of Illinois universities. In the instance of a individual applying to a college out of the State of Illinois, the dollars that had been contributed to this prepaid program and fund would be refunded to the recipient so they could take those dollars to another state, or to a private university. Or in the instance of an individual receiving a scholarship and not needing this particular scholarship, this prepaid fund, the monies could be either allocated to a sibling, or, in the instance of no sibling being eligible, the monies would be refunded. The commission would be responsible for deciding at what rate of interest and at what point and by what criteria the individual would be eligible for the refund."

Cross: "Dan, finally, and I'm not asking the questions to give you a hard time. How realistic are we on the appropriation issue? Are we going to be able to solve that? I'm not asking you to make a commitment, I'm just kind of curious."

Burke: "Sure. Again, reflecting on my discussion with the budget director and her staff and ISAC as well, we are confident that we can come up with a solution to this. And, certainly, I am confident that the dollars can be identified for this minor start up cost."

Cross: "Thank you, Mr. Speaker."

Speaker Granberg: "The Gentleman from Cook, Representative Parke."

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

Speaker Granberg: "Indicates he will."

Parke: "Thank you. Representative Burke, are you going to be

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

39th Legislative Day

April 10, 1997

establishing some kind of a board or commission to manage this program?"

Burke: "Yes. Primarily we're going to depend on the ISAC organization for the administration, but in the Bill it calls for the appointment of the executive director and members of the commission who would be separate and apart from state government, and they must have certain expertise in an area of finance that would be appropriate for the proper investment of these dollars that are collected from our constituencies."

Parke: "Will the structure be the Prudent Man Structure for Investments?"

Burke: "Modeled after more of a pension contribution situation."

Parke: "Do you have any problem if the Economic and Fiscal Commission of the state were to annually review how this money is invested and how they're proceeding with the plan, so that the General Assembly, when it's requested, and I'm not saying that it's mandated, but that we would have a role in reviewing how that program is being administered?"

Burke: "No, I would have no problem whatsoever. In fact, I'd be more comfortable to understand that there was another review opportunity so we could suggest to our constituencies that this is indeed a safe and secure investment."

Parke: "Thank you, Representative, I appreciate that."

Speaker Granberg: "Does anyone rise in opposition to the Bill? There being no further questions? Anyone in opposition? If not, the Gentleman from Cook moves for the passage of House Bill 190. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The adoption of the Amendment. All in favor say 'aye'; 'nay'. The 'ayes' have it. Any further amendments?"

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

39th Legislative Day

April 10, 1997

Clerk Rossi: "No further Amendments have been approved for consideration. A Fiscal Note and a State Mandates Note, as amended, have been requested on the Bill and has not been filed."

Speaker Granberg: "Hold the Bill on Second Reading. House Bill 752. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 752, a Bill for an Act concerning income taxes. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. I bring before you today House Bill 752, which is a bipartisan Bill. I'm happy to say that we have over 30 Sponsors of the Bill at the present time and I encourage more people to sign up for this Bill. This Bill has the potential to raise hundreds of millions of dollars for education without any cost to the state, nor any cost to our constituents in the form of new taxes. This Bill passed out of Elementary and Secondary Education 21-0, and what this Bill would do is on our state income taxes we have the standard exemption per person of \$1,000, and we also have the property tax credit, which we get. These two exemptions last year amounted to \$546 million. If we did not have these exemptions that means the state would have collected an additional \$546 million. This Bill would give the option, it would be a check off on the state income tax return where they would be able to forego their personal exemption of \$30 per person, the \$1,000 amounts to \$30 per exemption, and this would be able to be directed to the school district in which the people reside in. It does not go into a general fund, but it goes to the district in which the taxpayer resides in. If 50% of the people

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

39th Legislative Day

April 10, 1997

decided to do this exemption, to do this check off, we would raise an estimated \$273 million. Last year, the personal property, the standard exemption amounted to \$311.5 million and the tax credit for the residential property taxes equaled \$235 thousand. This is strictly a voluntary option, it's not mandating anyone, but 60% of the people in surveys say that we should raise state taxes to fund education. This is not the complete answer to funding education, but it certainly is a help for education to bring money into different districts. It gets the local superintendents, the school superintendents, the PTA's an incentive to work on this Bill. If there are any questions on the Bill I'd be happy to answer them."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 72(sic-752). On that, are there any questions? The Gentleman from DuPage, Representative Persico."

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

Speaker Granberg: "Indicates he will. Proceed."

Persico: "Representative, let me make this clear. The tax exemption would go to the district that checked off this box?"

Bugielski: "Correct. It would go to the local district in which that taxpayer resides in."

Persico: "And the Department of Revenue has the capability of determining that from the income tax check off?"

Bugielski: "Yes they do."

Persico: "Thank you. No further questions."

Speaker Granberg: "Thank you. Anything further? The Lady from DuPage, Representative Cowlshaw."

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

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

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

39th Legislative Day

April 10, 1997

Cowlshaw: "Thank you. Representative, where did you get the idea for this Bill? Was this simply your own?"

Bugielski: "It was an idea that I had because I was thinking of the two exemptions when I saw that they totaled \$546 million I couldn't come with a proposal to get rid of those exemptions, so I just had the idea to go with a check off where it would be strictly voluntary, where the people would be able to make their own choice."

Cowlshaw: "I think it is remarkable that one of us has such an excellent idea that is entirely his own. So often the things that are proposed here are brought to us by someone. This is an idea of one of our own. It was not brought here by someone else, but rather by someone who serves here. It is an absolutely brilliant idea. I think it could be entitled the 'Do It Yourself School Funding Plan.' It is entirely voluntary, although the funds could not be depended upon from one year to the next, they could be used for enrichment and for other special things that school districts for years have said they wanted. Let's all vote for the 'Do It Yourself School Funding Plan'."

Speaker Granberg: "Thank you. The Gentleman from Cook, Representative Bugielski, to close."

Bugielski: "Again, I think you've heard the merits on the Bill. It has great potential of raising additional monies for education. It's great for the local school districts. A lot of districts are looking for maybe 50,000, \$100,000, I think it would be a great windfall for many of these districts. The potential is there, there's no loss to the state. It's a no loss situation. We can only come out ahead in this game. If it doesn't work, we won't know that until we try it, but I think, by putting this out to the taxpayers, I think it would be very beneficial for our

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

39th Legislative Day

April 10, 1997

school districts in the state, and I urge a 'yes' vote."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 752. All in favor shall vote 'aye'; all opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Silva, 'aye'? Mr. Clerk, take the record. On this question 114 voting 'aye', 2 voting 'no', 0 voting 'present'. House Bill 752, having received the Constitutional Majority, is hereby declared passed. House Bill 50, Representative Skinner. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 50, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker and Members of the General Assembly, this is House Bill 50, which is numbered 50 so I can remember what it is. It sets the speed limit for trains, Metra trains, going through Fox River Grove at 50 miles an hour. If you would indulge me I'd like to review the history of what has happened in Fox River Grove. First of all, I'd like to ask the question, 'What has the state done for or to Fox River Grove?' For starters, we gave Fox River Grove a new four lane highway. Unfortunately, it was built too close to the tracks. Secondly, the traffic signals have been fixed, the ones that didn't work during the accident. Thirdly, new warning signs have been erected. Fourthly, we have unified the state employees that work on railroad grade crossing problems under the Illinois Commerce Commission. All that is good and necessary, but that's not what the parents of the seven children who were killed in the bus and train accident have asked for. It's not what

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

39th Legislative Day

April 10, 1997

7700 petition signers have asked for, and I'd like to point out that Fox River Grove does not have 7700 residents. It's not what the seventh graders from Fox River Grove Junior High School, who were down here yesterday, asked for. All these people in Fox River Grove and the surrounding area have asked for is that the train speed limit for Metra be lowered from 70 to 50 miles an hour. Now what will be the effect? If you believe The Northwest Herald, which is a Crystal Lake daily newspaper, the ride will be 26 seconds longer. If you believe The Daily Herald, out of Arlington Heights, quoting another Metra source the ride will be about 45 seconds longer than usual. Now Metra has experimented with the 50 mile an hour speed limit, they did it for two months after the accident and the schedule was kept. That is, even though it took longer to get through Fox River Grove they got downtown at the same time. I would suggest that if House Bill 50 is passed that the schedule will not have to be changed. Now several questions have been asked, which I would attempt to answer. First of all, do we as a General Assembly have the power to set a speed limit on a train? I would point out that the four express trains each day in each direction go from Harvard and McHenry to downtown Chicago and back. None of these trains cross the state line, therefore I would argue under the 10th Amendment, since they are intrastate trains, that the state government has the power to set the speed limit. Secondly, Metra is a unit of local government. Now we recently, well I guess maybe two years ago, set the speed limit on the Tollway Authority. We lowered the speed limit on the Tollway Authority outside the Chicago metropolitan area, that is in DeKalb and Boone and Winnebago County, from 70 miles an hour to 65 miles an

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

39th Legislative Day

April 10, 1997

hour. The Tollway Authority is a state agency, although the Tollway Authority often doesn't think it's a state agency, and we lowered the speed limit for cars. Now Metra is a unit of local government, it is not a Home Rule unit of local government, which I believe means that we can do almost anything we want to Metra. I think that answers all of the questions that I have seen arise. If there are other questions I would be happy to answer it, answer them. As you know several of the parents and the village president, the village trustee, the police chief are sitting up in the gallery on the Democratic side. I did not direct them to one side or the other, they chose it all by themselves. If other people have questions about this Bill, which I think is fairly straightforward, I'd be happy to answer them, Mr. Speaker."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 50. On that question the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Ladies and Gentlemen, I rise in opposition to House Bill 50. After the bus/train accident in Fox River Grove we had a lot of talk on the floor of this House about train safety, also about bus safety. You all know that I then renewed my talk about having seat belts on school buses. We didn't go very far with that and we haven't gone very far with that this Session. But during those conversations, we agreed that we should have a report detailing the relationship between rail speed and rail safety. The Commerce Commission and IDOT issued such a report at our direction, dated February 20, 1997. You probably all have a copy of that report, but the report has some significant conclusions that would lead us to believe that this Bill, while well-intentioned, is not the

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

39th Legislative Day

April 10, 1997

appropriate way to go. First, let me say that the National Transportation Safety Board, that studied this accident thoroughly, made many recommendations regarding safety relative to changes for laws regarding trains in Illinois, but did not recommend reducing train speeds. The report concludes, and I'll be as brief as I can, 'the notion that slower trains will be able to stop sooner to avoid collisions with vehicles stopped on a track is not correct.' That's their first notion. Second, 'The Fox River Grove grade crossings do not have characteristics that set them apart from other crossings in the Metra service area, in fact there are 77 other crossings that have similar features. Further, in terms of daily vehicular traffic, the Fox River Grove crossings are actually in the lower half of those 77 in terms of frequency of travel.' Third, 'If a 50 mile an hour limit were established as a state safety standard it could not be limited to Fox River Grove. It would have to be applied uniformly over all of Metra service territory, or at a minimum other communities would have to be afforded the same privilege to lower their speeds.' Fourth, 'Overall safety has improved as more commuters take Metra rather than their private automobiles. The less people that take Metra, because this will foul up train schedules, the more people that will be in their private automobiles. The more that are in their private automobiles, the more automobile accidents there will be, the more automobile traffic there will be.' Fifth, 'All states are preempted by federal law from regulating train speeds.' Then they conclude the following, 'If Metra were compelled to reduce their speeds the following would occur: first, Metra would lose 1.7 million passengers per year. Second, Metra would lose 4.3

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

39th Legislative Day

April 10, 1997

million dollars in revenue, which would have to be made up in higher taxes or higher fares. Third, 45 million vehicle miles of travel would be added to rush hour traffic. This additional traffic would produce an expected 172 additional auto accidents, 47 injuries, and perhaps on average one additional fatality per year.' This goes on and on and on to talk about the environment, Metra's scheduling, Metra's future operational plans. Ladies and Gentlemen, nobody's more interested in the safety of the people that ride those trains and of the people that live in that community than I. I evidenced that very clearly when we debated these issues recently, but Ladies and Gentlemen even the Chicago Tribune has indicated that this is not the way to go. Let's talk about reducing accidents. Let's talk about reducing fatalities. Let's talk about making trains safer. Apparently, all the available evidence indicates that this Bill will not make trains safer and accordingly I ask that you do not vote for this Bill."

Speaker Granberg: "The Gentleman from Kendall, Representative Cross. Representative Cross."

Cross: "Thank you, Mr. Speaker. Just a couple questions if the Sponsor will yield?"

Speaker Granberg: "Proceed."

Cross: "Representative Skinner, could you, if you're aware, are you aware of... being redundant. My understanding is Metra has employed an engineering company or firm by the name Rust Engineering. Are you familiar with the employment of that?"

Skinner: "No."

Cross: "Apparently, within the last six months at least, the issue has been one of finding engineering solutions to enhance the grade crossing safety throughout that area, and

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

39th Legislative Day

April 10, 1997

that Fox River Grove has been involved in that area. Are you aware of that? And I'm not trying be cute or tricky."

Skinner: "I'm really not, Representative."

Cross: "My understanding, it's approximately a \$50 thousand study. They have asked for contributions from the surrounding communities, not only Fox River Grove, but also Lincoln, Algonquin, and Foxmore. Is there a need, I'm sure there's a need, but is there some wisdom in waiting to see what Rust Engineering's study will say with respect to safety issues at these crossings, and if there's a way?"

Skinner: "I really can't comment on it because I'm not aware of it. I'm sorry."

Cross: "Are you aware of any traffic safety studies that have been done or need to be done?"

Skinner: "Frankly, I thought the state had done virtually everything it could to improve that intersection short of an overpass or an underpass that would require the destruction of part of downtown Fox River Grove."

Cross: "Is this, and I have not heard all of the debate, but is this an obligation of safety for Metra or IDOT, or both? Do you know...I mean...and once again, I'm not giving you a hard time, I don't know either."

Skinner: "I think all of us are, hold responsibility for safety at all railroad grade crossings in the State of Illinois, and I think we have made tremendous progress in increasing the safety. But I would reiterate since perhaps you were out of the chamber at the time, every improvement that has been made is not something that the people in Fox River Grove have asked for. I mean, it's certainly something they expected. All the people in Fox River Grove have asked for, all they have requested is that the speed limit in Fox River Grove for a one mile stretch of track at three

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

39th Legislative Day

April 10, 1997

intersections be lowered from 70 to 50 miles an hour for Metra trains. And I would reiterate, this will add no, it will delay the trip probably not at all, net. Metra has estimated that the increase in the train trip would be 26 to 45 seconds, depending on the reporter that you believe."

Cross: "I guess the question is, and I apologize for not being in here the whole time, will the reduction of the speed accomplish what we want? I mean, are there better ways, from an engineering standpoint, to find ways to have a safer intersection through these towns? I don't know if speed reduction is the answer. It may be, and I'm not necessarily quarreling with that. What I want to know is are there other ways to ensure safety in all of these towns?"

Skinner: "Well, Representative, I do not claim to be a star physics student. I think I got a B in high school and hardly understood any of it."

Cross: "I think you did better than I did."

Skinner: "But, I do believe that if mass is going...if a certain mass is going slower that the impact will be less, and if I were a parent of one of the seven children that was killed at Fox River Grove, I would be asking, 'Had the train started braking at 50 miles an hour rather than at 70 miles an hour, might only five children have been killed rather than seven children?' And the answer is, maybe."

Cross: "But I guess my other point is, there may be better ways to make those intersections safer, notwithstanding the speed. Even at 50 I think we'd both agree that you've got a pretty dangerous situation with a train hitting a bus."

Skinner: "I don't think anybody suggests the accident would not have occurred had the speed limit been 50. However, since the accident occurred, there was a vehicle at the third

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

39th Legislative Day

April 10, 1997

crossing in Fox River Grove, this accident happened at the middle crossing, at the third crossing at Fox River Grove that stalled on the tracks and the train managed to stop."

Cross: "Thank you."

Speaker Granberg: "Anything further? The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. If I could have the Body's attention. I have been lobbied on this Bill. The information presented to me by the opponents was information that I found myself in agreement with, and I gave my, I gave my word that I was going to vote against the Bill. I'm telling you now, that in the meantime Representative Skinner has come to me. The facts haven't changed, the merits of the Bill have not changed. But I think we should be aware that not everything we do here is, has to be technically correct. There is an opportunity here to send a message. Out of respect to Representative Skinner, who came to me earlier on the floor and said, 'As a friend and as someone who can share the sentiment of my district,' meaning Representative Skinner's district, 'would you put a 'yes' vote on this?' And because of that, and out of respect of the issue of the, as a memorial if you will, I think that we should put the votes on this, the merits of the Bill notwithstanding. Send the Bill to the Senate. Representative, I will tell you that the Bill should probably remain in the Senate, should it get there. This is probably not the best public policy, but I would urge the Members, out of respect for Representative Skinner and those seven children, to vote 'yes'."

Speaker Granberg: "Anything further? The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. A couple questions for the

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

39th Legislative Day

April 10, 1997

Representative if he'd yield."

Speaker Granberg: "Proceed."

Rutherford: "Representative Skinner, and this is a sensitive issue and obviously we're all very emotionally touched by what had happened some time ago, but there was legislation that was passed not too long after the incident that required a study be conducted. Could you share with us some of the outcome of that study, particularly in regards to speed?"

Skinner: "Well, actually, I don't have to. Representative Lang virtually read the entire executive summary. It is exactly what I predicted it would say. It is the result of no new research whatsoever. This is a pilot program. We might actually get some new research."

Rutherford: "I think though the bottom line to the study did say that the, that it was the opinion of both the Commerce Commission and the Illinois Department of Transportation that mandatory reduction of the speeds would not enhance the crossing safety of those areas."

Skinner: "Yes, but were you here when Representative Lang read the executive summary?"

Rutherford: "I was here and I have a copy of the executive summary."

Skinner: "Do you really think that this is going to destroy Metra?"

Rutherford: "No and nor would that be what I suggested that I said either. How many freight trains run through that area?"

Skinner: "More since the Union Pacific have taken it over, I do not know. I can tell you that they generally are chugging along at well under 70 miles per hour."

Rutherford: "Say that they're what?"

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

39th Legislative Day

April 10, 1997

Skinner: "They are generally chugging along at well under 70 miles an hour. Certainly the ones coming out of Chicago are going up hill and they couldn't go 70 miles an hour if they wanted to."

Rutherford: "Right, well I think that part of the reason, as I understand, is the reason for that is that there's track improvements that need to be made."

Skinner: "I'm sorry I can't hear you."

Rutherford: "That there are track improvements that are going to need to be made on it. It's also my understanding that the state, thank you, Mr. Speaker."

Skinner: "We already have welded steel track all the way, the whole Metra line. So I don't understand what you could mean by track improvements."

Rutherford: "Mr. Speaker, he's only about 20 feet from me and I cannot hear him. Either we can turn up the volume or turn down the volume."

Speaker Granberg: "Proceed."

Rutherford: "Thank you. My point I guess, Representative, is the fact that freight trains are not able to be regulated by state legislation. Presently there are, I'm sorry. is that..."

Skinner: "Well, because they are intrastate."

Rutherford: "Correct."

Skinner: "That is, excuse me, interstate, they go across state lines. Metra trains do not go across state lines in McHenry County."

Rutherford: "I totally agree. And right now the trains going through the area are perhaps going less than 70 miles an hour. But it is also my understanding that there is track improvement to be made in there. Once that does come into effect, that still would not preclude them from going up to

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

39th Legislative Day

April 10, 1997

the 70 miles an hour by this piece of legislation, is that correct?"

Skinner: "I have never...that is correct, but I think physics probably precludes them from going 70 miles an hour. They're pretty long trains."

Rutherford: "Yeah, I think though that one of the other statistics that I think is merit sharing, and again I do this with total respect for the reason for your sponsoring this legislation, but it's my understanding through studies, that it takes a freight train that's going at 40 miles an hour twice as long as a Metra train that's going at 50. So, I'm suggesting that we may be having even yet bigger concerns out there than the Metra line."

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

Rutherford: "It takes a freight train going at 40 miles an hour twice as long to stop as it does a Metra train at 50 miles an hour. So, I guess my point is that there's considerable number of other traffic patterns going through those lines that may be even more dangerous than what you're suggesting that the Metra line may be."

Skinner: "Well, that's the first time that argument's been made and I will admit again to not doing as well in physics as I wished I had."

Rutherford: "Okay. I think, to the Bill, Mr. Speaker. I reluctantly stand in opposition to this piece of legislation. I know well why Representative Skinner is sponsoring this and it does have a bit of sensitivity to all of us who witnessed or heard about the tragedy up there, but there's a number of reasons that I really do need to stand in opposition to this. One of them is the fact that what we're talking about doing here is applying a speed limit in just one village out of hundreds all across

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

39th Legislative Day

April 10, 1997

the state. And the concern that perhaps we could get into unique special legislation as each one of us may want to introduce Bills that may want to try to curtail speed limits in our specific area, whether it be for highways, whether it be for trains, whether it be for any other type of issue like that. A second reason like that is that the studies have already shown that the grade crossings there are similar to those in other parts of the state and that there is no real safety reason for distinguishing these crossings from any others out there. As well as I think that some other Representative had noted, that by reducing the speed there there could well be an increase in the number of vehicular traffic that could come from that. And also, one other point that wasn't noted on that, was that one could have a false sense of security, the passenger in a car being at a track when the gate is down, may have a false sense of security if they believe that that train is running slower because of this piece of special legislation. If that is the case, we may well find people going around the gates more so than they had been before. And the last thing that I would note is that very specifically, very specifically, for this Fox River Grove area, the safety needs for those crossings have been put into place and I believe that we should let them have time to test themselves out. So, reluctantly, I do stand in opposition to the legislation."

Speaker Granberg: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. To the Sponsor, if he'll yield?"

Speaker Granberg: "He indicates he will, proceed."

Moffitt: "Representative, I certainly commend you for your

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

39th Legislative Day

April 10, 1997

efforts here, and they're noble and well-intended, and something that we all feel that same feeling. And certainly the entire General Assembly wants to continue to express its concern and its sympathies to the families of all those victims of this tragedy. A question. Is your objective to pay tribute, to be a way to remember the tragedy and pay tribute to those that were involved with this? Is that a correct?"

Skinner: "Well, there already is a memorial at the intersection. An unobtrusive memorial. What I'm attempting to do is to follow through on the desires of my constituents in the southeastern part of McHenry County. I have a heavy commuter district. I can tell you that not one commuter has suggested that this Bill should not be passed, unless we want to accept perhaps the Metra Chairman, Jeff Ladd, he certainly has said that he doesn't want it passed. We will not add any additional time to the length of the commuter trip, either to Chicago and from Chicago. So, I'm trying to follow the wishes of my constituents like we all try to."

Moffitt: "Good. I certainly commend you for that. Do you, it's been pointed out, or the statement has been made that speed was probably not the factor or the major factor. Do you agree with that?"

Skinner: "Well, I can tell you I did not agree to sponsor this Bill until after the NTSB made its report. I am not sure that I agree with everything that the Representative from the mid part of the state has said. It does seem to me that there will not be a false sense of security in Fox River Grove for several lifetimes with regard to crossing railroad tracks. I think that is a spurious argument. I would point out that Metra employees themselves seem to

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

39th Legislative Day

April 10, 1997

think there was a safety problem in Fox River Grove, because on the day they decided to come and pass out safety pamphlets to the commuters in Fox River Grove, on that day and that day alone they limited the speed of the trains going through Fox River Grove not to 70 miles an hour, but to 50 miles an hour. So the message I'm getting from Metra, is if it's our employees that are in danger then we'll make it 50 miles an hour, but if it's your constituents, Representative Skinner, who are in danger we don't care."

Moffitt: "If this, and just a final question here. If this Bill does not pass, I wonder if you would consider working with Metra and with the families and all the people involved to perhaps establish a time, perhaps a week or on the anniversary of this tragedy when there would be a special tribute perhaps involving trains. Just a thought, if it doesn't, it was mentioned that maybe it would pass here and not in the Senate. So then have we accomplished what you wanted to do, or if we would really establish an event that was on an annual basis, I mean we do that for Memorial Day or Veterans' Day when we're really wanting to pay tribute to specific people and specific losses. Just a thought, I wondered if you would consider possibly working with all people involved should it not receive the requirement?"

Skinner: "Well, Representative, the job title of all of us is the same, it's State Representative. That means we're supposed to represent our district's desires to this collective Body. I certainly would be willing to talk to the people in Fox River Grove, but I think that it is not a weekly or an annual reminder or memorial they're as much interested in as it is not being reminded four times daily, and especially at 7:11 in the morning by whistles blowing and a

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

39th Legislative Day

April 10, 1997

70 mile train whooshing through town."

Moffitt: "Again, I commend you on your efforts to represent your district and do something tangible to remember this tragedy and I commend you for doing that. Thank you."

Speaker Granberg: "Representative from Washington, Representative Deering."

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

Speaker Granberg: "Indicates he will, proceed."

Deering: "Representative, I noticed...I noticed by the report that was filed by the Commerce Commission to the Governor and to the Members of the General Assembly, several discrepancies here in what you have been debating. The one thing that, I guess before I go into these questions, what caused the accident, the tragic accident where we had the loss of life? Can you briefly explain to the Body what happened?"

Skinner: "Well, Representative it goes back to the mid 1980's when I, mercifully, was in remission."

Deering: "No, Representative, I just want you to just briefly describe what happened at this particular accident."

Skinner: "I am. A decision was made to widen Route 14. The decision was made to save a strip of parking on the north side of Route 14 and instead put the lane, one of the extra lanes, all of the extra lanes, closer to the railroad. As a result there was less distance between the railroad track and Route 14. There was a substitute bus driver who, although a supervisor of bus drivers, did not realize that when she came across the track there was no stop light on the inside of the track, if you will, on the south side of the track, and that the rear of the bus would be protruding over one rail of the train. Now, the Chicago Northwestern originated in Canada and that means that the trains

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

39th Legislative Day

April 10, 1997

followed the English system and the trains run on the left-hand side of the two tracks. If the Northwestern, that is if Metra and the Union Pacific now, were to switch its operation this accident would not occur. And indeed if this Bill doesn't pass I think I'm next going to bring to this Body a requirement that all trains run on the American system so that accidents like this absolutely will not happen again on the Union Pacific, on the part of the train system which the Union Pacific bought from the Northwestern Railroad."

Deering: "So, you're saying that a portion of the school bus was sticking, or was stopped inside the crossing, is that correct? Inside the section of the crossing that the gates normally would protect if the gates had been down?"

Skinner: "The driver stopped at the white line and the bus was longer than the space between the white line and the railroad, and the first rail of the track."

Deering: "So you're telling me that the bus was sticking into the crossing, is that correct?"

Skinner: "That's quite common knowledge, yes Sir."

Deering: "Okay. So, that probably contributed more to the accident than anything, is that not also correct?"

Skinner: "Oh, it certainly did contribute to the accident."

Deering: "I understand it's also state law not to stop inside a railroad crossing, is that not correct?"

Skinner: "I will take your word for it. I would think that's a fairly logical state law. Even if not state law it certainly is common sense."

Deering: "Well, that's true, very true, but it's also spelled out in the report. This report also says that speed was not a factor in this accident. How many other trains go through Fox River Grove? Is Metra the only one that uses the

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

39th Legislative Day

April 10, 1997

lines?"

Skinner: "It is a Union Pacific line. So, there are freight trains."

Deering: "What about Amtrak?"

Skinner: "No, Amtrak does not."

Deering: "Amtrak doesn't run through Fox River Grove?"

Skinner: "Never has."

Deering: "Does the UP run faster than 50?"

Skinner: "I don't believe so. I mean, I don't have a speed gun on them, but I can tell you the trains are quite long and I doubt very much they could make 70 miles an hour."

Deering: "Okay. So Metra would be the train that would be running at the higher rate of speed?"

Skinner: "Yes."

Deering: "Okay. If we pass this Bill, if this Bill passes in the House and would succeed in the Senate and go to the Governor and he signed it into law, I know it was touched on briefly earlier, but would federal law preempt our authority on this?"

Skinner: "Well Representative, I guess it depends on whether you believe in the 10th Amendment, and knowing your political philosophy I would think that you would. And the 10th Amendment, if I, I'm not a constitutional lawyer and it's been a long time since high school, but it seems to me it says that everything that is not explicitly delegated to the federal government is reserved for the states. These are trains that do not cross state lines. They are run by a unit of local government. I see no reason that state government could not regulate train speed, especially if you will look on your, if you'll flip to the Bill and look in the paragraph above the paragraph I'm amending, it specifically grants, in current state law, the authority to

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

39th Legislative Day

April 10, 1997

the Illinois Commerce Commission to regulate train speed."

Deering: "If this Bill passes, I'm sure, I'm not an attorney as many people in this Body, but I'm sure that there will be litigation filed as to the preemption of the federal law. Who will cover the cost of that lawsuit? What taxpayers in the state will pay to either defend or prosecute that lawsuit?"

Skinner: "Well I would assume the Attorney General would defend the law, but it is conceivable that the village of Fox River Grove would have a legal interest."

Deering: "Okay. If we set the train, if we set the speed on the Metra train at 50 mile per hour will the Union Pacific refuse to enter into an agreement to allow Metra to use those tracks? Have they the authority to refuse to allow Metra to run on those tracks?"

Skinner: "I think they make so much money that they would not really care."

Deering: "That's not the question, Representative. Can they disallow the use of Metra on those tracks?"

Skinner: "No one has asked me that question, so I haven't researched it, I do not know the answer."

Deering: "I believe that's also spelled out in the report by the Commerce Commission to the Governor. If we slow down the train coming through Fox River Grove, we're not slowing it down in other communities?"

Skinner: "I'm sorry I'm losing your voice in the din."

Deering: "If we slowed the train down as it comes through Fox River Grove, we're not slowing it down in any other communities, right?"

Skinner: "This is a pilot program, which is limited to one mile of track between, well, where the three intersections are in Fox River Grove. That is correct."

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

39th Legislative Day

April 10, 1997

Deering: "Is there a sunset provision in your Bill for the pilot program?"

Skinner: "You know, nobody has brought that up until today. There is not in this language."

Deering: "Would you pull the Bill out of the record and at least amend it to put the sunset provision in?"

Skinner: "No, but I'd certainly be willing to discuss it with my state Senator."

Deering: "Okay, the report also says that if we slow down the use of Metra we could potentially increase the amount of automobiles that use the state's highways in and around Chicago and the collar county area. As much as 45 million miles of vehicle travel could be added. What kind of impact do you expect that to put on the Road Fund? If we're going to increase the usage on the roads I know it's going to add to increased maintenance. Potentially the need and the call for new road construction. What kind of impact do you think it will have on the Road Fund?"

Skinner: "Well, Representative, that recommendation is what makes me hold the whole report in question. It is the most ridiculous suggestion I've ever heard that one would force people out of trains by not increasing their time between Crystal Lake and Chicago, or Harvard and Chicago. It is an absolutely absurd conclusion and the bureaucrat that put it in the report ought to be ashamed of himself."

Deering: "Well I guess that's your opinion, Representative."

Skinner: "That's right it is."

Deering: "So, as long as it's in there can you school us and tell us what you think the impact on the Road Fund would be?"

Skinner: "I think there will be absolutely no impact on the Road Fund because you guys are such skillful negotiators we're limited to 45% of the Road Fund no matter how much we

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

39th Legislative Day

April 10, 1997

need."

Deering: "What about the non-attainment area? If we increase automobile traffic and congestion, you know the USCP already has all of Cook County and a big portion of the collar counties in the non-attainment area, do you expect that to expand?"

Skinner: "Well Representative, the non-attainment area, as you may have noticed from Representative Hughes' Bill I think of last Session, is under great dispute by people within the six county Chicago metropolitan area, including Mayor Daley's director of whatever he calls his environmental department. The last two days out of three in this week, there have been attacks on the non-attainment area logic by Mayor Daley's environmental expert. I can tell you that part of it is based, part of the non-attainment is based on a testing station that is based in Walworth County, Wisconsin, not even in the six county area. It is junk science at its worst."

Deering: "Well, nevertheless, we do have the non-attainment area and we also have one in the Metro East, and we contend that it's not fair and it's not just, but we have to live up to it and I know the people in Cook and the collar counties have to live up to it. That potentially will expand and will cause an increase in vehicle inspections, increased time on the pocketbooks of the consumers in that area, so have you taken that into account? Apparently not. A couple of questions on the Bill. Says here in the Bill that if Metra fails to comply with the speed limit certain fund sources shall be reduced or eliminated. What sources are you alluding to?"

Skinner: "Well, I'm thinking of any and all. The two that I can specifically name, obviously, are state government and the

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

39th Legislative Day

April 10, 1997

Regional Transportation Authority. I don't believe any money comes directly from the federal government."

Deering: "Who makes the decision if the Metra trains are speeding?"

Skinner: "Well I imagine that Chief Poston, the police chief who is sitting in the balcony, will have his speed gun out to check."

Deering: "So, it would be up to the local law enforcement agency to decide?"

Skinner: "Actually, the Village of Fox River Grove in cooperation with other police departments are the first people to tell us how fast the train is going. Metra has not been exactly forthcoming in speed data."

Deering: "So will you have a law enforcement officer sitting in a patrol cruiser with a hand-held or a dash mounted radar gun looking at, or checking the speed of the trains, is that how that will be done?"

Skinner: "Representative, Chief Poston has more and more grief over this accident probably than anybody else in the state outside of the parents, because on the day of the accident he had an IDOT employee there watching the train because the train signals had not been working. I am absolutely positive that he is willing to sit out there himself and check the speed."

Deering: "What happens to the operator of the train if he or she is cited?"

Skinner: "Nothing."

Deering: "Nothing happens to the operator?"

Skinner: "This is not a criminal offense, the penalty is the, the penalty is the funding penalty."

Deering: "And dollar amount, what's the dollar amount that they can lose? Approximate."

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

39th Legislative Day

April 10, 1997

Skinner: "Well, I think it uses the word 'appropriate', I'm not sure. If the Metropolitan Transit Authority, which is what Metra's official name is, deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to Metra shall appropriately reduce or eliminate that funding. So, it is a question to be defined by the funding entity."

Deering: "So, if the trains are running above the speed limit and the local law enforcement officer writes a citation, it goes to the Metropolitan Transit Authority Board to decide what funds they're going to cut from themselves, is that what you're saying?"

Skinner: "I don't think he would write a citation, Representative. I think he would make a notation and I think the village officials would go to the Regional Transportation Authority and complain."

Deering: "So there really is nothing in this Bill that has any teeth in it to enforce what you're actually trying to do here then is there?"

Skinner: "Representative, I have put in what I think is an appropriate enforcement mechanism."

Deering: "To the Bill, Mr. Speaker."

Speaker Granberg: "Proceed."

Deering: "As was stated by some of the previous speakers, this is a special legislation dealing with one community, and yes, there was a tragic accident that we all feel sad and sorry about. Hopefully it will never happen again, but there's been numerous reports, numerous coverage that the speed of the train was not the problem. I think we have to look at all of the above factors. I think this is bad legislation setting a precedent for special speed limits in every other community in the state and I think we should defeat this

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

39th Legislative Day

April 10, 1997

Bill."

Speaker Granberg: "Thank you. The final speaker, the Gentleman from Lake, Representative Beaubien."

Beaubien: "Yes, thank you. If I could have your attention for a moment, I would like to rise in support of House Bill 50. Many of you are not aware of this but part of Fox River Grove is in my district. The accident occurred within a mile and a half of my home. I happened to hear the sirens and the helicopters that particular morning. I went to the wake of some of these individuals and I want to apologize to the people from Fox River Grove that are here that have been the victim of something that has to do with some personalities in this chamber rather than the issues that are being presented. This Bill is very specific. It deals with Fox River Grove. The presenter has indicated that he will put a sunset on this particular Bill. I have been here a short period of time, but I have noticed that many Legislators present Bills from wells being drained to other issues because things happen within their district. This Representative has brought a Bill that...to an event that happened in his district that I'd like to suggest is one of the greatest tragedies that has happened in the State of Illinois in recent years. This is not about technicalities, this is not about speed of trains, this is about compassion and recognition of the pain of the people of this particular area. And we have an opportunity to the Members of the House to make up for some of the behavior this evening and make the gesture to the people of this area for this specific Bill, which will be for a specific period of time, to recognize and relieve some of their pain. And I urge you would vote for this Bill and I urge that if it pass, you'd call the question."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Gentleman from McHenry to close, Representative Skinner."

Skinner: "Mr. Speaker and Members of the General Assembly, we all try to put ourselves, during this time we have been considering this Bill and indeed since October of a year ago, in the places of these parents, and none of us, well maybe very few of us, really can even get very close to those shoes. We know nothing can bring back a child. What you may not know is that the State of Illinois has a Court of Claims, which the seven parents can go to and ask for compensation. The maximum compensation is \$100 thousand per child. However, none of them will receive a dime, and they won't receive a dime, not one penny of state compensation because under the Court of Claims Act if you receive money from any other source that amount is subtracted from the \$100 thousand. Well Representatives, I told you I was very happy, I was not in office when the decision was made to put Route 14 closer to the railroad tracks and to leave those parking spaces in Fox River Grove. I'm sure that everybody who was involved in the decisions wished they had not made that decision. I believe the State of Illinois owes the parents in Fox River Grove, the people in Fox River Grove, and indeed the people of the entire state and this country, they owe something. We have given nothing that state government should not have done before the accident occurred. What I'm asking here for today, what I'm asking today is that you give 26 to 46 seconds on eight trains each day during the week to Fox River Grove. That is about as close to nothing as I can think of that state government could give to the people who are continuing to suffer through this tragedy. I think that's about all I want to say. Thank you very much."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Gentleman moves for the passage of House Bill 50. All in favor shall vote 'aye'; all opposed shall vote '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 are 86 'aye' votes, 20 'no' votes, 9 voting 'present'. House Bill 50, having received the Constitutional Majority, is hereby declared passed. House Bill 631. Representative Curry."

Clerk Rossi: "House Bill 631, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Granberg: "Representative Curry."

Curry: "Thank you, Mr. Speaker. I'm pleased to present House Bill 631, which is an initiative of the Illinois County Clerks Association. It's a very simple Bill. House Bill 631 changes the date on which the county clerk of a county with an overlapping tax district that extends into another county may make written demands for actual or estimated valuations or rates from the clerk of the county in which the overlapping county lies, from April 1 to March 15. Basically, what this Bill does is move the process up by 15 days. As a former county treasurer and an individual who's been involved in preparing for sending out tax bills and what not, the problem we've run into is taxing districts that go into another county. County clerks in some of those counties have not sent the information to the other county clerk in a timely manner. We're mandated by state law to send out tax bills by May 1 of each year. When the valuations or rates are submitted late, the county clerk cannot do their work in a timely manner, which means that the county treasurer cannot get those tax bills out on time. I would ask that this Body vote 'aye' on this matter."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "The Lady moves for the passage of House Bill 631. Is there any discussion? The Gentleman from Logan, Representative Turner."

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

Speaker Granberg: "Indicates she will. Proceed."

Turner, J.: "Representative, is this your first Bill?"

Curry: "Yes, Sir, it is."

Turner, J.: "I note the term 'overlapping taxing district' is used. Do you have a definition for that?"

Curry: "It's a taxing district that is in one county and overlaps into another county."

Turner, J.: "Where are you? I can't find you."

Curry: "Is there a definition in the Bill? No."

Turner, J.: "Okay. I see you now. What's the position of the County Clerks Association on this?"

Curry: "They're in favor of this Bill."

Turner, J.: "And is there any opposition to this Bill?"

Curry: "No there is not."

Turner, J.: "Could you explain, again, to me what the change as far as the dates is in this particular measure?"

Curry: "Well, it moves the date from April 1 to March 15, moves it up 15 days. It gives the county clerks an extra 15 days to get the information to the county clerk in the overlapping district."

Turner, J.: "You say it moves it up 15 days?"

Curry: "Yes."

Turner, J.: "And have they come to you and said that this extra 15 days is needed because they've been unable to do the required task?"

Curry: "Yes. What happens is, that there are county clerks that don't cooperate with county clerks in a neighboring district. And that holds up the process of trying to

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

39th Legislative Day

April 10, 1997

expedite preparing for tax bills that have to go out May 1. Sometimes those county clerks in those counties that are having problems, you know, in the county that I served as county treasurer, in Macon County, there are more than 150 taxing districts and they count on the tax dollars that we collect each and every year. If a county clerk in another county is holding up the process that means those taxing districts will not get their tax dollars on time, and sometimes they have to ask for tax anticipation warrants and borrow money so that they can keep the business of their taxing district going."

Turner, J.: "You mentioned that you are a former treasurer?"

Curry: "Yes."

Turner, J.: "Now does this in any way affect the treasurers across the State of Illinois in each county?"

Curry: "Well, if the county clerks are able to do their job in a timely manner then that gives the county collector an opportunity to prepare, as well, and not be rushed into mailing out those tax bills at the end of April, beginning of May."

Turner, J.: "When you use the term 'county collector', is that another name for a county treasurer?"

Curry: "Yes, Sir."

Turner, J.: "And have the county clerks asked whether or not the statute with regard to the collector or treasurer should also be amended to make it in conformity with the changes you're proposing herein?"

Curry: "It's not going to affect that, no."

Turner, J.: "I'm sorry, I couldn't hear your response."

Curry: "It's not going to affect that, no."

Turner, J.: "I think that's all the questions I have. Thank you."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Anything further? The Gentleman from Jo Davies, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker). Will the Lady yield for a question?"

Speaker Granberg: "Indicates she will. Proceed."

Lawfer: "Does this pertain to all counties?"

Curry: "Yes, Sir, it does."

Lawfer: "Does that mean that, a possibility that all of my constituents will probably have to pay their property taxes maybe 15 days earlier, where they probably, sometimes, have had the opportunity to delay those payments for a month or so past that due date?"

Curry: "No. Tax bills are required by law to be mailed out no sooner, no later than May 1. The problem is that when evaluations and rates are late, causes the the county clerk and the county collector to send those bills out late. They're never mailed out before May 1."

Lawfer: "But this could speed up the whole process and make all of my constituents pay their pay their property tax earlier?"

Curry: "No, Sir. It helps the county clerk do their job a little bit quicker, but it doesn't mean that the tax bills are going to go out any sooner. A lot of times they are under a crunch time to get all their work done, and a lot of times they can't get the bills out on time. There are very few counties in this state that get their bills out on May 1. We think by speeding it up just a couple weeks will allow county clerks and county treasurers to get their work done in a timely manner. So that all the taxing bodies throughout the state can get their tax bills out so the taxes can be collected and we can conduct our business."

Lawfer: "Well I have a lot of taxpayers who don't like to pay

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

39th Legislative Day

April 10, 1997

their property tax any sooner than later. I'll have to look at this Bill very closely. Thank you."

Speaker Granberg: "There being nothing further, the Lady from Macon moves for the passage of House Bill 631. The Lady moves for the passage of House Bill 631. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Silva votes 'aye'. Mr. Clerk, take the record. On this question there are 114 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 111. Representative Gash."

Clerk Rossi: "House Bill 111, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Gash: "Thank you, Mr. Speaker. House Bill 111 would cover severe mental illnesses under the same terms and conditions that apply to any other illnesses, including duration of coverage, amount limits, deductibles, and coinsurance requirements. By denying or restricting necessary medical treatment, these policies have effectively been redlining mental illness, and preventing people with serious medical problems from regaining their health. And I ask for its favorable passage, and I move for its favorable passage."

Speaker Granberg: "The Lady moves for the passage of House Bill 111. On that question, is there any discussion? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "Indicates she will. Proceed."

Durkin: "What types of mental illnesses have you defined within this Bill should be covered or mandated through this

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

39th Legislative Day

April 10, 1997

legislation?"

Gash: "Severe mental illnesses, which is any mental disorder caused by factors including a biological or physiological disorder of the brain, or psychosocial factors that substantially limit the life activities of the person with the illness. This pretty much tracks, virtually, the same language as the Americans With Disabilities Act."

Durkin: "Would this cover somebody who's suffering from mild depression?"

Gash: "This covers serious mental illness."

Durkin: "Serious mental illness. So, is depression considered a serious mental illness under the federal guidelines?"

Gash: "Yes. Depression can be a serious mental illness."

Durkin: "Now, it seems to me, I think, this past year that the federal government did pass legislation which does, I think it was the Kennedy Kasselbaum Act, which I believe covers and I think requires insurance companies to assist with the payments for psychological illness. Is that different at all from that piece of legislation?"

Gash: "It doesn't require them to cover it exactly the same way."

Durkin: "Does the federal legislation, is that mandatory or is it voluntary? Do you know if that...if there is a station..."

Gash: "The federal legislation is mandatory if they're covering mental illness, but they don't have to cover mental illness."

Durkin: "Do you know of any opposition to this Bill?"

Gash: "There is probably opposition from insurance companies, but I'm glad you asked that. There is a coalition to stop insurance redlining of mental illness, which includes, among other groups, the Illinois Psychiatric Society, the Alliance for the Mentally Ill, the Mental Health Association in Illinois, the Coalition of Citizens with

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

39th Legislative Day

April 10, 1997

Disabilities, the League of Women Voters, the Illinois Chapter of the National Association of Social Workers, the Illinois Rural Health Association, the Chicago Psychoanalytic Society, the Illinois Mental Health Counseling Association, the Coalition of Illinois Counseling Organizations, the Illinois Psychological Association, the Illinois Association of Community Mental Health Agencies, and the Illinois State Medical Society. I'm not going to read the whole list right now, unless you want me to."

Durkin: "No, no, that's okay. Just one last question. Do you have a ballpark figure as to what type... first of all, will this increase premiums for employers?"

Gash: "I'm looking for a study right now that just came out that was published and released Tuesday, April 8, 1997, which has to do with the experience in New Hampshire. They instituted an Equality of Benefits Law in 1995, and the findings of this study reflect the views expressed by insurers and HMO's that cover the vast majority of commercially covered situations in New Hampshire. No respondent attributed a change in premium to the equality of benefits legislation. Respondents said that the new legislation was not a factor in negotiating premiums or benefits with employers. None could report concerns expressed by either employers or consumers related to the implementation of the new legislation. There are several different states that have instituted this type of legislation, and there have not been the kind of significant problems that the opponents to this Bill are concerned about. I'm looking for something. Does that answer your question? There have been many states that..."

Durkin: "Is there anything existing in the law right now, which

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

39th Legislative Day

April 10, 1997

requires employers to make some type of contribution towards serious mental disease or disorders?"

Gash: "This deals with coverage of mental illness."

Speaker Granberg: "Anything further, Representative?"

Durkin: "I have no further questions. Thank you."

Speaker Granberg: "Thank you. The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker Granberg: "She indicates she will. Proceed."

Mautino: "Representative, in your legislation is there... if this were to pass, would this apply to State of Illinois employees?"

Gash: "Yeah. In most situations."

Mautino: "Would it apply to... would this apply to the groups who are self-insured, the Caterpillars, the unions?"

Gash: "Yeah. As we talked about before, these are some of the concerns you've expressed on previous Bills."

Mautino: "That's true, and I think that's what I... I understand fully what you're trying to do with this legislation, as a lot of the Bills that we're going to see come before the General Assembly. There are a lot of great reasons to do this. Are there... I guess what I want to ask you, is there anything that excludes a small group policy employer from purchasing this kind of coverage on the open market? The answer to that is no. I mean, they can't..."

Gash: "This covers insurance offered under the Insurance Code."

Mautino: "It is available on the open market. With this and a lot of these Bills there are some good reasons to do these, but I think, and to the Bill, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Granberg: "Proceed."

Mautino: "A lot of the legislation that we're going to see before

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

39th Legislative Day

April 10, 1997

the chamber is good, well-intentioned. No one works harder on these issues than the Sponsor, and I commend her for that. However, they do also have a cost, and that cost doesn't really affect 70% of the people who have insurance coverage out there. Who we really end up affecting are the small groups and the plans like, basically for small business. To give you an example on this, Representative, I have a small group, 34 employees. I pay \$11 thousand a month premium. Five years ago I offered a plan that had basically 100% coverage, and as the time has moved on and more of these Bills come, we've gone to an 80-20 plan. And we look more and more, even as a small business, towards self-insuring or looking at one of these bare bones plans, and there's a reason there is a bare bones plan out there. No one buys them because for your employees, if you want to offer insurance, if you want to offer something that's a good package and it's also affordable. This collection of Bills on my premiums that I'm paying here is \$120,000 a year that I'd pay in premiums. When this passes through, along with the other Bills, I'm looking basically at a 20 to 25,000 dollar increase, and in this business climate it's tough to make up. I want to give my people the best that there is, and we've done that for almost 100 years. It costs too much to try and get a new employee or train a new employee, but the decision you make when you try and put together a contract is, am I going to put the money on the take home side? In order to do that, I can't continually compete with these increasing costs on the benefits side. So although it's well-intentioned, what you're doing, it does have a cost. And that cost is born by a lot of the small businesses. As I've said, I've got 34 employees, and that's not a big business, but when you

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

39th Legislative Day

April 10, 1997

look at that type of an increase to offer your employees the best that you can, it becomes difficult. And, I think, when we take the actions in the General Assembly and try and piece meal what should be in these policies, it really does a disservice to the small businesses that are out there that are trying to make it by. Your Bill is very well-intentioned. I've offered that kind of coverage, I have that in those policies, but as I look at these and the Bill that we passed through earlier in the week here, just a few days ago. It looks nice when you say it's a 3% cost. You know, all of this is only 3%. And then this Bill, I think, has a 7% cost, and the next one down the road has a 7% cost. They're all things we'd like to do, and a lot of the small employers out there want to keep their people and provide for them. But I think we have to allow some of that flexibility. So I'm reluctantly going to oppose your Bill on the grounds that, yes we'd like to do that. And as an employer I will purchase those parts of the policies that I can best afford to do, to give my people a good quality standard of life and good insurance without having to go to a policy that wouldn't cover them with anything, which, right now, is my only option if I can't afford to self-insure. So, although it's well-intentioned, I think that that is one of the problems that we, as a Body, really have to face. We'd like to do these things, but sometimes the cost to the little guy is just too much."

Speaker Granberg: "Thank you, Representative. The Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of House Bill 111. At the time of the hearing before the Health Care Availability and Access Committee, we had the opportunity to take extensive testimony on the

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

39th Legislative Day

April 10, 1997

merits of this Bill, and I believe that very clearly the testimony on this and on others clearly established that treatment for mental illness is effective, it works, and it saves dollars. A number of employers here in the State of Illinois have proceeded to include mental health coverage in their health care, and they are already covering their employees here in the State of Illinois. And, as mentioned by the Sponsor, there are now seven other states that have passed legislation to proceed to implement mental health coverage. And a study of these states have shown that indeed the increased access for mental health encourages the early intervention and the treatment necessary. It increases the business productivity that the employers are looking for, and it reduces the reliance on expensive treatment that otherwise would ensue. This legislation is very specific, as far as the mental illnesses that are covered, and the studies have shown that, indeed, the employers who have included this now are getting the benefit and that the costs, indeed, are minor. The significance here is to have the treatment begin, which is therefore much less costly than if they were to have to proceed to inpatient hospitalization. The time has come for our state to join with the other states to end discrimination against mental illness, and to include it in health plans. And I join with the Sponsor in urging a 'yes' vote on House Bill 111. Thank you."

Speaker Granberg: "The Gentleman from McLean, Representative Brady."

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

Speaker Granberg: "She indicates she will."

Brady: "Representative, can you give me an indication of how many people this would have affected last year?"

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

39th Legislative Day

April 10, 1997

Gash: "I don't know the exact number."

Brady: "Pardon."

Gash: "I don't know the exact number."

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

Gash: "Can you repeat your question?"

Speaker Granberg: "Repeat your question, Mr. Brady."

Brady: "I'm sorry, I didn't hear you. You were speaking so fast, I'm sorry. Representative, do you have any indication of how many people this would have affected last year?"

Gash: "I do not know."

Brady: "So you don't know if it's one, or a thousand, or 3 thousand, or 10 thousand?"

Gash: "Correct."

Brady: "Do you have an indication of what this will do to premiums?"

Gash: "Well, we certainly have an indication of that. I think, and that does address what Representative Mautino was talking about, but I think it's important to look at the actual situations where this has occurred, rather than talk about how this would make premiums go up and what this would do. It should be pointed out that the National Mental Health Advisory Council has concluded that treatment could actually save, nationally, over \$2.2 billion. And a lot of studies have demonstrated that discrimination against severe mental illness, ending that discrimination is very achievable and very economical. I want to tell you about actual results from states which have, in fact, enacted similar laws like California, Maine, Maryland, Minnesota, New Hampshire, Rhode Island, and Texas. The Maryland Health Resources Planning Commission data shows that costly inpatient psychiatric stays have actually declined from 1993 to 1995, in spite of their new

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

39th Legislative Day

April 10, 1997

nondiscriminatory insurance policy. Minnesota's governor, as well as insurers in Minnesota, report that there hasn't been a cost explosion. In fact, in Minnesota, Blue Cross has actually lowered their premiums. And, Representative Brady, I thank you for asking that question. They've lowered their premiums 5 to 6% for small business after their mental health parity law was enacted. So, obviously, parity did not increase the rates. Data from the employee retirement system of Texas showed that the average annual serious mental illness claims per employee were \$49.37. Paul Gentile, who is a commissioner with Maryland's insurance commission, actually said, 'The idea that parity would bankrupt insurance is ridiculous.'

Brady: "Representative, I appreciate all of that great information, but I was more concerned..."

Gash: "Well, there's more..."

Brady: "...about your specific legislation and how it would have an affect on premiums in this state. Do you have any information, any actuarial information? Are you suggesting that this legislation will...this government mandate will reduce premiums by offering 90 mandated days of inpatient care?"

Gash: "Well that certainly is possible, because it is very clear that treating mental illness early can prevent all kinds of problems down the road, and not just with respect to health, but also many untreated mentally ill people, as you know, wind up in our jail system, in our prison system. This can prevent a lot of problems."

Brady: "To the Bill, Mr. Speaker, and I thank the Representative for her comments. I also applaud her for her efforts in trying to help those people who need therapy or medication for mental illness to find it, but I'm not sure this is the

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

39th Legislative Day

April 10, 1997

right way about it. I strongly believe that if those premium reductions that she suggests would occur, they would occur within the business community. No one knows better how to manage those resources than the business community. As much as I believe she believes this would reduce premiums, I don't think that's the case. In fact, the people who offer insurance in this state have suggested that this will increase premiums. By increasing premiums it will do a couple of things. One, it will either force employers to cut, or increase deductibles, increase co-pays, drive people off of insurance, drive dependents off of insurance, because their coinsurance for dependent coverage will increase to an unaffordable level. When I look at the Representative's intentions I certainly see she means well, but I think it has an opposite affect. I urge a 'no' vote on this issue. Thank you."

Speaker Granberg: "Thank you, Representative. Let me remind the Members the Bill is on Short Debate. The Bill is on Short Debate. So, Representative Schakowsky, would you like to be the..."

Schakowsky: "Thank you, Mr. Speaker. Just briefly, I stand in support of House Bill 111. I think not to support it relegates mental disease, serious mental illness, back to the dark ages. We have come so far that mental illness, serious mental illness, is as treatable as many of the diseases that we think of as those that, of course, are going to be insured. In fact, even more treatable. Success with many forms of serious mental illness are greater than those with heart disease, for instance, chronic heart disease, which no one would consider not supporting with health insurance. And so it seems to me if we are going to be representative of the state of medicine

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

39th Legislative Day

April 10, 1997

at the end of the 20th century, then it only makes sense to support, enthusiastically, House Bill 111."

Speaker Granberg: "Now the Bill is on Short Debate. The Lady from Lake moves for the passage of House Bill 111. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted...Kubik 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question there being 82 'yes' votes, 34 'no' votes, 0 voting 'present'. House Bill 111, receiving the Constitutional Majority, is hereby declared passed. House Bill 218, Representative Deering. Representative Deering. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 218, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 218 repeals certain provisions concerning rail crossings. These changes have been agreed to by the Illinois Commerce Commission and the Illinois Railroad Association. The Amendment becomes the Bill and repeals portions of Bills that were passed last year in a Conference Committee. I'll be glad to answer any questions you have about the Amendment."

Speaker Granberg: "No one seeking recognition? All those in favor of the adoption of Floor Amendment #1 say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Third Reading. Further amendments?"

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

39th Legislative Day

April 10, 1997

Clerk Rossi: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 568, Representative Burke. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 568, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker. This Bill has to do with the medical practice of naprapathy. Recently there has been a malpractice action in Illinois. This is a medical profession that has existed in our state for over 90 years, recently licensed. And, in fact, what this would do in currently in healing our malpractice action as the statute currently provides now, only a physician licensed to practice medicine in all its branches, and that would be an M.D. or an Osteopath, may file a written report determining that there is reasonable and meritorious cause for filing the action against a licensed Naprapath. The science of naprapathy is not taught or dealt with in any manner in medical schools. Therefore, M.D's are not qualified to review a malpractice action determining purported negligence by a Naprapath. As this Bill would provide, naprapaths properly belong in the first category of defendants, and that would be chiropractors, dentists, podiatrists, and psychologists. Because, like those practitioners, naprapathy is also a unique science that can only be interpreted by a practitioner holding that same class of license. What this Bill would do is to apply the use of a trained professional, not an M.D., to offer testimony in any upcoming malpractice actions against a practitioner of naprapathy. And I would ask for the Body's favorable consideration, and I would be at the Body's

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

39th Legislative Day

April 10, 1997

disposal to answer questions."

Speaker Granberg: "The Gentleman from Cook moves for the passage of House Bill 568. On that, any Members seeking recognition? No Members seeking recognition. The Gentleman moves for the passage. All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Schoenberg 'aye'. Have all voted who wish? Bugielski 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question 111 voting 'yes', 4 voting 'no', 1 voting 'present'. House Bill 568, having received the Constitutional Majority, is hereby declared passed. House Bill 1025. House Bill 1025. Read the..."

Clerk Rossi: "House Bill 1025, a Bill for an Act relating to sites for high school athletic contests. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Champaign, Mr. Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I think I've talked to nearly everybody about this Bill. This Bill is a product of the presentation of the Auditor General, for the...Auditor, Audit...the Legislative Audit Commission, of which I was formerly a member, and have been succeeded by my distinguished colleague from Champaign County, Representative Winkel. I'm joined in this Bill by Representative Hannig, Deering, Art Turner, Winkel and Stephens. This Bill eliminates the rancor between where the site ought to be, and simply brings good government to the process by which high school basketball is assigned to various communities. It simply provides, I'll direct your attention to page two of the Bill, that in the letting of contracts for high school athletics and specifically high school basketball, with the Amendment on it, that it's done on a competitive bidding basis. Associations shall select

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

39th Legislative Day

April 10, 1997

and award each tournament, after advertising for bids, and determine their responsibility of any bidder. The associations will take into account the past records of dealings, the bidders' experience, quality and adequacy of facilities, equipment available, adequacy of parking, public transportation, security, public safety, quality and sufficiency of public restaurants and lodging, special incentives available from the bidder, et cetera, et cetera. This simply does what we do in nearly everything else, and that is to provide the most cost efficient site available to the taxpayers of Illinois, and specifically to the location of the high school basketball tournament. This eliminates any bias in favor of one site or the other. It's not intended to do that, it's simply intended to do as the Auditor General suggested, and as I believe nearly every Member of this General Assembly believes, and that is that we ought to have fair competitive bidding in the process. And that is simply all the Bill does. It's a straightforward Bill and it's one that I think will simply allow, I know will allow, a level playing field for Peoria, for Rockford, for Carbondale, for Chicago, for Champaign, for Bloomington, for anyone else to have a chance to have their community awarded the three-year contract. It's intended in no way to be biased in favor of one community or the other. It simply says the I.H.S.A. develops the specs and then the communities, if there are more than one, have a chance to bid on them. If Peoria is the most desirable site, it'll win. If Champaign is the most desirable site, it'll win. If Chicago is, it'll win. And overall the taxpayers of Illinois, the school children of Illinois, the athletes, parents, fans and everyone else will benefit, because they'll have a site that will have

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

39th Legislative Day

April 10, 1997

gone through the competitive bidding process like we do in 95% of the other contracts we let and the result will be justice for everybody. I would ask for your favorable consideration."

Speaker Granberg: "The Gentleman from Champaign moves for the passage of House Bill 1025. On that question, the Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I would like to make a few observations about this thoroughly obnoxious Bill."

Speaker Granberg: "Please proceed."

Leitch: "First of all, we already have competitive bidding, and that's how Peoria got this to begin with. That would be point number one, and there's procedures in place with them at the I.H.S.A. to continue to have competitive bidding. So that makes this Bill absolutely unnecessary and absolutely...yet another expression of sour grapes, that Peoria a couple of years ago came up with the tournament. It's extremely annoying, it's extremely offensive to our community. And beyond that point I distinctly recall that my good friend, Tim Johnson, making me a deal, and that deal was that if Sergio McClain and Marquis Griffin went to the University of Illinois he was going to drop this silliness and both of them then declared to go to the University of Illinois. Yet, this goofiness persists. And I simply would like to put this matter to rest and I think it is an insult to our community. I know they are very, very, upset about it. And I would like to urge everyone in the Chamber to reject, finally, this bad Bill and put this issue to rest. Thank you."

Speaker Granberg: "The Gentleman from Rock Island, Representative Brunsvold. Representative Brunsvold."

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

39th Legislative Day

April 10, 1997

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

Speaker Granberg: "He indicates he will, proceed."

Brunsvold: "Representative Johnson, the bidding process, once the bids have been out and brought back, who decides what site they're going to?"

Johnson, Tim: "The I.H.S.A."

Brunsvold: "The Executive Board?"

Johnson, Tim: "Yes. Whoever makes the decisions within the governing process of the I.H.S.A."

Brunsvold: "And, does any bidder that doesn't get it have any right of recourse against the I.H.S.A.?"

Johnson, Tim: "No. No. No, they wouldn't have any right or recourse as long as they complied with the law."

Brunsvold: "Thank you."

Speaker Granberg: "Anything further? The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. With all due respect to Representative Leitch, I think you'd have a better case, and Peoria would too, if I hadn't heard what I heard in the Legislative Audit Commission. As a Member of that commission, I had the opportunity to ask a few questions of the Executive Director of the Illinois High School Association. And before I talk about that, I do want to emphasize to Representative Leitch that I rise not to make a...in support of a Bill that I think is divisive and an insult to Peoria, it's not that way at all. The reason I think that give rise to this legislation, which made it necessary, was a testimony that the Executive Director of I.H.S.A, gave the Legislative Audit Commission. The one big surprise out of all that testimony was that the contract that had been competitively bid for, you're correct about that, would expire next year. And when I

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

39th Legislative Day

April 10, 1997

asked Mr. Fry, the Executive Director, if it would be put out for bid next year he said he wasn't sure. He said, he didn't think it would be put out to bid. Now, a competitive bidding process is terrific. It's the way to go. I think it should continue in that matter so that nobody ever takes it for granted. That each city in the state that is honored to have this tournament, competes for it on a competitive basis. But to have won it competitively and then not to put it back out to bid, I think it is wrong. And I think that's the motive for this legislation. It may or may never come back to Champaign, I hope it does. If it does, I'd like to have Champaign to have the opportunity to be able to bid for it as well as every other city in the state, including Peoria. And for that, I would say that we need this Bill, it's necessary. I think it needs to go back out to competitive bid, and for that reason, I would urge you to vote 'yes'."

Speaker Granberg: "The Gentleman 'moves' for the passage of House Bill 1025. All in favor shall vote 'aye'; all opposed shall vote '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 93 'ayes'; 23 'noes', 0 voting 'present'. House Bill 1025 having received the Constitutional Majority, is hereby declared passed. Back to the Order of Second Reading, House Bills, Second Reading, to move Bills to Third, appears House Bill 427, Representative Saviano. Representative Johnson, for what reason do you rise?"

Johnson, Tim: "This is a, I guess it's a Point of Personal Privilege, but it's in no way argumentative. I was going to explain in my closing remarks that Representative Leitch, one of my very good friends, who, along with Mr.

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

39th Legislative Day

April 10, 1997

Griffin, Mr. McLean, Mr. Williams, and Mr. Hester are the five favorite Peorians to everybody in the state. They're great people. He said nothing that was incorrect. He is absolutely correct about everything that he said, except, as Representative Winkel says, all of these matters are not directed at Peoria, they're directed at the I.H.S.A. And all of this arose after the initial Bill was put in to be site specific. So we simply are addressing ourselves to the I.H.S.A. and not to Peoria, not to Representative Leitch, he's right. He and I are good friends and there is no rancor between us in any way as a result of this."

Speaker Granberg: "You might want to go back to Representative Leitch. House Bill 427, Representative Saviano."

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

Speaker Granberg: "I'm sorry, read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 427, a Bill for an Act to extend the Social Work, Examining, and Disciplinary Board. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Saviano, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Saviano, on Floor Amendment #1. Floor Amendment #2."

Saviano: "Thank you, Mr. Speaker, Members of the House. Amendment #2 to House Bill 427 is a technical Amendment which deletes the word 'or clinical social worker' in four different locations in the Bill. It's an Agreed Amendment and I would ask that it be adopted. Thank you."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2. On that question, the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Thank you very much, Mr. Speaker. I just have an inquiry of the Chair. Will the Clerk... I can't keep track. We're

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

39th Legislative Day

April 10, 1997

on Amendment #2, what happened to Amendment #1?"

Speaker Granberg: "Mr. Clerk."

Clerk Bolin: "Amendment #1 was adopted in committee."

Black: "Alright, so that was Committee Amendment #1 and we're now on Floor Amendment #2?"

Speaker Granberg: "Mr. Clerk."

Clerk Bolin: "That is correct."

Black: "Okay, thank you. Thank you, Mr. Speaker. Would the Sponsor yield for a quick question on this Amendment?"

Speaker Granberg: "Sure, indicates he will. Proceed."

Black: "Representative, the Amendment before us deletes authority for a clinical social worker to conduct a physical or mental exam on a licensee or applicant for a license under the Act that licenses social workers. I didn't know they could do that. Are we deleting something they can already do? I didn't know they could do that."

Saviano: "No."

Black: "In other words, they already could perform this exam and we're taking that authority away?"

Saviano: "No, no, Representative, what would happen was in the Committee Amendment #1, that terminology was put in there erroneously. This was an agreement between the Med Society and the social workers, to delete this language from the original Amendment."

Black: "Okay, maybe you can straighten... the reason I'm confused I've been going through the whole file. Are you going to run Floor Amendment #3 after this? Okay. That's what... thank you, Mr. Speaker."

Speaker Granberg: "Anything further? The Gentleman moves for the adoption of Floor Amendment #2. All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it. Floor Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

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

39th Legislative Day

April 10, 1997

Clerk Bolin: "Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #3 is also a technical Amendment which improved our original Committee Amendment #1. Committee Amendment #1 represented the sunset language for the clinical social workers and I would ask that Floor Amendment #3 be adopted."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2 (sic-#3) and on that question, any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 1633. Read the Bill, Mr. Clerk. Representative Roskam, Representative Roskam. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 1633, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Roskam, has been recommended for adoption."

Speaker Granberg: "Is the Gentleman in the Chamber? Will someone have... Out of the record. House Bill 1220. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 1220, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 754. Read the Bill."

Clerk Bolin: "House Bill 754, a Bill for an Act to amend the

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

39th Legislative Day

April 10, 1997

School Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Mr. Clerk, was there an Amendment filed to House Bill 1220? The Sponsor indicates that an Amendment has just been filed. Has that been printed and distributed?"

Clerk Bolin: "The Amendment has been referred to Rules."

Speaker Granberg: "Have the... leave the Bill on Second. Return the Bill to Second. House Bill 615. Read the Bill, Mr. Clerk. House Bill 615. House Bill 163. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 163, a Bill for Act in relation to sexually dangerous persons. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Dart, has been recommended for adoption."

Speaker Granberg: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Floor Amendment #2 to House Bill 163 is a cleanup measure. Two provisions are added, one which would require an admonition for the defendant in these type of proceedings. It's an effort to try to overcome any constitutional concerns there may be as far as ex post facto concerns and secondly, a severability clause has been added at the request of the Attorney General's Office and I move for the adoption of the Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2. Any discussion? There being no discussion, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. A Judicial Note has been requested on the Bill and has not been filed."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Leave the Bill on Second Reading."

Speaker Granberg: "House Bill 319. House Bill 319. Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 319, a Bill for an Act to create the Freedom of Choice Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. There's a Note request?"

Clerk Bolin: "A State Mandates Note has been requested and has not been filed."

Speaker Granberg: "Representative Schakowsky, a States Mandate Note has been requested. I have to leave the Bill on Second Reading. House Bill 1640. Read the Bill. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1640, a Bill for an Act relating to the affairs of school districts. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Mr. Clerk, are there any notes outstanding on House Bill 1640?"

Clerk Bolin: "A State Impact Note has been requested and has not been filed."

Speaker Granberg: "Mr. Clerk, leave the Bill on Second Reading. Mr. Clerk, the Sponsor indicates that that Note has been filed. Mr. Clerk, has the Note been filed?"

Clerk Bolin: "The State Impact Note was filed today."

Speaker Granberg: "Any other Note Requests pending?"

Clerk Bolin: "No further Note Requests are pending."

Speaker Granberg: "Is Mr. Black satisfied with the Note filing?"

Black: "Who signed the Note, Mr. ...if you'd ask the Clerk?"

Speaker Granberg: "Mr. Clerk, who signed the Note?"

Clerk Bolin: "The Note was not signed."

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

39th Legislative Day

April 10, 1997

Black: "Excuse me just a moment. Let me come down to the Well."

Speaker Granberg: "No, Ed Peck did not sign the Note. Third Reading. The Bill has been moved to Third Reading. House Bill 2081, read the Bill, Mr. Clerk. 2081."

Clerk Bolin: "House Bill 2081, a Bill for an Act concerning job training services. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Any Note requests?"

Clerk Bolin: "No Note requests are outstanding."

Speaker Granberg: "Third Reading. Is Representative Roskam back in the Chamber? Representative Roskam, do you want to go back to those Bills? House Bill 992, Mr. Clerk, read the Bill. Read the Bill."

Clerk Bolin: "House Bill 992, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been recommended for adoption. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1633. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1633, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 has been recommended for adoption."

Speaker Granberg: "Representative Roskam, on the Amendment."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is a technical Amendment. It is at the request of Public Aid. I'd be happy to answer any questions. This is the Attorney General's Medicaid Managed Care Anti-fraud legislation."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 1633. Is there any discussion?"

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

39th Legislative Day

April 10, 1997

There being no discussion, all in favor say 'aye'; 'no'.
The 'ayes' have it. The Amendment is adopted. Further
Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. House Bill 754, Representative
Hannig. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 754..."

Speaker Granberg: "Read the Bill. Representative, we've
previously moved that to Third Reading. Out of the record.
House Bill 1785, Representative Monique Davis. Do you wish
to move that Bill to Third Reading, Ma'am? Read the Bill,
Mr. Clerk."

Clerk Bolin: "House Bill 1785, a Bill for an Act concerning
employment. Second Reading of this House Bill. No
Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Granberg: "Third Reading. Back to the Order of House
Bills, Third reading, appears House Bill 1411.
Representative Persico. Representative Vince Persico. Is
the Gentleman in the Chamber? Out of the record. House
Bill 1417, Representative Novak. Representative Novak, do
you wish to call House Bill 1417? Read the Bill, Mr.
Clerk."

Clerk Bolin: "House Bill 1417, a Bill for an Act to amend the
Counties Code. Third Reading of this House Bill."

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

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House.
House Bill 1417 is a provision that we're seeking to add to
the legislation that was signed by Governor Edgar earlier
this year concerning... allowing counties to levy a sales
tax referendum, anywhere from a quarter cent to a full cent

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

39th Legislative Day

April 10, 1997

by referendum for the purposes of law enforcement. You recall that Bill was included with some onerous provisions that affected the Cook County Assessor's Office. There was a subsequent agreement in the Governor's office and those Bills were separated and the latter question was decided on its own and the Governor went ahead and signed that Bill. What this does is simply provide a mechanism on a permissive basis for a county to revisit the tax, in other words, to review the tax by an ordinance to lower it if they may wish. If they want to increase it at a later date, they have to go back to a referendum. We think this is a good idea because there are going to be a number of counties that want to build county jails and use the sales tax revenues for other law enforcement purposes. We feel this is a good idea to sell this idea to the voters so they feel that at least that if this tax is approved, it won't be in perpetuity. I'll be more than happy to entertain any questions."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1417. Is there any discussion? There being no discussion, all those in favor shall vote 'aye'; all opposed shall vote '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. And on this question 114 'aye', 0 voting 'no', 0 voting 'present'. House Bill 1417, having received the Constitutional Majority, is hereby declared passed. House Bill 1411, Representative Persico.

Clerk Bolin: "House Bill 1411, a Bill for an Act to amend the Environmental Protection Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from DuPage, Representative

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

39th Legislative Day

April 10, 1997

Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1411 amends the Environmental Protection Act to allow an owner-operator of a sanitary landfill to accept landscape waste for final disposal if the land fill has received a permit from the agency to use the landscape as an alternative daily cover and it has been processed at a facility other than the landfill. And I would ask...urge your support of House Bill 1411 and would be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1411. On that question the Gentleman from Effingham, Representative Hartke."

Hartke: "Yes, will the Sponsor yield?"

Speaker Granberg: "Indicates he will, proceed."

Hartke: "Representative Persico, could you tell me what is involved in the processing of this natural waste?"

Persico: "Yes, Representative, the term process means shredded by mechanical means to reduce the landscape waste to a uniform consistency. And then they take this shredded landscape material and use it as an alternative daily cover."

Hartke: "I thought the reasoning behind not including natural waste, leaves, shrubs, and things like that was to avoid filling our current space that we have in our landfills now with this natural material. It is filling up our landfills. We're reserving that for other wastes, and are we not reversing that position taken by the General Assembly a couple years ago by passing this legislation?"

Persico: "Yes, we did pass a Bill in 1990, I believe, that, you know, for composting facilities and that to not to put this landscape into landfills, but this is a finished product. It's processed. It's used instead of soil cover. It's

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

39th Legislative Day

April 10, 1997

used to decompose other materials that are in the landfill and in California where they have passed a similar law, they've found out that it only consists of about 5% of the landfill space."

Hartke: "Yes, well I really think that we're maybe going against what we did several years ago. You know, composting is a good idea because it is natural and can be spread on fields and so forth. Is that process not working?"

Persico: "I'm sorry, I missed the question."

Hartke: "Maybe you'd pay attention over here. I asked a question. Is that process not working about composting of yard waste and things like that?"

Persico: "First of all it depends where the composting facility is. There's been a lot of complaints with the odor and that but, again, this is a finished product and it's used to decompose the material that's in the landfill."

Hartke: "Now what's the difference between leaves that are crushed and chopped up and leaves that are just not chopped up. I mean, leaves are leaves are they not?"

Persico: "Well, first of all, it's using less space and secondly it decomposes quicker and helps the decomposition of other materials as well."

Hartke: "Okay, I don't have any other further questions. Thank you."

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

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

Speaker Granberg: "Indicates he will."

Lang: "Representative, I'm concerned about the environmental impact of this. I know you're concerned about the environment. You have a record that would indicate that. Why does the Bill not have some specificity as to how much landscape waste can be used as cover?"

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

39th Legislative Day

April 10, 1997

Persico: "Well, first of all, it allows the landfill operator some flexibility. But again, you have to remember this is processed material. It's put on in a uniform layer and it's only as an alternative daily cover. It's, you know, in place of using clay and soil on top of it, they're using the shredded material."

Lang: "Were there any opponents to this Bill in committee?"

Persico: "The only...no there was no known opposition. The Illinois Environmental Council is neutral on this Bill."

Lang: "Thank you."

Speaker Granberg: "Nothing further? The Gentleman from Kankakee, Representative Novak, you're the last speaker."

Novak: "Yes, I just want to get up and rise, rise up and defend my colleague, Representative Persico. The original Bill that he introduced was not a good Bill and he knew that and we worked with the interested parties. Right, Representative? All those interested parties, and we worked out a good compromise. The compromise was to make sure that any landfill cover of landscape waste was processed first. Processed by a composting operation so that's essentially the compromise. It's a good Bill. It's a prudent compromise and I ask my colleagues to help out Representative Persico and pass this Bill. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1411. All in favor shall vote 'aye'; all 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... Representative Kosel, 'aye'. Anything further? Mr. Clerk, take the record. On this question there are 103 'ayes'; 10 voting 'no'; 0 voting 'present'. House Bill 1411 having received a Constitutional Majority, is hereby declared passed. House Bill 1426, Representative

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

39th Legislative Day

April 10, 1997

Lyons. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1426, a Bill for an Act regarding abused and neglected children. Third Reading of this House Bill."

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

Lyons: "Thank you, Mr. Speaker. House Bill 1426 is a follow-up to the Child Death Review Team Act. This was a package of child welfare reform passed in 1993. This clarifies the definition of child. It also clarifies the definition of a neglected child as well as providing time frame for the team to act upon completion of the death when investigations by DCFS, law enforcement, and medical examiners are done. There is no known opposition to the Bill and I ask for your favorable support."

Speaker Granberg: "The Lady from Cook moves for the passage of House Bill 1426. On that question, the Gentleman from Cook, Representative Dart."

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

Speaker Granberg: "Indicates she will. Proceed."

Dart: "Representative, what's been the problem with their time frame here? How long have these cases been going on before they come up with answers?"

Lyons: "Where are you? Okay. This is, as I said, a DCFS initiative and apparently there was a 90 day time frame for the Child Death Review Team to act and it was not enough time to get the reports from law enforcement, as I said, and from all the investigations necessary for them to review the death."

Dart: "Okay, and so how far are we expanding that time now? How much time are we giving them now?"

Lyons: "It's 60 days with DCFS and it's 90 days now from the time the reports are done."

Dart: "So this Bill would expand it 30 days?"

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

39th Legislative Day

April 10, 1997

Lyons: "No. Actu...yes, well, I'm trying to think now. It's 60 days. Yes, you're right, I'm sorry."

Dart: "I'm even worse with numbers. So, the substance of the Bill is technical cleanup and then just expanding that time frame?"

Lyons: "Exactly."

Dart: "And then the effort is just to allow for more...allow people to accumulate more data before they make their decisions and they just need more time?"

Lyons: "Exactly."

Dart: "Okay, I have a Bill that will be coming up later which deals with this similar topic but different angle though, which is going to be publicized in some of these reports. But I just wanted to bring that up because I wasn't sure if this was touch...this is not touching on opening up the reports at all, correct?"

Lyons: "No."

Dart: "Great. Thank you very much."

Speaker Granberg: "Anything further? The Gentleman from Vermilion, Representative Black."

Lyons: "Hi."

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

Speaker Granberg: "Indicates she will, proceed."

Black: "Representative, did you have any discussion with the department in the drafting of this Bill?"

Lyons: "Yes, I did."

Black: "I have no problem with your Bill but something that occurred in my district...a ward of the state, in this case a minor, killed the grandparents that he lived with. I don't know about two years ago. I'm still waiting for a review of what happened in that case. So, I intend to

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

39th Legislative Day

April 10, 1997

support your Bill but maybe you could ask the department, maybe we need a, not only a child review, a Death of a Child Review Team, but maybe they need some procedure in the agency to review why and how a ward of the state kills their grandparents when they were told to get this child out of the house and I, and people in my district are waiting two years later, for a response as to how this happened. I still don't have it. You've got a good Bill. Maybe next year we can come back and create another review team in the agency to let us know why a child in their care, who murders their grandparents, what happened in that case and I'm still waiting for two years and I'm not very happy about it."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman from Cook, Representative Giglio. Representative Giglio. The Lady from Cook, Representative Lyons, moves for the passage of House Bill 1426. On that question, all in favor shall vote 'aye'; all 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 113 voting 'aye'; 0 voting 'nay'; 0 voting 'present'. House Bill 1426 having received a Constitutional Majority, is hereby declared passed. House Bill 1446, Representative Ann Hughes. Representative Hughes. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1446, a Bill for an Act to amend the Abused and Neglect of Long Term Care Facility Residents Reporting Act. Third Reading of this House Bill."

Speaker Granberg: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. House Bill 1446 is a department Bill. It is an Agreed Bill with no opposition. It is the result of the task force for the Office of Inspector

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

39th Legislative Day

April 10, 1997

General that was created last year under Senate Bill 388. It provides for notice to those who are reportedly abused or neglected in both state-operated and community agencies. It requires for a response from the agency, report by the Attorney General, and a follow-up to make sure that corrective action is taken by the department. This Bill is supported by ARC of Illinois, Alliance for the Mentally Ill of Illinois, Illinois Association of Rehabilitation Facilities, Illinois Health Care Association, Illinois Mental Health Association, the Illinois Association of Community Mental Health Agencies and the United Cerebral Palsy of Illinois. As I said, there is no known opposition."

Speaker Granberg: "The Lady from McHenry moves for the passage of House Bill 1446. All in favor shall vote 'aye'; all 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 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1446 having received a Constitutional Majority, is hereby declared passed. House Bill 1457, Representative Novak. Read the Bill."

Clerk Bolin: "House Bill 1457, a Bill for an Act to amend the Illinois Nuclear Safety Preparedness Act. Third Reading of this House Bill."

Novak: "Am I on? Yes, I'm on."

Speaker Granberg: "Proceed."

Novak: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1457 is an initiative of the Department of Nuclear Safety. It concerns a fee increases with the Commonwealth Edison Electric Company on their nuclear reactors. The extra money is deposited into a fund for

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

39th Legislative Day

April 10, 1997

emergency preparedness for those counties that receive funding for training and safety dealing with any..."

Speaker Granberg: "Representative Novak, just for a moment. Do you wish this Bill taken out of the record for a moment while you're waiting to file? I'm sorry, Representative Novak, proceed."

Novak: "Thank you, Mr. Speaker, as I indicated, this is an initiative of the Department of Nuclear Safety. There are fee increases here that have been approved by Illinois Power and by Commonwealth Edison that own nuclear, own and operate nuclear generating plants in the state. These fees are based on each reactor. The money that's extrapolated from these fees go to the counties that deal with safety, emergency and preparedness, contingency plans, should any potential nuclear accidents occur. This is a good local government Bill. These dollars are desperately needed to maintain adequate training and safeguards for citizens in communities that live around nuclear power generating plants. I'd be more than happy to entertain any questions."

Speaker Granberg: "Thank you. The Gentleman from Kankakee moves for the passage of the Bill. On that question the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "Indicates he will. Proceed."

Black: "Representative, the fee increase has been negotiated between the Department of Nuclear Safety, Commonwealth Edison, and Illinois Power. The only people who operate nuclear power plants. The proponents include the Illinois Sheriffs Association and all local government who have to maintain emergency plans and procedures. So, let's get the

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

39th Legislative Day

April 10, 1997

red herring out of the road here real quick. Yes, it's a rate increase. Yes, it's been negotiated and agreed to. Is there anything in the Bill that allows the utility to pass the rate increase on to the rate payer?"

Novak: "Representative Black, absolutely not."

Black: "I think that's all we need to say. It is a rate increase that makes certain that the emergency responders have the equipment, the plans and the wherewithal in the ungodly and unhopd for event that anything would ever happen to a nuclear plant. You've got to have the money for your local emergency responders to react in case, heaven forbid anything ever happens. This rate increase is not passed on to the rate payer. This is deserving of an 'aye' vote."

Novak: "Thank you, Representative."

Speaker Granberg: "Thank you, Mr. Black. The Gentleman moves for the passage of House Bill 1457. On that question all in favor shall vote 'aye'; all opposed shall vote '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 100 voting 'aye'; 14 voting 'no'; 2 voting 'present'. House Bill 1457, having received a Constitutional Majority, is hereby declared passed. House Bill 1486, Representative Santiago. Ladies and Gentleman, for purposes of announcement. If you have Bills that need to be moved from Second to Third Reading, please give that Bill number to the Clerk. If you have Bills that need to be moved to Third Reading that are currently on Second Reading on the Calendar, please give that Bill number to the Clerk so we can compile a list so we can do that order of business tomorrow or late tonight. Similarly, if you have Bills on Third that need to be put back to Second for Amendments, please give that Bill number to the Clerk. We

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

39th Legislative Day

April 10, 1997

will compile a list. House Bill 1486, Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1486, a Bill for an Act to create the Alzheimer's Special Care Disclosure Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 1486 will create what we call the Alzheimer's Special Care Disclosure Act. I will require health care facilities offering specialized care in the treatment of Alzheimer's disease to fully inform the public regarding their program of care. It requires disclosure to the state agencies responsible for licensing or permitting the facility providing such specialized care. Why do we do this? Basically, at present, presently these facilities are free to market their services and advertise themselves as providers of special care without any requirement that demonstrate why or how they are... how they specialize in the treatment of Alzheimer's Disease. This is just a basically a consumer protection Bill which is necessary because some of these agencies are taking advantage of these poor families that are very vulnerable at that time that they apply for services. I will take any questions, Mr. Speaker."

Speaker Granberg: "Thank you, Representative. Representative Santiago moves for the passage of House Bill 1486. On that question the Gentleman from Vermilion, Representative Black."

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

Speaker Granberg: "He indicates he will, Sir."

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

39th Legislative Day

April 10, 1997

Black: "Representative..."

Speaker Granberg: "Representative Santiago."

Santiago: "Yes, Sir."

Black: "I'm sorry, I forgot what I was going to ask you."

Speaker Granberg: "The Gentleman from Cook moves for the passage of House Bill 1486. On that question, all in favor shall vote 'aye'; all 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 115 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1486 having received a Constitutional Majority, is hereby declared passed. House Bill 1492, Representative Ryder. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1492, a Bill for an Act concerning administrative procedure. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you. This Bill was brought to the attention of the Joint Committee on Administrative Rules. It indicates that some agencies of the state are treating requests for information concerning Administrative Rules as freedom of information requests. That is not appropriate. It was the decision of the Joint Committee to seek statutory language that indicates requests concerning administrative procedures are not to be treated as freedom of information requests and therefore should be more reasonably replied. I would be happy to answer any questions."

Speaker Granberg: "The Gentleman from Jersey moves for the passage of House Bill 1492. On that question, no one seeking recognition, the Gentleman moves for the passage."

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

39th Legislative Day

April 10, 1997

All in favor shall vote 'aye'; all 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 108 voting 'aye'; 8 voting
'no'; 0 voting 'present'. House Bill 1492, having received
a Constitutional Majority, is hereby declared passed.
House Bill 1500, Representative Saviano. Representative
Saviano in the Chamber? Out of the record. House Bill
1506, Representative Hoeft. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1506, a Bill for an Act to amend the
School Code. Third Reading of this House Bill."

Speaker Granberg: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. Two years ago we passed a Bill
through here to allow the school board presidents of the
school districts in the state to evaluate the services of
the regional superintendents and the State Board. After
one year there was consensus that there needed to be some
fine tuning. We brought the individuals together from the
school management, the State Board, and myself, and we
scripted a Bill that would have this being done every three
years rather than every year and brought seven different
groups together to do this. I know of no known opposition
and it passed out of the committee 21 to nothing."

Speaker Granberg: "The Gentleman from Kane moves for the passage
of House Bill 1506. Is there any discussion? There being
no one seeking recognition, all in favor shall vote 'aye';
all 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 116 voting 'aye'; 0 voting 'no'; 0 voting
'present'. House Bill 1506 having received a
Constitutional Majority, is hereby declared passed. House

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

39th Legislative Day

April 10, 1997

Bill 1439, Representative Wyvetter Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1439, a Bill for an Act relating to academic centers of excellence. Third Reading of this House Bill."

Speaker Granberg: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 1439 would create the Metro East Academy District. We have a situation in St. Clair County at Parks College in which St. Louis University is moving an aeronautical engineering college to St. Louis. The major educational institutions in the region have come to the conclusion that the best replacement for that would be a regional math and science academy. The Chicago Academy of Math and Science has agreed to come in and the regional education, the superintendent and everybody involved in education has agreed that this academy would be the best educational replacement for the aeronautical engineering college which is leaving. There is no opposition to this Bill. Representative Cowlshaw is my cosponsor and I move for the passage of the Bill. Mr. Speaker, could we take it out of the record for a few moments?"

Speaker Granberg: "Yes, Representative Younge. Thank you. House Bill 1520, Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1520, a Bill for an Act relating to Higher Education License Plate Grant Program. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. This is a technical change in the Collegiate License Plate Act. Provides that private

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

39th Legislative Day

April 10, 1997

colleges and universities are responsible for their own Financial Need Based Plate Scholarship Program and they are to administer it at each campus in essentially the same manner as public universities and community colleges participating in this Collegiate License Plate Program. So, it's a technical change. It's a change that makes private colleges treated in the same manner as our public colleges and universities. I'll take any questions."

Speaker Granberg: "The Gentleman from Champaign moves for the passage of House Bill 1520. On that question the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Granberg: "He indicates he will. Please proceed."

Dart: "Representative, about how many additional universities would be allowed to utilize this?"

Winkel: "All the private Illinois universities and colleges. I don't have the exact number but all private colleges and universities in the state."

Dart: "Do you have a ballpark..."

Winkel: "No, I don't because, although all of them are eligible, they have to make certain commitments as to how many license plates they can sell. So, some of the bigger private colleges and universities would be most likely candidates. You know, obviously, places like Northwestern, University of Chicago, et cetera."

Dart: "Sure, I... does this Bill in any way address the concerns that have been brought to light by the...does this Bill address any of the concerns brought to light by State Police as far as the difficulty they have been having with some of these specialty plates as far as the size of the numbers and the letters on plates?"

Winkel: "Well, definitely not. This has no bearing on that,

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

39th Legislative Day

April 10, 1997

whatsoever, Representative. What this actually is, I mean obviously, we've got collegiate license plates in place now. The Secretary of State is issuing them. They are on cars. They are all over the state. We hope to sell a bunch more. I'm not aware of any problems reported by the State Police with respect to collegiate plates but, of course, this Bill only goes to the strictly technical measure in this Act instead of ISAC being the administrator of these funds, these funds are passed through ISAC and go directly to the participating private colleges and universities. So, they're already out there."

Dart: "Yeah, I understand that they're already out there but are these license plates the ones that have digits on them that are smaller than normal license plates?"

Winkel: "I believe that's correct."

Dart: "Yeah, therein lies the problem. It's been brought out in more than a couple of occasions in newspaper articles and the like that the State Police has found that those license plates are very difficult to read and it's posing a safety hazard to a lot of the officers because prior to... once they stop a vehicle, they run the license plate to see if the driver of the vehicle has warrants out for their arrest, is armed and dangerous, any of the above. And if they are unable to read the license plate, they could walk into a very dangerous situation when they pull over a car. So, that's why, as I said, I was trying to get an idea of how many additional plates you'd expect that this could put on the road."

Winkel: "Well, Representative, again, I mean, what I'm trying to tell you is whether you pass this Bill or not, it has no impact, whatsoever, on the number of plates. It's totally separate and apart from this Bill. This has absolutely

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

39th Legislative Day

April 10, 1997

nothing, whatsoever, to do with the number of plates on the highway. And, in fact, if there's a problem with the design and the size of the numbering, we should probably talk to the Secretary of State's office. They in cooperation with the colleges and universities design these plates."

Dart: "Maybe I misunderstood you. I thought you said this expanded this to allow for private schools the option, too."

Winkel: "No, Sir. Tom, what this does, I mean, private colleges and universities are already eligible. This is simply an administrative... strictly administrating the money that the cash flow. That's all it is."

Dart: "Okay, thanks, Rick."

Speaker Granberg: "Thank you. The Gentleman from Champaign moves for the passage of the Bill. Any further discussion? There being none, all in favor shall vote 'aye'; all 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 115 voting 'yes'; 1 voting 'no'; 0 voting 'present'. House Bill 1520 having received a Constitutional Majority, is hereby declared passed. House Bill 1525, Representative Woolard. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1525..."

Speaker Granberg: "Out of the record. (sic-House Bill) 1526. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1526, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. As this Bill has been amended,

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

39th Legislative Day

April 10, 1997

it now becomes the Bill. What we're talking about is special education for the children of this state and the reimbursement levels that we have been giving to fund the programs, throughout. I know that there are many times that we have consensus on issues. I think on the concept of what this Bill does, there is genuine total consensus among all educators, north, south, east, and west have met and agreed. I understand that there will be difficulty in finding education dollars for all areas but one of the things that we have to recognize in special education, most of these programs are mandated by federal law and in doing so, we have to provide those areas of expertise and training for those children in special education classes. It is difficult for us as local school districts, to sometimes come up with the funding necessary to accommodate. We believe with 100% funding as is in this plan in 1998, that we will be able to accomplish the goals of each and every one of us and not at the detriment or to the detriment of the kids in the regular classroom but, in fact, to the benefit of those kids, as well. I would encourage and be willing to answer any questions you might have, but I would definitely encourage your support on a much needed improvement in this Bill."

Speaker Granberg: "The Gentleman from Williamson moves for the passage of the Bill. On that, Representative Cross, the Gentleman from Kendall."

Cross: "Representative Kendall from Cross?"

Speaker Granberg: "Might be an improvement."

Cross: "Amos Kendall is an individual that Kendall was named for. Representative...Mr. Speaker, will the Sponsor yield?"

Speaker Granberg: "Indicates he will."

Cross: "Representative, this is a rather expensive project from

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

39th Legislative Day

April 10, 1997

what I looking, from what I see in the analysis. Are our figures correct that this is a...will be a cost of 112 million dollars?"

Woolard: "I think in 1998, but let me say that maybe Jerry Mitchell...Mr. Speaker, Mr. Speaker, Speaker."

Speaker Granberg: "Yes."

Woolard: "If I could, I'd like to make this a three-way conversation. Jerry Mitchell is a cosponsor along with some other great people. Jerry is more the expert in the education area here. Let's let Jerry answer that question, if I may."

Speaker Granberg: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Thank you, Representative Woolard, for giving me the easy questions. I'm sure you'll take all the hard ones."

Woolard: "Yes."

Mitchell: "Representative, it's fairly impossible to estimate the cost. The cost is somewhere between that figure but by and large it will be \$67 million plus in extra revenue. One thing you've got to understand is that when we're talking about special education costs, we're talking about approximately 18% of the special education costs of children across the State of Illinois in each and every district. This is as close as we're going to come to an equity issue at this point in the educational reform negotiations. This is a savings of every single school district in the State of Illinois when it comes to local education dollars. That figure represents the cost to each and every school district to fund education after we prorate the amount of money that goes to the districts from what the state actually owes because of the Federal

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

39th Legislative Day

April 10, 1997

Mandates. There's been a lot of myth about what's going to keep the cost from rising. I'll be happy to address those answers as we move along."

Woolard: "Thank you."

Cross: "For either one of you and I'm trying to look at both of you at the same time and it's kind of tough. And I don't know that we're questioning the need to do this, Larry or Jerry, but are we going to have to take money out from other programs? Will the State Board have to take money from one place to accommodate this Bill and if so, do we know where, from where it's going to come or who is going to lose?"

Woolard: "I think that every child in education in this state will benefit from this. This is not just going to be to the benefit of those in special education. But if we can save those dollars from flowing, outflowing from the education dollars in the local school districts, it will be a wash, and in fact, what will happen, there's a few school districts and many of them are the richer school districts, you know, there's nothing that says this is a rich/poor issue here. This is one of those things that it can be one school district having an excessive number of special education students within and them being impacted more severely than others. This is an equity issue and I think it will, in fact, in the end, be a wash."

Cross: "I don't think anyone, I don't think...know that anyone's questioning the need, Larry. I'm just saying if we're taking, if it's an additional 112 million dollars, our Fiscal Note from the State Board of Education says 112. That means 112 from some other program, some other funding need. Can someone tell us, does someone know where that's coming from or who's going to lose?"

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

39th Legislative Day

April 10, 1997

Woolard: "It's not going to be new monies on top of the education dollars we have available this year. You're right on that, Representative Cross. These will be monies that will be spent in the education arena, whether it be for special education or for other students."

Cross: "I... maybe I'm not able to ask the question, but do we... does this mean, and not that special ed's not more important but does it come out of drivers ed? Does it come out of general state aid? I mean, somewhere we're going to have a reduction of 112 million dollars and I'm just trying to figure out where do we have the loss?"

Woolard: "First off, Representative, let me say, and I'm not trying to evade the question, but this is not the appropriation Bill. We met today with the Governor's staff looking at this. We understand it's going to be difficult. But without some kind of a procedure for us to let them know early on that this is a concern that's agreed to not only by special education administrators and board members, but all superintendents throughout the entire State of Illinois are in agreement that this is an issue that needs to be dealt with and dealt with effectively."

Mitchell: "Representative Cross, if I could just add to that. When you look at the cost of education, and we're in the midst of trying to reform education, this is a part of that whole package. It is an appropriation issue. It is not a question of taking money away from one program at this point. This is something that needs to be done because we do not fund special education at 100% although the mechanisms are already there to request that kind of funding from the State Board of Education."

Cross: "Should someone be putting in an Appropriation Bill on top of the Governor's request of 112 million dollars?"

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

39th Legislative Day

April 10, 1997

Mitchell: "Well, I think the Appropriation Bills already are in place as Shell Bills at this point if there's going to be something done."

Cross: "I guess that's the..."

Mitchell: "The problem we have with this Bill is that here is something that no district has any choice, as far as funding. It must be done. The Mandates come from the Federal Government telling you how much you have to spend. How you have to educate. You can only have 15 kids in a class. You must have a certified teacher at that point. If you have a 16th or a 17th, you have to hire an aide or you have to get another teacher. Those costs are there but they are there for every single district. 18% of the money needed in every single district in the State of Illinois is not given to those districts because the money's not there. What we're saying is that, as the General Assembly, it's important for us to make sure that the money is there to fund special education at 100% and in that regard, every single school district will receive an 18% increase in special education funding in that particular area, in that categorical."

Cross: "I'd appreciate it and maybe the best way to handle this is if you would both close in support of the Bill. I'm anxious to see that. Thank you for your answers..."

Woolard: "We'll do it."

Cross: "...at the same time."

Mitchell: "In unison, should we sing?"

Woolard: "We'll do it. In closing, Mr. Speaker..."

Speaker Granberg: "Anything further?"

Mitchell: "Some of the myths that I want to talk about just a little bit; number one, one of the concerns that is been brought to me from my side of the aisle, my constituents,

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

39th Legislative Day

April 10, 1997

is, how are you going to stop districts from loading up special education because they now get 100% reimbursement? You've got to understand that the 100% reimbursement is only 100% of the funds that they can normally charge back to the State of Illinois. It's not the total cost of special education. It still costs our districts a tremendous amount of money to educate the students that have special problems in relationship to the special education mandates that we have. Those particular mandates must be paid for. Our local districts are spending a tremendous amount of money in this regard. Even if this Bill passes both Chambers and is signed, districts can only recover 22% of the cost of a special education teacher. That teacher, most often, has a special certificate and probably a Masters in order to be hired by that district to serve in the capacity that they serve. Extraordinary reimbursement for students is only \$22,500 and that student will cost districts ten times that amount just to start their education so there will be no rush to put students in special education. Nobody wants to do that. Administrators don't want to do that. Teachers don't want to and neither do parents. But sometimes it's needed in order to give that student an equal opportunity at an education. Because of this, the costs are insurmountable. Every time we prorate, it takes money out of the General Fund, out of the regular education budget of every one of these school districts and they are then not allowed to help their regular education programs to whatever that extent is. Districts can't even count on the amount of money that they are going to get. Sometimes it's 82%, sometimes it's 78%. This is a good Bill. It's good public policy and it's something that's needed to be done forever.

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

39th Legislative Day

April 10, 1997

I recommend a 'yes' vote and I now yield to my colleague, Representative Woolard."

Woolard: "And I also would thank everybody and ask for a 'yes' vote. I appreciate the consideration. And I thank Representative Cross for..."

Speaker Granberg: "Is everybody off now? Just a moment, just a moment. I hate to interrupt this group hug. The Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. It was a pleasure to work on the Special Education Task Force, you know, that worked this Bill out. We had people from all over the State of Illinois to come down here to Springfield. Representative Woolard and the Special Ed. subcommittee conducted hearings and then these people went off into a room and worked out this Bill. This is a great Bill for kids in the State of Illinois and I think everybody should vote 'aye' on this Bill. Thank you."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1526. All in favor shall vote 'aye'; all 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 having received 115 'aye' votes; 0 voting 'no'; 0 voting 'present'. House Bill 1526, having received a Constitutional Majority, is hereby declared passed. Back to House Bill 1439, which was taken out of the record, Representative Wyvetter Younge. Representative Younge, you explained the Bill."

Younge: "Yes."

Speaker Granberg: "Are there any questions on the Bill? Nothing on the Bill? The Lady from East St. Louis moves for the

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

39th Legislative Day

April 10, 1997

passage of House Bill 1439. All in favor shall vote 'aye'; all 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 having received 114 'aye' votes; 0 voting 'no'; 0 voting 'present' House Bill 1439, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 797. Read the Bill."

Clerk Rossi: "House Bill 797, a Bill for an Act in relation to care facilities. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Kankakee, for what reason do you rise, Sir?"

Novak: "I'm sorry. Maybe I put my light on too... I'll let the Representative explain her Bill. Excuse me."

Speaker Granberg: "The Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Granberg: "Could you speak up? Just a moment, just a moment. Give the lady your attention, please. Just a moment, just a moment, Representative. Just a moment, Representative. Representative, just a moment. Give the Lady your attention. Proceed."

O'Brien: "House Bill 797 is the initiative of families of residents of nursing homes and independent living facilities as well as AFSCME to protect residents and employees and these facilities from retaliation for reporting suspected abuse and neglect to the Department of Public Health by instituting fines for retaliation. A facility or person found to have retaliated in these situations would be subject to fines for actual damages, punitive damages up to a cap of \$10,000 and attorneys' fees."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "Is Speaker Madigan in the Floor? Any questions on the Bill? The Gentleman from Kankakee, Representative Novak."

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

Speaker Granberg: "She indicates she will."

Novak: "Well, first of all, Representative Mary Kay O'Brien, we want to welcome you to the General Assembly. I believe this is your first Bill?"

O'Brien: "Yes, it is."

Novak: "Okay, you talked about... does this Bill have anything to do with whistle blowers?"

O'Brien: "It has been termed a Whistle Blower Protection Act."

Novak: "Could you indicate why? Why they're called whistle blowers?"

O'Brien: "Well, because people that are, you know, calling the Department of Public Health and reporting suspected abuse or neglect are often called whistle blowers."

Novak: "Can you tell me, can you give me an idea of what a whistle blower looks like?"

O'Brien: "Representative Novak, a whistle blower could look like you."

Novak: "Well, you know, there may be a lot of truth in that statement. Do you have any knowledge if there are any whistle blowers in this Body, on this floor of this General Assembly? Mr. Speaker."

Speaker Granberg: "Representative Novak."

Novak: "Mr. Speaker, I think we gave a very definitive example of what a whistle blower looks like. They look like Republicans and Democrats and...long and short..."

O'Brien: "And basically a motley crew."

Novak: "Alright, can you explain a little bit more about your Bill? What kind of penalties are involved?"

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

39th Legislative Day

April 10, 1997

O'Brien: "They would... a person or facility that is found to have retaliated against a person for reporting suspected abuse or neglect, could be fined for actual damages. That may be the amount of money that a family has to spend to place a family member in another facility and punitive damages for willful and wanton conduct up to a cap of \$10,000 as well as attorneys' fees."

Novak: "Okay, no further questions."

Speaker Granberg: "The Gentleman from Logan, Representative Turner. Representative John Turner."

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

Speaker Granberg: "She indicates she will."

O'Brien: "I yield."

Turner, J.: "Representative is there an Amendment to this Bill or does this Bill stand on its own?"

O'Brien: "There is no Amendment."

Turner, J.: "I see that you use the term 'retaliate'. What do you mean by retaliate?"

O'Brien: "Retaliation, specifically, would be a discharge or a transfer from a facility, a discharge or termination from employment, demotion or reduction in remuneration or restriction or prohibition from the facility itself."

Turner, J.: "You also use the term, 'adverse action'. What do you mean by that?"

O'Brien: "I'm sorry, could you repeat your question."

Turner, J.: "The term, 'adverse action', what do you mean by that in your measure?"

O'Brien: "Adverse action as far as the facility is concerned? That would be the retaliation itself. If you are a family member to be prohibited access to see the resident that you are related to in a facility because you've called the Department of Public Health or because, an adverse action

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

39th Legislative Day

April 10, 1997

would be being terminated from employment or being discharged from the facility itself."

Turner, J.: "Well, is an adverse action the same thing as retaliation?"

O'Brien: "Yes."

Turner, J.: "Why have you chosen to cap punitive damages at \$10,000 in your measure?"

O'Brien: "Well, because I think there has to be some limit. I don't want to get into a situation where people could recover exorbitant amounts for willful and wanton conduct. I want to have some, obviously, some penalty for it but I didn't want to go overboard with it."

Turner, J.: "What would you consider an exorbitant amount?"

O'Brien: "For instance, if they retaliated by spilling hot coffee on them and they recovered a half a million dollars, I would think that would be exorbitant under the circumstances."

Turner, J.: "You've also included a measure in here for attorney fees. On page 2, however, it does not say reasonable attorney fees. Don't you think you need to put in a statute where you're going to impose attorney fees? The word, 'reasonable', otherwise, the statute would be subject to revocation by the courts or unconstitutionality."

O'Brien: "I didn't hear anything past about the... until after you said attorney's fees, I didn't hear anything else. I got kind of stuck on those two words."

Turner, J.: "Well now, you've provided for the payment of attorney fees but you have not put in your petition that the attorney fees should be reasonable. Don't you think it's incumbent as a Legislator to put into your statute that the attorney fees must be reasonable? Don't you think it's even, in fact, required that when attorney fees are

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

39th Legislative Day

April 10, 1997

provided for in a statutory scheme that the term 'reasonable' is used?"

O'Brien: "Well, I think most judges when they award attorneys' fees are almost always reasonable and the attorneys' fees awarded usually are always reasonable."

Turner, J.: "They're usually reasonable?"

O'Brien: "From the attorneys' perspective they're always reasonable unless they're too low."

Turner, J.: "Well, I like that answer. How does one determine whether or not the attorney fees are reasonable and don't you think you should include that in your statute?"

O'Brien: "I think that that would be left in the discretion of the judge to award those fees."

Turner, J.: "And it would not require a petition for attorney fees? It would just be up to the judge?"

O'Brien: "It would have to be asked for in the prayer for relief."

Turner, J.: "Okay, on page 3, you use the term, 'rebuttable presumption'. Now what do you mean by a rebuttable presumption?"

O'Brien: "Within the first 90 days after an action for retaliation, the actions A through E that are listed would be a rebuttable presumption if the facility or the person can give a good reason why a person was discharged from a facility. For example, sometimes people that are in long-term care, independent living facilities, their physical condition deteriorates to the point where they have to go back maybe to a state facility. So, in that circumstance, when that's documented, they can rebut the presumption that it was retaliation."

Turner, J.: "Well, don't you think the term rebuttable presumption implies a switching of the burden of proof?"

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

39th Legislative Day

April 10, 1997

And do you consider that to be fair to switch the burden of proof in a case like this where you're going to provide for punitive damages and attorney fees, reasonable or unreasonable?"

O'Brien: "I think the shifting of the burden is fair because we are dealing with the people that are most vulnerable in our society, those that cannot usually advocate for themselves. People that are in these facilities are very deserving of our highest scrutiny when we are looking at allegations of neglect and abuse, so I think all of the agencies and the facilities involved have reporting procedures, things that they put in their file, whenever they would discharge a resident or they would discharge a employee. So, if they have their criteria all documented, they have it in their file, they should have no problem in making a good case and being able to rebut that presumption."

Turner, J.: "Well, are you agreeing then that a rebuttable presumption does then switch the burden of proof?"

O'Brien: "I think it probably does, yes."

Turner, J.: "Is it proper, and is it, in fact, legal to provide for punitive damages where there's a case where you switch the burden of proof by rebuttable presumption?"

O'Brien: "Yes, I believe it is."

Turner, J.: "Do you know of any precedent for that?"

O'Brien: "I don't have any cases here, no."

Turner, J.: "Do you know if we have done this in any other part of our volumes of statutes where we've used the rebuttal presumption and then provided for punitive damages?"

O'Brien: "No, I don't know."

Turner, J.: "Do you feel like maybe we need to check that out before we pass that out of here tonight?"

O'Brien: "No, I don't."

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

39th Legislative Day

April 10, 1997

Turner, J.: "Alright, that's all the questions I have."

Speaker Granberg: "Thank you, Representative. Anything further?
The Gentleman from Cook, Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Granberg: "She indicates she will, proceed."

Lang: "Representative, first, I want to congratulate you on your
first Bill. I want to congratulate you on being able to
answer questions. I think you're doing a marvelous job.
However...you're an attorney, are you not?"

O'Brien: "Yes, I am."

Lang: "Well, welcome. Representative, this Bill allows for
attorneys' fees. Is that a conflict of interest for you?"

O'Brien: "Only if I would enter into one of these cases."

Lang: "Well, what would...if you pass this Bill, does that mean
you'll have to turn down some of these people when they
come strolling into your office that might want to hire you
as an attorney?"

O'Brien: "Right, and I, you know, would refer them, obviously, to
you, Representative Lang."

Lang: "Well, no, I don't have time for clients. Repre... and my
clients will tell you that, too."

O'Brien: "Representative Scully has indicated that I could refer
them to him."

Lang: "Representative Scully seems to have his law practice going
very well. How's your law practice going while you're
here, Representative?"

O'Brien: "My partners say it's going very well without me."

Lang: "Really? Well, while you're here working, maybe your
partners would like to hire me. I'm not sure. So, could
you give us an example... you've told us what the Bill
does. You've told us the kinds of things it deals with.
Give us an example. Give us a John Doe example. Someone

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

39th Legislative Day

April 10, 1997

that does something at work and what the retaliation would be and what the response would be."

O'Brien: "Well, I do have an example. I have two families from Morris, Illinois, both of which had children that were placed in independent living facilities in LaSalle County. Mr. and Mrs. Mattson from Morris, their daughter was placed in an independent living facility. They were unhappy with her care management plan which was her plan for her being integrated into the community. When they addressed those concerns with the Department of Public Health, when the facility, itself, found out about that, they were denied access to their child. She could no longer come home on the weekends. They were told if they called again, their child would be sent home from the facility and there are waiting lists of more than 6,000 for these centers for independent living so that can often be a very, very strong deterrent in people calling the Department of Public Health about legitimate concerns."

Lang: "My analysis says that the Nursing Home Association opposed your Bill."

O'Brien: "Yes."

Lang: "Did they do that simply because they don't think these things go on and they don't want to be involved in this litigation?"

O'Brien: "I think that they understand that there is a need for reporting abuse and neglect. I think their concern perhaps centered around the rebuttable presumption."

Lang: "Your Bill requires that these adverse actions be taken within 90 days if there's to be this rebuttable presumption. Is that correct?"

O'Brien: "No, that's just when the rebut...the rebuttable presumption is within the first 90 days. You can bring the

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

39th Legislative Day

April 10, 1997

action after 90 days, but those actions would not...you'd have to prove them. The burden would then shift back to that person that was alleging the abuse."

Lang: "So, on the 91st day the burden of proof changes?"

O'Brien: "Yes."

Lang: "What is the public policy reason behind changing the burden of proof on the 91st day? Why not the 61st day?"

O'Brien: "Well, I think that we needed to set a limit and discussing it with both representatives from AFSCME and the family members, we determined that a three month window, usually if there was going to be retaliation, it occurred within that period of time."

Lang: "Well, Representative, I'm trying to find a way to trip you up on this Bill. Maybe someone else can do it. I cannot. You have all the answers on this Bill. No handlers, no help, you really read your own Bill, didn't you?"

O'Brien: "Yes, I did."

Lang: "Congratulations, Representative."

O'Brien: "Thank you."

Speaker Granberg: "Anything further? The Gentleman from Cook, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "She indicates she will. Proceed."

Durkin: "Representative, on page 5 of your Bill you used the words 'vulnerable adult'. Could you, for the purpose of intent, what do you mean by vulnerable adult? That seems rather vague and ambiguous. Could you define that for me?"

O'Brien: "A vulnerable adult would be one of those persons that was either in a nursing home care facility or one of the independent living facilities."

Durkin: "I have just some procedural questions. When a person has filed a complaint of some sort, who is... can you

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

39th Legislative Day

April 10, 1997

explain to me whatever due process hearing which I'm assuming is allowed in this to determine if whether or not there is substance to the claim? What type of due process hearing is... accompanies these types of... filings of these types of complaints?"

O'Brien: "Any of these claims would have to go first, through the Department of Public Health, go through all of the administrative procedures. Those procedures would have to be first exhausted and then they could go to the clerk, file in the circuit court."

Durkin: "Okay, so, the hearing would be conducted at the administrative level through the Public Health..."

O'Brien: "Yes."

Durkin: "...in which there would be a hearing officer and there would be an advocate for the petitioner and the defendant, correct?"

O'Brien: "Correct."

Durkin: "Is there any difference between the evidentiary rules at this level as we commonly use in the circuit court? Are the rules of evidence different at that level, at the administrative level?"

O'Brien: "I think, I'm not sure but I think that they have their own evidentiary rules in the rules of the Administrative Code. You know, the Department of Public Health would have their own rules."

Durkin: "Okay. The... what is the standard you're going to use at that first administrative hearing? Is it for it to be found in violation of this Section? Is it to be able to establish that this person violated some type of code with the standard of a preponderance of the evidence reasonable doubt, clear and convincing evidence? What do we have at this level?"

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

39th Legislative Day

April 10, 1997

O'Brien: "Those rules are established by the department through the Administrative Code. I don't know."

Durkin: "Okay. And I assume that whoever, there is a finding of violation at this level they do have a right to appeal to the circuit court, correct? That is their first route of appeal?"

O'Brien: "Yes."

Durkin: "And I assume that if they are not satisfied with that decision at the trial division, at the trial court, are they allowed to appeal up to the Appellate Court and continue that structured Appellate process as we commonly are used to?"

O'Brien: "Yes, it is my understanding they would be able to do that."

Durkin: "Okay, I have no further questions. Thank you very much."

O'Brien: "Thank you."

Speaker Granberg: "The Gentleman from Kendall, Representative Cross."

Cross: "Just a couple quick questions. Thank you, Mr. Speaker."

Speaker Granberg: "She indicates she will yield."

Cross: "Representative, isn't the real problem here with the employees that are going to be retaliating at these agencies? It's not the administrators that are doing the retaliation. Isn't it, in fact, the employees that are harming people? Isn't that the real greater problem here?"

O'Brien: "The retaliation that I am addressing in this Bill would be if an employee would contact the Department of Public Health and say, 'you know, there's another employee that is abusing a resident here.' And when they come in and investigate, once that facility finds out, then they would discharge the employee that contacted Public Health."

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

39th Legislative Day

April 10, 1997

That's the retaliation that I'm discussing. It's not an abuse and neglect act, itself. It is addressing the retaliation that occurs against employees trying to do the right thing and family members trying to do the right thing, addressing concerns they have about a facility or a supervisor or another employee with the Department of Public Health."

Cross: "Well, what happens when the employees are in the business of, or potentially in the business or in the process of abusing these people as an act of retaliation? Don't we need it to protect that?"

O'Brien: "An act of retaliation?"

Cross: "So, what if I don't feed someone as an act of retaliation or I don't bathe them or I lock them in a room? Don't we need to protect against that? And if an administrator is saying, 'Let's get that person because the family member is being difficult.'"

O'Brien: "That's exactly what we're talking about is if a facility... if there's a facility supervisor, that calls and says, 'I have employees that are abusing residents.' And then that supervisor gets fired because they have reported other employees that are abusing or neglecting residents. That supervisor should be protected from bringing that to the Department of Public Health."

Cross: "So, who are we... are we after the supervisor? Are we after the employee? Are we after the administrator?"

O'Brien: "Any person or facility that would abuse, neglect or retaliate against someone that brings an allegation to the Department of Public Health."

Cross: "Do we have a... I don't see it. Do we have a provision in your Bill that would protect against frivolous filings or frivolous complaints filed by perhaps disgruntled

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

39th Legislative Day

April 10, 1997

parents or guardians because I see you expanded it to include parents or guardians, or, I guess, to protect the employees?"

O'Brien: "The safeguard is in the investigation by the Department of Public Health. I have every trust in them that when they investigate that they would know whether or not it was a frivolous claim."

Cross: "Well, doesn't that same agency have the ability to enforce provisions that are violated right now? Couldn't that same agency..."

O'Brien: "There's no fine or penalty provided in their provisions and that's why we've done this is to have..."

Cross: "Why is the Department of Mental Health and Developmental Disabilities opposed to this?"

O'Brien: "I'm not aware that the Department of Mental Health is opposed."

Cross: "According to our analysis they are."

O'Brien: "I have not been contacted by them or spoken with them regarding this."

Cross: "What do you see as the burden of proof in the punitive damage? What's the hurdle, I'm sorry on the punitive damages, what's the burden there? I know we've had several Bills dealing with punitive damages over the last couple years. What's the burden for punitive damages to prove that punitive damages should be enacted?"

O'Brien: "Those would be set by the department, the agency that's going to review the claim."

Cross: "Where does it say that in the Bill, Representative? I don't see it in the Bill."

O'Brien: "It doesn't but the Department of Public Health has its own rules that are promulgated and that when you bring a claim to them that they follow."

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

39th Legislative Day

April 10, 1997

Cross: "If we're going to enact, and I don't know that I disagree but if we're going to enact the ability to impose punitive damages, do you think we ought to have the Department of Public Health deciding what punitive damages are and what burden? Shouldn't that be something that we set out statutorily? I don't know that we ever allow agencies to determine what should or shouldn't be punitive damages and I think that's a statutory issue. In fact, I don't know any case where it's not statutory."

O'Brien: "I don't know of any case where it is or it is not on either side."

Cross: "I think you have real good intentions here but if you're not going to address the punitive damage issue in this Bill, I think it's extremely defective. If you want to move it back, I know we'll agree to an Amendment to work on that later on tonight but I think the punitive damages issue needs to be addressed."

O'Brien: "Well, I think that having the cap on the punitive damages does protect against having a tremendous award. They do have a right of appeal to the circuit court in that event."

Cross: "Mr. Speaker, I... obviously there's some deficiencies here. We would ask to verify this Bill. If you're not going to bring it back to Second, we'd like to verify it if it gets the requisite number. Thank you."

Speaker Granberg: "You request a verification of the Lady's first Bill? Understood. The Gentleman from Winnebago, Representative Winters. Do you have anything?"

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

Speaker Granberg: "She indicates she will."

Winters: "As a freshman, Representative O'Brien, I have to admonish you that the first lesson that I learned as a

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

39th Legislative Day

April 10, 1997

freshman two years ago that a Representative's word is his or her bond and I really do have to call into question something that I heard you mention. When you first introduced this you mentioned Bill 97. I distinctly heard, it came across the microphone as Bill 97, now I see on the board up here a House Bill 797 and yet on my computer, 97 is up. Obviously, there is some kind of skulduggery that you've been engaged in. You obviously know computers much better than me that these do not match what should be on my computer. Do you have any response to this? Do you have whistle blowers in the system that you're able to control my computer and put up what I hear you say instead of what's supposed to be here? Do you have a response to this?"

O'Brien: "Well, you know my computer says 797 and I've talked to you earlier and you said that you were a farmer by trade and all the farmers I know are very computer literate you know looking up all that, the Board of Trade and everything running those numbers everyday. So. I would assume that you know..."

Winters: "I have to disabuse you of that knowledge. I am not computer literate and there's no way I could make my computer do something that the system does not allow it to do. I want you to definitely dig into this matter, find out if you can why my computer is different than everyone else on the Floor and different from the board. I have nothing further."

Speaker Granberg: "Anything further? The Gentleman from DuPage, Representative Tom Johnson. You are the last Member seeking recognition, Sir."

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

Speaker Granberg: "She indicates she will."

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

39th Legislative Day

April 10, 1997

Johnson, Tom: "Representative, I don't ever like to vote against somebody's first Bill but I do have a serious concern here, concerning the rebuttable presumption. I think in the past questions you indicated that if somebody files a complaint and in the due process thing you're not concerned the department would come in and do an investigation and so hopefully due process will result from that. My big concern with this is that where you put a rebuttable presumption in here, that whoever makes the complaint at that point, when you say the department will come in and do the inspection, you're basically inviting them in as a gestapo at that point because the party or the home is presumed to have done wrong. Now how do you get a legitimate unbiased investigation to take place when the department comes in with a presumption already that that home or that supervisor is guilty of the offense. I don't understand that. I would love to support this and I would support it readily without that presumption. I don't know how you get around that and it's a serious concern."

O'Brien: "Well, Representative, and we've talked a lot back and forth about presumptions in the last couple of days, both in committee and here tonight on the floor but I think that the Department of Public Health is going to come into a situation. They're going to know that there has been an allegation made somewhere prior to the commencement of the 90 days and as a result or because of that call, that perhaps a retaliatory action has taken place. They are not going to be coming in already having decided the issue but they are going to be looking at it that we've had an action and a reaction and now the agency or the person against whom that claim has been made, needs to be able to document why, in fact, that reaction was not caused by the action."

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

39th Legislative Day

April 10, 1997

Johnson, Tom: "I understand that and I appreciate that but I also know how heavy handed agencies become and especially in the inspection process and I also understand that in these types of facilities, you know, nobody's always happy with the care. These are difficult facilities to work in and to deal with and it's very easy and it's very often that allegations get made. And I understand the retaliation business that hey, an action has been taken, but in a sense what we're saying is because a home takes legitimate action, immediately they have to prove to the party..."

O'Brien: "All they have to prove is that it was a legitimate action."

Johnson, Tom: "Yeah, but you see the presumption shifts and that presumption is, you are wrong. Now, when I investigate and I have a preconceived notion that you did something wrong, let me tell you my investigation is going to take on a very different tone and for me to prove that I didn't do anything wrong is a very different sort of thing. Now I don't understand why you have to have the presumption shift, why can't you just have an action?"

O'Brien: "A lot of what has occurred in these situations is that the documentation for the retaliatory action has occurred after the action has taken place. Some of what we want to do is eliminate the ability of a facility to do that. If, in fact, a facility or a director is going to discharge a resident or an employee or to reduce the pay of an employee and they're doing it because they have cause, they are going to have that very well-documented and that presumption is going to be something that they are going to be able to rebut very, very easily. We think that if they are acting with good cause that they will be able to overcome this presumption very easily."

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

39th Legislative Day

April 10, 1997

Johnson, Tom: "Okay, well, you and I just have a basic disagreement on how easily presumptions are overcome and that's a legitimate disagreement there. Thank you."

Speaker Granberg: "Yes, Representative. Anything further? There being nothing further, the Lady from Grundy, Representative O'Brien, to close on her first Bill."

O'Brien: "Thank you, Mr. Speaker. I think the importance of this Bill is that we want to give people absolute freedom to report neglect or abuse in these facilities. Too often because of the very long waiting lists in centers for independent living people, family members are frightened to report that the fact that their child's room is 50 degrees or they aren't being fed properly or they don't have proper care plans because the waiting lists are so long, if their child is moved out, they will not be able to place them. And I think it's important that we give people the freedom to report abuse and neglect and that we take care of this problem by putting some teeth into this legislation and I would urge an 'aye' vote. Thank you."

Speaker Granberg: "Representative, do you wish to take your Bill out of the record? Do you still want to call the Bill?"

O'Brien: "No."

Speaker Granberg: "Representative O'Brien moves for the passage of House Bill 797. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Representative O'Brien, do you wish to... what is your pleasure? 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 107 'ayes'. On this question there are 107 'aye' votes; 1 voting 'no'; 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed."

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

39th Legislative Day

April 10, 1997

Representative Novak, do you want to make a statement for the Journal? Did you wish to be voted a different way on that Bill?"

Novak: "Is my local newspaper here, the Kankakee Journal?"

Speaker Granberg: "The Gentleman from Kankakee."

Novak: "For the record, I wish to be voted 'yes' on House Bill 797, Mr. Speaker."

Speaker Granberg: "Now you say that. House Bill 1529, Representative Clayton. Representative Verna Clayton. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1529, a Bill for an Act concerning state Agencies. Third Reading of this House Bill."

Speaker Granberg: "Representative Clayton."

Clayton: "Thank you very much. Thank you very much. House Bill 1529, amends the Forms Management Program Act. It repeals the provisions concerning the legislative findings and purpose the Forms Management Center. The powers and duties of the director of the Forms Management Center and the Forms Management representatives in state agencies. It also amends the State Finance Act, it eliminates the requirement that the Department of Central Management Services approve vouchers for certain fixed charges issued by specified state entities. The Forms Management Act has two major concepts. First it calls for CMS to establish a program to assist agencies in consolidating or better designing forms so as to result in cost savings to the state. CMS is to maintain a central file of forms. And then second the Act calls for agencies to inform businesses, local governments and agriculture interest under what authority a form must be completed in the penalty for noncompliance, and CMS does this. However, since fiscal year '92 CMS has not had a very active Forms

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

39th Legislative Day

April 10, 1997

Management Program. The department has maintained the central file, however, it rarely if ever had been consulted by either state agencies or members of the public. The second concept, the Forms Management Program...proposes that the current requirement be retained with only minor language modifications to accommodate deletion of the...of the concept that we just discussed. The Amendment to the State Finance Act would delete language from that statute which currently requires CMS to certify certain fixed charges and I can list those if you wish. These charges must already be certified prior to their being submitted to CMS and the existing statute was passed when the department had extensive responsibilities for approving other agencies vouchers prior to their being paid by the Comptroller. As it has evolved, most of those approval responsibilities were transferred either to the Comptroller or to the agency involved. I would be happy to answer any questions."

Speaker Granberg: "The Lady from Lake moves for the passage of the Bill. On that question, all in favor shall vote 'aye'; all 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 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. House Bill 1529, having received a Constitutional Majority, is hereby declared passed. House Bill 1533, Representative Wood. Do you wish to call that Bill now? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1533, a Bill for an Act concerning property tax deferment. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Lake, Representative Wood."

Wood: "Thank you, Ladies and Gentlemen. I'm here to present House Bill 1533, which amends the Senior Citizens Real

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

39th Legislative Day

April 10, 1997

Estate Tax Deferral Act and it generally...it generally expands the Senior Citizens Tax Deferral Program to those individuals who are disabled. This Bill encourages as it does in the Seniors Tax Deferral Act individuals to remain in their homes and provide tax relief from ever increasing property taxes. It is supported by the Coalition of Citizens With Disabilities, the Illinois Department of Rehabilitation Services, the Lake County Center for Independent Living, and the Independent Living Center in Springfield. And I would be glad to answer any questions."

Speaker Granberg: "The Lady from Lake moves for the passage of House Bill 1533. On that question, no one seeking recognition? Representative Cross, do you seek recognition? On the question...do you request verification, Sir?"

Cross: "Please verification, a double verification please."

Speaker Granberg: "A double verification has been requested. That request is acknowledged. The Lady moves for the passage of the Bill. All in favor shall vote 'aye'; all opposed shall vote 'no'. The Roll Call is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the question House Bill 1533 having received a Constitutional Majority, 114 'aye' votes; 0 voting 'no'; 0 voting 'present', the Bill is declared passed. House Bill 1544, Representative Monique Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1544, a Bill for an Act to amend the Illinois Mathematics and Science Academy Law. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Cook, Representative Davis."

Davis, M.: "Mr. Speaker, Ladies and Gentlemen of the House. 1544 is a Bill in which we're seeking to receive some funds back

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

39th Legislative Day

April 10, 1997

from the students who attend Math and Science... the Math and Science Academy. Initially, the school opened with the promise of private donations or funds and I don't think that ever happened and the current cost for that facility is approximately \$21 thousand per student. Now this is a high school. A high school and we are paying about \$21,000 per student, which is higher than most of our university cost per student. So, House Bill 1544 asks on a sliding scale for a small tuition. I think the highest amount is about \$500, and if people earn certain salaries like zero to 2900, I think they pay maybe \$50 if they earn \$29,000 to maybe \$50,000, they would pay maybe \$200. So, it's a small tuition request based on a sliding scale fee and we believe that all that's garnered from this particular facility certainly warrants some investment by the parents. And we think the State of Illinois will receive and generate a small amount of revenue, certainly not equal to the cost of that education but a small amount of revenue. And I would urge a favorable vote."

Speaker Granberg: "The Lady moves for the passage of House Bill 1544. On that question, the Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Granberg: "She indicates she will, proceed."

Hoeft: "Representative Davis, the questions you raise are the exact same ones that I have raised myself. They are definitely legitimate questions in terms of why parents aren't contributing. I decided to go down to the Math and Science Academy myself and to explore that idea and went down to Aurora and spent a day there specifically trying to figure out how we can generate funds and they convinced me that this, my idea was a bad idea for a number of reasons."

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

39th Legislative Day

April 10, 1997

One of them was and the most important was they want to treat all students equally and when they are bringing them in they do not want to have certain students who have financial forms. They don't want to press parents into having them accepted or not accepted at the various levels because of their finances. This is a academy that accepts all children equally. The biggest single challenge they have right now is that they need students from the City of Chicago, your constituents, and they are very frightened that any type of stratification because of finances is going to drive these people out of embarrassment from coming into the academy. They have worked real hard on this idea. The board, which represents some of the finest minds in this state, have struggled with this and have come up with a policy that all people at that academy, no matter what their finances are, will be treated equally and that they will reach out to all communities. If this is passed, they think there will be a huge barrier that is going to be drawn between the wealthy and those that are representing the poor areas of the state. A couple of facts, please, the \$21,000 fact I would challenge strongly. Remember, they have to house these individuals. This is just not an educational institution but also a institution that is open 24 hours a day and we have challenged that academy to have workshops throughout the state. We have various outreach programs that have driven up the cost considerably and that of course won't be touched by any tuition. I would strongly urge you to explore this idea as I did and look at the ramifications of saying we have classifications at the academy, those that can and those that cannot pay."

Speaker Granberg: "The Gentleman from Cook, Representative Durkin."

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

39th Legislative Day

April 10, 1997

Durkin: "Will the Sponsor yield?"

Speaker Granberg: "The Lady indicates she will."

Durkin: "What is the present tuition at the... at the academy?"

Davis, M.: "Currently, they pay absolutely nothing for tuition."

Durkin: "Okay. And do they, does that include room and board as well?"

Davis, M.: "Well they pay about, they pay a small fee for room and board, \$845. The room and board costs more but that's all they are assessed."

Durkin: "But they are paying, everybody at the school is paying \$895 for the..."

Davis, M.: "Forty, forty five."

Durkin: "...room and board and tuition. Eight hundred forty five and you say tuition is free? Presently it's free?"

Davis, M.: "Yes. There is absolutely no tuition charge at all and the general revenue appropriation is \$14 million to this high school. It's a high school and we're appropriating \$14 million. It averages out to \$21,538 per student. So all we're asking Representative is if the person earns less than \$30,000 they would pay absolutely no fee. If they earn between 30 and 49,000, they would pay \$500. If they earn between 50,000 and 64 or 65 they would only pay 1000, so it's a sliding scale. It's a very small amount and students don't usually do this publicly. They usually take care of their finances privately in the office, they're similar to any college tuition. We think it's extremely important that the state start to generate some revenue from these expenditures because the cost is rising. About four years ago these same students were being educated with \$16,000 per student. So it's gone all the way up to \$21,000 per student with a general revenue request of 14 million dollars for a four year high

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

39th Legislative Day

April 10, 1997

school...three year high school, three year high school."

Durkin: "Well that's great. I don't think you answered any of my questions but we'll move on. Is this a fee increase?"

Davis, M.: "It's a fee generated from the public. There is none now. There is no increase."

Durkin: "Well great that's... could you answer my question? Is this a fee increase?"

Davis, M.: "When you increase something that means you are going up..."

Durkin: "It's real simple, it's a yes or no...it only ask for a yes or no answer. Is this a fee increase?"

Davis, M.: "We're asking for a fee to be paid. We're asking for tuition to be paid."

Durkin: "There presently is a \$895 fee. Now, are you asking for a fee... \$85 to \$95 fee to house that student? Are you asking for a fee increase within this legislation?"

Davis, M.: "We're asking for tuition. Currently, you know, some students may not stay there."

Durkin: " Four year students, for the students to go. I'll finish my question."

Davis, M.: "Currently, we're asking for room and board is the fee that's charged. There is absolutely nothing charged for tuition. We're merely asking for a very small amount of tuition to offset the state's cost of \$21,000 per student, per year."

Durkin: "Where did you come up with this sliding scale? I'm looking at some figures right now."

Davis, M.: "Well of course we, we came up with it with the use of our staff."

Durkin: "Well when we say we, who is we outside of your staff? Is this..."

Davis, M.: "I sponsored this Bill before in the 89th General

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

39th Legislative Day

April 10, 1997

Assembly, probably in the 88th General Assembly, so we got information in reference to what might be a fair assessment."

Durkin: "Well, with this, with this fee increase do you realize that there will be a less of a state appropriation going towards the Math and Science Academy? Do you realize that?"

Davis, M.: "We would hope, we would hope, Representative, that we could reduce this general revenue request for 14 million. Next year what will it be, 15 million, 16 million, \$21,538 per student, per year in a three year high school program. I don't think \$500 is too much to ask."

Durkin: "Well, have there been any hearings conducted at the Math and Science Academy with the parents to see whether or not they are going to be able to afford this type of a increase in this tuition increase?"

Davis, M.: "Well we believe that if a person is earning \$85,000 or more, if a person is earning 65,000 or 50,000 or 30,000, I believe for a \$21,000 education they would be willing to come up with \$500. Don't forget now this kid is getting an education worth, Harvard only asked for 19,000."

Durkin: "Well that's great. Could you answer the question though?"

Davis, M.: "Well I thought I just did."

Durkin: "No you didn't. My question was, were there any hearings conducted at the Math and Science Academy with the parents of these students to determine whether or not they would be willing to accept this fee increase?"

Davis, M.: "Representative, I'm not familiar of any hearing ever being held to ask parents if they're willing to pay a tuition. I don't think the colleges hold any kind of hearings when they're going to increase their tuition. I

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

39th Legislative Day

April 10, 1997

think they just do it based upon what they feel their needs might be."

Durkin: "Well don't you think it would be prudent to at least get some type of indication from the families who are sending their children to this school and presently to the school and tell them during the midst of this education, 'oh, by the way, because you make, oh your family makes between 30 and 49,000 a year, we're going to charge you \$500 right off the bat.' You might... I mean \$500, even though you said it's a small increase, but maybe for you it is, but for a lot of other people that's a lot of money."

Davis, M.: "Representative, we realize it may be something different and new, but we do believe that parents of children who are afforded this very, very expensive education would not mind sharing the cost. Of course, the state will continue to bear the brunt of these tuition payments for these students. But we realize that if the parents don't start to bear a portion of this cost eventually they may become so expensive we can no longer have this school. I mean we're creeping toward \$25,000 per student. We're talking about a three year high school program. The state at this time is bearing all the cost from the General Revenue Fund. We are now spending \$14 million, and of that 14 million, 21,538 per student in high school classes."

Durkin: "All right. If this Bill passes out of the House, it passes through the Senate, the Governor signs it, as is. How much money is it going to raise in that first year?"

Davis, M.: "We don't have the exact figure, because we don't know how many students' parents earn each of these amounts. We just know that it will help to offset a part of this \$21,000 cost. We don't know the exact figure because as I

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

39th Legislative Day

April 10, 1997

stated it, we don't have the exact salaries at this point."

Durkin: "Okay. Well when you apply, when your family applies a student towards this school, now isn't there a series of questions which I assume that they ask, and one in particular would be, what is the income of that family?"

Davis, M.: "With this Bill, we will ask that question."

Durkin: "Well I'm saying right now isn't that prerequisite for admission into this academy?"

Davis, M.: "Since they're not charging any tuition, why would they ask?"

Durkin: "Well they're charging them something. They're already paying \$900 per , per year, \$845 per year."

Davis, M.: "In order to stay in those dormitories that's what they have to pay. In order to stay in the dormitories they have to pay this minimal cost."

Durkin: "Well, how many students are presently at the academy?"

Davis, M.: "Six hundred and fifty students are at the Math and Science Academy."

Durkin: "All right. So this, this is a public institution, correct?"

Davis, M.: "It is a public high school."

Durkin: "It's a public high school. How many other high schools in the State of Illinois is the General Assembly imposing a tuition fee on?"

Davis, M.: "How many other high schools?"

Durkin: "How many other high schools in Illinois is the General Assembly imposing a tuition fee?"

Davis, M.: "Well, there is not one other high school in the State of Illinois in which the students are receiving General Revenue Funds to the tune of \$21,538 per child and live in dormitories that's subsidized by the State of Illinois. We don't have another case like this. This is the only school

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

39th Legislative Day

April 10, 1997

in the state in which the parents pay absolutely nothing toward the tuition of the child's education. And Representative may I say this to you? We're not doing this to be mean spirited. What we're saying to you is, the State of Illinois must share its educational dollar. It doesn't seem to be quite just and equitable to fund the education of some children to the tune of 21,000 and there are other high school students in the state whose education is only funded at perhaps the 3,000 level."

Durkin: "Mr. Speaker, I would ask, if this Bill does reach the requisite amount of votes that a verification be presented."

Speaker Granberg: "Acknowledged. Acknowledged, Representative."

Davis, M.: "Representative."

Durkin: "To the Bill, I appreciate, but the fact is, I appreciate that you're speaking vicariously on behalf of the families of these students when you say that I suppose that the families would not of mind this fee increase. But the fact is, I think if we are going to impose this type of fee on the families of these children, I think it would of been, I think it would of been proper and prudent to get their input whether or not they're going to be able to afford it. And based on that, I'm going to respectfully vote 'no'. Thank you."

Speaker Granberg: "Thank you. The Chair would like to announce that if any Member has a Bill that they would like to have moved from Second to Third Reading, please give that Bill number to the Clerk. Bring that down to the Well so we can compile a list for tomorrow morning to move your Bills to Third Reading in order that we can call them for final passage. If you have Bills on Second Reading that you would like to have called, please bring that number and the

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

39th Legislative Day

April 10, 1997

request up to the Clerks office or up to the Well. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I'm sure Representative Davis is well meaning in that she would like to recoup some money because we're looking for money for education, but I feel that the Math and Science Academy is a special place. The students there are chosen by people that meet over a weekend that are...names are given in to a committee to choose from different areas of the state. They sit and review the files of these special students without regard to what kind of resources they have. When they go to this academy sometimes they participate in studies. The University of Illinois Gender Equity Study was based out of the Math and Science Academy, they were filmed. The students there basically submitted to being guinea pigs for these types of tests. I think it is a extremely special place, something that we should nurture. I think it should be available to everyone. I think we choose people there without any discrimination as to who actually goes there and it's a special place that we also study what the young people are doing there and how they can succeed. Maybe the parents of these students have other children at home or other children that they're saving money for college for and since these children that are going there are quite bright maybe they will get scholarships and maybe they won't but the students' parents will be in the same position as many of the rest of us are of having to save money for these children's higher education which undoubtedly they will probably move on to. I think the way we've instituted this is good now. It's a unique thing. I think we ought to nurture it. I don't think we ought to change how we're

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

39th Legislative Day

April 10, 1997

handling it. I think it's a wonderful thing that we have here in Illinois and I would like to see it perpetuated the way it is. And I would ask you to vote against this Bill."

Speaker Granberg: "The Lady from Kane, Representative Deuchler."

Deuchler: "Mr. Speaker. I must also rise in opposition to the introduction of this Bill. I would like to recall the history of the Math and Science Academy has just celebrated their 10th anniversary, winning top academic honors in the country. We established this Math and Science Academy in the General Assembly about 12 years ago with bipartisan support. Many of us on the Republican side banded together in a coalition. We went over to the Democratic side and we talked to then Representative Carol Braun, now Senator Braun, to Bob LaFlore, to Ethel Alexander, to Jim McPike, our Congressman from our area, Denny Hastert was very supportive of the establishment of this academy for the top one half of one percent in the country. I must mention that many corporations support the academy. It is not solely with GRF Funds. There is private support from the families and parents who also donate additional funds in a very active fund-raising campaign. We really have a unique institution here without discrimination with no standard for who can pay and who cannot and I really must differ from your concept. I think that it is going to hurt what we have established there. We really need to nurture it and see that it continues far far into the future as it now is."

Speaker Granberg: "The Gentleman from DuPage, Representative Roskam."

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

Speaker Granberg: "She indicates she will, proceed."

Roskam: "Representative Davis, in nearly every other school aid

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

39th Legislative Day

April 10, 1997

or every other student aid scenario there is some sort of calculation that would reflect multiple children within a household. It seems to me and I'm not trying to set you up here, but it seems to me like one of the weaknesses of your sliding scale is that it doesn't take into account for example the person, or the family who earns let's say \$50,000 a year but may have four or five children. Am I missing something? I just have the computer stuff but does your Bill in fact reflect that or is it strictly the flat fee sliding scale approach?"

Davis, M.: "At this point Representative it is a simple flat fee sliding scale. This Bill came out of committee after testimony 15 to 2. Fifteen people voted 'yes' on this legislation. We feel that's an ample number number of people who heard testimony on this Bill. Yes it is a sliding scale fee."

Roskam: "I have no quarrel with the number of people that heard testimony and I don't think you've pulled a fast one at all. It's had a ample hearing and so forth and I wasn't making that claim. But what I am saying is that in all the other scenarios that I'm aware of in terms of Student Aid Formulas, these fairly complex calculations are put into place which allow families to disclose, for example, the number of children that they have or the other obligations that they have. The number...the number of children older than let's say, the math and science student who are attending college. The number that are younger that may be in private school, and so forth, and it would just seem to me and you don't have to respond but that a weakness of this piece of legislation is that it is artfully crafted in that it doesn't allow for families who are situated that I described. So with due respect..."

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

39th Legislative Day

April 10, 1997

Davis, M.: "Representative, I would be, I would be amenable to including as part of our consideration that perhaps the number of children in the family. Now if you believe that we should have some consideration for the number of children the family is taking care of and in reference to this sliding scale fee. Perhaps you're saying it should be reduced if the family has more than one child. Are you saying it should be reduced a little if they have more than one child in the school? We would certainly be amenable for that consideration and I appreciate that comment."

Speaker Granberg: "The Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. To the Bill, I rise in opposition to this proposal. It's pure and simple the Math and Science Academy ignores all barriers as far as the ability to pay. These students have earned this right. They all come from public schools of taxpayers in this state. They all have to leave home and live away from home. That in itself is a real burden. But these students have earned the right to go and have the ability to go and we have been able to afford to take our brightest kids that work the hardest and have the ability and really give them a good education. Now we want to penalize those same children by saying now because you are those of the ability that can go to the Math and Science Academy no matter what's your income level, no matter how much money you have. Now you're going to have to pay extra. I think that's wrong. I think it's going to ruin the academy and I totally am opposed to this Bill and this concept. I urge a 'no' vote. Thank you."

Davis, M.: "Representative, how could it possibly ruin the academy? These will be the same students. The student

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

39th Legislative Day

April 10, 1997

population won't change. They're the very same students."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, the hour grows late and we're just free wheeling here. The Gentleman didn't ask any question, he made a statement to the Bill and there was a response, I mean, we expect a little control from the Speaker. Sometimes a lot littler than you are sometimes willing to do, but seriously, we're kind of just free wheeling here. The mikes are left open and there are comments and counter comments. I mean, let's get some control and order in the chamber. Let's get about our business and let's go home."

Davis, M.: "Mr. Speaker, I'm sorry this is not about ratites because then we could probably spend as much time as possible. We're talking about education and we're talking about children."

Speaker Granberg: "The Lady moves for the passage of House Bill 1544. On that question...would you like to close Representative?"

Davis, M.: "I'd like to close and I do appreciate the time we're giving to this situation. I believe that the children who attend the Math and Science Academy are very important and significant to the State of Illinois. We do know that each child who attends is getting an education equal to the cost of one at some of our top universities. The tuition at the Math and Science Academy is far surpassing the tuition at some of our major universities, including Harvard. \$21,538 per student in a three year high school program may be warranted. But I think any parent who has a child there and is appreciative of that education should be willing to contribute to that cost. But contribution is based on the ability of that parent's earning. It is not saying if you

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

39th Legislative Day

April 10, 1997

can't pay, you can't go here. It's saying that if the parent earns zero to 29,000, they pay absolutely no tuition. If they earn 30 to 49 or 50,000, they pay 500. If they earn 50 to 65 they pay 1,000. Sixty five to 84 or 85 they pay \$12,000, \$1200, I'm sorry, \$1200. Not one student is being asked to contribute even \$2,000. I believe that taking this money from the General Revenue Fund and the escalating cost is prohibitive when we think about the kinds of education some of our students are getting in high schools downstate, in the City of Chicago and other areas. We must bring some equitable funding to education for our children and to have one school, one school educating 650 children to be able to collect from the General Revenue Fund \$14 million is a bit unheard of. A stop has to be put someplace. At some point we've got to say enough is enough. I urge you to vote 'yes' on this Bill."

Speaker Granberg: "The Lady moves for the passage of House Bill 1544. All in favor shall vote 'aye'; all 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 21 'yes' votes; 86 'no' votes; 4 voting 'present'. House Bill 1544, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 1564, Representative Cross. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1564, a Bill for an Act to amend the Illinois Power of Attorney Act. Third Reading of this House Bill."

Speaker Granberg: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. This amends the Durable Powers of Attorneys' Article of the Power of Attorney Act. It passed

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

39th Legislative Day

April 10, 1997

out of committee unanimously. I don't know of any opposition. It's a relatively simple Bill and as I said it passed out of committee unanimously."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1564. On that question, all in favor shall vote 'aye'; all 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 115 voting 'aye'; 0 voting 'no'; 0 voting 'present'. House Bill 1564, having received the Constitutional Majority, is hereby declared passed. House Bill 1572, Representative Noland. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1572, a Bill for an Act to amend the Medical Practice Act of 1987. Third Reading of this House Bill."

Speaker Granberg: "Mr. Noland."

Noland: "Thank you, Mr. Speaker. House Bill 1572 amends the permit Section of the Medical Practice Act. It essentially gives chiropractic students the same temporary license as medical and osteopathic graduates. It allows chiropractic graduates who are not yet licensed to do postgraduate training under IDPR facilities. I appreciate your support."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1572. On that, is there any question? No Member seeking recognition. All those in favor shall vote 'aye'; all 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 115 'aye' votes; 0 voting 'no'; 0 voting 'present'. House Bill 1572 having received the Constitutional Majority is

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

39th Legislative Day

April 10, 1997

hereby declared passed. House Bill 1573, Representative Wirsing."

Clerk Rossi: "House Bill 1573, a Bill for an Act to amend the Water Authorities Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. House Bill 1573 deals with the Water Authority and the Water Acts under the Illinois Commerce Commission. Basically all it does, it brings both of those entities the Public Utility and the Water Authority under the same premise of the Illinois Commerce Commission. That's simply all that the Bill does. And would take any questions, move for its passage."

Speaker Granberg: "Thank you, Representative Wirsing. Ladies and Gentlemen, the House schedule for tomorrow is being passed out. It shows the committee schedule for tomorrow. We're getting ready to adjourn so be aware of what the committee schedule is for tomorrow. Representative Wirsing moves for the passage of House Bill 1573. On that question is there any discussion? There being no...Representative Black, the Gentleman from Vermilion."

Black: "Thank you very much, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, the Sponsor last year was kind enough to hold a Bill, hold this Bill because of a situation in my district. I believe there is also one in Pekin. The situation in my district is now been appealed to the Supreme Court and we do not have a decision yet. My only fear is, and the only reason I'm voting 'no', it's certainly not a reflection on the Sponsor, I'm not even certain that it's a reflection on the Bill. But what this Bill does, and I want anybody who has had a problem with this to understand it, this circumvents the rights of

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

39th Legislative Day

April 10, 1997

people in your district who have formed a Water Authority to be treated as such. The Commerce Commission opposes this Bill. This allows a public regulated utility, a public utility in the water business, it gives them some extraordinary powers to ignore the rights of people who have formed a Water Authority. There is an issue of private property rights that is being currently, in my district, appealed to the Supreme Court. The Gentleman is well intended. It's nothing personal to me. He did hold the Bill last year, I wish this had been resolved. But people in my district want me to vote 'no' and they obviously would like this Bill defeated. I don't know that it can be, but I have told the people in my district that I would express their views and express their concerns and we are hopeful that the Supreme Court will uphold the rights of private property owners in a Water Authority throughout the state, but we certainly have no guarantee. So, it's for that reason I intend to vote 'no'."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 1573. On that question, all those in favor shall vote 'aye'; opposed should 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 104 'yes' votes; 6 voting 'no'; 4 voting 'present'. House Bill 1573, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentleman, we see on the House Schedule, the order of business for tomorrow, those House Bills will be called at 3:00 p.m. Notice the daily order of business that is scheduled for 3:00 p.m. The Agreed Bill List, please see the Gentlemen on both sides of the aisle if you wish to have Bills put on the Agreed Bill List. The committee

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

39th Legislative Day

April 10, 1997

schedule has indicated we will come into Session tomorrow at 12:30. House Bill 2138, Mr. Clerk. Could you read the Bill, Mr. Clerk. Representative Roskam requests that we read the Bill this evening."

Clerk Rossi: "House Bill 2138, a Bill for an Act to amend the Code of Criminal Procedure of 1963. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Hold the Bill on Second. Anything else, any other Bills that need to be moved back to Second Reading before we adjourn? The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. The Human Service Appropriation Committee will meet at 9:00 a.m. instead of 8:00. Human Service Appropriation will be at 9:00 a.m. and we will be voting. I urge Members to be present and please be there. We will be voting. Thank you."

Speaker Granberg: "Further announcements? Further announcements? Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. I guess I need to echo what the comments that my colleague, Representative Davis said. To the Members that are on the Public Safety Appropriation Committee, I would urge both Members, Members on both sides of the aisle to be in Room 122-B, at 8:30 prompt. We will be voting on Bills also and we have a time limit on the room. We can only use the room until 10:00. So please be on time, 8:30 so that we can conduct the business of the committee. Thank you."

Speaker Granberg: "Anything further, Ladies and Gentlemen? The Lady from St. Clair, Representative Younge."

Younge: "Thank you. Thank you, Mr. Speaker. The House Education Appropriation Meeting will be 8:00, in D-1, as scheduled."

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

39th Legislative Day

April 10, 1997

Speaker Granberg: "We have five requests for Bills to be moved back to the Order of Second Reading, then we will adjourn. House Bill 621. Read the Bill, Mr. Clerk. That Bill is on the Order of Third Reading. Return to Second. Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. I've just been informed that they've changed the room on the Appropriation of Public Safety. We will be meeting in Room 114, not 122-B. Room 114, be there at 8:30 prompt. Thank you."

Speaker Granberg: "House Bill 689. Mr. Clerk, what is the status?"

Clerk Rossi: "House Bill 689, is on the Order of House Bills Third Reading."

Speaker Granberg: "Return it to Second. What is the status of House Bill 788?"

Clerk Rossi: "House Bill 788, is on the Order of House Bills Third Reading."

Speaker Granberg: "Return it to Second. House Bill 2067."

Clerk Rossi: "House Bill 2067, is on the Order of House Bills Third Reading."

Speaker Granberg: "Return it to Second. House Bill 992."

Clerk Rossi: "House Bill 992, is on the Order of House Bills Third Reading."

Speaker Granberg: "Return it to Second. Any further requests from Members? Any further requests? Allowing Perfunctory time for the Clerk, Representative Currie, now moves the House stand adjourned to the hour of 12:30 p.m., Friday, April 11th. All those in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The House stands adjourned."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction and First Reading of Resolutions. House Resolution 99, offered by Representative Lou Jones. House

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

39th Legislative Day

April 10, 1997

Resolution 100, offered by Representative Tom Johnson.
House Resolution 101, offered by Representative Tom Johnson. House Resolution 102, offered by Speaker Madigan. House Resolution 103, offered by Representative Wood. These Resolutions are assigned to the Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 54, offered by Representative Hassert, a Bill for an Act to amend the Environmental Protection Act. Senate Bill 248, offered by Representative Wojcik, a Bill for an Act to amend the Child Care Act of 1969. House Bill 762, offered by Representative Rutherford, a Bill for an Act to amend the Illinois Police Training Act. House Bill 778, offered by Representative Hassert, a Bill for an Act to amend the Environmental Protection Act. House Bill 1002, offered by Representative Howard, a Bill for an Act to amend the Counties Code. House Bill 1101, offered by Representative Santiago, a Bill for an Act in relation to State Government. First Reading of these Senate Bills."

Clerk Bolin: "First Reading of Senate Bills. Senate Bill 543, offered by Representative Acevedo, a Bill for an Act to amend the Illinois Vehicle Code. Having no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session on Friday, April 11th, at 12:30 p.m."